

TO: UBCM Members
FROM: UBCM Executive
DATE: August 28, 2012
RE: **Modernizing Building Code Safety Regulations**

POLICY PAPER

1

2012 CONVENTION

1. DECISION REQUEST

That the UBCM membership approve the recommendations outlined in response to the provincial government's proposal to modernize the building regulatory system.

2. BACKGROUND

Over the last 25 years, the Province of British Columbia has undertaken a number of different reviews on the building regulatory system, with incremental changes pursued through each. In 2004, a modernization strategy was established but was not implemented, as government priorities shifted to focus on 'greening' the Building Code and mid-rise (6 storey) wood-frame construction provisions.

The Province is responsible for developing and maintaining the BC Building Code, which sets the standards for the province's building regulatory system. Local governments are able to adopt the Building Code through their bylaws and are responsible to administer, interpret and enforce the Code. Local governments must decide if they want to enforce the Code and how to enforce the Code.

In 2007 the Building and Safety Policy Branch, which is part of the Office of Housing and Construction Standards, consulted with over 300 people – owners, developers, designers, builders and trades, local governments, the insurance sector and consumers – about the enforcement of the BC Building Code as part of its modernization strategy.

The Building and Safety Policy Branch, during discussions with stakeholders, heard about the following problems:

- existing defects in buildings – some buildings with significant defects;
- shortage of skilled labour;
- lack of, or limited, code enforcement – some jurisdictions have cut back or discontinued plan review and building inspection and some rural areas have no regime for regulating construction;
- lack of consistency and predictability – plan review and inspection can be very different from one jurisdiction to another; and
- lack of coordination – building officials, fire officials, safety officers and warranty company inspectors may be poorly coordinated.

Some of the key concerns raised by local governments at these consultation sessions were:

- liability – need to address joint and several, need to narrow the ‘duty of care’ local government has when currently inspecting buildings, some local governments indicated that they may withdraw from code enforcement to reduce their chances of being sued if claims are made for building defects;
- need to ensure competency of builders;
- lack of capacity – technical expertise; some local governments just do not have the staff and/or resources to enforce the code effectively, especially with the increasing complexity of design and technology of large buildings;
- lack of resources – staff, cost to expand building inspection role;
- shortage of qualified building inspectors.

3. CURRENT STATUS – Modernizing the Building Regulatory System

The Building and Safety Standards Branch has released two white papers:

- ‘A Modern Building Regulatory System’; and
- ‘Certification of Local Government Building Officials’.

The provincial government is proposing that it be given sole authority to adopt building standards and ensure that the standards are the same throughout the province. To implement this measure the Province is requesting that local governments review their bylaws and remove any ‘technical building standards’ that do not conform to the provincial standards. The white paper proposes to give the Minister the authority to override any local government bylaw that the Province determines goes beyond the established ‘technical building standards’.

The Province is also proposing to:

- implement random third-party audits of local government approvals and administrative practices related to building decisions;
- expand its capacity to provide Code interpretations, provide evaluations of alternative solutions, and establish a registry of acceptable building products and assemblies;
- establish mandatory training requirements for building inspectors;
- introduce a new levy on the value of construction as part of the local government permit process, the levy would be collected by local government and remitted to the Province to pay for the new changes.

In 2011 the Office of Housing and Construction Standards undertook an online survey focused on code compliance and code administration. It is an anecdotal survey of potential problems and/or issues identified by those involved in the process. A total of 300 people responded. The majority of the respondents were architects, engineers and technicians that work for, or are employed by, the building industry. A total of 40 or more building inspectors also responded to the survey.

The industry stakeholders indicated that the major building regulatory concerns were the following:

- inconsistent Code interpretation by local government – complicates development and construction and is a major cause of increased costs to business;
- local government building standards that go beyond the Code – complicates development and construction and can create delays and increase costs;
- lack of centralized decision making on Code matters – results in wide variation in decisions and can result in local government decisions not to approve new technologies and products (due to risk aversion);
- poor compliance with code provisions – such as fire protection in some high-rise residential, commercial and other large complex buildings;
- lack of skills or Code knowledge – contributes to poor quality construction and poor compliance with Code provisions.

In 2012 the Office of Housing and Construction Standards undertook a second survey that focused on the issues outlined in the two white papers. A total of 500 people responded. The survey was directed at architects, engineers, technicians, and local government. A total of 220 local government representatives responded to the survey which included 140 building inspectors, 18 administrators, 8 elected officials and a number of others.

The provincial government is proposing the following measures:

- Uniform Building Code – provide the Province with sole authority to adopt building standards and ensure that the standards are the same throughout the province. The Province is requesting that local government review its bylaws and remove any ‘technical building standards’ that go beyond what is required in the provincial Building Code. The Province has suggested it would have a transition period to achieve uniformity with the provincial standards and that the Minister would then have the power to declare any local government bylaw or measure that was viewed to go beyond the Building Code as null and void.
- Code Interpretations – Province will expand its capacity to provide credible, non-binding interpretations at Code users requests and will issue binding interpretations (directives) on topics of concern to Code users.
- Alternative Solutions – Province will establish an Alternative Solution and Product Evaluation Body to assist local governments in evaluation of alternative solutions, develop a guide to alternative solutions and local governments uncertain about the acceptability of alternative solutions could refer submissions to this body of expertise.
- Products and Assemblies – Province would establish a registry of acceptable products and assemblies throughout the province.
- Third-Party Random Audits – provide information on the level of Code compliance and the effectiveness of the Code administration. The Province has suggested that: *“Initially, audits would focus on high-risk aspects of complex (Part 3) building design and construction, establishing a baseline for Code compliance. Audits would pinpoint areas of non-compliance and ineffective administrative processes and help develop targeted measures to address them. Subsequently, audits would be used to selectively monitor the system and measure its performance.”*

- Online Portal – one window online permit application to begin a development project – including all Provincial permits required and ultimately extending to permits of participating local governments.
- Stakeholder Advisory Body – creation of a provincially appointed advisory body to advise on matters related to the building regulatory system.
- Qualification Requirements – Province is proposing to introduce minimum qualification requirements for residential builders of four units or less.
- Financial Costs – Province has suggested that the proposal could be funded by a levy on construction. The levy could either be a percentage of cost of construction or a flat rate and would be collected when the building permit is issued. User fees would also be considered to cover part of the costs of alternative solutions and product evaluations.

The Province is proposing a system of mandatory certification of building officials, including continuing professional development. The Province is partnering with the Building Officials' Association of BC (BOABC) to deliver the program. This proposal would:

- require all building officials employed by local governments to meet qualifications and obtain certification from the BOABC;
- limit local governments to employing only certified individuals as building officials; and
- limit the functions that building officials could perform to their level of certification.

Three levels of certification are proposed:

- Level 1 – one and two family dwellings;
- Level 2 – small buildings regulated under Part 9 of the Code with a footprint of not more than 600 m and not more than 3 storeys high; and
- Level 3 – larger and more complex buildings regulated under Part 3 of the Code.

The time frame for implementing the new measures is not clear at this point and the process for further input is not known. It would appear that it could be the fall of 2012 or the spring of 2013.

4. DISCUSSION

The Province is proposing to change how the building approval process will work in the future. Under the provincial proposal any discussions related to 'technical building standards' will be shifted from the community level to the provincial level.

The current proposal raises some issues, in the following areas:

- **local autonomy 'one size fits all approach'**: concern that the proposed changes might undermine local government efforts to respond to community needs.
- **third party audits**: concern as to the intent of the audit process and the impact it might have on local government, such as a requirement in the future to implement mandatory building inspections.

- **liability:** need to address local government concerns regarding ‘joint and several liability’.
- **building inspection standards:** need to understand the training costs to local government of meeting mandatory standards and how this could impact the availability of building inspectors.
- **financial costs:** concern about the impact of the new ‘provincial building tax’ levy on development and the cost of reviewing local government bylaws to ensure that they do not contain ‘technical building standards’ which would be in contravention of the new provincial mandate.

Outlined below is a discussion of each of the issues identified and local government concerns related to each them.

A) Local Autonomy – ‘One Size Fits All Solution’

The Province is proposing that it have sole authority to adopt building standards. Under this proposal the Minister would have the authority to determine whether or not a local government bylaw dealt with ‘technical building standards’ that fall under the Building Code. Local government bylaws that dealt with ‘technical building standards’ would need to be changed or would be declared invalid.

Under the *Community Charter*, the Concurrent Authority provision requires that local governments consult with the Province before establishing bylaws that regulate building construction. It has also meant that the Province needs to consult with local government before taking action in this area. This is different when compared to some other provinces where the provincial government has the sole authority to adopt building standards without having to work with their local governments. The *Community Charter* has created the framework for partnership between local government and the Province and this would be eliminated under the new initiative.

Local government would be concerned about the elimination of all local government building regulatory bylaws, as outlined in the provincial proposal. This change would limit local governments’ flexibility in responding to specific community needs. As one local government pointed out:

Many local government jurisdictions have pursued local bylaws to address specific community needs, as well as to respond to important issues where the Provincial government was unable to find a solution that could be applied uniformly across the Province. For example, the establishment of supplementary fire sprinkler system requirements was developed locally to address needs, without the necessity of having requirements forced on all other areas that do not have those same needs or objectives. This local approach, also allows for a response to an issue that may not be a current or future provincial priority.

A local government looks at a broad range of community amenities in its Official Community Plan or Zoning Bylaw to address neighbourhood issues. To meet community objectives local governments have requested that local builders undertake measures that may, in some cases, be considered ‘technical building standards’ that go beyond what is identified in the Building Code. Outlined below are examples of some community objectives that have been addressed in this way:

- protection of seniors through the use of fall protection in bathrooms;
- protection of families from fire hazards through the use of sprinklers in new houses;
- protection of young children from accidental drowning by requiring fencing around swimming pools;
- protection of buildings to reduce the risk from wildfires – requirements that specific construction materials be used in homes to minimize wildfire risks and avoid wildfire issues like those that took place in Kelowna and other areas of the province;
- measures to increase the sustainability of local communities by implementing green building standards – requirements for Gold LEED standards in constructing new building offices;
- measures to enhance community safety – crime prevention measures to enhance safety around buildings and in public spaces; and
- measures to improve community liveability – to meet storm drainage requirements, water metering, district energy, flood hazard mitigation and hazardous conditions mitigation in local areas.

Local governments are concerned that the measures proposed by the Province may limit their ability to use these tools in the future to address community objectives and, in some cases, may prevent local government from using these types of planning tools to respond to neighbourhood issues.

Other agencies have also raised concerns in this area. For example, the BC Fire Chiefs Association has indicated its opposition to the Province's Building Code strategy. The Fire Chiefs Association is concerned that it would limit local governments ability to implement a sprinkler protection program.

Local government also has concerns about the impact of the provincial proposal on multi-phase construction projects. For example, it could mean that the first stage of development would include sprinklers or fall protection for seniors, whereas the remaining stages would not, as the Minister might determine that these elements were 'technical building standards' and the requirements inconsistent with a uniform Building Code.

In addition, local government would have concerns that the new process may create potential conflict, uncertainty and delays in the building approval process. The Province has only provided limited information as to what it means by 'technical building standard' and where local government bylaws might conflict with the new policy being proposed. The Province would need to provide more detailed information as to its intention in this area and a detailed list of what 'technical building standards' would be included under its proposal so as to ensure that local government bylaws did not conflict. This information is also needed to fully understand the scope of the provincial initiative and its implications.

Provincial changes to local government bylaws could have unintended consequences. For example, local governments, in some cases, have implemented sprinkler and fire hazard measures to reflect the capacity of the local fire department to provide fire services in specific areas. These measures have also been used by the insurance industry to

determine the fire insurance rating in the community. Changes in this area could have financial consequences to both the local government and its citizens.

The provincial proposal could also create uncertainty as to who is responsible for making decisions about building construction at the local level and what type of decisions can be made. The outcome could mean increasing delays in the construction process as everyone waits for a decision from Victoria as to what 'technical building standards' mean and who has jurisdiction to issue permits and/or approve construction. At the present time, the Building Code provides scope for interpretation and there currently is some give and take in the field around the use of construction techniques; however, the removal of this flexibility could have unforeseen consequences.

The provincial proposal would appear to centralize building construction decisions at the provincial level. Local government, in general, has not supported a 'one size fits all' approach to building development decisions. This process would remove local governments ability to respond to neighbourhood needs, cause delays in the approval of construction projects, as seeking provincial code interpretations could prove time consuming, and would not meet the day-to-day needs of the industry.

B) Third Party Audits – Mandatory Building Inspection

The proposal is to conduct 60 audits of building projects that involved complex building design and construction. The provincial paper suggests that these audits are necessary to ensure the safety of public buildings and to ensure uniform building standards across the province. The audit process would be designed to include a review of the role of local government officials and registered professionals in the administration of the Code processes. The results of the audit would be used to determine if further changes are required to the Code administration process and to establish a baseline for future action.

In the past, the Province, when discussing a third party audit process for building inspection, has linked it to a larger plan to implement a mandatory building inspection program. The audit program, in that case, was intended to ensure that local government met provincial objectives in its building inspection program. A third party audit process could be useful in assisting local government in delivering better service to the public. However, there needs to be clear objectives for the audit process to work and it is not clear what the intended purpose of the provincial proposal for a third party audit is at this time.

Currently, the implementation of code administration and compliance processes is under the sole discretion of local government. The level of detail and involvement of local government is set by each jurisdiction in relation to local need, resources and interests. It is not clear how a provincial audit process might be established to ensure that local objectives were being met in the most efficient and effective manner.

If the intent of the Province is to implement a mandatory bylaw inspection program in the future then there should be consultation on this issue. However, before such a measure is implemented, there are a number of practical issues that need to be considered when looking at the application of province wide building standards and the use of third party audits. A number of these points were raised in the UBCM discussion paper

entitled 'Enforcement of the BC Building Code & Related Issues' that was endorsed at the 2007 UBCM Convention:

- *Consistency* – need to ensure consistent interpretation of the Code on a province wide basis and that the focus should be on the outcome of the building regulation, namely the construction of safe buildings and not on the consistent implementation of a province wide building permit application process.
- *Competency* – need to ensure an ongoing partnership between the development industry, local government and the Province. Competent building trades reduce the amount of oversight that is required on a construction site and ensure that safe buildings are constructed in accordance with the requirements of the Building Code. It is important that each partner understand the role that they play in the process and the responsibility they have in making the process work.

A further justification in the provincial proposal for implementing an audit requirement is a concern that a public safety issue may exist in relation to complex buildings (Part 3 Buildings under the Code). The proposal does not provide any details as to the extent of the safety issue with respect to complex buildings and it is not clear how reviewing local government administrative practices would fix this problem. Local governments, in the majority of cases, rely on professional architects and engineers to review the plans for complex buildings and to indicate whether or not they meet Building Code standards. The link between the safety concern and the need for an audit process is further obscured by the fact that the City of Vancouver is exempt from the measures being proposed by the Province and a large number of the complex buildings constructed in the province are located in Vancouver.

C) Liability Issues

The provincial proposal does not mention liability. However, the liability issue is a significant concern to local government. Local government continues to take on risk when making decisions with respect to building projects.

The Province has taken some significant steps in addressing local government liability issues with the enactment of a new *Limitation Act*. However, there is still the need to address the issue of joint and several liability which would require amendments to the *Negligence Act*.

The issue of joint and several liability will continue to be a concern to local government when approving the design and construction of buildings and undertaking inspections. As one local government described the problem:

Under joint and several liability, any one defendant found responsible for even a small degree of fault can be called upon by the successful plaintiff to pay 100% of the damages. In a typical defective building case, such as a leaky condo, defendants would include the architect, the builder, the consultants and the subcontractors and the municipality. All of the private sector defendants are capable of insulating themselves from judgments through numbered companies, minimal insurance, bankruptcy, etc., whereas the municipality has essentially unlimited deep pockets and exists in perpetuity. If a court finds that negligent municipal inspections were responsible for 5% of the damages, the municipality can be called upon to pay 100% of the damages if the other defendants have no ability to pay.

It is the unfairness of the principle of joint and several liability in defective building cases which has been driving municipalities away from building code enforcement

UBCM has long advocated the reform of joint and several liability. The failure to acknowledge this concern is generally seen as a shortcoming in the process. In response to a discussion paper in 2002 on Civil Liability by the Attorney General, UBCM made the following recommendations related to the principle behind liability and the issue of joint and several liability:

A Fundamental Principle

That civil liability reforms should be guided by the fundamental principle that individuals and organizations should be responsible for the consequences of their actions, not for the actions of others; and their liability should be commensurate with their degree of responsibility.

Joint & Several Liability

That the concept of joint and several liability for property damage and economic loss is inappropriate in a modern society and should be abolished.

That joint and several liability be replaced by a system of pure several or proportionate liability (such as now exists in cases of contributory liability) under which defendants are responsible only to the degree to which they contributed to the loss.

The liability issue has had a major impact on how local governments have dealt with building inspection as was pointed out in the UBCM discussion paper entitled 'Enforcement of the BC Building Code & Related Issues' that was endorsed at the 2007 UBCM Convention.

- *Liability – local governments have been withdrawing from Building Code enforcement because they face a liability burden disproportionate to their actual responsibility for defective buildings.*
- *Alternative Solutions – currently local governments have sole decision-making authority and a major deterrent to accepting alternatives for local governments is liability.*

D) Building Inspection Standards

The provincial government has proposed to deal with this issue in two ways:

- administrative process to provide more direction in the building inspection process – interpretative bulletins, alternative solutions panel etc.
- mandatory training requirements for Building Inspectors and requirement that they be a member of the Building Officials Association of BC (BOABC).

The Province has proposed to provide more information to assist in the decision-making process related to building construction and local government has supported the following measures in the past:

- Code Interpretations – Province will expand its capacity to provide credible, non-binding interpretations at Code users requests and will issue binding interpretations (directives) on topics of concern to Code users;

- Alternative Solutions and Product Evaluation –Province would establish a guide to alternative solutions and a registry of acceptable products and assemblies throughout the province.

i. Code Interpretations

The Province amended the *Community Charter* in 2008 to allow it to issue binding interpretations of the Building Code. However, the Province has not implemented this authority to this point.

The establishment of approved interpretations at the provincial level would be of assistance to all local governments. The collection of these interpretations at the provincial level would provide a valuable resource to facilitate permit issuance and resolution of construction issues in the long term.

ii. Alternative Solutions & Product Evaluation

At the present time, compliance of the Building Code can be achieved by either following the prescriptive requirements in the Code or by proposing alternative solutions that meet the intent of the Building Code. Specific building products and assemblies that are developed to meet the intent of the Building Code are required to be tested and listed by a recognized testing/certification agency, such as the Underwriter Laboratory of Canada (UCL) or Canadian Construction Materials Centre Association (CSA). This process ensures building safety while allowing for the development and application of technologies that can decrease costs and allow for the introduction of alternate solutions to meet Building Code requirements. However, at the present time each jurisdiction must consider and determine whether to accept an alternate solution that requires some level of expertise and multiple evaluations across jurisdictions.

The creation of a provincial body to evaluate alternate solutions and new building products and the establishment of a registry of approved alternate solutions would assist local governments and builders. Provincial review and acceptance of new building products and assemblies would remove the requirement to review alternate solutions at the local level and enable alternate solutions to be shared or transferred between jurisdictions. A provincial process would reduce the time and cost of industry in achieving certification of new products, the resources needed by local government to review new products and local government liability that may occur when accepting the use of alternative solutions.

iii. Mandatory Training Standards

The proposal by the Province to require mandatory certification of building officials, would assist local government in promoting safer builders and potentially reduce its liability. In general, the development of common qualifications and training standards would benefit the regulatory system.

The mandatory certification of building officials, however, will create some potential issues for local government in meeting the objective. The current proposal does not make any allowances for other certifications (i.e. trade qualifications, Professional Engineers) to be recognized and there would appear to be the need for measures to deal with this issue.

Without these measures the ability of local government to find and recruit certified staff may be reduced and it will be unable to efficiently provide the services demanded by the construction industry. The Province will need to carefully consider how the certification process will be implemented and support it with the necessary resources to achieve the desired outcome.

The implementation of these new measures will raise some concerns with respect to the status of existing staff and how these staff will be treated under this new process if they do not obtain the necessary certification. Provisions will need to be incorporated into the system to deal with exceptions; otherwise it may create challenges for the building inspection process. The Province will need to address how these employment and contract issues will be dealt with when moving forward.

There is currently a general shortage of qualified building inspectors in the province. Local governments outside of the Lower Mainland are having difficulty in finding qualified officials who wish to work in their area and have been forced to hire people qualified in the building trades in order to maintain the building inspection function, which would not meet the new standards being proposed. For local governments in the Lower Mainland, it may hinder their ability to hire part-time plan checkers and inspectors to provide coverage during peak work load periods or to provide coverage in response to retirements, sick, vacation or other work availability issues.

The proposal will add additional costs to both local governments and/or individuals in meeting the new certification requirements. Costs associated with the certification process are approximately \$500 to obtain each of the Level 1 and Level 2; \$2,100 for level 3; and \$448 for annual membership in the BOABC. Other costs associated with training include travel and accommodation costs for those outside the Lower Mainland, courses through BCIT and other institutions, and on-going professional development.

The Municipal Insurance Association (MIA) has indicated its support for the proposed mandatory building inspection program outlined by the Province. The MIA has suggested that it may be able to assist small communities in training bylaw inspectors through its Risk Management Grant program. The MIA feels that this initiative may help reduce the number of cases related to building inspections and may assist in reducing its overall liability in this area.

It would also appear that provincial support for the implementation of the certification program is required to ensure its success. Financial assistance from the Province to offset the new costs, at the local government and individual level, from the application of the certification proposal would appear to be a key component to making sure that the desired outcome is achieved.

E) Financial Costs

The Province is proposing that a new 'provincial building tax' be introduced. It is not clear whether this new tax would be a percentage of construction costs or a flat fee added to the building permit fee that is charged by local government to review and approve building applications. The proposal is for local government to collect the fee on behalf of the provincial government.

The proposed approach would appear to raise a number of concerns. The first concern is that it would impose a new levy on the building industry and increase the cost of construction. The second concern is that it would transfer the revenue responsibilities of the provincial government to local government. The third concern is that the process would require a duplication of revenue collection processes across local government, draw on the resources of local government to collect and transfer the funds and add additional layers to the audit and accounting processes required for the collection and remittance of the levy.

As a general rule, local government would not support collecting a levy on behalf of the provincial government. The process would appear to be more efficient if the Province funded its role in the building regulatory system directly from provincial sources.

5. CONCLUSION

The *Community Charter* currently provides a framework for a partnership between local government and the Province in the development of building bylaws and there is a need to strengthen this relationship going forward.

There is also a need to ensure that the ongoing partnership between the development industry, local government and the Province is maintained.

Local government flexibility with respect to building regulations has allowed it to:

- respond to important issues when the provincial government is unable to find a solution that could be applied uniformly across the Province;
- respond to an issue that may not be a current or future provincial priority.

Local government ability to meet community objectives in its planning and building approval process has allowed it to respond to neighbourhood needs, such as:

- protection of seniors through the use of fall protection in bathrooms;
- protection of families from fire hazards through the use of sprinklers in new houses;
- protection of young children from accidental drowning by requiring fencing around swimming pools;
- protection of buildings to reduce the risk from wildfires – requirements that specific construction materials be used in homes to minimize wildfire risks and avoid wildfire issues like those that took place in Kelowna and other areas of the province.
- measures to increase the sustainability of local communities by implementing green building standards – requirements for Gold LEED standards in constructing new building offices;
- measures to enhance community safety – crime prevention measures to enhance safety around buildings and in public spaces; and
- measures to improve community liveability – to meet storm drainage requirements, water metering, district energy, flood hazard mitigation and hazardous conditions mitigation in local areas.

Liability remains an ongoing issue for local government and plays a major role in how it deals with building inspection matters. There needs to be further discussion around the liability issue and, more specifically, around ways to address the issue of joint and several liability which continues to be a concern for local government when approving building permits.

The development of common qualifications and training standards would assist local government in the building inspection process. However, the Province and local government will need to work together around the certification process and support it with the necessary resources. There is a need for further discussion around a number of issues related to the certification process and the general shortage of qualified inspectors.

Finally, the paper identifies the need for the Province to provide the resources needed to implement a number of the changes proposed. Both financial and staff resources will be needed to ensure that the Province can provide an interpretation Code, a guide for alternative solutions, a registry of acceptable products, and assist local government in meeting the new training standards that are required. There also needs to be discussion around some of the financial aspects of the proposed changes, such as the “Provincial levy” on construction costs and the impact this might have on the construction industry and on local government.

6. RECOMMENDATIONS

UBCM request that the Province work with local government to strengthen the current partnership in the building approval process and request that no changes be made to the *Community Charter*.

UBCM request that local governments continue to have the flexibility to address neighbourhood issues and the ability to implement measures to meet community needs, such as:

- protect seniors through the use of fall protection in bathrooms;
- protect families from fire hazards through the use of sprinklers in new houses;
- protect young children from accidental drowning by requiring fencing around swimming pools;
- reduce the risk from wildfires by requiring that specific construction materials be used in homes to minimize wildfire risks and avoid wildfire problems;
- increase the sustainability of local communities by implementing green building standards - requirements for Gold LEED standards in constructing new building offices; and
- enhance community safety by requiring crime prevention measures to be implemented around buildings and in public spaces.

UBCM request that the implementation of code administration and compliance processes continue to be at the sole discretion of local government and that a third party audit process not be implemented.

UBCM request that the *Negligence Act* be amended to address the issue of joint and several liability. UBCM would propose the following recommendations related to the principle behind liability and the issue of joint and several liability:

A Fundamental Principle

That civil liability reforms should be guided by the fundamental principle that individuals and organizations should be responsible for the consequences of their actions, not for the actions of others; and their liability should be commensurate with their degree of responsibility.

Joint & Several Liability

That the concept of joint and several liability for property damage and economic loss is inappropriate in a modern society and should be abolished.

That joint and several liability be replaced by a system of pure several or proportionate liability (such as now exists in cases of contributory liability) under which defendants are responsible only to the degree to which they contributed to the loss.

UBCM request that the Province implement the following measures:

- code interpretations – Province provide credible, non-binding interpretations at Code users requests and issue binding interpretations (directives) on topics of concern to Code users;
- alternative solutions and product evaluation – Province establish a guide to alternative solutions and a registry of acceptable products and assemblies throughout the province;

UBCM support the need for qualified building inspectors and request that the Province work with local government to address the following implementation concerns – employment and contract issues, the reduction in the number of potential employees available to local government to provide the service, and the shortage in qualified inspectors.

UBCM request that the Province provide financial assistance for training and other related costs to implement the new program, particularly for smaller communities.

UBCM request that if the Province introduces a new Provincial levy on construction costs that it collect the levy directly from the construction industry.

UBCM request that the Province provide the resources needed, both financial and staff, to ensure that it can provide an interpretation Code, a guide for alternative solutions, and a registry of acceptable products.