

TO: MAYOR & COUNCIL
FROM: GENERAL MANAGER PLANNING AND DEVELOPMENT
SUBJECT: **CERTIFIED PROFESSIONAL PROGRAM**
PURPOSE: To request Council approval of the Certified Professional Program as an Alternative Building Permit Process, and authorization to bring forward related amendments to the Burnaby Building Bylaw.

RECOMMENDATION

THAT the Certified Professional Program, as set out in section 3.0 of the report titled “Certified Professional Program” dated June 19, 2023, be approved; and

THAT the City Solicitor be authorized to bring forward a bylaw to amend the Burnaby Building Bylaw effective September 1, 2023, to implement the Certified Professional Program, substantially as set out in Section 3.5 and *Attachment 1* of the report titled “Certified Professional Program” dated June 19, 2023.

CHIEF ADMINISTRATIVE OFFICER’S COMMENTS

I concur with the recommendation of the General Manager Planning and Development.

EXECUTIVE SUMMARY

The purpose of this report is to introduce the “Certified Professional Program” (CP Program) as a new option for processing building permits in Burnaby. This report describes the program, highlights benefits and objectives of the program, identifies proposed implementation steps, and seeks Council direction to implement the CP Program.

1.0 POLICY SECTION

Section 8(3)(l) of the *Community Charter* authorizes Council, by bylaw, to regulate, prohibit and impose requirements in relation to buildings and other structures. Council has exercised this authority by adopting the Burnaby Building Bylaw. An amendment to the Burnaby Building Bylaw is required in order to implement the CP Program in Burnaby.

Establishing the CP Program in Burnaby aligns with the following Council-adopted policies: *Corporate Strategic Plan* (2022), and *Economic Development Strategy* (2007).

2.0 BACKGROUND

The CP Program was initially developed for the City of Vancouver in 1978. At that time, it was recognized that in many instances designers were relying too heavily on plan reviewers and inspectors employed by the City for complete verification of project compliance with the BC Building Code. The program was intended to give appropriate responsibility and authority for ensuring BC Building Code compliance, and the underlying responsibility for ensuring public health and safety in and around buildings, to registered Architects and Professional Engineers. AIBC and EGBC support implementation of the CP Program in the City of Burnaby.

The premise of the CP Program is to allow qualified private sector professionals who are hired by the developer to supplement City staff review of building designs and construction in the field. It provides an alternative work flow that reduces the time a City building official needs for building permit application review. The Certified Professional acts as the single point of contact between City building officials and the applicant's project design and construction team, providing consistency and continuity throughout the approval process. The CP program is not mandatory. It is a voluntary alternative building permit process that applicants may choose to follow.

The "General Information" section below provides a high level overview of how the CP program works. Full program details are provided in the "British Columbia Certified Professional Program Practice and Procedure Manual" (see *Attachment 3*).

3.0 GENERAL INFORMATION

As outlined above, the CP Program offers an alternative approach to conventional City review of building permits and monitoring of the construction process. As part of this process, the CP provides professional assurance to undertake all appropriate steps to ensure that the design and construction of the project conforms to the BC Building Code. The City relies upon the CP's assurances when issuing Building Permits and Occupancy Permits. The CP Program is a voluntary alternative building permit process. Applicants may choose to retain a CP and to use the CP Program approach, or may choose to submit applications to the City for plan checking and inspections.

The CP is only reviewing for compliance with Division A, Division B, Parts 1 and 3 and Division C of the Building Code (ie. complex building types). It should be noted that the CP only performs tasks which are currently performed by the City's plan checkers and building inspectors, as the program is only applicable to Building Code matters. The CP is not responsible for reviews conducted by other City departments such as Plumbing, Electrical, Planning, Fire, Engineering etc. Other departmental reviews will continue in the current manner.

The CP Program has been successfully implemented in Vancouver and Surrey for over 30 years. More recently, the program was adopted by Abbotsford, Tsleil-Waututh Nation on the North Shore, West Vancouver, Squamish, and for the UBC endowment lands.

Municipalities that implement the CP Program will generally follow the BC Certified Professional Program Practice and Procedure (see *Attachment 3*). Each municipality then develops its own CP Supplement to provide information on specific procedures and policies that need to be followed in the municipality. See *Attachment 2* for Burnaby's CP supplement.

3.1 BENEFITS OF THE CP PROGRAM

The CP Program provides several benefits for the public and a range of development industry stakeholders, as summarized as follows:

BENEFITS TO THE CITY

- The CP Program will provide an alternative permit application option for more complex projects, freeing up staff time for other building permit applications and inspections; and,
- Assigning the CP as the key point of contact between City building officials and the design/construction team supports consistency and continuity for all parties involved in the application process.

BENEFITS TO THE APPLICANT

- The CP performs “code coordination” as outlined on the Schedule CP1 in *Attachment 2*. Code coordination includes tasks such as acting as the owner's representative in relation to the building permit, obtaining necessary documents for the building permit application, design review of the plans, site reviews during construction, monitoring field review activities of the registered professionals, and making an occupancy application;
- The CP is an integral part of the design and construction team, working closely with the *registered professionals of record* (RPR) during the design process to coordinate Building Code compliance;
- The CP will have a close working relationship with City building officials, supporting timely code interpretations and input other related issues during the design and construction process. This will help minimize delays; and,
- The CP coordinates the functional testing of the fire and life safety systems for final City inspections (ie. trip test), which assists the owner in the occupancy process. Currently this process is usually undertaken by the architect or code consultant.

3.2 ADMINISTRATION OF THE CP PROGRAM

The broad objectives of the provincial CP Program administered by EGBC and AIBC are to:

- provide a registration and licensing system for an individual to obtain a specialist designation of “Certified Professional” through the AIBC for architects and through EGBC for professional engineers;
- provide an alternative option to the traditional City building permit review and building inspection processes;
- provide advanced BC Building Code training for Division A, Parts 1 and 3 of Division B, and Division C (see note below); and,
- increase BC Building Code knowledge in the development industry.

Note: The CP Program course offered by EGBC and AIBC covers advanced code knowledge and the detailed application of Division A, Division B Parts 1 and 3, and Division C of the BC Building Code and the Vancouver Building By-law. It also covers the requirements and demonstrations on sample projects on how Certified Professionals practice in the cities of Vancouver, Surrey, and other participating municipalities. The AIBC and EGBC run the CP Course and maintain a list of those who have successfully completed the CP Course and upgrade requirements.

3.3 POTENTIAL CHALLENGES OF THE CP PROGRAM

It is important to acknowledge that an owner may have a false expectation that the CP is prioritizing only the owner’s best interests. Given that the CP is also acting on behalf of the City in undertaking plan reviews and site reviews, the CP also has an obligation to the City in respect to “Code Coordination”. Furthermore, staff acknowledge the potential for variations in the level of expertise and professionalism of CPs.

However, the CP is bound by the by-laws and code of ethics of their professional association, which mandates protection of the public as a primary responsibility. Further, under the proposed Building Bylaw amendments, the Chief Building Inspector has the ability to suspend a Certified Professional from practicing in Burnaby if they submit any required documentation which is in any material way inaccurate or misleading, or fails to perform any duties or obligations under the Building Bylaw.

While the CP Program provides opportunities for improved building permit issuance times, it is not the universal remedy for improved timelines. The building permit review process will continue to entail reviews by other departments, and the need for the applicant to respond to those reviews, both of which take time and over which the Building Division does not solely control.

3.4 TYPICAL PROCESS FOR A CERTIFIED PROFESSIONAL BUILDING PERMIT

Certified Professionals will follow the building permit requirements outlined in the Burnaby CP Supplement (*Attachment 2*). This supplement provides information and CP procedures related to permit applications in Burnaby.

If endorsed by Council, a typical building permit application under the “Certified Professional Program” would proceed as follows:

Pre-Application Stage

- The property owner and the CP sign letters of assurance providing owner authorization for the CP to undertake “code coordination” for the project. The CP is now the main point of contact with City Staff.
- The CP reviews and coordinates overall project drawings and documents for BC Building Code compliance with Division A, Division B, Parts 1 and 3 and Division C of the Building Code and prepares a detailed code compliance summary report for City review.
- The CP submits the building permit application pursuant to Building Bylaw and the City of Burnaby procedures. Note: Zoning, Plumbing, Gas, Electrical, Fire Department, and Engineering reviews are still done by the City.

Building Permit Application Review

- The building permit application is circulated to other City departments (ie. Planning, Fire, Engineering, Plumbing, Electrical etc.), to review for additional City requirements.
- Building Permit staff will rely on the CP’s code compliance review for the issuance of the Building Permit; which may be supplemented by City staff spot checks and further review where deemed necessary.
- The Building Permit is issued once all departments, including assessment by Building Permit staff, complete their respective reviews and all outstanding issues are resolved.

Inspections and Occupancy

- During construction, the CP performs site reviews for BC Building Code compliance (i.e. in conjunction with City inspections). The City inspector can visit the site as deemed necessary.
- Upon completion of the project, the CP collects all the final documents.
- The CP arranges a final walkthrough with the City Building Inspector and Fire Inspector. If there are no outstanding issues, the CP makes a recommendation to the City for the issuance of the Occupancy Certificate.
- The City issues the Occupancy Certificate.

3.5 PROPOSED AMENDMENTS TO BURNABY BUILDING BYLAW

Staff recommend amendments be made to the Burnaby Building Bylaw to establish the CP Program and related regulations. The proposed amendments:

- establish the CP Program as an alternative process for obtaining a building permit and occupancy certificate under the Building Bylaw;

- set out the submission requirements for an application under the CP Program, including the required letters of assurance and proof of insurance;
- set out the circumstances under which the Chief Building Inspector may suspend a registered professional from practicing as a Certified Professional in the City of Burnaby;
- set out the responsibilities of a Certified Professional under the CP Program, including the responsibility to submit regular written progress reports to the Chief Building Inspector, and to advise the Chief Building Inspector of any matter of design, construction or field review that does not meet the requirements of the Building Code provisions for which the Certified Professional is responsible to review for compliance;
- set out the circumstances under which the Chief Building Inspector may post a notice of suspension for a development, or revoke a permit issued under the CP Program, and the conditions that must be met before work on that development may resume;
- confirm that the owner of the property retains full responsibility for ensuring that a Certified Professional is engaged during construction of the building, and for ensuring that the building substantially complies with the Building Code, and other applicable enactments; and,
- confirm that the Chief Building Inspector will rely on the letters of assurance issued by the Certified Professional and other registered professionals for the issuance of a building permit and occupancy certificate in terms of compliance with the Building Code and Burnaby Building Bylaw.

The proposed Burnaby Building Bylaw amendments are set out in *Attachment 1*. Staff recommend that the proposed Burnaby Building Bylaw amendments come into effect on September 1, 2023, in order to allow the City to receive applications under the CP Program starting then. This will allow time to recruit new staff to support the program, to develop practices and procedures specific to Burnaby and prepare an information bulletin.

There will be no new fees created or charged in connection with the CP Program and no changes to the Consolidated Fees and Charges Bylaw will be required.

4.0 COMMUNICATION AND COMMUNITY ENGAGEMENT

As the CP Program is a provincially recognized program, and in use in other BC jurisdictions, the practice and procedures of the program are generally understood by the development industry. However, each jurisdiction that adopts the CP Program creates policies and procedures specific to their community. See *Attachment 2* for Burnaby's CP Supplement. Therefore, the communication objectives will be to communicate with the industry of Burnaby's intention to implement the program, and to provide information on the Burnaby-specific

practices and procedures. Staff will create a Bulletin for the development community that explains the Burnaby CP program, and practices and procedures specific to Burnaby. The Bulletin will be available on the City's website, and in the Building Division. The Creation of this Bulletin will be coordinated with Marketing & Communications.

5.0 FINANCIAL CONSIDERATIONS

Staffing and Resources

Three staff positions and cost associated with the creation of those positions has previously been authorized by Council in order to support the CP Program. There will be no other financial impact. We are in the process of recruiting the staff who will be supporting this new program.

Respectfully submitted,

Ed Kozak, General Manager Planning and Development

ATTACHMENTS

Attachment 1 – Proposed Amendments to Burnaby Building Bylaw

Attachment 2 – Burnaby CP Supplement

Attachment 3 – Provincial CP Manual

REPORT CONTRIBUTORS

This report was prepared by Jason Watt, Acting Chief Building Inspector, and reviewed by Jennifer Wong, Assistant City Solicitor and Lee-Ann Garnett, Deputy General Manager, Planning and Development.