

---

## CITY OF KELOWNA

# MEMORANDUM

---

**Date:** April 19, 2004  
**File No.:** 4000-00  
**To:** City Manager  
**From:** Inspection Services Manager  
**Subject:** Administrative Agreement – Gas Inspection

---

### RECOMMENDATION

THAT Council authorize the signing by the City of the enclosed Administrative Agreement for the continuation of providing gas inspection services within its jurisdiction.

### BACKGROUND

The newly adopted Safety Standards Act (Bill 19 – a consolidation of five Acts) requires the City to enter into an agreement with the Province in order to continue providing gas inspection services.

There are eleven municipalities that provide gas and or electrical services as part of an integrated building inspection program in B.C. The Province through its Safety Engineering Division has traditionally provided services to cover the remainder of B.C. although this has changed April 1, 2004 with the newly established independent agency (the B.C. Safety Authority). The new Safety Standards Act also provides for delegating authority to municipalities to continue administering the Act within their jurisdictions.

Presently the revenues from building, plumbing and gas permits covers the expenditures of these services.

Recommended changes to the City's Gas Bylaw will be forthcoming including changes to the gas permit fees to match those charged by the Province.

In conclusion, in order to continue providing gas inspection services as part of our integrated building inspection program, it is recommended that the City enter into the enclosed Administrative Agreement with the Province.

Respectfully Submitted,

Keith Skinner  
Inspection Services Manager

KS/ss

DATED this                      day of                      , 2004.

## ADMINISTRATIVE AGREEMENT

BETWEEN:

HER MAJESTY THE QUEEN IN  
RIGHT OF THE PROVINCE OF  
BRITISH COLUMBIA, represented by  
the Minister of Community, Aboriginal  
and Women's Services

(the "Province")

AND:

The City of Kelowna

having an office at  
1435 Water St  
Kelowna, BC V1Y 1J4

("Kelowna")

(collectively the "Parties")

### WHEREAS:

- A. Pursuant to section 5(3) of the Act, the Lieutenant Governor in Council may, by regulation, delegate the authority to administer all or part of the Act to a local government, subject to an administrative agreement being entered with that local government, and, upon execution of this Agreement by the Parties, the Minister of Community, Aboriginal and Women's Services intends to recommend to the Lieutenant Governor in Council the enactment of a delegation regulation.
- B. The Province wishes to maintain and enhance public safety, promote consistency in the application of the Act, and be responsive to client needs.
- C. Kelowna wishes to continue to provide gas safety services within its community as contemplated in this Agreement and the regulation.

**NOW THEREFORE** the Parties agree as follows:

### Article 1

#### Definitions

- 1.01 In this Agreement and in the recitals to it, unless the context otherwise requires, the following definitions will apply:

**"Act"** means the *Safety Standards Act*;

**“Administrative Authorities”** means local governments which administer some or all of the provisions of the Act pursuant to a regulation enacted under section 5(3) of the Act;

**“Agreement”** means this agreement and includes the recitals to this agreement; and

**“BCSA”** means the British Columbia Safety Authority incorporated under the *Safety Authority Act*.

## **Article 2**

### **Purposes of Agreement**

2.01 The purposes of this Agreement are:

- (a) to formalize the current practice whereby Kelowna administers certain requirements for gas safety; and
- (b) to provide for a consistent approach to safety by establishing the overall objectives of the safety assurance system.

## **Article 3**

### **Objectives**

3.01 The Parties agree to the following objectives with respect to gas safety in British Columbia:

- (a) to promote activities which will enhance public safety;
- (b) to promote safety services that meet the needs of clients and the public; and
- (c) to promote open lines of communication between Administrative Authorities, the BCSA and the Province on safety matters, including the sharing of information.

3.02 The basis for a consultative partnership in the delivery of safety services will be established in a Memorandum of Understanding agreed to between the BCSA and the Administrative Authorities.

## **Article 4**

### **Incident Reporting**

- 4.01 The *Safety Standards General Regulation* under the Act establishes the process for incident reporting to the appropriate safety manager.
- 4.02 Subject to the *Safety Standards General Regulation*, any additional requirements for the reporting of incidents will be established between the Administrative Authorities and the BCSA in a Memorandum of Understanding which will identify the method of, and the timing for, reporting the details of the incident.

## **Article 5**

### **Amendments to the Agreement**

- 5.01 This Agreement may be amended only by further written agreement between the Parties.
- 5.02 The Parties agree to a formal review of the Agreement every 5 years.
- 5.03 In accordance with section 5(4) of the Act, the Province will consult with Kelowna where proposed changes to the Act or its regulations have substantive implications for this Agreement.
- 5.04 If Kelowna intends to terminate all or part of its administration of the Act as contemplated in section 5(6) of the Act, the Parties will establish a time frame for the change that is acceptable to both Parties.

## **Article 6**

### **Miscellaneous**

- 6.01 The headings or captions in this Agreement are inserted for convenience only and do not form a part of this Agreement and in no way define, limit, alter or enlarge the scope or meaning of any provision of this Agreement.
- 6.02 This Agreement constitutes the entire agreement between the Parties and no understandings, representations or agreements, oral or otherwise, exist between the Parties with respect to the subject matter of this Agreement except as expressly set out in or incorporated by reference in this Agreement.
- 6.03 In this Agreement, words in the singular include the plural, and words in the plural include the singular, unless the context otherwise requires.
- 6.04 In this Agreement, a reference to a statute includes every amendment to it, every regulation made under it, and any law enacted in substitution for it, or in replacement of it.

**IN WITNESS WHEREOF** this Agreement has been duly executed on behalf of Her Majesty the Queen in Right of the Province of British Columbia, represented by the Minister of Community, Aboriginal and Women's Services and by Kelowna by its duly authorized representatives or officers as of the date first above written.

SIGNED on behalf of Her Majesty  
the Queen in Right of the Province  
of British Columbia by a duly  
authorized representative of the  
Minister of Community, Aboriginal  
and Women's Services in the  
presence of:

(Witness)

For the Minister of Community,  
Aboriginal and Women's Services

SIGNED on behalf of  
The City of Kelowna by its  
duly authorized representatives or  
officers as of the date first written  
above:

(Witness)

Authorized Representative of  
The City of Kelowna