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## Article

# B.C.'s Building Act moves towards province-wide requirements

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by label: Dirk Laudan and Alexander Bjornson *Jun 9, 2015*

British Columbia has a new Building Act. It is intended to ensure that building requirements are set at a provincial, rather than municipal, level. The act also provides for minimum qualifications for building officials.



Photo: Dirk Laudan & Alexander Bjornson

It received Royal Assent on March 25, 2015 but as of the date of this writing is not yet in force.

The underlying purpose of the new act is to establish consistent building requirements throughout B.C.

This is intended to improve efficiency, productivity and innovation in the construction sector.

The City of Vancouver is exempt from this regulation.

Once the new regime is in place, Vancouver alone will have jurisdiction to create and enforce its own building regulations, in the way local governments have historically done in this province.

The act makes the province the sole authority for creating building requirements.

Currently, building requirements remain a patchwork across jurisdictions, with various authorities implementing requirements in addition to the B.C. Building Code 2012.

When the act is fully in force, any local requirement overlapping with a provincial building regulation will be of no effect.

Municipalities will have two years to rescind local building requirements from their bylaws following the coming into force of the relevant sections of the act.

The province has commented that the act is not intended to alter or create new building codes, but is intended to streamline how the existing code is used.

One of the most notable changes the act introduces is a set of mandatory qualifications for local building officials.

Currently, there are no mandatory qualifications for building officials or requirements that local authorities only employ qualified building officials.

The Building Act will change this by imposing certain requirements, including examinations, membership of a prescribed professional association and registration with a new provincial register.

The legislation contemplates grandfathering provisions for some designated professions, but details have yet to be provided.

The government's intention is that these qualification requirements will improve consistency in Building Code interpretation and enforcement.

These requirements will be phased in over four years following the coming into force of relevant sections of the act.

We understand that negotiations are currently underway between the provincial government and the Building Officials' Association of British Columbia regarding the administration of the new qualification process.

The government also says that the Building Act will expand support for innovative design.

It intends to improve the approval process for innovative buildings, such as the Wood Innovation and Design Centre in Prince George or recent moves towards taller wood-frame and cross-laminated beam structures.

Costs associated with this process may be passed onto persons requesting that approval.

Under the act, the province will review proposals for innovative building concepts.

Those that require a special directive will pay a fee for experts to ensure that the building can meet requisite standards.

The main significance of the new Building Act is that the provincial government now has authority for all building regulations in British Columbia.

We will see how quickly the government moves to implement province-wide regulations to replace local bylaws, and what the content of those regulations will be.

Currently, some local building bylaws are designed to limit local government liability for negligent inspection and other faults or omissions.

It will be interesting to see the extent to which province-wide regulations are designed to do the same, and whether they are effective.

It will also be interesting to see how the government balances the policy of consistent regulations throughout the province with requests by local authorities for variances.

This article is provided for general information only. It may not be relied upon as legal advice.

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