



October 13, 2015

Honourable Jim Reiter, Minister  
Ministry of Government Relations - MINISTER'S OFFICE  
Legislative Building, 2405 Legislative Drive, Room 348  
Regina, Saskatchewan S4S 0B3  
Sent by email, original to follow

**RE: Alternative Compliance Model Proposal**

Dear Minister:

The Saskatchewan Building Officials Association represents more than 250 dedicated and Licensed Building Officials, and other industry professionals. We are a valuable partner to Municipalities and local authorities in ensuring that the buildings in their trust are safe and accessible for all residents where they live, work, and play.

Our board of directors has taken the opportunity to review the draft proposal outlining a program for an "Alternative Compliance Model" received from Building Standards and Licensing on October 8, 2015. The intent of this letter is to demonstrate some shortcomings in the material that has been presented in the hopes of having a more appropriate, fair, and unbiased platform to base these valuable discussions on. At this time, we have not shared with our membership. We will be informing our members of the initiative shortly, providing them all with a copy of the model outline, as well as a copy of this letter. Over the coming weeks, we will engage all of our members to ensure they have a chance to provide input before we submit our official comments to William Hawkins prior to December 4<sup>th</sup>.

We appreciate the opportunity to participate, and look forward to what should prove to be a valuable and worthwhile discussion. We know there will be valid points raised by proponents on both sides of the issue, and we welcome any opportunity to make improvements in the regulatory industry.

Although the mining sector is the origin of this initiative, the "Alternative Compliance Model" is being designed for, and will no doubt be used by building owners for projects in all sectors, including industrial, commercial, and residential buildings. All industry stakeholders who have been asked to provide comments on the initiative must understand the full impact of a model that, at its root, is self-enforcement by owners. The model proposes a compliance program that Municipalities will have no choice but to accept, should an owner decide to choose "Alternative Compliance" over building code enforcement by the Municipality.

The proposal is missing essential information to enable the reader to make informed and knowledgeable decisions. It is far too one-sided, written to address concerns of one sector of the construction industry, and appears to be an attempt to sway the reader to support the only outcome the Government seems to be pushing for, without consideration of all the impacts. We ask that the document be withdrawn and replaced with a proposal that allows for fair, impartial, unbiased debate from all sides.

We offer the following:

1. Noticeably absent from the document is any discussion on liability. The primary function of an appointed Licensed Building Official is to reduce the risk of liability for a Municipality by ensuring construction of safe buildings. We act with only the best interest of the Municipality in mind, with no influence from project owners. The first question from the stakeholders at SUMA and SARM should be "What is our exposure to

liability” under the new “Alternative Compliance Model”? Yet the Government appears to have purposely left this discussion out of the document.

2. We assume the proponent’s primary concern is over building permit fees. In the Q&A, Questions 9, 10, and 11 certainly include concerns over permit fees. Based on the incredibly over-simplified information the writer has provided, the reader has no choice but to believe permit fees are too high, exorbitant in some cases, and are a hardship to the owner. However, the document does not provide any background or any impartial information regarding permit fee comparisons, how building permit fees are determined, or the actual cost of building code enforcement to a local authority. This is not a simple, straightforward discussion as the writer would have one believe. We welcome an open discussion on building permit fee structures across the province, their origins, and how they are determined. The SBOA would be happy to be part of any solution if improvements are needed. We submit that a full, impartial, in-depth investigation of building permit fees is too large to incorporate in this discussion and confuses consideration of the proposal. The discussion about permit fees should be left out of the document so stakeholders can impartially debate the merits of the “Alternative Compliance Model”.
3. We offer the following as examples of what we feel are biased phrases and one-sided tones intended to sway the reader to one seemingly-desired outcome:
  - Q1: What is the Alternative Model for Building Standards Compliance?
    - The answer to Q1 includes the phrase “The Alternative Model is a process of **assuring compliance** with minimum building and accessibility standards...”. It appears that the Government, without hearing any debate, has already decided that this method will assure compliance and leaves no doubt — inappropriate, very inaccurate (which we intend to demonstrate), and leading.
  - Q4: What are the advantages of the Alternative Model for Building Standards Compliance for large industrial or commercial projects?
    - “Improved relationships between project proponent and local authorities” — subjective at best, but so unfounded that it has no place in this document.
    - “Reduced onsite need for building officials”. Who do you suppose this is an advantage for? Certainly not the Municipality or local authority. It seems almost unbelievable that this comment comes from the branch of Government that is supposed to assist Municipalities and Building Officials with their duty of care when it comes to providing safe buildings. This certainly requires clarity to prove how this will be a benefit.
    - “Decreased cost of compliance”. There is no evidence provided to support this bold claim, which is revealed to the reader as ‘fact’. If the owner’s consultants actually perform all the duties they will need to, to properly adhere to this model, they will expect compensation. This is not addressed or discussed.
    - “Improved value for services rendered”. This may tie into the note made at the end of the answer to Q11, where the writer implies that the proponent isn’t happy with the “services they receive” based on the cost of the permit fees. One would think that the writer would understand, or take the time to find out, that Building Officials do not provide ‘services’ for owners. Our plan reviews, on-site inspections, alternative solution reviews, consultations and meetings with owners, consultations and meetings with design professionals, answering questions for owners, professional designers, etc., although likely very helpful to the owner, is in fact all for the benefit of ensuring compliance on behalf of our Municipalities. It is not meant to be in service to an owner.
  - Q4 and Q5 are written to provide the reader with all the advantages of the “Alternative Compliance Model”. However, not one question discusses the disadvantages— incredibly one-sided and partial.
  - Q8: “Who is likely to be opposed to the Alternative Model for Building Standards Compliance”?

- The third group on the list is shown as “*some municipalities*”. Misleading and made to sound like this will only affect a few municipalities. Maybe this would be a good place to point out to the reader that 87% of Saskatchewan residents live in a Municipality that has thoughtfully enacted a building bylaw to protect the residents and ensure they live, work, and play in safe and accessible buildings.
- Q9: “Why would these groups be opposed”?
  - The tone of the answer is laid out to let the reader know these groups will be mostly concerned about revenue or income potential. As stated before, we are fully prepared to be a part of any province-wide review of permit fees. But know this, our number one concern, and what we feel should be the number one concern for all stakeholders will be safe compliant buildings, and that no self-enforcement program will provide the same level of compliance as Building Officials working on behalf of a Municipality. This question is very misleading with only one suggestion of our concern for safe and accessible buildings.

We also offer that although the document has come from the office of William Hawkins via email, the document itself contains no title page, letterhead, or reference to who owns the initiative, or who has written it. In the spirit of transparency and accountability, and to assist the stakeholders reviewing it, the writer / owner might want to consider including publisher / writer / owner information and Government letterhead as part of the document.

Finally, we ask how this proposal has become a Government priority when we have been requesting updated license standards for over a decade. Building Officials obtain their right-to-practice License through your Government Building Official Licensing Program. They are tested for knowledge on a twenty-year old version of the National Building Code— no doubt a risk of liability concern for the Government. The outdated license standards are SBOA’s top priority and the biggest obstacle for Building Officials looking to advance in their industry. The Government has kept this as a very low priority for the past fifteen years and nothing has changed, yet this new “Alternative Compliance Model” initiative seems to have become a priority overnight. We feel this issue deserves your attention, since one of the factors that might be influencing building permit fees in the competitive contract bid process is the low number of qualified Building Officials, and that this new priority for the Government will no doubt once again divert resources from a much-needed overhaul of a twenty-year old Licensing system.

Once again, we thank you for the opportunity for the Saskatchewan Building Officials Association to participate in the discussions.

If at any point, yourself, or anyone from Government Relations would like to meet to further discuss our concerns that have been demonstrated in this letter, the SBOA would be more than pleased to accommodate. The SBOA is holding our annual Fall Conference on October 21<sup>st</sup> to 23<sup>rd</sup> in Meadow Lake, SK. Please consider this an invitation to join us in Meadow Lake and bring comments from your office. We would be happy to adjust our agenda and accommodate your schedule at any time.

We eagerly await your reply.

Respectfully,



Chris Gates, A.Sc.T, CRBO  
President, Saskatchewan Building Officials Association

cc (via email): William Hawkins, Executive Director / Chief Building Official, Saskatchewan Building Standards and Licensing

Association of Consulting Engineering Companies

Association of Professional Engineers

Building Owners and Managers Association

Canadian Federation of Independent Business

Canadian Home Builders' Association – Saskatchewan

Insurance Bureau of Canada

Interior Design Association of Saskatchewan

International Facility Managers Association

New North

Rural Municipal Administrators Association of Saskatchewan

Saskatchewan Abilities Council

Saskatchewan Applied Science Technologists and Technicians

Saskatchewan Association of Architects

Saskatchewan Association of Rural Municipalities

Saskatchewan Association of Fire Chiefs

Saskatchewan Chamber of Commerce

Saskatchewan Construction Association

Saskatchewan Construction Safety Association

Saskatchewan Mining Industry

Saskatchewan Potash Producers Association

Saskatchewan Ministry of Social Services

Saskatchewan Ministry of Social Services, Office of Disability Issues

Saskatchewan Urban Municipalities Association

Technical Safety Authority of Saskatchewan

Urban Municipal Administrators Association of Saskatchewan

Saskatchewan City Managers