

## **Resolution 8A**

### **REQUEST TO AMEND THE NOVA SCOTIA BUILDING CODE ACT TO ENABLE CONSTRUCTION INDUSTRY TO HIRE PRIVATE SECTOR PROFESSIONAL ENGINEERS TO INSPECT RESIDENTIAL CONSTRUCTION ACTIVITY (PASSED)**

⇒ District of Lunenburg

**WHEREAS** Section 5 of the *Nova Scotia Building Code Act* requires Building Officials to be appointed by Council to administer and enforce the *Building Code Act*; and

**WHEREAS** Part 9 of the Nova Scotia Building Code Regulations requires the authority having jurisdiction to inspect buildings being constructed and the authority having jurisdiction is the Municipality in which the building is being constructed within; and

**WHEREAS** Part 9 of the Nova Scotia Building Code Regulations covers residential construction; and

**WHEREAS** Section 2.4.1.1 of the Nova Scotia Building Code Regulations requires that a Building Official hold a valid diploma from the Nova Scotia Building Code Training and Certification Board, and be a member in good standing of the Nova Scotia Building Officials Association; and

**WHEREAS** in 2010 the Union of Nova Scotia Municipalities passed Resolution 1C titled "Certified Building Official Training" stressing the need to take all necessary steps to ensure that training opportunities for Building Officials are provided in a manner which will get qualified individuals ready for employment in the most efficient timeframe possible; and

**WHEREAS** the 2010 Union of Nova Scotia Municipalities Resolution 1C titled "Certified Building Official Training" has not rectified the supply of Building Officials; and

**WHEREAS** the supply of Building Officials is limited to the point that municipalities find it particularly difficult to fill Building Official positions putting municipalities at risk of not being able to provide timely inspections to our construction industry; and

**WHEREAS** a qualified Professional Engineer is able to conduct inspections for Part 3 buildings under the Nova Scotia Building Code Regulations;

**THEREFORE BE IN RESOLVED** that the Union of Nova Scotia Municipalities request that the Province amend the *Nova Scotia Building Code Act* and the

Nova Scotia Building Code Regulations to enable the construction industry to hire qualified private sector Professional Engineers to inspect residential construction activity.

Forwarded to  
*Minister of the Department of Labour and Advanced Education*

**RESPONSE:**

*Thank you for your letter of October 4, 2012, regarding two Resolutions passed at the recent UNSM Conference related to Labour and Advanced Education.*

*With respect to Resolution #8A: Allowing the construction industry to hire private sector professional engineers to inspect residential construction activity, I would note that it is important that the municipality maintain appropriate records and issue permits for residential construction. This forms the key link in terms of permission to make changes for planning approval purposes, and provides valuable information to the municipality in terms of taxation. While the municipal unit can hire professional engineers to do this work for them, the relationship should be maintained between the municipal unit and the residential constructor.*

*It is very difficult for a municipality to avoid legal liability for inspections, even if this work is subcontracted to a professional engineer. This risk may be minimized by having a professional engineer approve the work, but the municipality would no doubt be added to any legal proceedings because of the longer term relationship that attaches to residential construction. While owners may come and go, the municipality remains a constant. The engineers would likely need specific training in residential building code before they could undertake this work. I would be pleased to meet with municipal units to discuss the regulation and the difficulties they are experiencing with it.*

*The Honourable Marilyn More  
Minister  
December 18, 2012*