

Building Maintenance Bylaw Monitoring Report

RECOMMENDATION(S):

That the Standing Policy Committee on Planning and Urban Development recommends that Council receive this report for the Corporate Record.

RECOMMENDATION OF THE SPC ON PLANNING AND URBAN DEVELOPMENT, 2020 SEPTEMBER 02:

That Council receive this report for the Corporate Record.

HIGHLIGHTS

- The purpose of this monitoring report is to provide an update on the progress of the Building Maintenance Bylaw.
- What this means for Calgarians is increased public safety near tall buildings.
- This matters to Calgarians because the public should not have to fear objects falling from buildings.
- Administration is confident that the Building Maintenance Bylaw is effective and that buildings are safer as evidenced by corrective actions taken by building owners resulting from Building Exterior Visual Assessments.
- Building owners and management companies have demonstrated a high compliance rate with the Building Maintenance Bylaw and have provided Administration with ongoing support.
- Stakeholder engagement will continue for future refinements of the Building Maintenance Bylaw as needed.
- The most recent Council direction was for Administration to provide a monitoring report to Council through the Standing Policy Committee on Planning and Urban Development no later than Q3 2020 and a final evaluation report with a scoping report, risk matrix and amendments if required through the Standing Policy Committee on Planning and Urban Development no later than Q1 2022.
- Strategic Alignment to Council's Citizen Priorities: **A city of safe and inspiring neighbourhoods**
- Previous Council direction and background are included as Attachment 1.

DISCUSSION

Administration is in its third year of evaluating Building Exterior Visual Assessments. As of 2020 May 31, Administration has reviewed 497 out of 540 requested Building Exterior Visual Assessments. It was found that many buildings reviewed did not require a building permit for follow-up because either no deficiencies were identified, or the deficiencies were minor and rectified without a building permit required. Please see Attachment 2 for details of the Building Exterior Visual Assessment statistics.

Administration to date has experienced great support from building owners in submitting their Building Exterior Visual Assessments. As of 2020 May 31, there are forty

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outstanding assessments to be collected, and three buildings that needed to move into enforcement because the owners were unresponsive to the request. Administration is actively following-up and working with the owners towards compliance.

The Building Exterior Visual Assessment continues to be a helpful tool to ensure the safety of communities surrounding these buildings by identifying issues prior to an incident occurring, and as a result, reducing the risk of objects falling from buildings. From the monitoring and engagement with industry stakeholders thus far, the following successes have been observed:

- The bylaw is functioning as intended, demonstrated through high compliance rates, and most common deficiencies identified and corrected (such as exterior repair work and cladding replacement).
- Highest risk buildings are performing well, demonstrated by the decrease in reported incidents and the low number of deficiencies noted on the Building Exterior Visual Assessments.
- Stakeholders have indicated that proactive repair work is being done as a result of completing the Building Exterior Visual Assessment.
- Education and awareness has helped owners understand the problems they could encounter and the consequences of not fixing them.

Next steps from now until the final evaluation report for Q1 2022

Now that there is a baseline understanding of the building risks, the information can be used to continue the discussions with industry stakeholders, such as:

- Continue to actively identify public hazards related to building envelope.
- Complete an analysis to see if other building types, such as assembly buildings (arenas/aquatic centres, churches, schools, etc.) should be added to the scope of the bylaw.
- Provide additional materials, such as a user's guide, to educate owners and industry on the goals, tools, and benefits of completing a Building Exterior Visual Assessment.
- Explore alternative methods of viewing envelope integrity as it pertains to safety.
- Refinements of the Building Maintenance Bylaw as needed.

STAKEHOLDER ENGAGEMENT AND COMMUNICATION (EXTERNAL)

- ☐ Public Engagement was undertaken
- ☒ Public Communication or Engagement was not required
- ☐ Public/Stakeholders were informed
- ☒ Stakeholder dialogue/relations were undertaken

In June 2020, Administration held two information / discussion sessions for the original stakeholders to share findings on the results from the Building Exterior

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Visual Assessments collected to date, and to obtain feedback. These sessions were conducted virtually via Microsoft Teams due to COVID-19 restrictions. Discussions were informative and very supportive. Of particular interest to Administration was the fact that a number of owners conducted preliminary Building Exterior Visual Assessments to identify potential risks and corrected those items proactively rather than wait for Administration to audit. This was a prime indicator of the value and initial success of the bylaw. Please see Attachment 3 for the letter of support from BOMA Calgary.

IMPLICATIONS

Social

Safe buildings make the public space around the building safer for social activities of the community.

Environmental

Maintaining longevity of buildings contributes to protection of the environment by reducing the need to demolish buildings prematurely due to the lack of proper maintenance, thereby making wise use of existing resources.

Economic

Safe buildings support businesses and keep the economy moving. Ensuring that buildings are safe means that they must be maintained. The Building Maintenance Bylaw also helps to build resiliency, advance business continuity, and increases capacity to prepare for and respond to natural disasters and emergency situations.

Service and Financial Implications

The Building Maintenance Bylaw helps to address the citizen priority of a safe and inspiring neighbourhood by reducing a risk to public safety. Many citizens don't consider walking along a downtown sidewalk as being hazardous, yet an item falling from height poses a considerable risk to public health and safety. Improving exterior building condition enhances public safety and public trust.

Self-supported funding

Calgary Building Services has dedicated \$200,000.00 per year from its self-funded operating budget, which includes 1.0 Full-time equivalent and all associated costs, to support ongoing communication, administration, and enforcement of the Building Maintenance Bylaw. Public education will be a collaborative effort amongst City partners and external stakeholders.

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RISK

There are no significant risks to the corporation to continue to undertake the Building Maintenance Bylaw. Working in collaboration with building owners and industry stakeholders has identified the benefits of requiring regular exterior visual assessments to identify potential problems early. Both the Safety Codes Act and the Municipal Government Act verify the owner of a building as responsible for maintenance, repairs, and risk posed by the property and any structures or activities on those properties. The City does not carry that risk other than on its own properties.

The Building Exterior Visual Assessment is not a comprehensive or exhaustive review involving destructive testing. The intent is to identify those items reasonably expected to pose a risk to public safety if visible and if not corrected. Risks to the public ranges from injury to fatality. Risks to property ranges from mild to severe.

Risk management remains the responsibility of the property owner to properly maintain the building components. The City's role is to work collaboratively with stakeholders to inform and educate building owners and operators. Where those actions have not been effective, Administration will move to enforcement measures.

ATTACHMENT(S)

1. Previous Council Direction and Background
2. Building Exterior Visual Assessment Stats to 2020 May 31
3. Letter of Support from BOMA Calgary

Department Circulation

General Manager	Department	Approve/Consult/Inform
Stuart Dalglish	Planning & Development	Approve