



Code Interpretations and Appeals

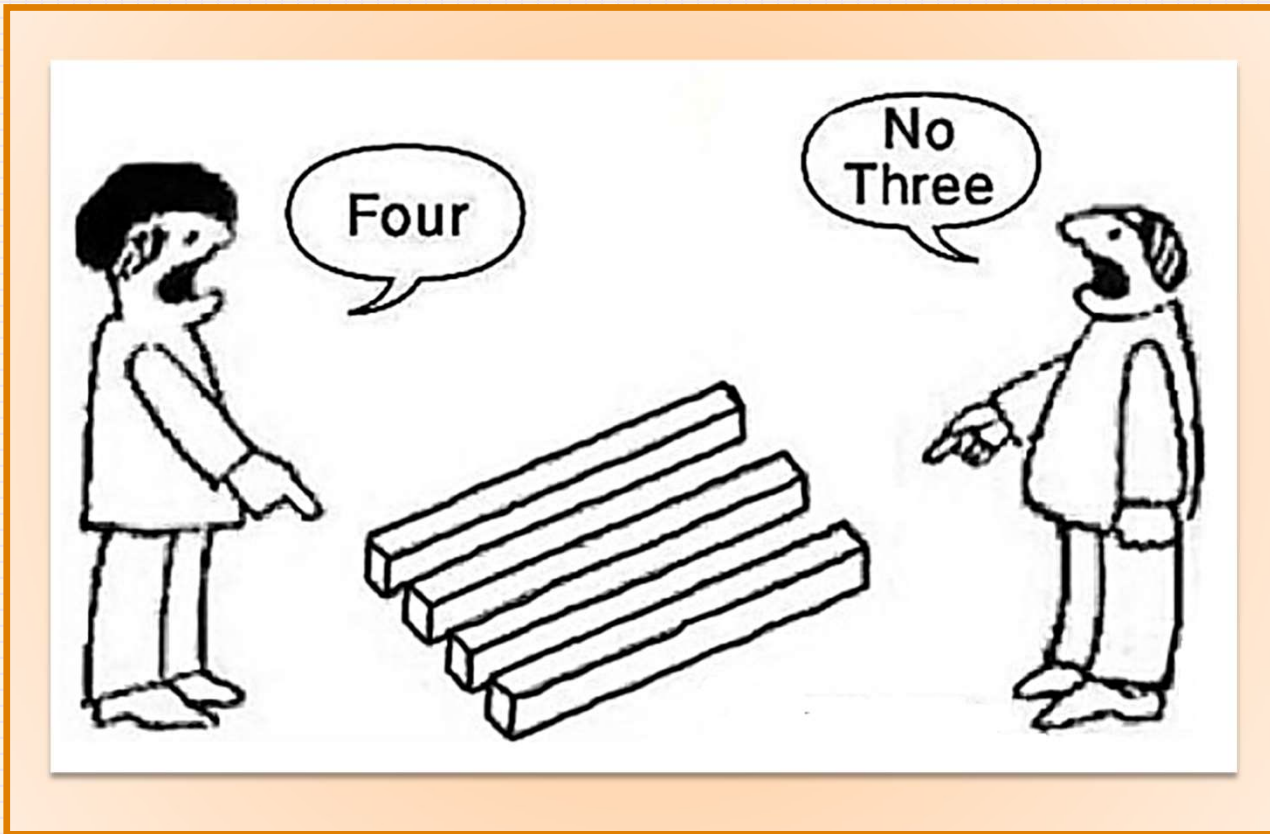
Two Resources

Patrick Shek, P.Eng., CP, FEC, Chair
Building Code Interpretation Committee

Don Pedde, Chair
Building Code Appeal Board



BOABC Conference
May 28, 2024



WHY?



Agenda

- **Building Code Interpretation Committee (BCIC)**

- **Building Code Appeal Board (BCAB)**

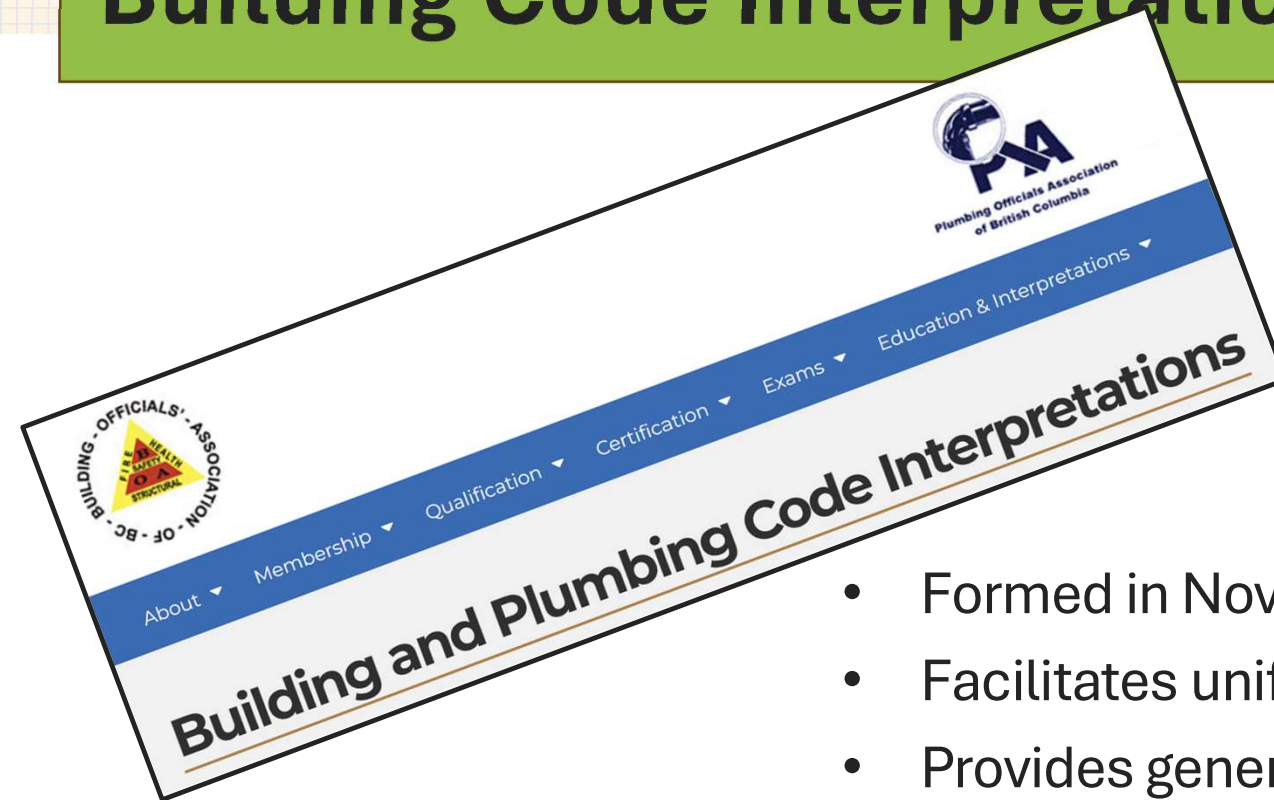
- **Key Similarities and Differences**

- **Key Benefits**

- **Reducing Barriers to Participation**

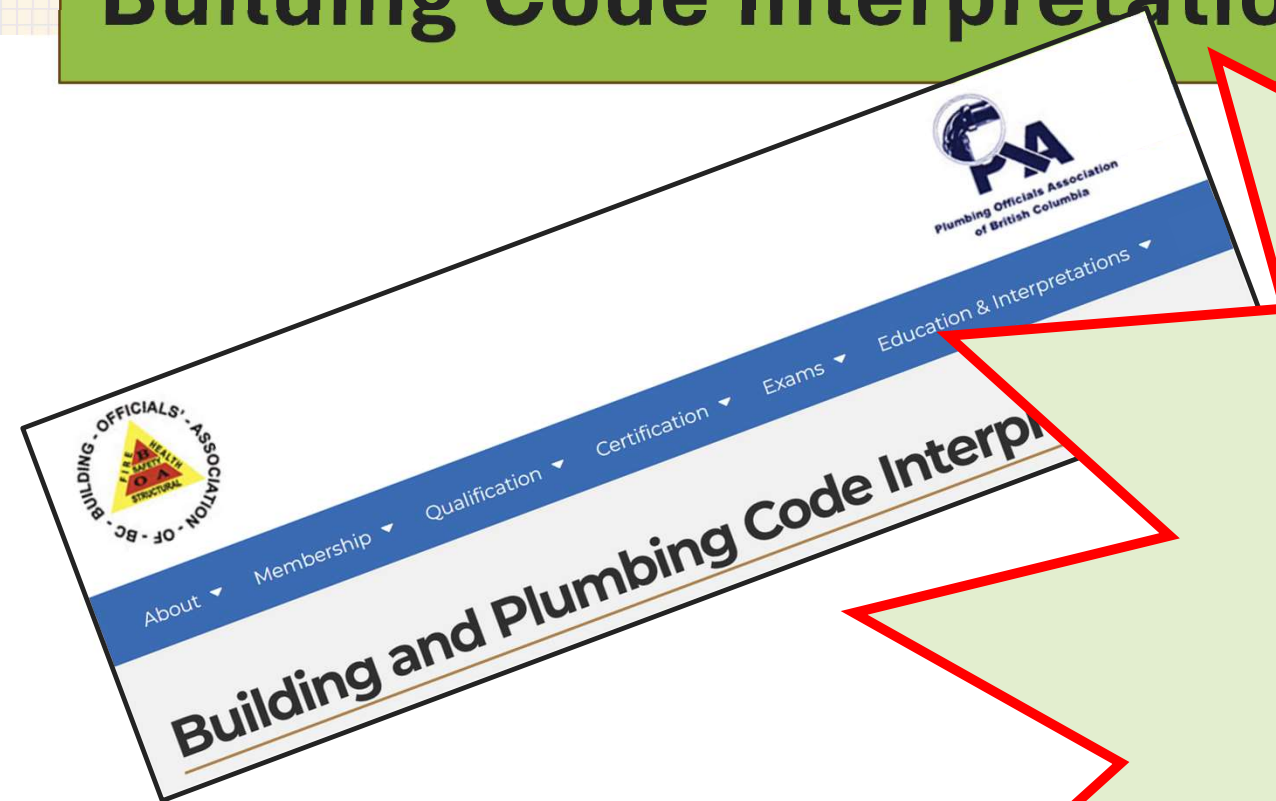


Building Code Interpretation Committee



- Formed in November 1999
- Facilitates uniform Code interpretation in BC
- Provides generic interpretations on BC Building and Plumbing Codes (not VBBL)
- Decisions are non-binding

Building Code Interpretation Committee



AHJ has authority to:

- enforce the code
- interpret the code
- accept/refuse alternative solutions

Disputes → BCAB

Building Code Interpretation Committee

- **Volunteer committee**
- **Members**
 - BOABC – Patrick Shek (Chair), Doug Vance, Joseph Krevs (Secretary)
 - EGBC – Barry Thorson, Robert Heikkila
 - AIBC – Michael Jaszczewski, Dean Skalski
 - COV – Kevin Lau
 - BSSB (non-voting) – Jim Baker
- **Meetings**
 - Monthly
 - Consensus
 - Not time sensitive
 - Interpretations posted, boabc.org



BCIC Process

Interpretation Request

- **Anyone can request a code interpretation, or ask for clarification on the codes**
- **Complete the online interpretation request form**
 - Provide the code edition and reference
 - Provide your interpretation or understanding of the Code with an explanation where the Code is not clear
 - Include any supporting documents including drawings if necessary or other interpretations received

BCIC Outcomes



Building and Plumbing Code Interpretations

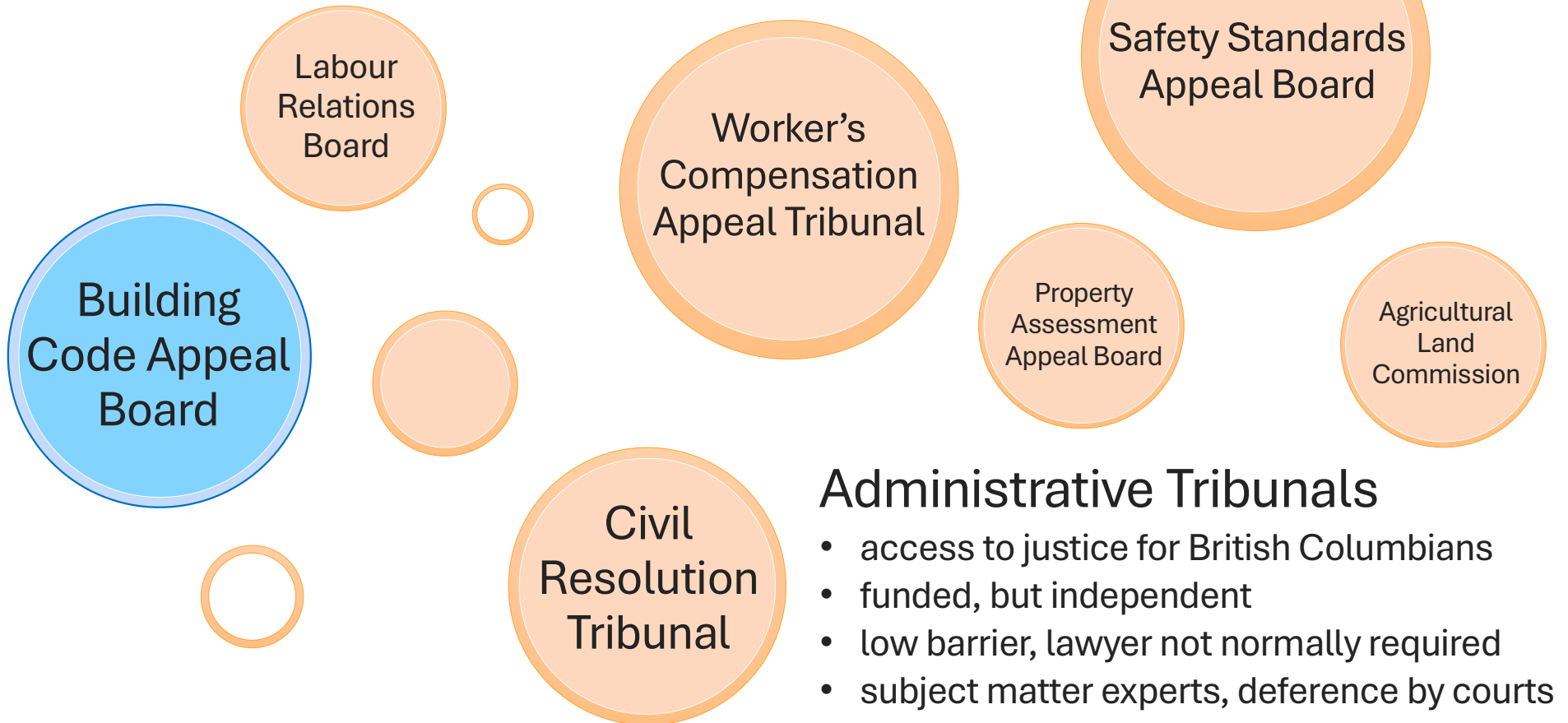
As of May 17, 2024

2024 BC Building Code Interpretations Index	• 2 published (34 requests)
2018 BC Building Code Interpretations Index	• 272 published
2012 BC Building Code Interpretations Index	• 126 published
2006 BC Building Code Interpretations Index	• 116 published
1998 BC Building Code Interpretations Index	• 162 published

BCIC Do Nots!

- comment on specific design
- resolve dispute between AHJ and applicants
 - comment on alternative solution
 - provide ways to comply with the code
 - comment on building products
- inform the applicant the status of interpretation requests

Building Code Appeal Board

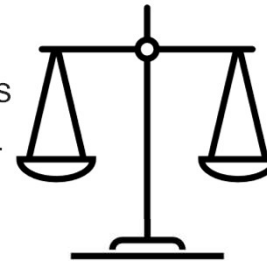


Building Code Appeal Board

BUILDING ACT
[SBC 2015] Chapter 2

Building
Code Appeal
Board

- Local authority building decisions
- Qualification as a building official



- Building Code Appeal Board
- “Confirm, vary, or reverse”
- Decisions in writing, with reasons



BCAB Process

Application



Meeting



Decision



BCAB Process



- 1 Work with Appellant!
- 2 Google it
- 3 They complete A and B
 - simple or complex
- 4 Local Authority
 - complete C, return
- 5 They complete D
- 6 They compile and send

BRITISH COLUMBIA

Submit by email Building.Safety@gov.bc.ca (PDF attachments only)

Purpose: Use this form to request an appeal of a BC Code decision made by a Local Authority. **How to complete:** You may complete this form by computer or by hand.

Instructions:

1. Complete sections A and B and deliver to the Local Authority to complete and sign.
2. Ask the Local Authority to complete and sign scanned copy by email.
3. Complete and sign section D and compile your application in PDF format if you are submitting by email.
4. Send your application by email to Building.Safety@gov.bc.ca at the addresses above.

For more information, visit www.gov.bc.ca/building

What to expect next: The Building Code Appeal Board will review your application within four to eight weeks from when an application is received.

A Which building is this appeal for?

ADDRESS - Full street address

DESCRIPTION - Describe the building design or use that is the subject of the appeal. Describe elements related to the appeal such as accessibility, combustibility, fire protection, etc.

I am including building drawings that illustrate the decision under dispute.

BCAB 1 PDF EN REV 2022/04/01 1

B Which Code applies to the decision made by the Local Authority?

BC CODE

Building Code Plumbing Code

BC CODE REFERENCE(S) UNDER DISPUTE - Refer to the preface of the BC Codes

C Local Authority decision and contact information

This section is to be completed by the Local Authority (municipality) that made the decision that is being appealed. A decision **must** be made by the Local Authority.

DECISION (required) - Describe the Local Authority's BC Code requirements used to make the decision.

JUSTIFICATION - Describe the Local Authority's reasons for the decision. Be specific.

I have provided additional information to support the Local Authority's decision.

By signing this document, I am confirming that the information that I may be contacted by the Board to provide additional information is true and correct.

LOCAL AUTHORITY	TELEPHONE NUMBER
REPRESENTATIVE NAME	EMAIL ADDRESS
SIGNATURE	DATE

BCAB 1 PDF EN REV 2022/04/01 2

D The appellant's position and contact information

To submit an appeal, you must be the owner of the building, or a person, other than an employee, retained under contract or subcontract by the owner to provide design, construction, alteration, repair, or demolition services.

MY POSITION - Describe the reason(s) you dispute the decision made by the local authority resulting in this application. You can attach additional information to support your position.

I am including additional information to support my position.

NAME - The applicant or the applicant's counsel or agent	COMPANY NAME - If applicable
ADDRESS - Mailing address including postal code	TELEPHONE NUMBER
	EMAIL ADDRESS
SIGNATURE	DATE

Personal Information Collection Notice

Personal information provided on this form is collected, used and disclosed under the authority of the Freedom of Information and Protection of Privacy Act (FOIPPA) and the Building Act for the purposes of appeal. Questions about use and disclosure can be directed to the Secretary by email at Building.Safety@gov.bc.ca.

BCAB 1 PDF EN REV 2022/04/01 3

BCAB Process

Meeting



- WHO • five Members plus support staff
- WHAT • consider written submissions
 - (no attendance by parties)
- WHEN • twice monthly
- WHERE • online or in-person
- WHY • decisions
 - “confirm, vary, or reverse”, with reasons

Don Pedde – Chair

Frankie Victor – Vice-Chair

Doug Vance – Member

Calvin Wang – Member

Ed Lin – Member

Jim Baker, BSSB – Secretary

Kate O’Brien – Deputy Registrar

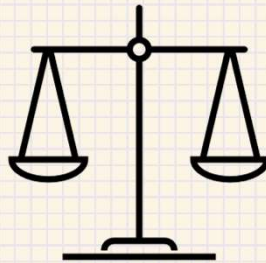


BCAB Process

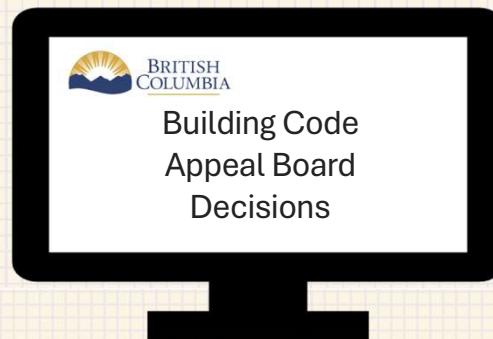
Decision



Final and binding on parties
Basic principles of administrative law



Library of Decisions
On-line
Searchable



BCAB #1918

✦ Last updated on January 10, 2024

October 5, 2023

Re: Identification of Potential Intruders – Entrance to Dwelling

Project Description

The project consists of a new single family dwelling. The main entrance door is equipped with sidelights containing “clear rain glass” (i.e. glass peppered with soft ‘droplets’ that mimic soft rain).

Applicable Code requirements (BCBC 2018)

Article 9.7.2.1., Division B, Entrance Doors

- 2) Main entrance doors to dwelling units shall be provided with
- a door viewer or transparent glazing in the door, or
 - a sidelight.

Decision being appealed (Local Authority’s position)

The sidelights impede the occupant from being able to identify potential intruders, risking unwanted entry. A door viewer, transparent glazing in the door, or transparent glazing in a sidelight is required.

Appellant’s position

Occupants can see well through the sidelights. Further, the home is equipped with a doorbell cam that provides greater security from intruders than would a door viewer; the chance of a power outage coinciding with a door approach is negligible. Further, a home office located immediately beside the main entrance provides a clear view of the entrance.

Appeal Board Decision #1918

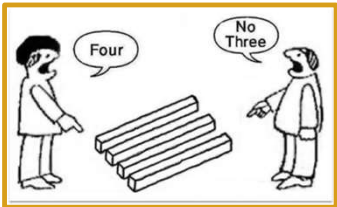
The Board reverses the decision of the Local Authority. It is the determination of the Board that the sidelight provides compliance with the Code requirement.

Reason for decision

The Code intent is “to limit the probability of persons unknowingly opening a door to an intruder, which could lead to unwanted entry, which could lead to harm to persons.” Based on the photos provided, the glazing in the sidelight allows for sufficient visibility to meet the requirements of Sentence 9.7.2.1.(2).

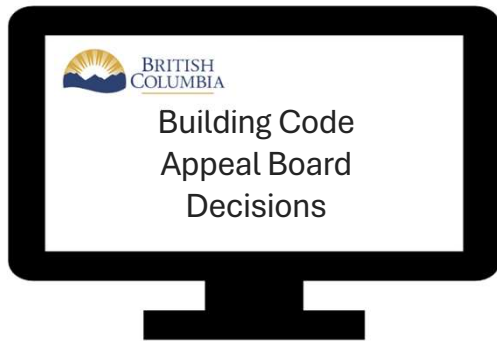
Don Pedde
Chair, Building Code Appeal Board

BCAB Outcomes



		Confirm	Vary	Reverse
1913	Building Height, Change of Occupancy			
1914	Spatial Separations for a Park Model Trailer			
1915	Smoke Control at Vestibules in a High Building			
1916	Glazed Openings in Exposing Building Face of a Single Family Dwelling			
1917	Cancelled			
1918	Identification of Potential Intruders – Entrance to a Dwelling			
1919	Cancelled			
1920	Kitchen Ventilation in a Home with High Energy Efficiency			
1921	Storeys in Building Height – Rooftop Structures			
1922	Not Available			
1923	Withdrawn			
1924	Localized Depression and Storeys in Building Height, Single Family Dwelling			
1925	Configuration of Required Egress and Exits, Two-Storey Suites			
1926	Accessible Location for Shut-off Valves, Residential Suites			
1927	Cancelled			
1928	Applicability of the Building Code to an Accessory Building			
1929	Concealment of Combustible Water Piping in a Building of Noncombustible Construction			
1930	Alternative Solution for Noncombustible Construction and High Building Requirements			
1931	Means of Egress in an Alteration to an Existing Building			

BCAB Outcomes



		Confirm	Vary	Reverse
1913	Building Height, Change of Occupancy	✓		
1914	Spatial Separations for a Park Model Trailer			✗
1915	Smoke Control at Vestibules in a High Building	✓		
1916	Glazed Openings in Exposing Building Face of a Single Family Dwelling		👉	
1917	Cancelled			
1918	Identification of Potential Intruders – Entrance to a Dwelling			✗
1919	Cancelled			
1920	Kitchen Ventilation in a Home with High Energy Efficiency	✓		
1921	Storeys in Building Height – Rooftop Structures	✓		
1922	Not Available	✓		
1923	Withdrawn			
1924	Localized Depression and Storeys in Building Height, Single Family Dwelling			✗
1925	Configuration of Required Egress and Exits, Two-Storey Suites			✗
1926	Accessible Location for Shut-off Valves, Residential Suites	✓		
1927	Cancelled			
1928	Applicability of the Building Code to an Accessory Building			✗
1929	Concealment of Combustible Water Piping in a Building of Noncombustible Construction			✗
1930	Alternative Solution for Noncombustible Construction and High Building Requirements	✓		
1931	Means of Egress in an Alteration to an Existing Building		👉	

Key Similarities and Differences

Similarities

- Produce searchable, on-line libraries available to Code users to assist with understanding and applying the Building and Plumbing Codes
- Subject matter experts

Differences

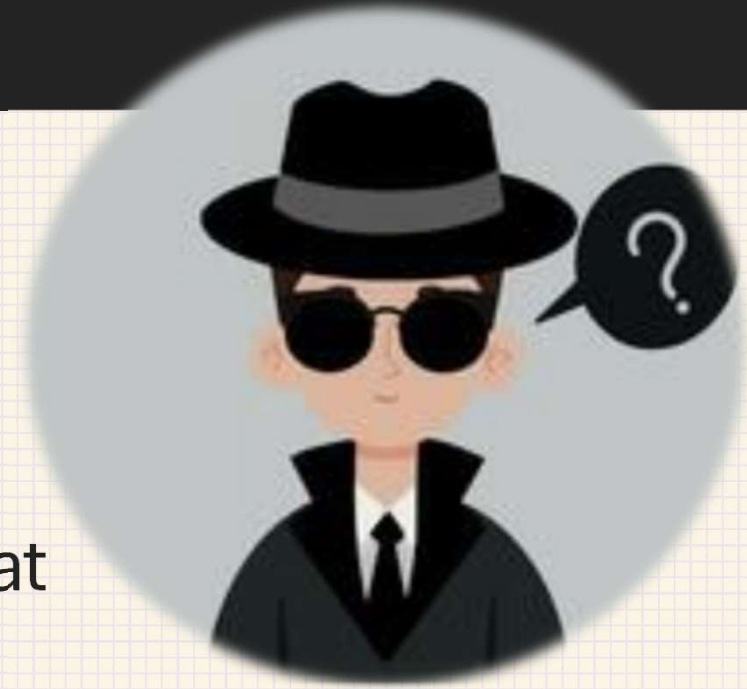
BCIC

- Volunteer Committee, appointed by stakeholders
- Do not resolve disputes
- General interpretations
- No alternative solutions
- Not time sensitive
- Non-binding interpretations

BCAB

- Administrative tribunal, Attorney General appointees
- Resolves disputes
- Site specific decisions
- Alternative solutions
- Time sensitive
- Binding decisions

Key Benefits



For a Building or Plumbing Official, what benefits are provided by the:

- Building Code Interpretation Committee?
- Building Code Appeal Board?

BARRIERS



BARRIERS



BARRIERS



Timeliness
Relationships

BARRIERS

“Every day is a dollar”
CHBA-BC Builder, Joe Hart

2024 Year-at-a-glance

January							February							March						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
	1	2	3	4	5	6						1	2	3					1	2
7	8	9	10	11	12	13	4	5	6	7	8	9	10	3	4	5	6	7	8	9
14	15	16	17	18	19	20	11	12	13	14	15	16	17	10	11	12	13	14	15	16
21	22	23	24	25	26	27	18	19	20	21	22	23	24	17	18	19	20	21	22	23
28	29	30	31				25	26	27	28	29			24	25	26	27	28	29	30
																				31

April							May							June						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
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28	29	30					26	27	28	29	30	31		23	24	25	26	27	28	29
																				30

July							August							September						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
	1	2	3	4	5	6					1	2	3	1	2	3	4	5	6	7
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28	29	30	31				25	26	27	28	29	30	31	29	30					

October							November							December						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
		1	2	3	4	5						1	2	1	2	3	4	5	6	7
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20	21	22	23	24	25	26	17	18	19	20	21	22	23	22	23	24	25	26	27	28
27	28	29	30	31			24	25	26	27	28	29	30	29	30	31				

BARRIERS

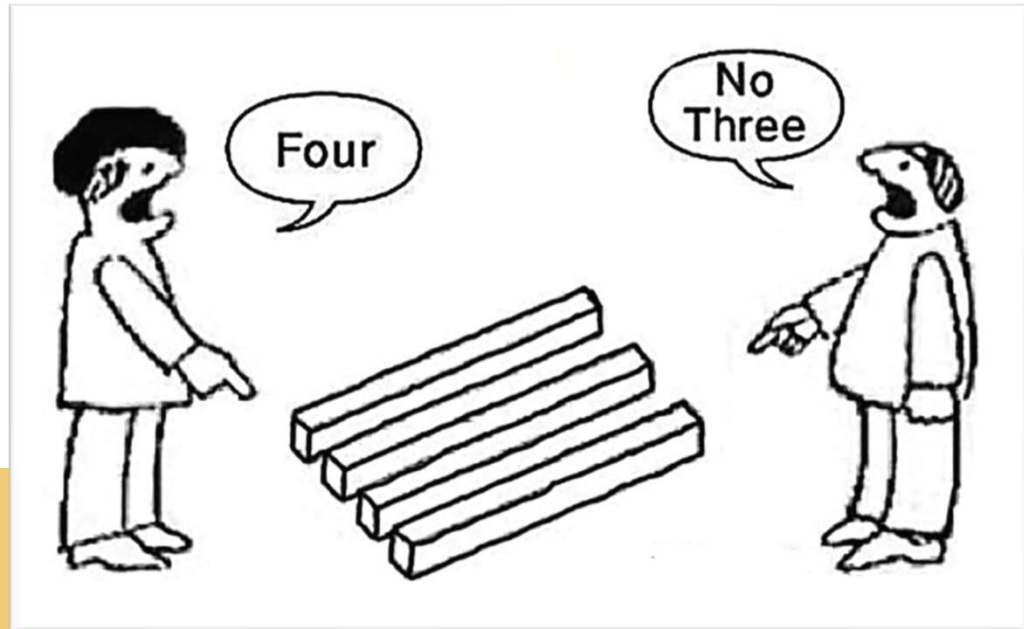
**THIS IS MY
SILENT-TREATMENT POSE**



BARRIERS

MAYBE!





Thank you

Patrick Shek | <https://boabc.org/interpretation-request-form/>

Don Pedde | Building.Safety@gov.bc.ca | Subject: Appeal Board