

What We Heard Report

Residential Infill Stakeholder Engagement 2023

Safety Codes Compliance

| **SHARE** YOUR VOICE
SHAPE OUR CITY

Edmonton

TABLE OF CONTENTS

1. Public Engagement Summary and Results	
a. Land Acknowledgment	PG 3
b. Project Overview	PG 3-5
c. What We Heard	PG 5-8
d. What We Did	PG 8-9
2. Public Engagement Approach	
a. How We Engaged	PG 9-10
b. Who Was Engaged	PG 11
c. What We Asked	PG 11
3. What Happens Next?	PG 12
4. Appendix A	PG 13
5. Appendix B	PG 47

Land Acknowledgement

We acknowledge the traditional land on which Edmonton sits, the Territory of the Treaty 6 First Nations and the Métis Nation of Alberta Region 4. We would like to thank the diverse Indigenous Peoples whose ancestors' footsteps have marked this territory for centuries, such as nêhiyaw (Nay-hee-yow), Dene (Deh-neyh), Anishinaabe (Ah-nish-in-ah-bay), Nakota Isga (Na-koh-tah ee-ska), and Niitsitapi (Nit-si-tahp-ee) peoples. We also acknowledge this as the Métis' homeland and the home of one of the largest communities of Inuit south of the 60th parallel. It is a welcoming place for all peoples who come from around the world to share Edmonton as a home.

Together we call upon all of our collective, honoured traditions and spirits to work in building a great city for today and future generations. Edmonton is a welcoming place for all people who come from around the world to share Edmonton as a home.





Public Engagement Summary and Results

Project Overview

Edmonton is poised to grow to a city of 2 million people and infill will be a crucial part of this growth. While infill accounted for 30 percent of new housing starts in 2020, the City Plan calls for future population growth to be contained within current city boundaries. This means that our existing neighbourhoods will need to accommodate 50 percent of Edmonton's new homes. As we welcome new people into our older neighbourhoods, conversations about infill construction will continue.

The City has been working with community members and industry for over a decade on improvements to infill in Edmonton. Two previous Infill Roadmaps ([2014](#) and [2018](#)) were developed as work plans to advance infill. The remaining work will bring together community members, industry, and other stakeholders, to continue the conversation about responsible infill as articulated in the Council Motion below.

The January 19, 2021 Council Report resulted in a motion that Administration:

a) work with community and industry stakeholders to explore tools and approaches on how to ensure accountability related to private to private, and private to public issues throughout the construction process (for example the use of a compliance certificate)

b) work with community and industry stakeholders to improve relationships between builders and neighbours, with consideration of implementation options and associated resources

c) include an update on the dashboard implementation and report back to Committee, as part of the annual update in Q1 2022.

Led by the Safety Codes, Permits and Inspections (SCPI) section of the Development Services Branch, this stakeholder engagement discussed responsible residential infill with industry, community members, government bodies, and other stakeholders. Two facilitated sessions with these stakeholders allowed the City to answer questions, listen to ideas and concerns, and gather information through open dialogue to frame recommendations to City Council as per their [January 19, 2021](#) motion and determine how we can collectively improve infill development in Edmonton.

Engagement was conducted at the “**ADVISE**” level on the City’s public engagement spectrum (shown below), meaning “the public is consulted by the City to share feedback and perspectives that are considered for policies, programs, projects or services.”



This report focuses on the January 2023 sessions and what we heard from stakeholders in collecting feedback on draft recommendations. In total, the Project Team engaged with 12 stakeholders.

All the information gathered from the January 11th and January 24th, 2023, stakeholder sessions will be used to develop a set of recommendations to further support the relationship between infill builders and neighbours.

What We Heard

Each engagement session started with a presentation by the City followed by a facilitated discussion, which allowed stakeholders to ask questions, pose concerns, and generate ideas for further improvement. These discussions allowed the City to answer questions, listen and gather feedback as well as discuss how to collectively improve infill development in Edmonton.

FACILITATED CONVERSATION

Twelve stakeholders attended sessions (January 11th and January 24th, 2023) representing infill builders, Edmonton Federation of Community Leagues, concerned homeowners and the Government of Alberta. Several common themes emerged from the stakeholder sessions on topics such as enforcement, simplicity, education, City website and 311 app suggestions, communication, signage and safety. The following is a summary of the discussions on those topics that took place during the engagement sessions.

Enforcement

Participants had questions on enforcement including what a stop work order consists of, who has authority to enforce stop work orders, who administers penalties, and if there is an expedited enforcement framework for footing and foundation inspection associated with demolition and excavation.



“Reduce the probability of an issue – you can’t prevent it.”

(Government of Alberta)

“Standardizing the process of how we do development in Edmonton encourages a positive atmosphere.”

(Edmonton Federation of Community Leagues)

“Is there an option to do a FAQ list of common complaints 311 receives, summarize what is a safety code item and what is a civil matter and what is between neighbours?”

(North Pointe Homes)

“A neighbour might not know anything about infill, what questions can they ask if they don’t know?”

(Residential Infill Working Group)

“For me what would be really good is that the builder agrees that the neighbours had a conversation with the builder and they both sign off on it.”

(Community Homeowner)

Simplicity

Participants suggested information for builders and neighbours is difficult to navigate on the City’s website. One participant mentioned a ‘one-stop shop’ for builders and neighbours on the City’s website with the information laid out in a simple, easily accessible format. A few participants mentioned adding a Frequently Asked Question section focusing on Safety Codes, Occupational Health & Safety, builder best practices and other resources that would be suitable for builders and neighbours of infill. Participants proposed updating the 311 App to allow users to submit photos of an infill issue, which would allow Safety Codes Officers and Infill Compliance Officers to review and prioritize the severity of the private to private issue without relying on the interpretation of a 311 call.

Education

Participants suggested more education for builders, developers, and neighbours would be appropriate. One participant proposed the City of Edmonton plan the curriculum and program. Conversations around clear and concise education materials that can be understood by both builder and neighbour were discussed. Participants would like the education to be transparent and available to the public. Education and information recommended being readily available to all in simple plain language.

Communication

It was suggested that there is a lack of consistent communication throughout the project’s process, which is a concern. Participants proposed creating a guideline and/or checklist for infill builders and neighbours to fill out to help create a positive relationship in the building or development process as well as to streamline communication between builders and the neighbours.

Signage

Participants wanted clarification regarding the signs builders currently post in front of an infill project and what information is required by the City. QR codes that direct citizens to contact, and other builder information were suggested to be added to the signs. The site supervisors’ number or a 24/7 number was recommended to be added to the signs for emergency situations. A wait period following the posting of a builder sign would allow

“We need a transparent process, so everyone knows. It's not clear on the website what you require of the permit applicants and excavation plan and what reports they (builders/developers) need to give.”

(Residential Infill Working Group)

neighbours time to gather information on nearby projects and request more information if desired.

Safety

Participants agreed on the importance of safety. However, there was a need for clarification around roles and responsibilities between the City and the Government of Alberta. Clarity on who does what was recommended. Auditing and enforcing were popular topics on how to ensure infill building is built in the safest way, for builders and neighbours.



What We Did

Snapshot of Activities

Two in-person, facilitated, engagement sessions took place in January 2023. Attendees were identified and invited by email representing infill builders, concerned community homeowners, Edmonton Federation of Community Leagues, Municipal Affairs, Occupational Health and Safety, Safety Codes Council, and the City that included By-Law Enforcement and Safety Codes Compliance.

The intent of these sessions was to create recommendations for City Council as per their January 19, 2021 motion as well as identify

improvements to support infill development in Edmonton. Together with the community and industry stakeholders, the City wants to continue to foster meaningful dialogue on the importance of responsible infill development. The City answered questions and gathered feedback on recommendations to be brought forward to City Council.

Method	Number of Participants	Dates
Stakeholder Engagement Session #1	24 participants	January 11 th , 2023 10:30 am -12:30 pm
Stakeholder Engagement Session #2	23 participants	January 24 th , 2023 1:00 pm – 3:30 pm

The sessions were held on:

January 11th, 2023, at 10:00 am to 12:30 pm MST

January 24th, 2023, at 1:00 pm to 3:30 pm MST

SESSION INVITATIONS

Invitations to the engagement sessions were sent along with a copy of [Journey of Infill and Current State \(Report review\)](#) to the following stakeholders:

- Members of the community
- Industry
- The Province / Government of Alberta
- City of Edmonton

Public Engagement Approach

How We Engaged

Two in person, facilitated stakeholder sessions took place on January 11th and January 24th, 2023. Stakeholders were invited to the two sessions by email based on previous participation in infill discussions between the City, builders, and concerned homeowners on July 18th, 2019, August 12th, 2019, February 7th, 2020 and March 11th, 2020.

Each meeting was two and a half hours in length and began with a presentation by the City, which is attached in Appendix A, followed by a facilitated discussion and Question and Answer session.

A GBA+ approach was used to generate an inclusive and respectful conversation and to understand the experiences of groups that are marginalized.

A note taker documented the conversations of each session.

At the first session, the City presented updates on on-going progress improvements being made including:

- Updates to the Permit Conditions of Issuance
- Proactive inspections on demolition sites
- Safety Codes Officers continuing to liaise with neighbour of infill
- Draft updates to the Construction Site Management Practices Acknowledgement Form
- Consultation with Alberta Municipal Affairs regarding any amendments considered under the Provincial Residential Property Protection Plan(RPP) and the Builder Registry Program

This presentation was followed by a facilitated discussion.

Feedback from the first session resulted in the City presenting a list of draft recommendations in the second engagement session.

Draft Recommendations Discussed:

- Provide Site Supervisor information on Development Permit Notification Sign
- Include QR Code on Development Permit Notification Sign
- Zoning Bylaw: wait period upon posting Development Permit Notification Sign
- Improve City Website
- Promote Builder and Neighbourhood/Community Consultation
- Footing and Foundation Process for Demo + Excavation
- Zoning Bylaw Renewal - side set back increase
- Administrative Penalties

The presentation was followed with a facilitated discussion.

Who Was Engaged

Sessions were attended by invited stakeholders representing the following organizations:

- Safety Codes Council of Alberta
- Municipal Affairs
- Occupational Health & Safety
- Canadian Home Builders Association – Edmonton Region (CBHA-ER)
- Infill Development Association (IDEA)
- Edmonton Federation of Community Leagues (EFCL)
- Residential Infill Working Group (RIWG)
- Community Home Owner

What We Asked

In the first session, stakeholders were asked to generate ideas on how to improve infill during the facilitated discussion that followed the City's presentation. Questions posed to generate discussion included:

- Do we have the right tools to address productive infill?
- Are there any other changes needed in the Residential Infill ecosystem so that it promotes responsible infill construction in accordance with the City Plan?
- Are the tools working?
- How can tools be improved?
- What is missing?

The second stakeholder session invited stakeholders to brainstorm topics and then prioritize what improvements they would like to be considered in the draft recommendations.

What Happens Next?

The City will analyze the information and feedback generated from the two engagement sessions in January 2023 to respond to Council's 2019 motion in a Council Report memo in June 2023.

Information that will be analyzed includes the ideas generated that are listed below:

- Add demolition and excavation to the Building Code
- Add Frequently Asked Questions to the City website
- Create a chronic offender List of builders
- Clarify Relationship between City and Province
- Develop Checklist – Neighbour to Neighbour Conversation Guideline
- Enhance 311 App to allow photos to be uploaded
- Require builder to submit photos of property line prior to construction to advance of permit
- Mandate education for the non-compliant builders

- Introduce neighbourhood mediation through Edmonton Federation of Community Leagues
- Allow video inspections of excavations
- Simplify the City of Edmonton website
- Introduce proactive education – Identify resources, identify where the gaps are
- Support neighbours planning together – Ex. Where the water will go. Helpful information on the City resources list on the website
- Administrative Penalties
- Good Neighbour Plan & Template
- 311 – Builder Contact for Issues
- Show the process on the website – what do I need to know/do as a builder and as a neighbour
- Better Data Collection



Appendix – A



Stakeholder Engagement

Edmonton

Residential Infill Discussion #1

We are meeting on Treaty 6 territory, a traditional meeting ground, gathering place and travelling route for the Cree, Saulteaux, Blackfoot, Métis, Dene and Nakota Sioux.

We acknowledge the many First Nations, Métis, Inuit and others whose footsteps have marked these lands for centuries and whose histories, language and cultures continue to influence our vibrant communities.

Circle Governance

A circle is a tool used in governance systems globally by Indigenous peoples to acknowledge that we alone cannot perceive full truths or solve problems entirely as individuals, but collectively we can. Together we will use the image of us all standing together in a circle around a tree. We must trust one another to share things from our perspective and together, through trust and listening, we can create a complete image of the tree.

Agenda

- Rules of Engagement
- Introductions
- Objectives of the Session
- A Growing Edmonton
- Journey of Infill and Current State - *Report Overview*
- Discussion
- Next Session - January 24, 2023

Rules of Engagement

- Be Easy on People and Hard on Issues
- Listen Generously
- One Conversation at a Time
- Avoid Distractions
- Give Others the Space to Speak
- Conversations Will Be Future Focused

Roundtable Introductions

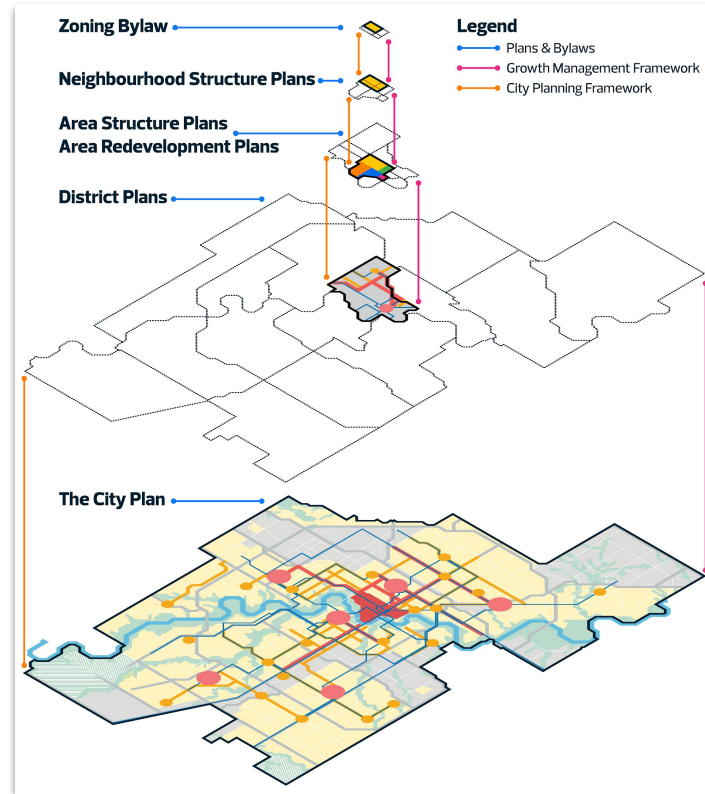
Name and Organization

Objectives of the Session

The January 19, 2021 Council Report resulted in a motion that Administration:

- a) work with community and industry stakeholders to **explore tools and approaches** on how to ensure accountability related to private to private (issues)...*
- b) work with community and industry stakeholders to **improve relationships between builders and neighbours**, with consideration of implementation options and associated resources*

A Growing City

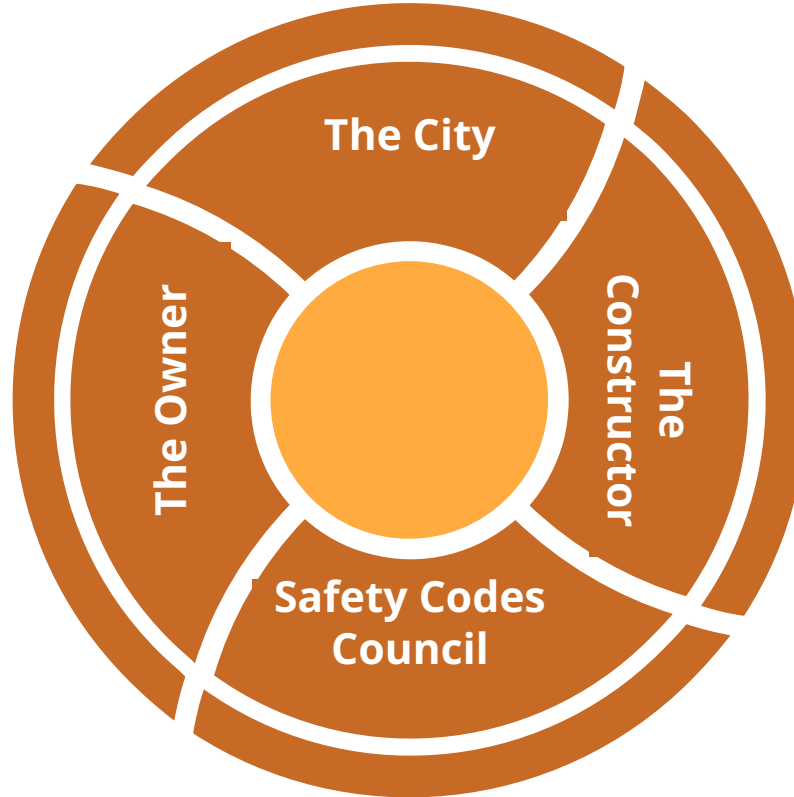


Infill Data

416 Infill Building Permits were issued in the first three quarters of 2022

Item	Complaint	Infractions Found	SC Orders Issued
Fence	201	155	20
Excavation/BF	27	18	7
Property Damage	37	17	4
Work W/O Permits	21	11	2
Other	45	16	1
Total	331	217	34

Roles and Responsibilities



Journey of Infill

2010	2014	2018	2021
Municipal Development Plan <i>The Way We Grow</i>	Infill Roadmap	Infill Roadmap	13 Stakeholder Suggestions
25 per cent of new development directed to be within Downtown and mature neighbourhoods	23 Actions to advance Infill Development	Medium and high scale infill and laneway housing - Missing Middle	Infill Data Explorer Changes to the Drainage Bylaw (18093)

Journey of Infill

2022	2022
Infill Compliance Team Annual Report to Council	Infill Compliance Data Dashboard

Residential Infill Challenges/Concerns

Impact to Property

Neighbours of infill experience damage to their private property; needing support from the City as the regulator

Role of the City

City of Edmonton plays the role of a regulator, advisor, permit issuance, educator, warnings, and stop work orders issuance

Tree Damage and Removal

Redevelopment can also impact tree preservation on private property, which impacts neighbourhood shade, beauty, and carbon removal

Damage to Public Property

Such as, curbs, roads, alleys, sidewalks and infrastructure

Human Centred Design is framework that puts **real people** at the **centre** of a problem-solving process.

Gender Based Analysis Plus (GBA+)

GBA + is a process that promotes us to understand the experiences of groups that are **marginalized** and to identify how we can do our work in more **inclusive** ways.

Who is being excluded?
What can we do about it?

Background



*Inexperienced Builder - **Gerry***



*Homeowner - **Alvaro***

Background

Alvaro works days as a Nurse and evenings as a line cook. He has not kept up with changes to infill policy in Edmonton. He has a legal suite with renters and not home much, but needs rest when he is.

Homeowner - Alvaro



Has worked in the trades for 20 years as a drywaller. Gerry is splitting his lot and plans to build 2 skinny homes with legal suites and do as much as he can on his own.

Inexperienced Builder - Gerry



Checking in: Discussion



→ **Alvaro** is busy - Does the preferred future set reasonable expectations of him? Other residents (*Apply a GBA+ Analysis*).



→ **Gerry** is a one time infill builder - Does the preferred future set reasonable expectations of him? What about other builders?

Navigating a Scenarios

- **Scenario:** There are some damages to Alvaro's property. Alvaro is not familiar with the City Systems and is not available during the day and when Gerry is onsite.
- **Question?** Do the "*tools and approaches*" available support this scenarios effectively? Consider the personas

Discussion

→ Thinking about what was just discussed:

Are there any other changes needed in the Residential Infill **ecosystem** so that it **promotes responsible** infill construction in accordance with the City Plan?



Stakeholder Engagement

Edmonton

Residential Infill Discussion #2

We are meeting on Treaty 6 territory, a traditional meeting ground, gathering place and travelling route for the Cree, Saulteaux, Blackfoot, Métis, Dene and Nakota Sioux.

We acknowledge the many First Nations, Métis, Inuit and others whose footsteps have marked these lands for centuries and whose histories, language and cultures continue to influence our vibrant communities.

Agenda

- Rules of Engagement
- Introductions
- Recap of Previous Session
- Objective of Session
- Process Improvements
- Discussion - Recommendations
- Next Steps

Rules of Engagement

- Be Easy on People and Hard on Issues
- Listen Generously
- One Conversation at a Time
- Avoid Distractions
- Give Others the Space to Speak
- Conversations Will Be Future Focused

Roundtable Introductions

Name and Organization

What We Heard - Session 1

- Construction Signage
- Infill Data
- Use of regulatory enforcement tools
- Stop Work Orders
- 80/20 analogy
- IDEA and CHBA members are advocates for Infill
- Positive infill means positive outcomes for everyone

Objectives of the Session

The January 19, 2021 Council Report resulted in a motion that Administration:

- a) work with community and industry stakeholders to **explore tools and approaches** on how to ensure accountability related to private to private (issues)...*
- b) work with community and industry stakeholders to **improve relationships between builders and neighbours**, with consideration of implementation options and associated resources*

Ongoing In-Process Improvements

- Updates to the Permit Conditions of Issuance
- Proactive Inspections on Demolition Sites
- SCO's continue to liaise with neighbours of infill
- Draft updates to the Construction Site Management Acknowledgment form (PIP)
- Builder Registry Program - *Provincial*

Safety Codes System



Draft Recommendations

- Provide Site Supervisor information on Construction Sign
- Include QR Code on Construction Sign
- Zoning Bylaw: wait period upon posting Construction Sign
- Improve City Website
- Promote Builder - Neighbourhood/community Consultation
- Footing and Foundation Process for Demo + Excavation
- ZBR - side set back increase
- Administrative Penalties

Recommendations

Next steps and thank you!

Email: tamla.foster@edmonton.ca

Appendix – B

We value the input of all stakeholders who attended the January sessions and based on the detailed layout of Residential Infill Working Group's recommendations we thought it best to include it as an appendix.

Additional recommendations provided by Residential Infill Working Group and provided prior to the January 2023 engagement sessions.

RIWG RECOMMENDATIONS - RESIDENTIAL INFILL CONSTRUCTION SAFETY ENGAGEMENT

January 23, 2023

1. That SCOs independently and objectively apply and enforce the 2019 NBC-AE, in its entirety, to meet the Division A, Part 2, Section 2.2 Objectives of the Code, OS5 – Safety at Construction and Demolition Sites and OP4 Protection of Adjacent Buildings or Facilities from Structural Damage.
2. That the City of Edmonton require:
 - 2.1 The applicant of a Building Permit for Demolition to provide documentation of a Demolition Plan showing how the public and adjacent buildings and facilities will be protected from demolition hazards to achieve the objectives of NBC-AE, Division A, Part 2, Section 2.2 Objectives outlined under OS5 and OP4 and Division B, Part 8. Section 8.1 and 8.2, and Division C, Part 2.
 - 2.2 That notification of demolition start date be provided to City of Edmonton Safety Codes Officer(s) and adjacent neighbours within a minimum of one week prior to demolition.
 - 2.3 That inspections be conducted of demolition sites to ensure compliance with the Code. These inspections could be conducted in person or by remote video inspection.
3. That the City of Edmonton require:
 - 3.1 The applicant of a Building Permit to provide documentation of an Excavation Plan showing how the public and adjacent buildings and facilities will be protected from excavation hazards in compliance with NBC-AE, Division A, Part 2, 2.2 Objectives outlined under OS5 and OP4 and Division B, Part 8. Section 8.1 and 8.2, and Division C, Part 2.
 - 3.2 That notification of excavation start date be provided to City of Edmonton Safety Codes Officer(s) and adjacent neighbours within a minimum of one week prior to excavation.
 - 3.3 A certified soil test be conducted and submitted to the SCO for review prior to excavation to ensure moisture content does not impact the stability of the excavation.
 - 3.4 That inspections be conducted of the excavation to ensure compliance with the Code. These inspections could be conducted in person or by remote video inspection.
4. That Safety Codes Officers use their authority and freedom of discretion to engage in enforcement action including:
 - 4.1 Refusal to issue, to suspend or to cancel a Building Permit
 - 4.2 Issuing Stop Work Orders,
 - 4.3 Fines,
 - 4.4 Administrative penalties ([LINK](#)), and
 - 4.5 Taking any action that they consider necessary to remove or reduce the danger.
5. That Safety Codes Officers collect and report data including the following variables:
 - 5.1 Define all variables including Excav BF, and Other
 - 5.2 Whether an “Expedited User,” (taken IDEA Infill Certification program)
 - 5.3 Inspections by type (scheduled, proactive, referred by ICT, or complaint driven)
 - 5.4 All complaints and verified infractions related to demolitions as well as excavations.
 - 5.5 Safety Codes Order Issued
 - 5.5.1 Safety Codes Order Compliance within 1 business day - Yes or No
 - 5.5.2 Safety Codes Order Compliance time frame - in days
 - 5.6 Enforcement actions by type (as outlined in 4 above)
 - 5.7 Property Damage type and severity

RECOMMENDATION RATIONALE – THE BUILDING CODE BASICS [\(LINK\)](#)

The Code applies to “safety during construction of a project, including protection of the public and neighbouring properties.” (NBC-AE, 1.1.1.1)

The NBC-AE is an “objective-based and risk-based model intended to protect the safety of the public and adjacent buildings during design, construction, alteration, change of use, or demolition. (Canadian Commission on Building and Fire Codes. 2019. National Building Code – 2019 Alberta Edition. Ottawa: National Research Council, p. vi) The intent of the Code is to limit the probability that adjacent buildings will be exposed to unacceptable risk from an excavation, such as from settlement of the medium supporting the building.

Division A, Part 2, Section 2.2 Objectives of the Building code are set out as follows:

OS5 Safety at Construction and Demolition Sites

An objective of this Code is to limit the probability that, as a result of the construction or demolition of the *building* or facility, the public adjacent to a construction or demolition site will be exposed to an unacceptable risk of injury due to hazards. The risks of injury due to construction and demolition hazards addressed in this Code are those caused by

- OS5.1 – objects projected onto *public ways*
- OS5.2 – vehicular accidents on public ways
- OS5.3 – damage to or obstruction of *public ways*
- OS5.4 – water accumulated in *excavations*
- OS5.5 – entry into the site
- OS5.6 – exposure to hazardous substances and activities
- OS5.7 – loads bearing on a covered way that exceed its loadbearing capacity
- OS5.8 – collapse of the *excavation*
- OS5.9 – persons being delayed in or impeded from moving to a safe place during an emergency

OP4 Protection of Adjacent Buildings or Facilities from Structural Damage

An objective of this Code is to limit the probability that, as a result of the design, construction or demolition of the *building* or facility, adjacent *buildings* or facilities will be exposed to an unacceptable risk of structural damage. The risks of structural damage to adjacent *buildings* or facilities addressed in this Code are those caused by—

- OP4.1 – settlement of the medium supporting adjacent *buildings* or facilities
- OP4.2 – collapse of the building or facility or portion thereof onto adjacent buildings or facilities
- OP4.3 – impact of the building or facility on adjacent buildings or facilities
- OP4.4 – collapse of the *excavation*

Division B, Part 2, Section 4.2, Subsection 4.2.5, Article 4.2.5.2, “*requires that an excavation be undertaken to prevent movement that would cause damage to adjacent buildings.*”

Division B, Part 2, Subsection 8.1.2, Application, Article 8.1.2.1,

- 1) *Where a building is undergoing construction, alteration or demolition, measures shall be taken at the building site in conformance with this Code.*

Division B, Part 2, Subsection 8.1.2, Application Article 8.1.2.1,

- 1) *If the stability of adjoining buildings may be endangered by the work of excavating, adequate underpinning, shoring and bracing shall be provided to prevent:*
 - a) *damage to, or movement of, any part of the adjoining building, and*
 - b) *the creation of a hazard to the public.*

Article 8.1.2.2 Protection from risk,

- 1) *Precautions shall be taken to ensure that no person is exposed to undue risk.*
8.1.2.2, OS5, Intent 1 – To limit the probability that construction, alteration or demolition activities will lead to unsafe conditions, which could lead to harm to persons.

Division B, Part 2, Section 8.2 Protection of the Public, Subsection 8.2.2 Excavation, Article 8.2.2.1 Water Removal

- 1) *Excavations shall be kept reasonably clear of water.*
8.2.2.1, OS5.8, Intent 1: To limit the probability that water will cause the failure of the sides of the excavation, which could lead to ground surrounding the excavation collapsing into the excavation, which could lead to harm to persons.

Division B, Part 2 Section 8.2 Protection of the Public, Subsection 8.2.2 Excavation, Article 8.2.2.2 Protection of Adjoining Property

- 1) *If the stability of adjoining buildings may be endangered by the work of excavating, adequate underpinning, shoring and bracing shall be provided to prevent:*
 - a) *Damage to, or movement of, any part of the adjoining building, and*
 - b) *The creation of a hazard to the public**8.2.2.2, OP4.1, Intent 1: To limit the probability that excavation operations will lead to damage to adjacent buildings.*
8.2.2.2, OS5.8, Intent 1: To limit the probability that excavation operations will lead to the failure of any part of adjoining buildings, which could lead to harm to persons.

Division C, Part 2 Administrative Provisions, Article 2.2.1.3 Building Code Interpretations

- 1) *A person, may apply to the Provincial Building Administrator in writing for an interpretation of this Code, and the request shall include:*
 - a) *Specific Code references, and*
 - b) *A statement identifying the ambiguity or lack of clarity resulting in the request for an interpretation.*

Article 2.2.2.1 General Information Required

- 1) *Sufficient information shall be provided to show that the proposed work will conform to this Code and whether or not it may affect adjacent property.*
- 2) *Plans shall be drawn to scale and shall indicate the nature and extent of the work . . . in sufficient detail to establish that . . . the work and proposed occupancy will conform to this Code.*

Article 2.2.10.7 Permit Revoked

- 1) *The authority having jurisdiction may revoke a permit . . .*

Article 2.2.10.8 Refusal to Proceed

- 1) *The authority having jurisdiction may refuse to allow any building, project, work or occupancy that would not be permitted by the Safety Codes Act, this Code or other legislation.*
- 3) *A person who is refused a permit may appeal the refusal in accordance with the Safety Codes Act and its Regulations.*

Article 2.2.10.9 Responsibility for Compliance

- 2) *The owner shall ensure that all activities that take place on the site meet the requirements of this Code.*
- 3) *The constructor shall ensure that*
 - a) *precautions are taken to safeguard the public and protect adjacent properties,*
 - b) *the methods used in demolition or erection are safe, and*
 - c) *the material and equipment used on site meet the requirements of this Code.*

Article 2.2.13.1. Notification Before Starting

- 1) *Before work is started on a project, the owner shall give notice to the authority having jurisdiction of the date on which work will start.*

Article 2.2.14.1 Safety During Construction

- 2) *The constructor is responsible jointly and severally with the owner for any construction or work undertaken.*

Article 2.2.14.2 Responsibility for Damage

- 1) *The owner is responsible for the repair of any damage to public property or works located thereon that may occur as a result of undertaking work regulated by this Code.*
- 2) *The owner shall ensure that work undertaken does not damage or create a hazard to adjacent properties.*

Article 2.2.15.1. Correcting an Unsafe Condition

- 1) *If a building is in an unsafe condition, the owner shall forthwith take all necessary action to correct the condition.*
- 2) *The authority having jurisdiction may order the owner of any building to correct any unsafe condition.*
- 3) *If immediate measures must be taken to avoid an imminent danger of fire or risk of accident, the authority having jurisdiction may take any action deemed necessary to reduce the danger of fire or risk of accident, without notice, and at the expense of the owner.*

RECOMMENDATION RATIONALE – COE QUALITY MANAGEMENT PLAN (2019)

- 1.0 The City of Edmonton's Quality Management Plan's Scope of Administration, (p. 3) requires the City of Edmonton as an accredited municipality to administer the Safety Codes Act to *"all parts of the 2019 NBC-AE."*
- 2.0 *"All SCOs will have the right to work in atmosphere free of undue influence and hold the discretionary authority to perform their duties as outlined in the Act," and that "SCO working for the Municipality will have the ability and opportunity to independently make decisions relative to compliance monitoring, without undue influence of management, appointed or elected officials, or any other party." (p. 4)*
- 2.1 The SCOs authority and freedom of discretion are outlined on p. 5 and extend beyond issuing Orders to *"engage in enforcement action, conduct investigations, require professional engagement, and re-inspect,"* to resolve issues of non-compliance. The scope of services includes compliance inspections of work outlined on p. 12 that includes *"follow-up inspections of deficiencies and unsafe conditions"* and *"special or other activities addressed in the codes or at the discretion of the SCO."*
- 3.3 SCOs may issue and serve orders as described on p. 13, *"if the SCO is of the opinion that all other reasonable efforts to obtain compliance with the act have failed." "The enforcement of an Order is the responsibility of the Municipality. It is the purview of the Municipality to escalate enforcement measures as necessary."*

The QMP requires Edmonton's Safety Codes Officers to "make every reasonable effort...to facilitate conformance with the Act" and to "issue an Order if the SCO is of the opinion that all other reasonable efforts to obtain compliance with the Act have failed....The enforcement of an Order is the responsibility of the Municipality. It is the purview of the Municipality to escalate enforcement measures as necessary." (City of Edmonton QMP, p. 13)

- 3.4 "If an SCO is, on reasonable and probable grounds, of the opinion that there is an imminent serious danger to persons or property, because of any thing, process or activity . . . the SCO may take any action that they consider necessary to remove or reduce the danger." (City of Edmonton QMP, p. 13)

3.6 Permit Applications

3.6.1 The application includes the following information:

- (e) describe the undertaking, including information, satisfactory to the SCO and/or permit issuer, regarding the technical nature and extent of the undertaking
- (g) for a permit for the building discipline:
 - iii. If a structure is to be installed on a temporary basis, as determined by the permit issuer, state the period for which the structure will be installed.
- (h) Include any further information that the SCO and/or permit issuer considers necessary, including the provision of:
 - iii. documentation required to verify information provided by the applicant.

3.6.8 Permit Refusal, Suspension, or Cancellation

A SCO may refuse, suspend or cancel a permit in conformance with the Act and the Permit Regulation.

The Municipality will upon refusal, suspension or cancellation of the permit:

- Notify the owner and the permit applicant including the reason for refusal, suspension or cancellation, and advise of the owner's right to appeal.
- Issue a notice and/or PSR identifying the reason for refusal, suspension or cancellation of the permit.

3.7 Site Inspections / Inspections Reports

Inspections will be conducted to determine and advise the owner of compliance to applicable codes and standards.

Inspections will:

- be conducted by a SCO.
- determine if the work, thing, or activities complies with the Act, regulations and codes and standards.
- be conducted within the time frames noted in the discipline specific sections of the QMP.
- Inspection services will be conducted within 5 working days of the requested inspection dates, and
- be conducted at the stage(s) indicated in the discipline specific sections of this QMP . . .

RIWG Conclusion:

This will require adding a demolition and excavation inspection to the discipline specific section of the QMP. This should include verification that soil conditions met acceptable standards prior to excavation and a description of temporary protective structures to prevent unsafe conditions.

