

FALL 2021 CP UPDATE SEMINAR

GUIDE TO LETTERS OF ASSURANCE

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VIA ZOOM



ARCHITECTURAL
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ENGINEERS &
GEOSCIENTISTS
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Guide to Letters of Assurance

- > Working Group Meetings were conducted monthly from September 2019 to January 2021 (16 months).
- > The final version of the Guide to LOAs based on the 2018 BCBC and 2019 VBBL was sent to BSSB in April 2021 for processing through the various government agencies.
- > The 2021 Edition 6 of the Guide to LOAs is expected to be published by Building Safety & Standards Branch (BSSB) shortly. The final DRAFT is dated October 5, 2021.

Guide to LOAs

Working Group Members

- > Barry Thorson – Chair - EGBC
- > Junichi Jensen – BSSB
- > Don Pedde – BSSB
- > Patrick Shek – City of Burnaby, BOABC
- > Jason Watt – City of Abbotsford
- > Kelly Anderson – City of Vancouver
- > Maura Gatensby– AIBC

Guide to LOAs Working Group Members

- > George Humphrey – AIBC
- > Brian Sim – AIBC
- > Teresa Coady – AIBC
- > Peter Mitchell – EGBC
- > Amy Fehr – EGBC
- > Leonard Pianalto – EGBC
- > Geoff Triggs – EGBC

Overview of Major Changes to the Guide to LOAs

- > This presentation will highlight the major changes in the final version of the 2021 Guide Edition 6 from the 2010 Edition 5a.
- > We presented a preliminary presentation at the July 2020 CP Seminar.
- > This presentation includes some of the previously mentioned major changes to the Guide plus some subsequent changes and additions to the Guide.

BCBC 2018 & VBBL 2019

- > For the very first time in the history of the Guide to Letters of Assurance, we have included reference to both the BCBC 2018 & VBBL 2019.
- > For the very first time, we have a representative from the City of Vancouver on the committee, namely Kelly Anderson, Manager of the Building Review Branch.
- > The goal is to harmonize the application of LOAs throughout BC, including within Vancouver.

Definition of “Owner”

- > The definition of Owner was removed from the BCBC 2012 and is still not defined in BCBC 2018.
- > For projects regulated by BCBC 2018, the definition of owner is established by the AHJ. *The owner is intended to be the person, firm or corporation controlling the property during the time the Building Code is being applied. This could include a tenant.*
- > For projects regulated by VBBL 2019, owner is defined in Article 1.4.1.2. of Division A.

When is a CRP Required?

- > Clause 2.2.7.2.(1)(a) of Division C states that the owner must retain a coordinating registered professional on every project where registered professionals of record are required as determined by Article 2.2.7.1.
- > The Guide states it is acceptable practice for AHJs to not ask for CRPs under the following examples:
 - There is only 1 RPR on the project
 - Part 9 project – more than 1 RPR but no coordination required (e.g. structural engineer and sprinkler engineer)
 - Part 9 project – more than 1 RPR but coordination is handled between RPRs (e.g. structural engineer and geotechnical engineer)
 - Simple tenant improvement projects – Part 3 or Part 9

Authorities Having Jurisdiction

- > *An authority having jurisdiction* must not request or accept Building Code Letters of Assurance on projects that are outside the scope of Subsection 2.2.7. in Part 2 of Division C. Note that the Vancouver Building By-law has some additional requirements where Letters of Assurance are required.

Supporting Registered Professionals

- > If an *authority having jurisdiction* asks for plans and supporting documents prepared by the supporting *registered professional*, these documents should be signed and sealed by the supporting *registered professional*. The professional seal on those documents indicates the appropriate assurance of the design.
- > SRPs should use Schedules S-B and S-C rather than Schedules B & C-B. These Schedules are typically not submitted to the AHJ, unless specifically requested.

Change in RPRs

- > There are numerous scenarios for changes in RPRs:
 - Scenario 1 - Change occurs just prior to BP application,
 - Scenario 2 - Change occurs after BP submission but prior to BP issuance,
 - Scenario 3 - Change occurs after BP issuance but prior to start of construction,
 - Scenario 4 - Change occurs after BP issuance part way through construction

Change in RPRs

- > The Guide describes in detail the procedures and the modifications required to the LOAs for each of the 4 scenarios.
- > In principle, a similar procedure should be applicable for each scenario with minor adjustments to the LOAs.
- > For scenarios 1 & 2, some AHJs may not accept a change in RPR prior to BP issuance.
- > The CRP or RPR should check with the AHJ with respect to their specific requirements.

Change in SRPs

- > The procedures for changes in SRPs is similar to those for change in RPRs.

Change of Firm Name or Ownership

- > Letters of assurance are signed and sealed by individual CRPs and RPRs, so the roles and responsibilities described in the letters of assurance rest with the individual rather than the firm.
- > Effective October 1, 2021, Engineers are required to indicate their **EGBC Permit to Practice number** on all authenticated (professionally sealed, signed and dated) documents.
- > EGBC has confirmed that Permit to Practice numbers are not required for application of a CP stamp to a document.

Change of Firm Name or Ownership

- > The procedures for applying the EGBC Permit to Practice number on documents has been excluded from the Guide to LOAs.
- > EGBC published a Practice Advisory on October 18, 2021 entitled “[Permit to Practice Requirements for Letters of Assurance](#)”. Engineers should refer to this document.
- > AIBC issued “[Notice to Architects Providing CRP Services](#)” on September 27, 2021 confirming that no changes to the AIBC Certificate of Practice procedures apply at this time.

NFPA 96 – Commercial Kitchens

- > The design and field review of commercial kitchen exhaust systems per NFPA 96 and of fire suppression systems for commercial exhaust hoods are specialty fields which may include multiple disciplines (architectural, structural, mechanical, fire suppression, electrical).
- > Schedules S-B and S-C are the appropriate schedules for supporting registered professionals, so they could be submitted to the AHJs if requested.
- > Refer to City of Vancouver Form K2 for one approach to dealing with multiple disciplines.

Geotechnical Temporary

- > Although the letters of assurance specifically exclude “construction safety”, which is the sole responsibility of the contractor, there is one specific requirement in Part 8 of the Building Code which can significantly affect both public safety and worker safety and may warrant the involvement of a geotechnical registered professional.
- > Refer to Article 8.2.2.2. of Div B

Geotechnical Temporary

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.

Geotechnical Temporary

- > For Part 3 buildings – Items 7.1 (excavation) and Item 7.2 (shoring) of Schedule B would address this issue.
- > For Part 9 Buildings - **Schedule B is not the appropriate mechanism to demonstrate professional assurance** for protection of adjoining property for Part 9 *buildings* because it is not within the scope of Article 2.2.7.1. of Division C. The owner or the contractor should discuss with the *authority having jurisdiction* the appropriate means to protect the adjoining property during construction.

Temporary Construction Dewatering

- > EGBC's Guideline "Geotechnical Engineering Services for Building Projects" provides definitions of each Geotechnical item on Schedule B.
- > Note that for Item 7.4 – "Temporary Construction Dewatering", cut off walls such as sheet pile walls or secant pile walls are part of the "Temporary Construction Dewatering" system, so if these components exist on a project, this item cannot be crossed off the Schedule B.

Temporary Construction Dewatering

- > “...the installation of well and/or pumping systems and/or **temporary cut-off structures** to maintain stability of the excavation and partially constructed buildings (i.e., due to buoyancy) by control of groundwater levels or flow. This normally is related to the pumping and drainage of groundwater, including consideration of measures to **reduce temporary and long-term (i.e., if subject structure will not be removed) off-site impacts** such as settlement/subsidence due to raising or lowering the water table.”

Permanent Construction Dewatering

- > “...the geotechnical aspects of the installation of well, drainage, and/or **groundwater cut-off systems**. This normally is related to the pumping, drainage, and/or cut-off structures that are required to **limit hydrostatic pressures acting on the building**. Considerations should include seismic load and performance, soil and structure interaction, measures to **reduce off-site impacts** such as settlement or subsidence due to raising or lowering the water table. This item also includes specification of design hydraulic conductivities, and seepage estimates.”

Landscape Design

- > Item 1.8 of Schedule B indicates that the responsibility for design and *field review* of “landscaping, screening and site grading” rests with the architect.
- > Item 1.13 of Schedule B indicates that the responsibility for design and *field review* of “Development Permit and conditions therein” also rests with the architect.
- > All items listed in Schedule B relate to “Components of the plans and supporting documents prepared by this *registered professional*” and must be shown on the architect’s drawings.

Landscape Design

- > For Item 1.8 of Schedule B, the architect is taking responsibility for landscaping that is shown on their drawings and for aspects of the landscaping that are regulated by the Building Code (e.g. firefighter access, accessibility, stairs, ramps, handrails, *guards*, *grade*, etc.).
- > The architect may not have the training and experience in other aspects of landscape design such as plant species, growing medium or site irrigation. These items are not regulated by the Building Code and are not covered by the architectural Schedules B and C-B.

Landscape Design

- > An architect cannot provide assurance on drawings prepared by a landscape architect. The development conditions that the architect is providing the assurance on are the development permit conditions as described in the architect's drawings. If *authorities having jurisdiction* require someone to take responsibility for the design *and field reviews* of landscape development permit conditions that go beyond the scope of the Building Code, then assurance for such responsibility should be provided by the designer of the landscaping, using appropriate accountability documents, not by the architect using the Letters of Assurance.

Development Permit Conditions

- > For Item 1.13 of Schedule B, when the architect confirms responsibility for the “Development Permit and conditions therein”, it could imply that the architect is taking responsibility for all aspects of the development permit and its conditions. However, the assurance only covers the development permit matters and conditions that are documented in the drawings prepared by the architect.

Civil Works

- > Schedule B does not include a specific discipline for civil works within private property. Since some projects have a separate *registered professional* who undertakes the design and *field review* of civil works, the Guide outlines the appropriate approach for the use of Letters of Assurance for civil works.

Civil Works – Fire Access Routes

- > Since the item “Provisions for firefighting access” is included in Item 1.9 of Schedule B under the architectural discipline, if the design and *field review* of such components is undertaken by a *civil registered professional*, this *registered professional* will be considered to be a supporting *registered professional* to the architectural *registered professional of record*. For these components, the *civil registered professional* should provide a Schedule S-B and S-C to the architectural *registered professional of record*

Civil Works – On-Site Services

- > In most cases *plumbing systems* that are located on private property are subject to the requirements of Part 7 in Division B of the Building Code. If a separate civil *registered professional of record* provides design and *field review* services for such on-site *plumbing systems*, then such work is considered to be a primary discipline, and the civil *registered professional of record* should submit Schedules B and C-B for the relevant items in Schedule B.

Civil Works – Off-Site Services

- > The Building Code only applies to work within a *building*, or work located on private property to service a *building*. Off-site civil works are not regulated by the Building Code so Letters of Assurance do not apply.

Alternative Solutions

- > The Building Code Letters of Assurance have been developed to address the design approach using the acceptable solutions described in Division B. **These letters are not an appropriate form of accountability for alternative solutions.**
- > The assurance that the alternative solution demonstrates a level of performance required by Clause 1.2.1.1.(1)(b) of Division A has been achieved should be demonstrated through an alternative assurance mechanism.

Use of Professional Seals

- > Both AIBC and EGBC have issued bulletins or practice notes on the proper use of a professional seal. Refer to these associations' websites for further information.
- > Except as described in Chapters 8 and 9 of this Guide regarding Change in RPRs, the *registered professional of record* who applies their professional seal to their drawings that form part of a building permit application must be the same *registered professional of record* who applies their professional seal to the Schedule B and Schedule C-B.

Notarius Digital Certificates

- > For *authorities having jurisdictions* that accept the use of Notarius digital certificates, the following general principles apply:
 - Letters of assurance may be sealed by a *registered professional* using a valid Notarius digital certificate for the professional seals from the CRPs, RPRs or RPs, as well as a valid Notarius digital certificate for the CRP's initials on Schedules B and C-B.

Delegation of Signing Authority

- > In general terms, a *registered professional* cannot delegate their signing authority to another registered professional when it relates to applying their professional seal.
- > If a registered professional is on vacation, the only acceptable methods for applying his or her professional seal to a document is as follows:
 - Have the original document sent to the registered professional for application of their professional seal, or
 - The registered professional can apply their professional seal using their Notarius digital certificate and email the document to their office or to the *authority having jurisdiction*.

Recommended Changes to LOAs

- > Add a line for the date of each LOA at the top right of each page. This is to accommodate a change in RPR. The date on the LOA must match the transition date. The date for the professional seal must match the date when the seal is applied, which may differ from the transition date.
- > Revise the wording beneath the box for professional seal to read "Professional Seal, Signature and Date".

Recommended Changes to LOAs

- > Locate the box for the professional seal consistently on each page of each LOA to accommodate digital seals.
- > Schedule A - Revise reference to "his or her" in definition of field review and 2nd to last paragraph on page 2.
- > Schedule C-A - Clause (b) to read "I have coordinated **and integrated** the functional testing"

Recommended Changes to LOAs

- > Add to the Architectural list - "NFPA 96 - Architectural aspects"
- > Add to the Mechanical list - "NFPA 96 - Mechanical aspects"
- > Revised Item 4.2 "Site and foundation drainage systems" to read "Site and foundation drainage systems, subsoil drainage pipes, and other facilities to intercept and convey surface and subsurface waters".

Recommended Changes to LOAs

- > Add the Civil Discipline to Schedule B to include the following:
 - a. On-site services (from the street to the building)
 - b. Site grading - suggest to separate from line item 1.8
 - c. Storm water management
 - d. Site retaining walls
 - e. Drainage for site retaining walls
 - f. Fire hydrants on private property
 - g. Fire access roads - civil design aspects

Recommended Changes to 2.2.7.

- > 2.2.7.1.(1)(c)(iii) of Div C – **NFPA 13R**
Revise to read sprinkler systems designed to NFPA 13, "Installation of Sprinkler Systems" or **NFPA 13R, "Installation for Sprinkler Systems in Low-Rise Residential Occupancies"**
- > 2.2.7.1.(1) – **NFPA 96** - Add Subclause (v) that reads mechanical systems and fire suppression systems designed to NFPA 96, "Ventilation Control and Fire Protection of Commercial Cooking Operations".

Recommended Changes to 2.2.7.

- > 2.2.7.1.(1) – **Site Retaining Walls** - Add Subclause (vi) that reads
“site retaining walls that exceed 1.2m in height
- > 2.2.7.2. – **CRP**- Clarify that a CRP is not required for the following:
 - a. Projects that require only a single RPR,
 - b. Part 9 projects with more than one RPR, but the RPRs do not require coordination,
 - c. Part 9 projects with more than one RPR where the RPRs can coordinate between themselves, or
 - d. Simple renovations or alterations to an existing building where coordination is not warranted.

Recommended Changes to 2.2.7.

- > **Sprinkler Design** - Further discussion if Scenario 2 (design/build) for sprinkler design should be removed from the Notes to Part 2
- > **SRP** - Amendment to Letters of Assurance to allow for drawings submitted by a Schedule S under seal of an SRP. LOAs should contemplate that the RPR may rely on an SRP.

THANK YOU