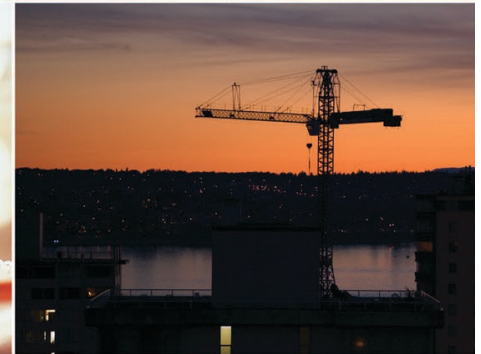
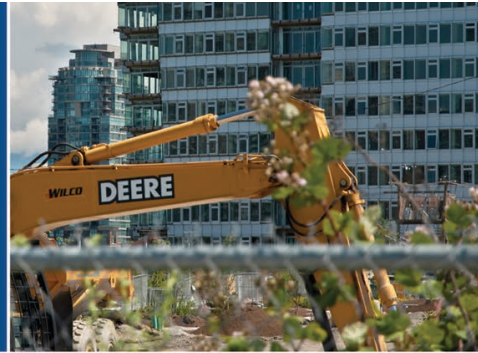




Office of Housing and
Construction Standards



What Building and Plumbing Officials Need to Know about the *Building Act*

Section B2 of the Building Act Guide

Revised August 2021

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1. About this Guide

In spring 2015, the Province passed the *Building Act*, the first Act in B.C. dedicated solely to building and construction.

This guide, Section B2 of the Building Act Guide Series, explains how the *Building Act* affects building and plumbing officials working for or under contract to local governments and other local authorities. It focusses on the new qualification requirements for building and plumbing officials that the Act introduced. For general information about the Act, please see www.gov.bc.ca/buildingact.

This guide may be updated over time; the most current version will always be available online. If the information you are seeking is not in this guide, check [online](#) for more information and [other guides](#) in this series. The goal is to provide an easy-to-understand resource for ongoing reference. The information provided here is for guidance only and is not a substitute for provincial legislation. It is not legal advice and should not be relied upon for that purpose.

A Note about the Building Act Guide

The Building Act Guide provides information about the Act for local authorities, building officials, and those working in the building construction sector. Sections of the Guide are released as the Act and the supporting regulations come into force. The following Guide sections are available [online](#):

Part A – Introduction

- A1 - Understanding B.C.'s Building Regulatory System
- A2 - A Guide to the Building Act: Modernizing B.C.'s Building Regulatory System
- A3 - Building Act Brochure
- A4 - Building Act Introductory PowerPoint Presentation

Part B – Information for Specific Stakeholders

- B1 - What Local Governments Need to Know about the Building Act
- B1 Appendix - Changes for Local Governments Under Section 5 of the Building Act
- B2 - What Building and Plumbing Officials Need to Know about the Building Act (this section)

Part C – New Procedures (How to...)

- C1 - A Guide to Requesting a Local Authority Variation

2. Introduction: Qualification Requirements

Under the *Building Act*, building officials must be qualified to work on behalf of a local government or any other local authority (see sidebar) to make decisions about compliance with the *BC Building Code* or other provincial building regulations. These *Building Act* requirements mark the first time that qualifications are required for this occupation. The qualification requirements support the professionalism of building officials and encourage consistency in how the *BC Building Code* is interpreted, applied, and enforced.

Typically, building officials are employed by local governments to monitor the compliance of building design and construction with the *BC Building Code* and with requirements in local building bylaws. They review plans, issue building permits, and monitor buildings under construction.

In this guide, the term ‘building official’ includes **anyone** who makes a decision on behalf of a local government on whether a matter conforms to a provincial building regulation. More specific terms (e.g., plumbing official) are used only as needed.

To be qualified, building officials have to:

1. Be a **member** in good standing of the Building Officials’ Association of British Columbia (BOABC);
2. **Pass exams** according to the level of their responsibilities;
3. Undertake annual **continuing professional development** (CPD);
4. Be entered in the **register of qualified building officials**; and
5. Pay an **annual fee** to the administrative authority and submit an **annual report** to the registrar.¹

Building officials employed by or under contract to the City of Vancouver **do not** need to meet the qualification requirements, as the *Building Act* does not apply in the City of Vancouver. Under the *Vancouver Charter*, the city has authority to establish local building requirements in respect of building activities that may differ from the *BC Building Code*, and to set its own qualification requirements for the building officials it employs.

The transition period for the qualification requirements started on February 28, 2017. From that date, the qualification requirements became mandatory in two steps over a four-year transition period:

1. **On or before August 28, 2017** (i.e., within six months of February 28, 2017), building officials were required to be **members** of the BOABC; and
2. **On or before February 28, 2021** (i.e., within four years of February 28, 2017), building officials were required to pass the requisite exams for the class/scope of practice at which they work and be **entered in the register** of qualified building officials.

This guide explains these requirements and how they affect building officials.

2.1 Delegation of Administrative Authority and Designation of the Registrar

The *Building Act* enables the Minister who is responsible for the *Building Act* to enter into an agreement with an external organization to administer the qualification requirements on behalf of the Province. The Minister selected the BOABC to be the administrative authority, due to its existing role as the professional association for building officials, linkages to the Alliance of Canadian Building Officials' Association (ACBOA), and expertise in building official education and qualifications.

Typically, the Executive Director of the BOABC is designated by the Minister to act as the registrar of qualified building officials. Among other responsibilities, the registrar maintains the register of qualified building officials, as explained in Section 5 of this guide.

Q: What are local authorities?

A: Under the Building Act, local authorities are official bodies that may (but are not obliged) to administer and enforce provincial building regulations such as the *BC Building Code*. Local authorities include municipalities, regional districts, treaty first nations, the Nisga’a Nation, a Nisga’a Village, and University of British Columbia’s Board of Governors. Since most local authorities are local governments, this guide uses the term ‘local government’ interchangeably in many instances.

¹ Building Act sections 11 (1) and 13.

2.2 New Qualification Requirements and New Terms

The *Building Act* is not the first effort to enhance building officials' knowledge and skills. Prior to the Act, both the BOABC and the Plumbing Officials' Association of British Columbia (POABC) established voluntary certification programs for their members. The POABC and the BOABC merged in 2017. These programs involve:

- Being a member in good standing;
- Passing exams to be certified at different levels of expertise;
- Undertaking and reporting on continuing professional development; and
- Work experience.

Building officials familiar with the certification programs will see that many of the new qualification requirements are the same as, or very similar to, the certification requirements. The BOABC will continue to offer the voluntary building and plumbing certification programs. Building officials **must** be *qualified*. Building officials can **choose** to be *certified* as well. It is an employer's choice whether to request both certification and qualification requirements when they are posting vacancies. Apart from paying an annual fee to the administrative authority, certified building officials may not notice a significant difference between qualification and certification. However, under the *Building Act*, some of the terms used to describe *qualification* are different from those used to describe *certification*.

3. Who Must be Qualified

Any individual who decides whether a matter conforms to a provincial building regulation on behalf of a local authority must be either qualified or exempt from the qualification requirements (see Section 3.4 below). In a decision, an individual exercises informed judgement which typically results in the approval or rejection of:

- An aspect of building plans;
- An application for a building permit or occupancy permit; or
- An aspect of construction that is being reviewed.

The *Building Act* does not define ‘building official.’ A building official under the Act could be a plan checker, a building inspector, a plumbing inspector, or even someone working in the fire or any other department within a local government. The need for qualification is based on whether a local government employee or contractor makes decisions about compliance with the *BC Building Code* or other provincial building regulations; those who do must be qualified, regardless of job title.

What is a provincial building regulation? A ‘provincial building regulation’ includes all three Divisions of the *BC Building Code*, as well as referenced standards, and referenced codes.² It also includes any other provincial building regulations, and the standards and codes they reference. A provincial building regulation **does not** include technical or administrative requirements found in local bylaws.

Those who make decisions only about post-occupancy compliance with the *BC Fire Code* *do not* need to meet the qualification requirements for building officials. See section 3.4 of this document for more information about limited exemptions from these requirements.

3.1 What Making a Code Compliance Decision Means

What does it mean to make a decision about whether a matter conforms to a provincial building regulation? In other words, what is considered a ‘Code compliance decision’ for which the individual making it needs to be qualified?

‘To decide’ means to exercise informed judgement about the matter in question. ‘Deciding’ includes making decisions about compliance with all three Divisions (A, B, or C) of both Books of the *British Columbia Building Code* (Book I – commonly known as the BC Building Code and Book II – commonly known as the BC Plumbing Code), or any other provincial building regulation, and making decisions about the compliance of alternative solutions.

Building officials under the *Building Act* are not the same as building inspectors under the *Local Government Act* or *Community Charter*, whose functions typically include a broader range of activities. However, if a building inspector’s work includes making decisions about compliance with provincial building regulations, the building inspector is required to be qualified as a building official.

The *Building Act* requires that **anyone** who makes an informed decision about whether a matter conforms to a provincial building regulation be qualified to do so (or be exempt from qualification requirements). Unqualified individuals should not pass their compliance assessments on to a qualified individual who makes compliance decisions without further analysis or judgment. In such circumstances, those initial compliance assessments could be compliance decisions, and the individuals making them need to be qualified under the Act. Anyone interested in how the Act applies to them should consult legal counsel.

Examples of decision making for which an individual must be qualified include (but are not limited to):

- Concluding whether a building plan, or any aspect of a building plan, conforms to a building regulation, and acting on that conclusion by rejecting or accepting that plan, or an aspect of that plan;
- Reviewing and deciding whether or not to accept a submitted Letter of Assurance; or
- Reviewing an aspect of building construction and concluding that it ‘passes’ or ‘fails’ or ‘needs correction’ or needs review by the registered professional responsible.

Common activities that indicate that Code compliance decisions have been made include (but are not limited to):

- Rejecting a building permit application for reasons of noncompliance with a building regulation;
- Issuing a building permit;

² The National Fire Prevention Association (NFPA) standards are examples of referenced standards in the BC Building Code; the National Energy Code for Buildings and the National Farm Building Code are examples of referenced codes.

- Issuing a correction notice; or
- Issuing an occupancy permit.

If an individual assesses construction plans for compliance with the Code and then passes on this assessment to another individual who accepts or rejects the plans, which of those individuals decided whether the plans conform to the *BC Building Code*? Similarly, what is the difference between giving a building official advice (such as engineering or fire department staff might do), versus making a Code compliance decision? The answer in each case can be determined by simple analysis: Who decided? Whose judgement determined the outcome?

From time to time, building officials may seek advice from others to gather sufficient information to make a compliance decision. A building official might seek advice from any number of individuals: a retired colleague who formerly worked as a building official; someone working in their engineering department; or a building official working for a different local government. The qualification requirements are not meant to inhibit this type of information gathering. While building officials are encouraged to gather information so that their judgement on any matter is well informed, it is the building official who makes and is responsible for the decision who must be qualified under the Act.

Some local government building department activities do not involve making compliance decisions:

- Administrative, clerical, financial, or other building department tasks;
- Determining whether the local government's building bylaw requires a building permit³ for any given project (this is considered an administrative task under the local government's building bylaw);
- Managing or directing staff who make Code compliance decisions, unless that direction results in the manager or director making compliance decisions;
- Determining and applying building permit or other fees;
- Determining whether a building permit application meets the administrative requirements in a building bylaw;
- Receiving and filing a Letter of Assurance or other document for later review and decision by someone else; and
- Deciding about compliance with the *BC Fire Code*, except as specifically referenced in the *BC Building Code*.

The roles of local government staff or contractors may differ from one local government to the next. For this reason, identifying who makes compliance decisions will depend on each local government's policies, procedures, and bylaw requirements.

3.2 Classes of Building Officials and Scopes of Practice

The *Building Act* allows the Minister to establish different classes of building officials with different scopes of practice. These classes and scopes of practice enable different types of expertise to be recognized, as evidenced by the individual having passed one or more qualification exams. The scope of practice for a class defines the matters about which officials in that class are able to make Code compliance decisions.

Tables 3.1 and 3.2 on the following pages provide the actual text from the regulation detailing the scope of practice for each building official class, and a plain-language description of that text which can guide individuals who are unsure of the limits of their scope. When supplemental practice materials for building officials become available, they will be published online at <https://www2.gov.bc.ca/gov/content/industry/construction-industry/building-codes-standards/building-act/building-official-qualifications>. The BOABC may also be able to provide additional interpretation and application support.

³ Determining whether or not the *BC Building Code* 'applies' (Article 1.1.1.1., Div A)—which may or may not trigger the requirement for a building permit—is considered to be a Code compliance decision.

Table 3.1		
BUILDING CLASSES		
Qualified individuals in the building classes may decide whether a matter conforms to a building regulation, according to their scope of practice, except for matters in the Plumbing Code.		
Class of Building Official	Scope of Practice in the <i>Building Act General Regulation</i> ⁴	Plain-Language Description of the Scope of Practice
Building Level 1 and Building Level 1 – in Training	Conformance with the building regulations, other than the Plumbing Code, of the following <i>buildings</i> :	Examples (and not definitive lists) are provided for buildings in each of paragraphs (a), (b), (c) and (d) as numbered in the regulation. In all cases, the wording in the regulation prevails.
	Paragraph (a) ⁵ : a Part 9 <i>building</i> classified as a Group C <i>major occupancy</i> that does not contain <ul style="list-style-type: none"> i. more than 2 <i>dwelling units</i>, or ii. a separate <i>basement</i>; 	Paragraph (a) includes these Part 9 residential buildings: <ul style="list-style-type: none"> ▪ Single family dwelling ▪ Single family dwelling with secondary suite ▪ Side-by-side duplex ▪ Up/down duplex ▪ One- or two-unit townhouse ▪ Custodial, convalescent, and residential care homes (see Article 9.10.2.2., Division B)
	Paragraph (b): a Part 9 <i>building</i> classified as a Group C <i>major occupancy</i> that does not contain <ul style="list-style-type: none"> i. a <i>dwelling unit</i> above another <i>dwelling unit</i>, unless one of the <i>dwelling units</i> is a <i>secondary suite</i>*, ii. a <i>firewall</i>, or iii. a separate <i>basement</i>; 	Paragraph (b) includes these Part 9 residential buildings: <ul style="list-style-type: none"> ▪ Row house or row townhouse – any number of houses, side-by-side, but limited to 600 m² in total building area, where each house may include a secondary suite (<i>see explanatory note on the next page</i>) ▪ Motel with no unit above any other unit <p>Buildings falling within Paragraph (b) must not include a firewall.</p>
	Paragraph (c): a Part 9 <i>building</i> , other than a <i>farm building</i> , that <ul style="list-style-type: none"> i. is a detached garage, or accessory <i>building</i>, that serves a <i>dwelling unit</i> in a <i>building</i> described in paragraph (a) or (b), ii. is located on the same property as that <i>building</i>, and iii. does not contain a separate <i>basement</i>; 	Paragraph (c) includes these Part 9 accessory buildings on the same property as and serving a house, side-by-side or up/down duplex, row house or row townhouse: <ul style="list-style-type: none"> ▪ Garage (for one or more vehicles) and ▪ Pool storage, maintenance, office, workshop, studio, salon, etc.
	Paragraph (d): a Part 9 <i>building</i> classified as a Group F, Division 2 or 3 <i>major occupancy</i> , other than a <i>farm building</i> , that <ul style="list-style-type: none"> i. is one <i>storey</i> in <i>building height</i>, and ii. does not contain <ul style="list-style-type: none"> A. more than one <i>suite</i>, or B. a separate <i>basement</i>. 	Paragraph (d) includes these Part 9, one storey, low- or medium-hazard industrial buildings: <ul style="list-style-type: none"> ▪ Workshop ▪ Storage garage ▪ Repair garage ▪ Barn (other than a ‘farm building’ as the BC Building Code defines it)
	Note: In the <i>Building Act General Regulation</i> , separate <i>basement</i> is defined as a <i>basement</i> that is separate from the building above it. This is intended to refer to basements as outlined in BC Building Code Articles 3.2.1.2. or 9.10.4.3., Division B. Buildings containing basements considered as separate buildings are out of scope for a building official in the Building Level 1 class.	
Building Level 2 and Building Level 2 – in Training	Conformance with the building regulations, other than the Plumbing Code, of a Part 9 <i>building</i> .	Includes all Part 9 buildings, including those found within the scope of the Building Level 1 class.
Building Level 3 and Building Level 3 – in Training	Conformance with the building regulations, other than the Plumbing Code, of a <i>building</i> . In addition, if conformance is determined solely based on letters of assurance, conformance with the plumbing code of a building.	Includes all Part 9 buildings, including those found within the scope of the Building Level 1 and 2 classes, and all Part 3 buildings. Includes all plumbing matters in all buildings, provided that the conformance decision is determined solely based on the letters of assurance.
Note: <i>dampproofing</i> is a matter for building classes and is not within the scope of the plumbing classes.		

⁴ The italicized terms used in the *Building Act General Regulation* to describe scopes of practice are specifically defined in the *BC Building Code* and are used in the Regulation with the same meaning.

⁵ The numbering—Paragraph (a), (b), (c), and (d)—describing the scope of practice of the Building Level 1 class refers to the numbering used in the *Building Act General Regulation*.

***Explanatory Note:**

Paragraph (b)(i) of the Building Level 1 scope of practice includes “a Part 9 building classified as a Group C major occupancy that does not contain a dwelling unit above another dwelling unit, unless one of the dwelling units is a secondary suite” (secondary suite is a defined term in the *BC Building Code*). The underlined words were added to the scope of practice since the first version of this guide was published. This was because the Code expanded the types of buildings in which a secondary suite was allowed. Before, secondary suites could only be found in a stand-alone house, where a portion of the house was a secondary suite. Now secondary suites are allowed in row houses, row townhouses, and side-by-side duplexes. Some configurations of these multi-family buildings would be in the Building Level 1 scope of practice, but not all configurations. To understand how to analyze a building to determine if it is in scope, see the three illustrations below, which show the front elevations of Group C multi-family residential buildings with various configurations of dwelling units:

Building A:

Dwelling Unit	Dwelling Unit	Dwelling Unit
	Dwelling Unit	Dwelling Unit

There are dwelling units above other dwelling units, which do not satisfy the definition of a secondary suite. The *entire building* is out of scope for Building Level 1.

Building B:

Secondary Suite (Dwelling Unit)	Dwelling Unit	Dwelling Unit
Primary Dwelling Unit	Dwelling Unit	Dwelling Unit

The residence on the left contains a secondary suite dwelling unit above a dwelling unit and would be permitted within the Building Level 1 scope. However, the building contains other dwelling units above dwelling units, which do not satisfy the definition of a secondary suite. The *entire building* is out of scope for Building Level 1.

Building C:

Primary Dwelling Unit	Dwelling Unit	Dwelling Unit
Secondary Suite (Dwelling Unit)		

The residence on the left contains a dwelling unit above a secondary suite dwelling unit, which is within the Building Level 1 scope. The other residences are also within the scope of Building Level 1. This *entire building* is in scope of Building Level 1.

There are two critical factors related to secondary suites that should be considered when determining if a building is in scope of a Building Level 1 official:

1. In instances where there is a dwelling unit above another dwelling unit, it matters whether one of them satisfies the definition of a ‘secondary suite’ according to the Code; and
2. One must look at the whole building when considering if Paragraph (b)(i) applies, not just one portion of the building.

Table 3.2		
PLUMBING CLASSES Qualified individuals in the plumbing classes may decide whether a matter conforms to a building regulation as it relates to plumbing systems, foundation drainage, or hydronic heating systems, according to their scope of practice.		
Class of Building Official	Scope of Practice in the <i>Building Act General Regulation</i> ⁶	Description of the Scope of Practice
Plumbing Level 1 and Plumbing Level 1 – in Training	Conformance with the building regulations, as they relate to one or more of the following: ⁷ <ul style="list-style-type: none"> a. <i>plumbing systems</i>; b. <i>foundation drainage</i>; c. <i>hydronic heating systems</i>; of the following <i>buildings</i> : <ul style="list-style-type: none"> d. a Part 9 <i>building</i>; e. a new Part 3 <i>building</i>, other than a <i>building</i> classified as a Group B, Division 2 <i>major occupancy</i>, that <ul style="list-style-type: none"> i. is no more than 4 <i>storeys in building height</i>, and ii. does not contain an advanced <i>plumbing system</i> or a specified grease interceptor; f. an existing Part 3 <i>building</i> that is no more than 4 <i>storeys in building height</i>, if the work does not involve <ul style="list-style-type: none"> i. a change in <i>occupancy</i> to a Group B, Division 2 <i>major occupancy</i>, or ii. an advanced <i>plumbing system</i> or specified grease interceptor 	Paragraph d. includes all Part 9 buildings Paragraph e. includes all new Part 3 buildings except those: <ul style="list-style-type: none"> ▪ containing treatment major occupancies, ▪ five or more storeys in building height, or ▪ with an advanced plumbing system, which means a plumbing system that <ul style="list-style-type: none"> ○ is used to drain or vent acid or corrosive wastes, ○ contains a bedpan washer, trade waste system, vent stack, or yoke vent, or ○ contains a circuit vent that serves more than eight fixtures, ▪ with more than two dwelling units, or that are a row house, that are served by non-potable water systems ▪ that contain a grease interceptor with a flow rate greater than 189 L/min Paragraph f. includes alterations of all existing Part 3 buildings, no more than 4 storeys in building height, except if the work involves: <ul style="list-style-type: none"> ▪ a change in occupancy from any occupancy to a treatment occupancy, ▪ an advanced plumbing system or ▪ a grease interceptor with a flow rate greater than 189 L/min
Plumbing Level 2 and Plumbing Level 2 – in Training	Conformance with the building regulations, as they relate to one or more of the following: <ul style="list-style-type: none"> a. <i>plumbing systems</i>; b. <i>foundation drainage</i>; c. <i>hydronic heating systems</i> of a <i>building</i> .	The words “of a building” are intended to include all Part 9 buildings and all Part 3 buildings. Note that officials in Building Level 3 may make conformance decisions relating to all plumbing matters if that conformance decision is determined solely based on the letters of assurance.
Note: For both plumbing level 1 and 2 classes, the words ‘building regulations, as they relate to ... plumbing systems’ are intended to include plumbing systems <i>and</i> directly related components, materials, and construction. For example, plumbing officials might review the pipe firestopping as well as the pipe, the correct placement of the water closet (BC Building Code Sentence 3.7.2.10.(3)) as well as the toilet flange, or the installation of the seismic restraint for the service water heater (BC Building Code Sentence 9.31.6.2.(3)) as well as the service water heater piping. Note: <i>dampproofing</i> is not included in the scope of practice of a plumbing official.		

3.3 New Trainee Building Officials Classes

In December 2019, five trainee classes were added to the available classes of building officials, one to correspond with each of the regular classes. The trainee classes represent an optional pathway for individuals to enter the building official profession or to increase their qualification level. Trainee officials can work temporarily in a class one level higher than their existing qualification while being supported by their local government employer. During this period, trainees are expected to gain the skills and knowledge required to successfully graduate to the next regular level. For instance, those without qualifications can apply to become a Level 1 – in Training official, while those with a Level 1 or 2 qualification can apply to register in the trainee class that is one higher than their own.

The *Building Act General Regulation* describes the sequential progression an individual must follow through the classes. As the trainee classes are optional, a person can still take the regular progression of Level 1 → Level 2 → Level 3, but those that choose the trainee route must progress from trainee class to the corresponding regular class first, before they can continue advancing. In other words, one cannot go from Level 1 to Level 2 – in Training and skip directly to Level 3.

⁶ The italicized terms used in the *Building Act General Regulation* to describe scopes of practice are specifically defined in the BC Building Code and are used in the Regulation with the same meaning.

⁷ The numbering—Paragraphs a to f—describing the scope of practice of the Plumbing Level 1 class refers to the numbering used in the *Building Act General Regulation*.

In addition to the sequential progression rules, the *Building Act General Regulation* lays out qualification requirements that apply only to the trainee classes. To be eligible, the prospective trainee must be employed by a local authority as defined in the *Building Act*. The local authority employer is expected to play an active and crucial role in the training program by creating a supportive learning environment for its trainee and ensuring the trainee has access to learning and development opportunities, such as courses, having a mentor, and access to a peer network. Without the support of a local authority employer, an individual will not be eligible to enter a trainee class. Those who are not employed by a local authority will obtain their qualification *before* they can practice as a member of that class.

A trainee is limited to only two registrations in each trainee class and each registration can be no longer than the trainee period set for each class, excluding time spent on leave if that type of leave is described in Part 6 of the *Employment Standards Act*. These trainee periods are:

- 24 months for Building Level 3 – in Training;
- 18 months for Building Level 2 – in Training; and
- 12 months for any other trainee class.

As part of the application process, the prospective trainee will prepare a training plan that shows how they intend to acquire the skills and knowledge they will need to successfully graduate from their trainee class and qualify at the corresponding regular level. Once the trainee has begun their program, they will make regular progress reports to the registrar. For full details, as well as forms and sample documents, see the BOABC website at www.boabc.org.

3.4 Individuals Exempt from the Qualification Requirements and their Scopes of Practice

Members of AIBC Making Compliance Decisions Only Within Their Regulated Scope of Practice

Individuals are exempt from the qualification requirements if they are making conformance decisions for a local government that are within their regulated scope of practice and they are registered and licensed as an architect by the Architectural Institute of British Columbia (AIBC).

Professional Engineers Making Compliance Decisions Only Within Their Regulated Scope of Practice

Individuals are exempt from the qualification requirements if they are making conformance decisions for a local government that are within their regulated scope of practice and are Professional Engineer registrants with Engineers and Geoscientists BC, or are Professional Licensee Engineering registrants with Engineers and Geoscientists BC holding a limited licence whose scope of practice includes consulting on building regulations.

Individuals Holding Qualifications Under the *Safety Standards Act* Making Compliance Decisions Only Within the Scope of Their Certificate of Qualification

Individuals are exempt from the qualification requirements if they are:

- Appointed by a local government under section 11 (safety officers) of the *Safety Standards Act*;
- Hold a certificate of qualification for regulated work for electrical equipment, gas systems or gas equipment; and
- Employed by or under contract to a local government to decide whether a matter conforms to a code or standard that is referenced by the *BC Building Code* or other provincial building regulations, for example, the *BC Electrical Code*.

This includes safety officers, electrical inspectors, and gas inspectors who are appointed and qualified under the *Safety Standards Act* and regulations. The decisions made by the exempt individual *must be within the scope of their certificate of qualification*: e.g. electrical inspectors may make decisions about electrical installations, for example, but not about the structural components of a building.

Individuals Making Compliance Decisions Only about Matters Related to Fire Prevention and Response or Fire Suppression

Fire Prevention and Response

Conformance decisions related to fire prevention and response are often made by members of the fire departments of local authorities. The *Building Act General Regulation* provides an exemption for fire department employees, independent contractors or volunteers to make conformance decisions only on the matters listed in Schedule 2 of the regulation.

Fire Suppression

Matters related to fire suppression are not contained in the scope of practice of any of the classes of building or plumbing officials, yet it is often those individuals who make conformance decisions on fire suppression matters on behalf of local authorities. The *Building Act General Regulation* provides an exemption for building officials responsible for plumbing to make conformance decisions only on the matters listed in Table 3 of Schedule 2 of the regulation.

4. Qualification Requirements

The *Building Act* sets out five qualification requirements which all building officials must meet. The *Building Act General Regulation* sets out additional qualification requirements, which are applicable to certain classes, like the trainee classes. Some of the following requirements will have a cost associated with them, like the required annual membership fee, the annual registration fee, or the cost to take an exam. For details visit the BOABC website at www.boabc.org.

Be a Member of the BOABC

All persons who are making conformance decisions on behalf of a local authority, other than exempt building professionals, must be a member of the BOABC, whether they are an employee or a contractor. This requirement may have application to those who would not traditionally have been called building officials. For information on how to apply for or renew BOABC membership, visit www.boabc.org.

Pass Exams According to Your Class

Building officials must pass exams according to their class (i.e. the level at which they work) to meet the exam qualification requirement. These exams are the same ones that are required under the BOABC's voluntary certification programs, if applicable. Exams must be taken in order by class, meaning exams for the Building Level 1 class must be taken before the exams for the Building Level 2 class and before exams for the Building Level 3 class. This is also true of the plumbing classes. Some classes require more than one exam, and these can be written in any order. For more information on the exams, including how to register, visit www.boabc.org.

Be Entered in the Register of Qualified Building Officials

To be qualified, building officials must be entered in the register of qualified building officials. The register is an official list of building officials who meet the qualification requirements set by the *Building Act*. The register is maintained by the registrar. To be entered in the register, a building official must apply in writing to the registrar. Once a building official applies, they will be entered in the register if they pay an annual fee to the BOABC and can show the registrar they meet the qualification requirements under section 11 (1) of the *Building Act*, and any additional applicable requirements found in the *Building Act General Regulation*.

Typically, a building official applies to be entered in the register after they pass the exams for the Building Level 1 – in Training class, the Building Level 1 class or the Plumbing Level 1 class. Once in the register, a building official may apply to the registrar to update their qualification if they pass exams for a higher or different class of qualification (for example, a building official qualified as a Building Level 1 official who passes the exams for the Plumbing Level 1 class and wants the register updated to reflect this change).

Undertake Continuing Professional Development

Continuing professional development (CPD) refers to the maintenance and enhancement of a building official's professional knowledge and skills throughout their career. Building officials will have to earn a minimum of 10 CPD points each calendar year to meet the CPD qualification requirement—the same number of points required by the BOABC's voluntary certification program.

Building officials need to keep records of their CPD so they can report on it annually to the registrar once they are listed in the register. Whenever the BOABC offers a code change seminar for a new edition of the *BC Building Code*, attendance is mandatory for qualified building officials. For a person who is entered in the register as a qualified building official on or before September 30, the required continuing professional development points for the person's first year as a qualified building official will be pro-rated, based on the date on which the person was entered in the register. For a person who is entered in the register as a qualified building official on or after October 1, continuing professional development points are not required for that calendar year. For more information on CPD requirements and offerings, visit the BOABC website at www.boabc.org.

Pay an Annual Fee and Submit an Annual Report

When building officials first apply to be entered in the register, they must pay a fee to the administrative authority (the BOABC) that is intended to recover the costs of administering the qualifications. The fee must be paid each year a building official is listed in the register. Once entered in the register, qualified building officials must submit an annual report to the registrar. The report must demonstrate that they have met their annual CPD requirement for the previous calendar year and confirm that they are a member in good standing of the BOABC. For more information on the annual fee or annual report, visit www.boabc.org.

5. The Registrar and the Register of Qualified Building Officials

The registrar of qualified building officials is the person designated by the Minister to maintain the official list—or register—of who is qualified in B.C. as a building official under the *Building Act*. Typically, the Minister designates the Executive Director of the BOABC as the registrar.

The register is available online (see www.boabc.org) and includes:

- The name of each building official;
- The building official’s current class and the date they qualified for the class; and
- If applicable, previous classes and the date(s) on which they qualified for them.

The registrar *must* remove a building official from the register if they:

- Do not meet one or more of the qualification requirements;
- Do not submit an annual report or pay the annual fee to the registrar; or
- Request to be removed from the register (such as upon retirement).

A building official who ceases to be a member in good standing of BOABC must promptly notify the registrar in writing; the registrar has authority to remove them from the register until the matter is resolved. The registrar is required to keep a record of building officials who are removed from the register for 15 years following their removal.

5.1 Administrative Penalties Under the *Building Act*

The *Building Act* allows the registrar to impose administrative penalties for contraventions of the qualification requirements in the Act by building officials or their employers.

A penalty can be administrative or monetary, and can be imposed on building officials if they:

- Make Code compliance decisions without being a qualified building official;
- Make Code compliance decisions that are not within their current class and scope of practice; or
- Knowingly give false or misleading information to the registrar when they apply to be entered in the register, or in their annual report.

Administrative penalties can also be imposed on local governments and other local authorities if they:

- Allow or require an unqualified building official to make Code compliance decisions;
- Require a building official to make Code compliance decisions that are not within their current class/scope of practice.

Situations in which an administrative penalty could be applied include:

- A building official has not completed their continuing professional development requirement and has been removed from the register but continues to make Code compliance decisions.
- A local government knowingly allows a building official qualified at Building Level 1 class to make Code compliance decisions regarding a complex commercial building that should be made by a building official qualified at Building Level 3 class.

The Registrar and the Register

The registrar is the **person** designated by the Minister to maintain the register of qualified building officials.

The register is the **official list** of qualified building officials kept by the registrar.

Penalties a Building Official Can Receive: Monetary or Administrative	Penalties a Local Government Can Receive: Monetary Only
Monetary: Not to exceed \$10,000, as set by regulation – to be paid by the building official	Monetary: Not to exceed \$10,000, as set by regulation – to be paid by the local government
Administrative: Examples <ul style="list-style-type: none">▪ Suspension as a qualified building official▪ Removal from the register▪ Permanent ban on being entered in the register	Administrative: Not applicable

The registrar will investigate whether a penalty should be issued if the registrar receives a complaint about a building official or local government's actions.

Before issuing an administrative penalty, the registrar must consider:

- Previous enforcement actions for contraventions of a similar nature by the building official or the local government;
- The gravity and magnitude of the contravention;
- Whether the contravention was repeated or continuous;
- Whether the contravention was deliberate;
- Any economic benefit derived by the building official or the local government from the contravention; and
- The person's efforts to correct the contravention.

The registrar may not impose an administrative penalty if the building official or local government can demonstrate to the satisfaction of the registrar that due diligence was exercised to prevent the contravention.

Administrative penalties can be appealed. If a building official or local government receives a penalty that they feel is unwarranted, they can first ask the registrar for what is called a *reconsideration*—an informal type of appeal. After the reconsideration, if the penalty remains, a formal appeal can be made to the Safety Standards Appeal Board. The registrar sets the procedure for requesting a reconsideration, while the Safety Standards Appeal Board sets the procedure for making a formal appeal.

For more information about administrative penalties, visit the BOABC website at www.boabc.org, and for more information about the appeal procedure and forms visit the Safety Standards Appeal Board website at www.gov.bc.ca/safetystandardsappealboard.

6. Other Qualification Information

Out-of-Province ('Extraprovincial') Building Credentials

In the *Building Act*, 'extraprovincial building credential' means an official recognition, valid in another jurisdiction in Canada, that attests to an individual being qualified or authorized to perform work in that jurisdiction that is the same as or substantially similar to the work of a qualified building official in B.C. Those who hold an extraprovincial building credential of any type (for example, a certification, registration, or license) may become qualified under the *Building Act* at a class equivalent to their existing credentials.

Individuals who hold extraprovincial building credentials must provide the registrar with documentation of any official credential they hold from their home province. The registrar will review the information and use it to determine an appropriate class and will enter them into the register of qualified building officials accordingly.

Extraprovincial building officials will be required to pass a jurisprudence exam that tests the person's knowledge of building-related legislation that is unique to British Columbia. This short online exam is administered by the BOABC. Visit www.boabc.org for more information.

Semi-Retired Building Officials

Anyone who works for or on behalf of a local authority as a building official making Code compliance decisions must be qualified, including those building officials working only part time or for short contracts.

Building Officials Working for a Treaty First Nation

Treaty First Nations are local authorities under the *Building Act*. As such, building officials working for them must meet the qualification requirements established in the Act and regulations.

Contacting the Registrar

To contact the registrar of qualified building officials, contact BOABC directly. Website: www.boabc.org | Email: info@boabc.org | Phone: (1) 604-270-9516.

7. Other Sections of the *Building Act* Relevant to the Work of Building Officials

The *Building Act* introduced other changes that building officials should be aware of as they perform their work.

Changes to Local Government Authority to Set Technical Building Requirements (Section 5 of the Act)

A key objective of the *Building Act* is to bring greater consistency to the technical building requirements in force across B.C. To achieve this, the Act gives the Province sole authority to establish technical building requirements. Technical building requirements are the technical requirements for the construction, alteration, repair, and demolition of buildings. A technical building requirement can define the methods, materials, products, assemblies, dimensions, or performance required by the regulation.

Under section 5 of the Act, if a matter is regulated in a provincial building regulation, any requirements for that matter established in local government bylaws are of no legal force.

The Province recognizes the goal of greater consistency needs to be balanced against reasonable flexibility for local governments to set technical building requirements to meet local needs. Unrestricted matters are one option for providing that flexibility. **Unrestricted matters** are matters regulated in the *BC Building Code* (or other provincial building regulations) for which local governments have authority to set their own technical building requirements in bylaws. The Province has identified a small number of matters as unrestricted. Any technical building requirements in local government bylaws will have no legal force unless they concern an unrestricted matter.

The section 5 restrictions do not affect or change local governments' authority to establish, by bylaw, administrative requirements that regulate building construction or requirements for the enforcement of provincial building regulations. For example:

- The *Building Act* does not affect a bylaw requirement for professional design of certain Part 9 buildings, as this requirement is considered administrative in nature.
- The *Building Act* does not affect a requirement for backflow preventer testing after construction is complete, as this is also considered administrative in nature.

For more information, see Building Act Guides B1 (*What Local Governments Need to Know about the Building Act*) and the B1 Appendix (*Changes for Local Governments Under Section 5 of the Building Act*) available online at <https://www2.gov.bc.ca/gov/content/industry/construction-industry/building-codes-standards/building-act/building-act-guide>.

Local Authority Variations (Section 7 of the Act)

Local governments may request what the *Building Act* calls a 'local authority variation' as a second way of providing flexibility for them to meet local building needs. A local government variation is a building requirement or set of requirements that:

- Differs from requirements in provincial building regulations (primarily the *BC Building Code*);
- Is requested of the Province by a local authority (including a local government) or group of local authorities;
- Requires the Minister's approval; and
- If approved, is enacted through a provincial building regulation that applies in the jurisdiction(s) of the local authority(ies) making the request.

If a local authority variation is approved for a given jurisdiction(s), building officials in that jurisdiction will have authority to enforce the requirements in the provincial regulation, just as they enforce the requirements in the *BC Building Code* (also a provincial building regulation).

For more information, see Building Act Guide C1 (*A Guide to Requesting a Local Authority Variation*) and the local authority variation application form available online at <https://www2.gov.bc.ca/gov/content/industry/construction-industry/building-codes-standards/building-act/building-act-guide>.

Changes to the Building Code Appeal Board

The Building Code Appeal Board hears appeals about the interpretation or application of the *BC Building Code* including alternative solutions. Under the *Building Act*, the Board's role has expanded to include appeals of alternative solutions. For more information on the Building Code Appeal Board, visit their website at <https://www2.gov.bc.ca/gov/content/industry/construction-industry/building-codes-standards/building-code-appeal-board>.

8. Future Work

Professional Reliance

Under the current regulations regarding scopes of practice, building officials are able to accept Letters of Assurance only for buildings that fall within the scope of their qualifications. For local governments that rarely see work on Part 3 buildings, this might result in a need to employ or contract a Building Level 3 or Building Level 3 – in Training official even if they rarely see Part 3 buildings. To address this potential hardship, the Province intends to develop two new classes, one building and one plumbing, that will allow officials who cannot otherwise deal with Part 3 buildings and/or advanced plumbing systems to accept and rely solely on Letters of Assurance for those subject matters. These will be called the “Professional Reliance” classes.

Work on the Professional Reliance classes has begun, and it is anticipated that training and qualification exams will be ready later in 2021. Updates on this work will be posted on the Building Act website: www.gov.bc.ca/buildingact.

Monitoring of Implementation

The Province, along with the BOABC, will be monitoring the implementation of the building official qualification scheme. The Province continues to work closely with BOABC to support municipalities and regional districts to ensure the framework is meeting the needs of local governments and the people they serve.

9. For More Information

Find out more about the *Building Act*:

Website: Updates, including other guides in this series, can be found online - see www.gov.bc.ca/buildingact.

Email: Building.Safety@gov.bc.ca

Mail: Building and Safety Standards Branch
Office of Housing and Construction Standards
PO Box 9844 Stn Prov Govt
Victoria, British Columbia
CANADA - V8W 9T2

Find out more about the new qualification requirements or contact the registrar of qualified building officials at:

Website: Information about the registry, education, examinations can be found online - www.boabc.org.

Email: info@boabc.org

Mail: Building Officials' Association of BC (BOABC)
Suite 22, 186 - 8120 No. 2 Road
Richmond, British Columbia, Canada
V7C 5J8
Phone: 604-270-9516

10. Glossary of Terms

Administrative Authority: The administrative authority refers to the Building Officials' Association of BC (BOABC) and its role in administering the building official qualification requirements on behalf of the Province.

Advanced Plumbing System: Advanced plumbing system means a plumbing system that:

- a. is used to drain or vent acid or corrosive wastes,
- b. contains a bedpan washer, trade waste system, vent stack or yoke vent,
- c. contains a circuit vent that serves more than eight fixtures, or
- d. in the case of a building that contains more than two dwelling units or is a row house, contains a non-potable water system.

Alternative Solution: 'Alternative solution' replaces the term 'equivalency' used in the 1998 BC Building Code. Code users may propose alternative solutions, or alternative ways of meeting BC Building Code requirements. These proposals require local authority approval.

BC Building Code: The *BC Building Code* includes the *BC Plumbing Code*. This Code applies to the construction of new residential, commercial, institutional, and industrial buildings as well as to alterations, additions to and demolition of existing buildings. It sets minimum standards for health, safety, fire and structural protection, accessibility, energy efficiency, protection from water and sewer damage, and water efficiency. The *BC Building Code* is the principal provincial building regulation.

Building Act: Enacted by the Province in 2015, the *Building Act* is British Columbia's first Act dedicated solely to building and construction.

Building Regulation: A provincial regulation made under section 3 of the *Building Act*. Building regulations generally include a number of building requirements. The principal building regulation is the *BC Building Code*.

Building Requirements (also referred to as technical building requirements): Building requirements are the technical requirements for the construction, alteration, repair and demolition of buildings. A requirement can define the methods, materials, products, assemblies, dimensions or performance required by the regulation. Building requirements can be found in the *BC Building Code* (a provincial regulation) and other provincial building regulations.

Class and Scope of Practice: Class refers to the different types and levels of expertise for which a building official may be qualified under the *Building Act*. Scope of practice refers to the matters about which a qualified building official may make decisions and varies by class.

Letter of Assurance: Letters of Assurance are uniform, mandatory documents intended to clearly identify the responsibilities of key individuals in Part 3 building projects, and in some aspects of Part 9 building projects, in the *BC Building Code*.

Local Authority: Under the *Building Act*, local authority means any of the following bodies that have authority to enforce the *BC Building Code* (and other provincial building regulations):

- A municipality;
- A regional district;
- The Nisga'a Nation
- A Nisga'a Village;
- A treaty first nation (as defined in the *Interpretation Act, RSBC*);
- The board of governors of the University of British Columbia; and
- Any other authority prescribed by provincial regulation.

Local Authority Variation: Under section 7 of the *Building Act*, a local authority variation is a building requirement or set of requirements that:

- Differs from requirements in provincial building regulations (primarily the *BC Building Code*);
- Is requested of the Province by a local authority or group of local authorities (this includes local governments);
- Requires the Minister’s approval; and
- If approved, is enacted through a provincial building regulation that applies in the jurisdictions of the local authorities making the request.

Part 3 Buildings: A commonly used term for buildings regulated under Part 3 of the *BC Building Code*. Part 3 buildings are sometimes called ‘complex.’

Part 9 Buildings: A commonly used term for buildings regulated under Part 9 of the *BC Building Code*.

Qualified Building Official: A qualified building official is a person who is qualified as a building official under section 11 of the *Building Act* and is listed in the register of qualified building officials.

Register: Per section 12 of the *Building Act*, the register is an official list of individuals who are qualified as building officials under the *Building Act*. The list is maintained by the registrar.

Registrar of Qualified Building Officials: Per section 12 of the *Building Act*, the registrar is an individual, designated by the Minister, who maintains the register of qualified building officials.

Technical Building Requirements: See glossary entry for “Building Requirements”.

Unrestricted Matter: A matter regulated in the *BC Building Code* (or other provincial building regulations) for which local governments have authority to set their own requirements in bylaws. Unrestricted matters are listed in the *Building Act General Regulation*.

Variation: Under sections 7 and 8 of the *Building Act*, a variation is a technical building requirement that differs from the requirements in the *BC Building Code* (or other provincial building regulations).

FOR MORE INFORMATION PLEASE VISIT:
WWW.GOV.BC.CA/BUILDINGACT