



**MINUTES OF THE
THIRD BUILDING SUB-COUNCIL MEETING OF 2018**

DATE: May 23, 2018

TIME: 1:00 p.m. to 5:15 p.m.

LOCATION: Radisson Edmonton South, Edmonton

PRESENT: **Sub-Council Members**
Don Dessario, Chair
Gregory Beck
Colin Belliveau
David Flanagan
Rick Gratton
Corey Klimchuk
Robert Kralka
Matthew Kramer
Lee Phillips
Kenneth Roskell
Bruce Schultz, Vice Chair South (via teleconference)
Ulrik Seward
Andrew Smith

Safety Codes Council
Susan Rossmann, Allison Karch

Alberta Municipal Affairs
Paul Chang, James Orr, Laura Willcocks, Lance Leger

Guests
Karen Muir, BFSC Liaison

REGRETS: Roger Clemens; Russell Croome, Vice Chair North; Stephen Hill

RECORDER: Sandi Orr

2018 MEETINGS: September 27, November 8

1. Meeting Opening

The Chair called the meeting to order at 1:00 p.m. Housekeeping tips were provided. A round table introduction was held.

1.1. Agenda Adoption

Kenneth Roskell / Gregory Beck moved that the agenda be adopted as circulated; CARRIED

1.2. Adoption of March 15, 2018 Minutes

Rick Gratton / Ulrik Seward moved to adopt the minutes of the March 15, 2018 meeting, as circulated; CARRIED

2. Matters for Decision

2.1. Results of Letter Ballot 02-18 BSC – Support of Children’s Custodial Homes draft STANDATA (accept as information)

The result of the Letter Ballot was included in the portal and reviewed.

Corey Klimchuk reported that he voted in favour, but this was not included on the Letter Ballot.

Andrew Smith / David Flanagan moved to accept the corrected results of Letter Ballot 02-18 BSC (Support of Children’s Custodial Homes draft STANDATA) as information; CARRIED

2.2. Nomination of Darin Sceviour

The letter of nomination was included in the portal and reviewed.

Lee Phillips / Matthew Kramer moved to recommend to the Board the appointment of Darin Sceviour to the Building Sub-Council, representing the Urban Municipalities industry segment for a term until January 31, 2021, effective immediately; CARRIED

It was requested that if the appointment is not finalized before the next meeting, Darin Sceviour will be invited to the next meeting as a guest. [Council Administration]

2.3. Volunteer Needed for SCO Continuing Education Working Group

Background was provided regarding the working group, and a volunteer was requested.

Bruce Schultz was appointed to the SCO Continuing Education Working Group representing the Building Sub-Council.

It was questioned regarding whether professional members could receive automatic credit for continuing education since they are already required to take professional development as part of their designation. It was explained that for engineers, it is wide open for them to determine their own professional development. Allison Karch will look into this and report back to the BSC. [Karch]

2.4. Draft 14 BCV Updated Standards

The draft multi-discipline Variance STANDATA (Version 6) was included in the portal and reviewed. Discussions regarding this STANDATA will be held with both APEGA and AAA.

Background was provided and it was explained this issue began because it was being questioned whether an SCO has the authority to review an alternative solution completed by a registered professional. The professionals believe that if the alternative solution is reviewed, the SCO is acting in the capacity as a professional. It is AMA's position that an SCO can review the alternative solution and the Safety Codes Act provides that authority. Although an SCO cannot tell the professional to change something, they can ask the professional to demonstrate how the alternative solution provides the same or greater level of safety.

One of the major challenges is that some SCOs are denying the use of a newer standard because it is not referenced in the current code. It is likely that a variance wouldn't even be necessary when using a newer standard because in most cases the standard would provide an equal or greater level of safety.

It is being reviewed to determine whether this draft variance is too broad in scope and whether it has crossed the line into creating law. This will most likely be published as an Interpretation rather than a variance. The interpretation will also include clarification regarding an SCO requesting demonstration.

It was suggested that the professional shouldn't have to go through a lot of extra work to demonstrate that the new standard provides equal or greater safety. Some professionals will get a third-party peer review from another professional.

It was recognized that there are two different issues, but both issues are tied together. It was also recognized that new standards do not always provide for equal or greater safety. It was also recognized that a mixture of standards cannot be used. For example, if a new standard is being used and it references a newer maintenance standard, that new maintenance standard must also be used.

One of the challenges is knowing which standards are being used and the interpretation would clarify how this must be identified.

Gregory Beck offered to take this to the AAA Council for further discussion as well. [Beck]

It was questioned regarding how this variance would be different from any other variance issued and it was clarified that this draft of the variance has no specifics included relative to a single standard or a series of standards, so it may be too broad in scope.

This led to a discussion regarding the scope of variances and what they are intended to do. It was clarified that jurisdiction-wide variances can be issued but only by an Accredited Municipality. The Council policy that stated that an SCO can only issue site by site variances is being reviewed and possibly rescinded. However, the reason these types of variances can only be issued by an Accredited Municipality is because it is within a defined geographical area. An Accredited Corporation or Accredited Agency may be operating in several municipalities throughout the province and only an Administrator can issue a province-wide variance.

It was suggested that an Interpretation is the right way to go and will provided better clarification for professionals and SCOs. It was suggested that a professional shouldn't have to explain every time a new standard is used, but they should be prepared to answer questions from an SCO is asked.

It was suggested that clarification be included that if using a totally different standard that is not referenced in the code at all, a variance would be required.

3. Review Matters Arising/Action List

The review of action items was deferred to the next meeting due to time constraints.

It was questioned regarding whether an answer was received about the Builder Licensing and it is believed the matter is been addressed. Two classes of licenses have still created some issues. Action item #19 was considered completed and will be removed from the action list.

[Council Administration]

4. Matters for Discussion

4.1. Governance Review

The Manager of Stakeholder Relations provided a high-level overview of all the work that has been done on the governance review, starting with the Board.

Briefing notes were included in the portal, an overview was provided of the existing bylaws and a series of questions were asked to gather input.

A round table discussion was held, and input was provided on a variety of areas including:

- What the TCC and the Sub-Council's roles should be
- How code adoption should flow
- How often the TCC should meet

- TCC membership
- How the Council should address Energy Codes

It was clarified that the Board will be requiring rationale for any major changes to a sub-council matrix to ensure that it is addressing an existing industry segment gap.

An overview was provided on how the letter ballot process is being revised to align with Council bylaws and governance best practices. Letter ballots will be used in the future only at a last resort if no discussion is needed. Conference calls will be utilized and additional meetings may be necessary.

More communication is being held with nominating organizations to ensure the right representatives are on the sub-council with the necessary skills. The Council is looking to create a skills matrix for each sub-council that would define the skills and qualifications desired for each industry segment seat.

It was explained that every sub-council member can view all sub-councils and TCC folders. Working Group members that are not sub-council members are limited to seeing only their Working Group folder.

An overview was provided of the following Next Steps:

- This same presentation will be provided to gain input from each sub-council
- A summary report will be provided on what was heard from the Technical Coordinating Committee as well as all sub-councils
- A draft Terms of Reference will be developed for the TCC and each of the sub-councils for review at a future meeting
- Changes will be anticipated to the bylaws
- Survey in the fall to gather feedback

The Council was thanked for all of the staff resources provided to the Chair and the sub-council. AMA was also thanked for their participation at meetings as well as the resources they provide.

4.2. Draft Variance Guidance Notice & Template

A presentation was provided on Variances. It was explained that there is an unproclaimed section of the Act to allow for an appeal of a denied variance. It was recognized that there is a need to clarify the use of variances before that section of the Act could ever be proclaimed.

Highlights of the presentation included:

- Purpose of Variances
- Why this is being raised
- What a variance is
- What a variance is not
- The expectation of an SCO when a variance is requested

- Why a variance is issued
- The expectation of Registered Professionals
- Outstanding issues include jurisdiction-wide variances and discipline specific issues
- An overview was provided of the next steps

The following was included in the portal as information:

- Variance Presentation
- Safety Notice - Expectations and Guidelines for Safety Codes Officers Respecting Variances
- Sample Variance Form Template

It was noted that AMA is seeing a lot of confusion regarding variances, which triggered the need for the presentation to be provided to each sub-council.

The floor was opened for questions and the following noted:

- SCOs are regularly asked to accept products that aren't certified. It was suggested this wording be changed to an SCO "cannot" accept a product that isn't certified and why, rather than "should not". If they do accept uncertified products, SCOs are interfering with the testing and certification processes. It was noted that the Act does allow it, so this is why the wording is listed as "should not".
- An appropriate process should be put in place relative to variances from professionals to ensure that that the SCO doesn't simply accept the variance without review.
- An overview was provided of the third-party peer review process.
- Examples were provided where professionals are being asked to submit variances on behalf of the builder; this has been submitted as part of the building permit process and can be accepted by the SCO.
- It was suggested that further discussion is needed regarding SCOs suggesting alternate solutions as there are times when the applicant can't come up with a good solution to find out where the appropriate boundaries should be.
- It was suggested that there is definitely a need to review the whole variance process.
- It was questioned regarding the draft template and asked if there was anything stopping an SCO from using the alternate solution application as the variance itself (for example, by stamping it "approved"). It was noted that there is some information that is needed to be documented, but it doesn't have to be exactly the same as the template. At the same time, AMA wants to make the job of the SCO as easy as possible. The template is included simply to show the information that needs to be documented. The sample template doesn't have to be used, but the information should be consistent. It was noted that the Safety Codes Act defines the variance process not the Building Code. Variances and Alternate Solutions are the same thing. It must be done in writing and prove an equal or greater level of safety. An SCO can set conditions. Documentation is essential.
- Examples were provided of what might be considered not acting in good faith.
- A variance summary used to be provided so that sub-councils could discuss whether there is a code issue that needs to be addressed and it was suggested this be brought back.

- Can a variance be accepted from a limited scope practitioner? Yes, as long as they remain within their scope.

Any questions can be addressed to laura.willcocks@gov.ab.ca or james.orr@gov.ab.ca.

This item will be included on the action list for future updates. [Council Administration]

4.3. Code Change Review

The code change review will be held during the special meeting on Thursday, May 24, 2018. An overview was provided of the process for tomorrow's review.

4.4. Requirements of Engineering Letter for Accepting Material/System Not in Code

This item was deferred to the next meeting due to time constraints.

4.5. Heat Recovery Ventilators Clarification – presentation

This item was deferred to the next meeting due to time constraints.

4.6. Radon Mitigation

This item was deferred to the next meeting due to time constraints.

4.7. 14-BCV-007 Interior Stairways for Roof Access STANDATA

This item was deferred to the next meeting due to time constraints.

5. Other Business and Meeting Finalization

5.1. Meeting and Agenda Feedback

Members were reminded that if they have agenda items to be discussed, these items should be submitted to the Chair at least 14 days prior to the meeting.

The Building Administrator reported on STANDATAs that will be uploaded shortly.

5.2. Next Meeting

The next meeting will be held on May 24, 2018 for a special code review meeting.

5.2.1. 2018 Conference & AGM

Members were reminded of the 2018 AGM and Conference being held from May 30 to June 1,

2018 at the Rimrock Hotel in Banff. Volunteers were thanked for all the hard work that was put into featuring the building discipline at this year's conference.

5.2.2. Next Regular Meeting

The next regular meeting was reconfirmed for Thursday, September 27, 2018 at the Council's new office.

5.3. Meeting Adjournment

Gregory Beck / Bruce Schultz moved that the meeting be adjourned; CARRIED

The meeting was adjourned at 5:15 p.m.

– ACTION ITEMS FROM TODAY’S MEETING –

2.2. Nomination of Darin Sceviour

It was requested that if the appointment is not finalized before the next meeting, Darin Sceviour will be invited to the next meeting as a guest. [Council Administration]

2.3. Volunteer Needed for SCO Continuing Education Working Group

Allison Karch will look into whether professional members could receive automatic credit for continuing education since they are already required to take professional development as part of their designation and report back to the BSC.

[Karch]

2.4. Draft 14 BCV Updated Standards

Gregory Beck offered to take this to the AAA Council for further discussion as well. [Beck]

3. Review Matters Arising/Action List

Action item #19 was considered completed and will be removed from the action list. [Council Administration]

4.2. Draft Variance Guidance Notice & Template

This item will be included on the action list for future updates. [Council Administration]

– MOTIONS –

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5.3. Meeting Adjournment

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