

What is the Modernization Strategy?

In January 2006, the provincial government launched the Modernization Strategy, an initiative to improve the effectiveness of the building safety regulatory system. Over 150 individuals—building owners, developers, designers, builders and trades, local governments, and consumers—have been actively involved in discussions to shape the Modernization Strategy. Through these discussions, the Strategy has developed proposals that:

- Clearly assign responsibilities and define processes for applying and enforcing the Building Code; and
- Provide new tools to support Code-related decision making.

Who is responsible for complying with the Building Code?

Building owners have general responsibility for compliance with the requirements of the Building Code. During the construction of complex buildings, such as public buildings and large multi-family residential buildings, design professionals (architects and engineers) assure the Code compliance of plans and drawings and review the compliance of contractors' work.

What is third-party oversight?

Third-party oversight is the review of building design and construction to assess Code compliance, by a third party independent of building project participants—owners, developers, designers and contractors. Oversight can include a range of activities—currently, many local governments enforce the Building Code, and design professionals review the designs of other professionals and the work of contractors. Oversight is generally delivered through plan review and inspection of buildings under construction.

Are there issues with oversight in the current building safety regulatory system?

Through discussions with participants in the Modernization Strategy, we have heard that responsibilities for oversight aren't clearly defined. Although many local governments provide effective oversight, in some jurisdictions plan review and building inspection have been reduced or discontinued, or may not focus on the areas of highest risk. Lack of oversight by local governments or another third party can compromise code compliance and ultimately building safety.

How will the Modernization Strategy address oversight issues?

The Modernization Strategy has developed a proposal to clarify what oversight is, who has authority and is responsible for oversight, and how responsibilities for oversight can be fulfilled.

- **Local governments or an alternative third party must provide oversight of high-risk areas of building design and construction.** If local governments do not provide oversight, an alternative third party, such as the BC Safety Authority (BCSA) or a private-sector agency, must provide it on their behalf. Design professionals may assist with some aspects of oversight. The details of BCSA, private-sector agency and design professionals' involvement in oversight will be defined over the next few months.
- **Oversight is delivered through plan review and inspection.** Building and occupancy permitting processes continue to be a function of local governments.
- **Oversight must target specified high-risk areas.** These could include:
 - High-risk aspects of construction and building types (e.g., building envelope of multifamily residential buildings; foundations of single family dwellings)
 - Specific situations or areas (e.g., public buildings in unincorporated areas)
 - Participants in building projects with a known history of non-compliance or no record of compliance

Local governments may decide to target additional areas at their discretion.

A multi-stakeholder task group, including local government administrators and building officials, will be established to determine the areas of high risk that oversight will target and the details of how oversight will be delivered.

How will the proposal for oversight benefit local governments and the building safety regulatory system?

This proposal is intended to realize the safety benefits of third-party oversight of high-risk areas of building design and construction. Oversight targeted to high-risk areas is expected to:

- Make oversight processes more consistent across British Columbia
- Make more efficient use of limited resources
- Increase code compliance and reduce safety risk

For local governments that do not provide oversight, another third party, such as the BCSA or a private-sector agency, will be available to provide oversight on their behalf. For local governments that do provide oversight, new tools will be available to support its delivery, including:

- Access to authoritative, binding interpretations of the meaning of Building Code provisions
- A program modelled on the Certified Professional program¹ that local governments can use to get assistance with aspects of oversight

¹ The "Certified Professional" program is an alternate building permit approval stream in which a specially trained design professional provides liaison between the local government and the building project, assuming some oversight functions. This process is currently in place in the City of Vancouver, and is well received by industry.

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- Detailed guidance for applying Building Code requirements to existing buildings
 - New processes to assist local governments in the evaluation of alternative ways of meeting code requirements

What about liability?

The Modernization Strategy is continuing to explore options to more effectively manage the distribution of liability in the building safety regulatory system.

The Ministry of Attorney General is consulting on a proposal to reduce the Ultimate Limitation Period (ULP) from 30 to 10 years. If approved, this proposal will help to ease the pressure that liability creates in the system. The provincial government is not reviewing joint and several liability at this time.

What are the next steps?

Consultation on the Modernization Strategy's proposals is taking place from April to the end of June 2007. Consultation will include feedback from individuals through the Modernization Strategy website at www.housing.gov.bc.ca/modernization and presentations to key groups, including local governments.

Over the same time period, a multi-stakeholder task group will meet to determine the details of what oversight will target and how it will be delivered. Discussions with the BCSA will be held to define its role in oversight.

When the consultation period and further work on the oversight proposal is complete, formal recommendations will be developed for submission in fall 2007.