

TO: CITY MANAGER 2004 APRIL 28

FROM: CHIEF BUILDING INSPECTOR

SUBJECT: ADMINISTRATIVE AGREEMENT WITH THE PROVINCE
REGARDING ELECTRICAL AND GAS INSPECTION SERVICES

PURPOSE: To seek authorization of Council to enter into an Administrative Agreement with the Province, as set out in the Safety Standards Regulation Act, to continue to provide electrical and gas inspection services within its jurisdiction.

RECOMMENDATION:

- 1) **THAT** Council authorize the entering into an Administrative Agreement for the continuation of providing electrical and gas inspection services within its jurisdiction.

R E P O R T

1.0 BACKGROUND

The Province generally has jurisdiction for regulating electrical and gas inspection services throughout the Province through the Electrical Safety Act and Gas Safety Act.

The City historically has provided electrical inspection services since the introduction of the original Wiring Regulation Bylaw No. 91 in 1910. Today, the Electrical Inspection Section has a staff of six and inspects all new electrical work in the City, conducting in excess of 6,000 inspections annually, while generating annual revenue in permit fees of approximately \$1,100,000.

The City has also provided gas inspection services since the introduction of the original Gas Fittings Bylaw No. 3298 in 1953. Today, the Gas Inspection Section, which also provides plumbing and cross-connection inspection services, has a staff of eight and inspects all new low pressure gas installations (less than 409,000 BTU), conducting in excess of 2,800 inspections annually, while generating revenue from gas permit fees of approximately \$145,000.

The City has adopted electrical and gas bylaws which govern the majority of the inspection and administrative functions of the City, pursuant to the Electrical Safety Act and Gas Safety Act. However, these bylaws can only operate to the extent that they are not inconsistent with the powers retained by the Province.

The newly adopted Safety Standards Act (Bill 19 - a consolidation of five Acts, including the Electrical Safety Act and the Gas Safety Act), requires that the City enter into an Agreement with the Province in order to continue providing electrical and gas safety inspection services after 2004 May 31. The completed Administrative Agreement has been received from the Province and reviewed by staff.

2.0 DISCUSSION

There are eleven Municipalities in B.C. that provide electrical and/or gas inspection services as part of an integrated building inspection program. The Province, through its Safety Engineering Division, has traditionally provided service coverage to the remainder of B.C. This changed on 2004 April 01 when the newly established independent agency, the B.C. Safety Authority, was delegated the authority to do so. The new Safety Standards Act also provides for delegating authority to municipalities through an Agreement to continue administering the Act within their jurisdiction.

In discussions with the Province on the terms of the Administrative Agreement, the local government representatives requested provincial indemnity for claims against a municipality arising out of inspections pursuant to the provincial acts. However, to this point, the Province has not acceded to this request. The local government representatives intend to further pursue this matter. Given the many decades that municipalities have carried out these inspections without provincial indemnity, it is suggested that it would be inappropriate to simply cease the provision of this service now because of the current lack of indemnity.

3.0 FINANCIAL IMPLICATIONS

There are no financial costs in respect to entering into the Administrative Agreement. Inspection operations for electrical and gas installations would continue under the current mandate to operate on a cost recovery basis.

4.0 PERSONNEL IMPLICATIONS

There are no personnel implications in respect to entering into the Administrative Agreement.

5.0 SERVICE IMPLICATIONS

While there will be a requirement for the sharing of information between municipalities and the Safety Authority, there is no anticipated additional costs or impacts on our customers in respect to entering into the Administrative Agreement. The nature of the sharing of information is to be the subject of a Memorandum of Understanding which is expected to be developed in the near future, in discussion with Local Government representatives. Electrical and Gas safety inspection services, currently provided by the City, will continue to be provided consistent with the requirements of the Burnaby electrical and gas bylaws.

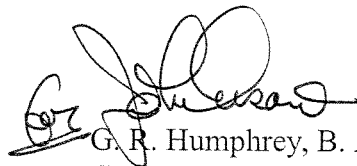
6.0 CONCLUSION

In order to continue providing essential electrical and gas safety inspection services as part of an integrated building inspection program, it is recommended that the City enter into an Administrative Agreement with the Province.

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cc: Director Planning & Building
City Solicitor



G. R. Humphrey, B. Arch.,
CHIEF BUILDING INSPECTOR

