

## **Building Maintenance Bylaw Final Evaluation**

### **RECOMMENDATION(S):**

That the Infrastructure and Planning Committee receive this Report for the Corporate Record.

### **HIGHLIGHTS**

- The purpose of this report is to provide an evaluation on the Building Maintenance Bylaw following a full review of Calgary's tall buildings inventory. The bylaw requires the exterior of applicable buildings (structures five storeys or taller and ten years or older) be visually assessed for necessary repairs every five years. The main purpose is to reduce the risk of material/debris falling from tall buildings and to improve the protection of people and property.
- What this means for Calgarians is that the public realms surrounding tall buildings are safer.
- This matters to Calgarians because the current bylaw is making Calgary safer by proactively identifying possible safety concerns so that corrective action can be taken.
- As a result of the analysis completed with stakeholders, Administration has concluded that amendments to the bylaw are not required.
- Calgary's Building Maintenance Bylaw is the first of its kind in Canada, addressing the lack of proactive long-term maintenance of buildings, making Calgary the leading Canadian municipality in this regard. There was a legislative gap regarding long-term maintenance of buildings. While the building code states that a building owner may not allow an unsafe condition of their building to be sustained, there is no clear requirement in the code to proactively maintain buildings.
- Building owners and property management companies have demonstrated a high compliance rate with the bylaw, and stakeholders have provided Administration with ongoing support.
- The most recent Council direction was for Administration to provide a final evaluation report with a scoping report, risk matrix, and amendments if required through the Committee no later than Q1 2022.
- Strategic Alignment to Council's Citizen Priorities: A city of safe and inspiring neighbourhoods
- Background and Previous Council Direction is included as Attachment 1.

### **DISCUSSION**

The Building Maintenance Bylaw is the first of its kind in Canada. It was adopted by Council in June 2016 and implemented in January 2017. The guiding principle for the bylaw is protecting the public from the risks of objects falling off tall buildings.

#### Final Evaluation

Administration is in its fifth year of reviewing Building Exterior Visual Assessments for structures five storeys or taller and ten years or older, as required by the Building Maintenance Bylaw. As of the end of 2021, Administration has requested 588 Building Exterior Visual Assessments and received 586, of which 553 (94 percent) had no deficiencies identified. Among the 33 buildings with deficiencies identified, 22 of them required a building permit for the work to correct the deficiencies. All 33 buildings have either now been rectified or are being addressed to make the

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buildings safer. Attachment 2 provides a detailed evaluation of the effectiveness of the current Building Maintenance Bylaw.

### Scoping

As part of the ongoing stakeholder engagement, working groups were formed between stakeholders and Administration to complete an analysis of other building types to see if any other buildings should be added to the scope of the Building Maintenance Bylaw. Part 10 of the current bylaw, *Other Structures*, already allows The City to request a Building Exterior Visual Assessment if certain buildings present an issue or becomes known as a possible issue.

The following building types were analyzed:

- Three and four-storey buildings: through stakeholder engagement, it was concluded that this building type should remain out of scope of the bylaw because the risk was not commensurate with the overall effort involved with the intent of the bylaw to protect the public.
- Assembly occupancy buildings (e.g. arenas): it was concluded that these buildings are unique but are covered under Part 10 of the existing bylaw, and therefore do not need to be covered through the Building Maintenance Bylaw; however, it is recommended that an informal registry be developed to monitor assembly buildings and address any building issues on a building-by-building basis, as needed.
- Concrete structures containing unbonded post-tensioned reinforcement, parking structures, and wood and steel structures exposed to humid environments: it was concluded that all of these buildings are covered under Part 10, and therefore do not need to be covered through the Building Maintenance Bylaw; however, it is recommended that a best practice guide is developed on how to visually assess, detect, and maintain structural components, that is tied to the existing Building Exterior Visual Assessment.

Please see Attachment 3 for details on the Building Maintenance Bylaw scoping report.

### Risk matrix

The Building Exterior Visual Assessment is a risk matrix which assesses the risk of material/debris falling off a tall building based on the building's age, height, and complexity. Risk is elevated if property owners do not maintain their buildings. There were ten instances that needed to move into enforcement because the owners were unresponsive to the request to submit a Building Exterior Visual Assessment. Administration actively worked with those owners towards compliance and were successful in reaching it. Please see Attachment 4 for details on the Building Exterior Visual Assessment.

### Bylaw amendment not recommended

As a result of the analysis completed with stakeholders on all building types, Administration is confident that the current Building Maintenance Bylaw contains the right scope of work for the right types of buildings and is keeping Calgarians safer. Amendments to the bylaw are not required. Reasons include:

- The current bylaw allows Administration to request a Building Exterior Visual Assessment if a building presents an issue.
- Visual cues through the Building Exterior Visual Assessment helps to capture concerns prior to incidents (e.g. staining, spalling, delamination).

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- Further structural review is the exclusive domain of professional engineers and requires invasive, expensive, and destructive testing.
- The bylaw is functioning as intended, demonstrated through high compliance rates, and low number of deficiencies noted on the Building Exterior Visual Assessments.
- Building owners are taking the right steps to maintain their buildings and making them safe.
- Education and awareness have helped building owners understand the problems they can avoid by completing the Building Exterior Visual Assessment.
- Stakeholders continue to be supportive of the current bylaw. (Please see Attachment 5 for the letters of support from stakeholders.)

### Next steps

- Administration will work with stakeholders to develop the best practice guides as detailed in Attachment 3.
- Administration will work with stakeholders to provide additional educational materials for contractors, building owners, and occupants on the goals, tools, and benefits of completing a Building Exterior Visual Assessment. The educational material will also include information on alternative methods/technologies to effectively monitor building envelope integrity.

## **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

Engagement sessions between stakeholders and Administration were held quarterly throughout 2021. Working groups were formed to complete a full review and recommended next steps on the scope of the Building Maintenance Bylaw, analysis of building types, evaluation of the maintenance of building structures, and to bring back recommended next steps.

Stakeholders included: Calgary Residential Rental Association, Calgary Housing, Calgary Hotel Association, Facility Management, BOMA (Building Owners & Managers Association of Calgary), Calgary Construction Association, and engineering firms.

## **IMPLICATIONS**

### **Social**

Safe buildings make the public space around the building safer for social activities of the community. It brings pride in the community and reduces the risk of buildings degrading into disrepair.

### **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.

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The Building Maintenance Bylaw supports building resiliency, such as reviewing building envelope after a wind event.

### **Economic**

Safe buildings support businesses and keep the economy moving. Ensuring that buildings are safe means that they must be maintained. The cost to the public for emergency response to an incident of falling debris is significant. An effective Building Maintenance Bylaw ensures these public costs are minimized.

### **Service and Financial Implications**

#### **Self-supported funding**

\$100,000.00

Calgary Building Services has dedicated \$100,000.00 per year from its self-funded operating budget, which includes 0.50 full-time equivalent and all associated costs, to support ongoing administration, enforcement, and education of the Building Maintenance Bylaw.

### **RISK**

- 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.
- Working in collaboration with building owners and stakeholders has identified the benefits of requiring regular building 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 intent of the Building Exterior Visual Assessment 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.

### **ATTACHMENT(S)**

1. Previous Council Direction and Background
2. Building Maintenance Bylaw Evaluation Report
3. Building Maintenance Bylaw Scoping Report
4. Building Maintenance Bylaw Risk Matrix
5. Building Maintenance Bylaw – Stakeholder Letters of Support

#### Department Circulation

General Manager	Department	Approve/Consult/Inform
Stuart Dalglish	Planning and Development Services	Approve