

Mayor and Council

In introducing the *Homebuyer Protection Act*, BCs' Minister of Finance, Selina Robinson stated in a news conference that she has heard horror stories of people making the biggest financial decision of their lives, only to discover that the home they purchased needs hundreds of thousands of more dollars of significant work to make it liveable that they weren't aware of. (*Cooling-off period to provide homebuyer protection in hot market, says minister* - Dirk Meissner, The Canadian Press)

BC has a building code which is a bylaw in effect throughout the province with the exception of the City of Vancouver. In addition, elected officials in most local governments have chosen to enact bylaws in the public interest to regulate construction for reasons of health, safety and the **protection of persons and property**. If the system worked as is represented, horror stories should be rare. If they do happen they should be thoroughly investigated and the underlying cause addressed. But this is clearly not the case.

While the province provides the option for elected officials of local governments to enact bylaws to regulate construction local governments have a high degree of individual autonomy with no requirement to issue a certification of completion of the permit process (typically an occupancy permit) with no standards for the structure and wording of such documents. The result is that there is no consistency or continuity from one local government to another in terms of a document that would serve to protect the biggest financial decision of the lives of most home purchasers. In order to solve problem, one must first identify the problem.

The province introduced the *Building Officials' Association Act* in 1997 indicating they were aware of problems. This Act was introduced with the object of assisting in the development, maintenance and improvement of building regulations, promoting the *uniform* interpretation and enforcement of building regulations. It was also an object to promote a *greater understanding and knowledge* of building regulations among its members, governments, the building industry and *related organizations*, the public as well as performance of the functions of building inspection, plan review and the administration of building regulations by its members.

It appears as if the objects of the Act had minimal influence because five years later (in 2002) the Municipal Insurance Association engaged lawyer, Thomas W. Barnes to review building regulation bylaws and produce the *2002 BUILDING BYLAW PROJECT* with a model core bylaw. (http://docs.openinfo.gov.bc.ca/d43793514a_response_package_hou-2014-00042.pdf)

Barnes stressed the following recommendations:

The specific language of forms and schedules is crucial and should be uniform across the province.

A list should be included in the bylaw that details the items that will be inspected or monitored at the time of occupancy.

Twenty years later in 2022, little has changed. Instead, there appears to be a systemic failure by all concerned parties to formulate and enact a uniform process to protect homebuyers. This would include making the issuance of a standardized certificate of completion (aka; occupancy permit)

mandatory for all local governments who regulate construction by-law. It should also be mandated that no home can be listed for sale or sold without providing homebuyers with copies of the occupancy permit and records of a local government that could affect the protection of persons and property as a condition of the completion of sale.

In addition to the preceding there needs to be a requirement to restrict applications for permits to the registered owner, or owners of the land subject to the application. Proof of ownership must be in the form of a title search, made less than 30 days prior to the date of the application. In addition, should there be a change of ownership, during an active permit, the preceding requirements must be repeated to update the name of the registered owner or owners. This will ensure that the permit information is accurate and meets legal requirements.

Occupancy permits for strata developments cannot follow the same process and procedures as other occupancy permits. They are unique in their requirements and this unique aspect does not appear to have been considered, under the current processes for obtaining legal occupancy permits. This situation needs to be addressed immediately; see attached PDF, *Is your condo legal?*

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