



ARCHITECTURAL INSTITUTE OF BRITISH COLUMBIA

ARCHITECTURE CENTRE
SUITE 100 - 440 CAMBIE STREET
VANCOUVER BC CANADA
V6B 2N5

TEL: 604 683 8588 / TOLL FREE IN BC: 1 800 667 0753

FAX: 604 683 8568 / 1 800 661 2955

E-MAIL: AIBC@AIBC.CA

INTERNET: WWW.AIBC.CA

PRACTICE NOTE 01: BRITISH COLUMBIA BUILDING CODE - 1992 REQUIREMENTS FOR PROPER ENGAGEMENT OF ARCHITECTS AND ENGINEERS

Effective 01 December 1992 the new, 1992 edition of the British Columbia Building Code (BCBC) is applicable by regulation under section 740 of the *Municipal Act*. It replaces the current "1985" edition which was adopted in 1987. Note that there is no transition period during which either edition could be used in a given municipality. The 1992 edition is available for purchase at normal outlets (Crown Publications; Duthie's; Worldwide Books & Maps; et al). Architects are advised to obtain copies and to familiarize themselves with any revisions and/or new material.

This culminates the extensive participatory process of review and recommendation undergone in our Province since the publication of the 1990 National Building Code (NBC). Input was received from a great number of interested individuals and organizations, through Advisory Committees under the auspices of the Building Standards Branch of the Ministry of Municipal Affairs, Recreation and Housing. Feedback from architects will be sincerely appreciated and can be submitted to the AIBC's Regulatory Coordination Committee, which will maintain a "watching brief" and ongoing liaison with the Ministry as well as with other related organizations.

The new Code's technical content is far too extensive (and documented elsewhere, in any event) to warrant reference here. Certain administrative requirements, however, are of critical importance to an architect's understanding of what expectations and obligations now pertain with respect to his/her engagement. These requirements are summarized below, along with some advice as to use and application.

Professional Design and Review

Section 2.6 has been completely rewritten in British Columbia. The 1992 BCBC directly requires that an owner engage the requisite **registered professional**, (as determined under the architectural and engineering professions' statutes) along with a **coordinating registered professional**, to conduct and to certify and to coordinate the corresponding design and **field reviews** for any building in Part 3; Part 9, with common egress systems and firewalls; and Part 4 (structural components). Further, there is scheduled within the body of the code itself a set of the actual "letters of assurance" required to be signed and sealed (as appropriate) by a project's owner and registered professionals. copies are enclosed with permission.

The foregoing development is chiefly the byproduct of cooperative efforts of a joint committee representing the Building standards Branch; the AIBC; the APEGBC (Association of Professional Engineers and Geoscientists of BC); the BIABC (Building inspectors Association of BC); and the UBCM (Union of BC Municipalities). Based on common objectives, philosophical accord, and legal review by

both independent counsel and the Attorney General's office, the nature and wording of section 2.6; its corresponding Appendix items; and the letters of assurance are endorsed by all five organizations. There are no newly added responsibilities for architects and engineers; nor are the authorities having jurisdiction relieved from their responsibilities. There is no warranty or guarantee of results given by a registered professional; the wordings are acceptable to the errors and omissions liability insurers. The system does not increase the level of professional liability exposure.

Section 2.6 and any other cross-referenced portion or defined term in the BCBC need to be carefully read, along with the wording of the letters of assurance, so that an architect's client can be properly advised as to the necessary scope of professional services on a given project. One's client/architect agreement and its terms of remuneration should be governed accordingly. The Canadian Standard Form(s) of Client-Architect Agreement (CCAC-6 and CCAC-7) are compatible with the 1992 BCBC requirements.

Standard Format

The letters of assurance scheduled within the body of the BCBC are the only ones sanctioned across the Province. No amendment to any wording is permitted (save that a registered professional may manually cross out and so initial a check-list item which is "non-applicable" relative to the scope of service on a given project). Uniformity is critical and has been a long-term objective of both professions, reinforced by recommendations from the station Square Implementation Task Force.

The only acceptable forms of schedules are those published in the BCBC. Keep those "original" forms clean and free of any notes or marks. Photocopy them as required on a project-by-project basis and then fill in the appropriate blanks. Do not place them on your own letterhead; do not word-process them; and do not customize or personalize them in any way. Their successful use and application depends in no small measure upon their being predictably identical on every project in every jurisdiction. Reject and report immediately to the AIBC any alterations or unique forms suggested by other parties.

Statutory Application

The 1992 BCBC is applicable throughout the Province in all jurisdictions except the City of Vancouver which operates under its own charter and may publish its own building code. The City of Vancouver does nonetheless have a comparable, endorsed set of requirements for professional engagement, including letters of assurance, under its own building bylaw (ref. AIBC Bulletin 90.05).

The *Architects Act* and *Engineers and Geoscientists Act* require the engagement of architects and professional engineers more broadly than does the BCBC (see AIBC Bulletins 91.08 and 88.04). Those statutory requirements still apply at all stages of a project, i.e. for its planning, design and submission for zoning/development approval as well as its documentation for building permit and its field review during construction.

Basis of Assurance

AIBC Bylaw 28(2) states that an Architect's professional services shall be engaged subject to the following condition:

"certification as to construction performance... require(s) such general review of the Work as the Architect deems necessary."

That policy is clearly imbued now in the BCBC requirements. Do not accede to, or provide, anything less. This is a matter of public protection, not individual choice or client negotiation. With respect to certification and sealing of the letters of assurance architects are reminded to review AIBC Bulletin 86.05 as well as Directors Chairs 004, 005 and (especially) 007 regarding professional assurances. Assurances provided under a proper mandate for professional service reduce the incidence of liability claims related to field review. The system under the BCBC will likely contribute to the evolving legal standard for evaluating professional performance.

Any professional assurance must be given, signed and sealed by a registered professional (MAIBC or P.Eng/BC) engaged by the Owner or as a subconsultant, in turn, only. An architect so doing must be the responsible principal in the architectural firm, and under whose supervision, direction or control the services assured were performed.

Professional Coordination

Whether an architect is engaged as "prime consultant" (i.e. in turn hiring engineering subconsultants) or as one of a set of professionals each hired separately; or as a subconsultant to a professional engineer... is immaterial. The system works without modification for all three situations, and each situation requires there to be one, designated coordinating registered professional, typically (but not necessarily) the architect. This latter requirement is in direct response to the need to minimize the prospect of fragmentation on a project, providing the Owner; all registered professionals; the construction contractor(s); and the authority having jurisdiction with a single point-of-reference assuring professional co-ordination.

It is the responsibility of the coordinating registered professional to assure that responsibility for each item on the letters of assurance is taken by a suitably qualified registered professional. This co-ordinating function extends from the beginning of design through to the end of construction on the project.

Professional Continuity

The system (and its scheduled letters of assurance) is designed (and are specifically worded) contemplating that the registered professional who undertakes and certifies design (or its coordination) will also provide field review and its certification. This is the preferred "modus operandi" and architects are well advised to enter into agreements for service accordingly.

On occasion, however, it may be unavoidable that the registered professional who has given assurance of design and a commitment for field review (schedules 8-1, 8-2) does not provide field review. Reasons for this include retirement; termination; or a limited (partial) service agreement in the first instance. In such cases, the "successor" professional needs to submit new schedules 8-1 and 8-2 (for "field review commitment" only, crossing out any reference to design authorship and responsibility) and then schedule c (assurance of field review and compliance).

Final Design Plans

There is no requirement under the BCBC for submission of either "as-built" drawings or "record" drawings, although the project's own terms of reference may do so. There is a requirement, however, for "final design plans" which incorporate any significant updating of the design, not only during construction but also (possibly) as may have occurred between submission of drawings for building

permit and award of construction contract. There is no need to show all change orders, instructions and details.

Implementation

The use and application of Section 2.6 of the 1992 BCBC will undoubtedly generate experience from which we all can benefit. Architects are invited to share that experience with the AIBC.

The AIBC does not provide legal, accounting or insurance advice and expressly disclaims any responsibility for any errors or omissions with respect to legal, accounting or insurance matters that may be contained herein. Readers of AIBC documents are advised to consult their own legal, accounting or insurance representatives to obtain suitable professional advice in those regards.