

Memo



Date: February 5, 2010
File: 4000-00
To: City Manager
From: Ron Dickinson, Director Development Services
Subject: The Role of the Building Official in Monitoring Complex Construction

Recommendation:

That Council receive, for information, the Report of the Director, Development Services dated February 5, 2010.

Background:

At the Regular Meeting on July 27, 2009 Council directed staff to report with respect to the role of the Development Services Department, Building and Permitting Branch in construction of institutional and multi-family buildings. These types of buildings along with many other types of buildings such as restaurants, malls and industrial buildings are highly complex in relation to both their construction and use; the comments in this report will discuss Building Bylaw requirements for all buildings of a complex nature.

There are several key participants in the construction of buildings. The roles and responsibilities of each participant must be clearly understood and coordinated with all participants. The roles are established in several different pieces of legislation.

The Municipal Insurance Association (MIA) created a document listing core principles, that when included in a Building Bylaw aid in the mitigation of risk associated with Building Bylaw regulations without limiting the ability of the municipal staff to add value to the constructed outcome. The City of Kelowna Building Bylaw includes these core risk mitigation principles.

A key MIA principle is the clarification of the role of municipal staff in determining that due regard has been given to health, safety, accessibility and protection of property by the owner, design professionals and constructors during the period of design and construction of buildings and structures. The City of Kelowna Building Bylaw includes a provision that the role of the building official in the case of complex buildings is to;

- monitor design professional submissions for completeness,
- monitor the professional's supervisory activity of the construction and
- monitor the activity of the construction contractors.

In a case where the monitoring indicates health, safety, accessibility or structural issues may need further attention from the professional these issues are brought to the professional's attention for their action and response to the building official.

In addition bylaw requirements related to land use, development permits, land use contracts, development cost charges, covenants and many other City of Kelowna requirements are reviewed by Building and Permitting staff at application review and construction completion stages.

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The British Columbia Building Code (the Code) sets out the role of owners and design professionals developing complex buildings requiring the owners to retain architects and professional engineers throughout the project development. The role of the professionals is described in the Code as the designer and supervisor of the construction and finally to provide assurance that the work meets the minimum standards of the Code.

The role of the constructor while not defined in any regulatory document is generally accepted as being to provide trained and experienced crews to complete the construction as it was designed by the professional.

Understanding the roles of each of the key players in building development was identified as a critical component in achieving acceptable outcomes in building construction during a Provincial Government strategic analysis of the construction sector completed in 2008 which included extensive input from public and private sector stakeholders. The role of the municipality in providing independent third party oversight of construction practices was cited as a valued asset necessary to obtain the best outcomes.

The highly trained staff of the City of Kelowna Building and Permitting Branch represents the public as partners with developers and builders in seeking to achieve the best building outcomes while taking every opportunity to mitigate liability risks for the City.

Internal Circulation: Risk Manager

Legal/Statutory Authority: City of Kelowna Building Bylaw, British Columbia Building Code, Community Charter, Local Government Act

Considerations not applicable to this report:

Legal/statutory Procedural Requirements:

Existing Policy:

Financial/Budgetary Considerations:

Personnel Implications:

Technical Requirements:

External Agency/Public Comments:

Communications Considerations:

Alternate Recommendation:

Submitted by:



R. Dickinson, Director Development Services Department

Approved for inclusion:



(John Vos, General Manager Community Services)

CC: Risk Manager