

Planning & Development Report to
SPC on Planning and Urban Development
2018 December 03

ISC: UNRESTRICTED
PUD2018-1369

Building Maintenance Bylaw Update

EXECUTIVE SUMMARY

The City of Calgary is committed to working with property owners to ensure that buildings are safe for residents, neighbours, businesses, and Calgarians. The Alberta Building Code states that a building owner may not allow an unsafe condition to be sustained. However, there is no clear requirement to maintain buildings. The City has investigated many incidents related to falling debris, cracks or collapse. From these investigations, we know that many incidents were due, at least in part, to deferred maintenance.

To address that legislative gap and to enhance safety incident prevention, Calgary Building Services proactively created the Building Maintenance Bylaw 33M2016. This bylaw was adopted by City Council in June 2016 with an implementation date commencing in January 2017. The bylaw requires building owners to ensure minimum levels of building maintenance are occurring on their buildings.

By 2021 January 1 the Building Maintenance Bylaw requires that a visual assessment be completed by the owners of Calgary's 584 buildings that are five storeys or greater and 10 years old or older. To reduce the probability of a structural failure in these buildings, City Council directed City Administration, through consultation with industry representatives and advocacy organizations, to evaluate expanding the scope of the Building Maintenance Bylaw beyond critical exterior safety factors to include maintenance of building structures.

This report includes the results of the recent consultation with industry representatives and advocacy organizations as well as a proposal to comprehensively evaluate the Building Maintenance Bylaw prior to recommending changes to the bylaw.

ADMINISTRATION RECOMMENDATION:

That the Standing Policy Committee on Planning and Urban Development recommends that Council:

Allow sufficient time for Administration to review the effectiveness of the Building Maintenance Bylaw and direct Administration to provide a monitoring report to Council through the SPC 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 SPC on Planning and Urban Development no later than Q1 2022.

RECOMMENDATION OF THE SPC ON PLANNING AND URBAN DEVELOPMENT, DATED 2018 DECEMBER 03:

That the Administration Recommendation contained in Report PUD2018-1369 be adopted.

PREVIOUS COUNCIL DIRECTION / POLICY

On 2018 March 19, Council adopted Notice of Motion C2018-0300, directing Administration to:

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- Consult with industry representatives and advocacy organizations, to evaluate expanding the scope of the Building Maintenance Bylaw to include maintenance of building structures; and
- Return to City Council through the Standing Policy Committee on Planning and Urban Development, with a scoping report and risk matrix, no later than the end of Q4 2018.

BACKGROUND

To better protect the public through the prevention of hazardous events, The City identified the need to establish minimum maintenance requirements for all tall buildings (defined as five storeys or more). The Building Maintenance Bylaw (Attachment 1) requires owners of tall buildings to undertake a process to keep them safe and hazard free, to provide a way for owners to identify potentially hazardous conditions early on, and to ensure remedial action is taken so that hazards do not materialize.

Administration established an external stakeholder working group who met regularly over a period of fifteen months (from March 2015 through May 2016) to discuss the issues and provide input. Stakeholders provided their views on safety, their current practices, requirements for a person qualified to perform a visual assessment, scope and frequency of assessments and other topics. The critical issues for the stakeholders were addressed through a collaborative effort in creating the bylaw. The result is the ability to use evidence based analysis to assess risks to the public of deferred maintenance on a tall building.

In response to the 2018 March 19 Notice of Motion, Administration reconvened the original stakeholder group at an in-person meeting held on 28 June 2018 and with members of the Renters Action Movement on 11 October 2018. The purpose of the engagement was to gain an understanding of what the impact would be of expanding the Building Maintenance Bylaw to include a structural review and what the value would be of creating a risk matrix. A targeted survey was also open for both of these groups from mid-July to late September. The detailed summary of these engagement activities is found in Attachment 2.

INVESTIGATION: ALTERNATIVES AND ANALYSIS

Administration is reporting back to Council to share stakeholder feedback, key learnings and to get approval from Council to complete a comprehensive evaluation of the Building Maintenance Bylaw.

Stakeholder feedback – Building Owners, Managers and Operators

When discussing working within the current Building Maintenance Bylaw, and sharing any early learnings, many participants indicated that they found this challenging to do, stating that they haven't worked with it enough to provide thoughtful feedback. Of the input that was given by participants, the following themes were captured:

- The Building Maintenance Bylaw is needed and it does serve a purpose.
- Review of buildings requires experienced professionals.
- The bylaw needs to better define who can complete a Building Exterior Visual Assessment.
- A more streamlined process with flexibility in accepting an engineering report is needed.
- Structural review/testing could better protect both the occupants, the public and the property owners but it would be costly.

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- Structural testing would be challenging to implement as part of the bylaw as there are many factors to consider.
- A risk matrix could add complexity and cause confusion for external stakeholders if added as a requirement to the Building Maintenance Bylaw

Stakeholder Feedback – Tenants & Tenants Rights Groups

Administration listened and learned from the experience from the tenant's perspective during a building evacuation and discussed how the Building Maintenance Bylaw could help support the building occupants and members of the public. Participants provided input that was focused on a building evacuation, risks to a building and understanding the impact of structural testing on building occupants. High level themes from the engagement conducted are:

- More streamlined communication is needed for building occupants and the public should an evacuation of a building be required.
- There is a need to have a staggered evacuation procedure in place to provide more time to get belongings out of the building.
- Participants indicated that they did not know the Building Maintenance Bylaw existed.
- Tenants should have a way to know if their building is in a safe condition, much like a business certificate.
- If the cost of a structural review were to be passed onto the occupants, there could be an impact to affordability.

Key learnings

Determining the actual risk associated with a building is complex and requires an experienced technical person to review specific building components. Care must be taken in deciding on how to convey building safety information. However, additional information can be developed to help guide both the public and building managers in evaluating whether there are concerns that should be brought forward and addressed.

Building owners, tenants and professionals acknowledge the value of the bylaw and could support an increased rigour of inspections, but are cost conscious and concerned about the unintended consequences to things like affordability. More time to work with the current bylaw and more data is needed before making changes to the bylaw. Ultimately, all stakeholders support safe, clean and livable spaces for Calgarians and cost should not outweigh safety for occupants.

Conclusion and recommendation summary

More time and data analysis is required to conduct a comprehensive evaluation of the Building Maintenance Bylaw. In addition to data collection and analysis required to complete a successful evaluation, it will be necessary to establish an external stakeholder committee to meet regularly to discuss findings and to address issues early.

The main purpose of the evaluation would be to:

- Review the findings of the visual assessments and if required, make recommendations for changes to the Building Maintenance Bylaw and/or the Building Exterior Visual Assessment requirements based on evidence.

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- Align and communicate any changes to the bylaw or to the Building Exterior Visual Assessment with the next Building Exterior Visual Assessment review cycle.
- Provide simple, easily understood information to existing and potential occupants of buildings that would raise awareness of the risks associated with deferred maintenance on existing buildings.

A comprehensive evaluation will mean that all 584 Building Exterior Visual Assessments will need to be reviewed by The City and the results shared with the stakeholders on an ongoing basis, before the start of the next Building Exterior Visual Assessment review cycle, which is set to commence in 2022. The workload to review the assessments can be managed within existing budgets provided the number of reviews are kept to 146 for each year over the full implementation period (2018-2021).

Administration is proposing to provide an update report to Council by Q3 of 2020 ahead of mid-cycle budget adjustments and to return to the Standing Policy Committee on Planning and Urban Development with complete Building Exterior Visual Assessments data and recommendations for changes (if required) no later than Q1 2022.

In the interim, Administration will continue to ensure staff resources are available to respond to building safety incidents. Additional efforts are also being explored on how to create better public awareness of the important role the public can play in reporting building safety concerns to The City.

Stakeholder Engagement, Research and Communication

The creation of the initial Building Maintenance Bylaw was developed using a stakeholder engagement process. In response to the March 2018 Notice of Motion, The City conducted engagement with the original stakeholders to collect input on structural review components, discover early learnings from users of the bylaw, and give the opportunity to groups previously not engaged when the bylaw was developed.

Two in person engagement sessions with the original stakeholder group occurred (late June and late November) as well as a targeted survey that was open from mid-July to late September. One in person engagement session was held with representatives of the Renters Action Movement and an online survey was made available in September and October for those not able to meet in person.

Strategic Alignment

The Building Maintenance Bylaw is a tool that supports safe and inspiring neighbourhoods. It enables The City to support businesses and communities in ensuring every Calabrian lives in a safe neighbourhood. The bylaw also helps to build resiliency, advance business continuity and capacity to prepare for and respond to natural disasters and emergency situations.

Social, Environmental, Economic (External)

Ensuring that buildings are safe means that they must be maintained. Well-functioning buildings keep the economy moving and provides safe spaces and opportunity for most of the social and economic activities of the community.

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Maintaining longevity of buildings contributes to protection of the environment by reducing the need to demolish buildings prematurely because they have not been properly maintained, thereby making wise use of existing resources.

Financial Capacity

Current and Future Operating Budget:

There will be some costs associated with communication, administration and enforcement of the new Building Maintenance Bylaw. Expenditures for these activities will be absorbed within the existing operating budget of the Calgary Building Services business unit for the remainder of 2018 and through 2021. Public education will be a collaborative effort amongst City partners and external stakeholders.

Current and Future Capital Budget:

Capital costs are not required to support the administration and enforcement of the Building Maintenance Bylaw.

Risk Assessment

The Building Maintenance Bylaw is aimed at reducing risk of harm to the general public caused by hazards associated with buildings that have not been assessed and maintained on a regular basis. The scope of the bylaw was crafted to focus on buildings that pose the highest risk to the public (five storeys or greater, 10 or more years old).

More data is required to properly determine what changes are appropriate for the bylaw. The comprehensive review of the Building Maintenance Bylaw in the coming years will allow The City to validate risk assumptions and to ensure risks on individual buildings are being mitigated.

Administration will continue to ensure staff resources are available to be able to respond to building safety incidents as they occur. In order to encourage people to report their concerns by contacting 311, a concept for how to communicate with the public about what happens by reporting building safety complaints is found in Attachment 3.

REASON(S) FOR RECOMMENDATION(S):

The Building Maintenance Bylaw provides The City of Calgary with a way to proactively ensure that buildings are regularly visually assessed and maintained. It is imperative that any changes to the scope of the bylaw are evidence based and are considered after reviewing the results of the initial cycle of implementation (2018 through 2021). The ongoing review of Building Exterior Visual Assessments will ensure building owners are operating within the parameters of the Building Maintenance Bylaw and will provide an opportunity for The City to work together with building owners in providing constructive input.

ATTACHMENT(S)

1. Attachment 1 – Building Maintenance Bylaw background
2. Attachment 2 – Engagement Summary
3. Attachment 3 – Building safety complaint process

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