

Roles and Responsibilities in Construction

Owners, registered professionals, constructors, and the Authority Having Jurisdiction (AHJ) have different responsibilities under the *Safety Codes Act* (SCA).

The SCA requires that buildings follow the appropriate codes, such as but not limited to: the National Building Code (Alberta Edition) (NBC(AE)), the National Energy Code for Buildings (NECB), the National Fire Code (NFC) and National Plumbing Code (NPC). These codes also refer to other standards which outline requirements for gas and electrical systems.

Persons responsible for compliance with the *Safety Codes Act* includes property owners. Owner includes a lessees, a person in charge, a person who has care and control of a property, a person who holds out that they have the powers and authority of ownership and/or who for the time being exercises the powers and authority of ownership, and a person who controls the land under consideration to construct a building upon. Ensuring compliance with the SCA includes ensuring that the building is maintained as required by the regulations and that processes and activities on the land are undertaken in a safe manner. If responsible parties do not know all of the requirements to meet the SCA, they are expected to hire the appropriate expertise to assist.

The registered professional, which is either an architect registered with the Architects Association of Alberta (AAA) or an engineer registered with the Association of Professional Engineers and Geoscientists of Alberta (APEGA), is the person who creates a design for use by others, and has the responsibility that the design complies with the SCA which is demonstrated by the following:

- Authenticating (or stamping) drawings and specifications which indicates to the owner, constructor and AHJ that their design follows good professional practice and substantially meets applicable codes and standards, and

- Conducting field reviews to ensure that the building is being constructed in general conformance with the design drawings and specifications.

The quantity and frequency of field reviews is determined by the registered professional. Each discipline is responsible for conducting field reviews associated with their scope. Most buildings require an architect, mechanical engineer, electrical engineer, civil engineer and structural engineer. Other professionals may be required for unique components to a building, such as a fire suppression system.

The constructor is the entity who constructs the building on site. This is typically the general contractor for a building who has control of the building site, and is responsible for coordinating trades to construct the building. Constructors may be held liable for unsafe working conditions, not constructing in accordance with the plans and specifications, and/or for not complying with the SCA. The constructor is responsible jointly and severally with the owner for any work undertaken.

The Authority Having Jurisdiction is an accredited entity responsible for administering the SCA in the building, electrical, plumbing, and gas disciplines. The City of Edmonton is the accredited entity responsible for administering the SCA in Edmonton. The procedures for administering the SCA are outlined in the City of Edmonton's Quality Management Plan (QMP). The City is responsible for monitoring compliance through permit issuance, plans examination (when applicable), site inspections and follow up inspections.

The QMP contains the minimum number of inspections required for each discipline for each project. For reference, for single and two family dwellings, a minimum of two building inspections is required through the build cycle.

The SCA states that no action lies against the AHJ provided that the AHJ is acting in good faith while performing their duties. The owner's responsibility is as follows per the SCA:

"The owner of any thing, process or activity to which this Act applies shall ensure that it meets the requirements of this Act, that the thing is maintained as required by the regulations and that when the process or activity is undertaken it is done in a safe manner."

Ultimately the owner is responsible for compliance with the SCA, and is the party which any enforcement action, such as a stop work order, is addressed to. Registered professionals also have a responsibility to comply with the SCA, and should conduct an appropriate number of field reviews to ensure that their design is being followed by the constructor. The constructor is also responsible to comply with the SCA, and follow the design per the drawings and specifications.

These roles and responsibilities are the same in the version of the SCA in force in 2003, and the version currently in force in 2024.

Over this timeframe the City of Edmonton has developed fulsome web content available to the public and providing information in relation to construction requirements and supporting information for neighbours of construction.

Attachment 4

City of Edmonton Compliance teams work collectively with other municipal and provincial stakeholders to reactively monitor construction projects at various stages of progress.