



ROUNDTABLE 1 – INCREASING PUBLIC SAFETY

MONDAY, NOVEMBER 18, 2013

Moderator: Peter Doody

CONFIRMED PARTICIPANTS:

- Randal Froebelius is BOMA Canada's Secretary-Treasurer and also the Principal of Equity ICI Real Estate Services.
- Association of Ontario Municipalities, Stuart Huxley, Senior Legal Counsel, City of Ottawa
- Dean Findlay, Ontario Building Officials Association
- Warwick Perrin, Ontario Association of Property Standards Officers
- Ministry of Labor - Wayne De L'Orme, Director – Mining Health and Safety Review
- Ministry of Municipal Affairs and Housing - Brenda Lewis, Director of the Building and Development Branch
- Ann Borooah, Chief Building Inspector, City of Toronto
- Peter Sharpe, former president Cadillac-Fairview
- Michael Ostfield, Toronto Lands Corporation

- 1) Should there be mandatory periodic inspection of all buildings? If so, by whom (province, municipality or building owner)? How often? What kinds of buildings?
- 2) Should there be mandatory minimum property standards for all buildings? If so, who should establish them (province or municipality?) How should they be enforced?
- 3) Should those who have responsibility for public safety in buildings (municipalities, MOL etc.) have the power, or be required, to force owners to retain a professional (engineer or architect) to approve proposed repairs or maintenance to existing buildings? Should a record be kept of all remedial actions undertaken by the owners?
- 4) Should clear guidelines be established in the regulations governing the Chief Building Official in cases where public safety may be at risk based on the degree and imminence of the threat and the response of the owner, making it clear that in cases where an owner is either unwilling or unable to take steps necessary to avoid risks to human safety that (a) an order be promptly issued; (b) a clear period of time be allowed for compliance; (c) at the end of that time, the city must take further enforcement steps to prosecute, conduct the work at the owner's expense or to close and condemn the structure.

- 5) Is the training for building officials, in particular, for property standards officers, sufficient? Should there be mandatory training, competency qualifications and certification of property standards officers? What degree of independence should property standards officers have from other municipal officials? Should building officials, including property standards officers, be regulated as a profession?
- 6) Considering the information you have gleaned from the proceedings of the Elliot Lake Commission of Inquiry, can you provide your top five recommendations as to what should be done to ensure that a similar tragedy does not occur again in Ontario or Canada? If possible, identify the sort of buildings or occupancies which should be the highest priority?

ROUNDTABLE 2 – IMPROVED SHARING OF REPORTS AND INFORMATION

TUESDAY NOVEMBER 19, 2013

Moderator: Peter Doody

CONFIRMED PARTICIPANTS:

- Randal Froebelius is BOMA Canada's Secretary-Treasurer and also the Principal of Equity ICI Real Estate Services.
- Ministry of Labour - Vivien Wharton-Szatan, the Provincial Coordinator for the Industrial Health and Safety Program
- Ministry of Municipal Affairs and Housing, Brenda Lewis, Director of the Building and Development Branch
- Ryan Stein, Director, Policy, Insurance Bureau of Canada
- Ann Borooah, Chief Building Inspector, City of Toronto
- Alan Shaw, Ontario Building Officials Association
- Association of Ontario Municipalities, Stuart Huxley, Senior Legal Counsel, City of Ottawa
- Lorne Braithwaite, CEO, BUILD TORONTO

- 1) Should the Owner of a building be required to keep a secure record of and provide the information relating to the condition of a building (all private, as well as public, documents and information dealing with the condition of those buildings over their lifetime, including information on the nature and extent of the services provided by an engineer and an architect, the name, identity and contact information of those professionals and any remedial actions taken as a result of inspections)
 - a. to any purchaser or other person seeking to acquire an interest in the building, financial or otherwise
 - b. to any person or agency conducting or supervising any inspection, assessment, repair or renovation of a building before any such inspection, assessment, repair or renovation begins
 - c. To the municipality whenever a building permit is required for repairs and renovations?
 - d. to a provincial agency
- 2) Should the Owner of a building (and perhaps those who prepared the building information?) be required to register the information (i.e. Reports) relating to the condition of a building on the title to the property?
- 3) If so, should the availability of this information apply to all buildings or just commercial buildings?

- 4) If there is no requirement to register the information (i.e. Reports) relating to the condition of a building on title to the property, should the information be made accessible to the public by some other means such as a central registry? Or should they at least be filed with the Chief Building Official?
- 5) Should the building owner be required to complete an Affidavit as mandatory closing document that states at a minimum the following:
 1. The owner has disclosed all engineering reports that have been conducted while the building has been owned by the present owner.
 2. That the owner has undertaken appropriate inquiry in order to obtain the history of all engineering reports on the property and they are stated here.
 3. There are no report or document that the owner is aware of with respect to this real property that deal in any way with the structural assessment or condition of this building that has not been disclosed to the purchaser.
- 6) Should any and all engineers and architects who have provided services to an owner of a building make available all information in their possession to successor engineers or architects requesting such information?
- 7) Should municipal governments be required to document all oral and written complaints, even if the person wishes to remain anonymous? Should municipal governments be required to keep a public registry of all property standards bylaw violations that deal with the safety and soundness of a building structure, including any follow up action taken by the municipality and remedial action taken by the owner or municipality?
- 8) The *Occupational Health and Safety Act* (sections 51 and 52) currently provides for certain obligations on employers to provide notice to the Ministry of Labour where a person is critically injured or killed at a workplace or a person is disabled from performing his/her work or requires medical attention because of an accident, explosion, fire at a workplace. Should these notice obligations be expanded to include situation of imminent danger, accident or injury? In addition, should an employer be required to report to the Ministry of Labour any health and safety recommendation made by a joint committee or a health and safety representative which is not followed and may lead to critical injury?
- 9) Considering the information you have gleaned from the proceedings of the Elliot Lake Commission of Inquiry, can you provide your top five recommendations as to what should be done to ensure that a similar tragedy does not occur again in Ontario or Canada? If possible, identify the sort of buildings or occupancies which should be the highest priority?

ROUNDTABLE 3 - ROLE OF PROFESSIONALS and OTHER BUILDING CONSULTANTS

WEDNESDAY NOVEMBER 20, 2013 – THURSDAY NOVEMBER 21, 2013

Moderator: Bruce Carr-Harris

CONFIRMED PARTICIPANTS:

- Chris Roney, P.Eng. Professional Engineers of Ontario (PEO)
- Paul Acchione , President, Ontario Society of Professional Engineers
- J. William (Bill) Birdsell, President, Ontario Association of Architects
- Gregory (Greg) Miller, C.E.T., CBCO, Vice President on OACETT (Ontario Association of Certified Engineering Technicians and Technologists) Council and is Manager, Building and By-Law services and Chief Building Official for the Town of the Blue Mountains
- Dale Craig, Chairman of J.L. Richards and Associates Ltd.
- Prof. Jag Humar, Carleton University

- 1) Should the term “prime consultant” be defined and the roles and responsibilities clearly enunciated?
- 2) Should Consultants, including engineers, architects and building inspection companies, be required to clarify the scope of their expertise to their clients and to clearly establish which elements of the building they are qualified to provide an opinion on and which elements of the building they will not be inspecting or addressing due to lack of sufficient expertise.
- 3) Should the PEO, the OAA and the OACETT provide guidelines with clearer standards for the inspection of an existing building, including best practices to
 - establish clear terminology to ensure that clients and regulators understand the scope of work, defining the scope of work expected in various types of inspections (for example, opening up concealed areas to examine connections or measuring corrosion) and ensuring that the engineer has sufficient resources, and a sufficient retainer, to be able to complete the required work;
 - clarify which documents should be reviewed prior to the inspection;
 - clarify which questions must be asked of the on-site owner representative, including a request for production of previous structural engineering reports;

- identify the critical areas and determining the appropriate number of samples on which to draw credible conclusions;
- document the inspected areas, including photographs, measurements, samples and notes.
- clarify and define terms such as ‘visual’ inspection’, ‘condition assessment’, ‘detailed condition assessment’, ‘structural assessment report’, ‘structural elements’ etc.
- prohibit the use of statements in reports such as “All beams inspected had little loss of section and we would consider the members still structurally sound” where the location of those beams or structural elements on which that opinion was based has not been identified within the report;
- establish a baseline of what is deemed to be an appropriate representative sample of the structural system and its components, including joints and connections, and structural steel to be inspected before the professional inspecting the building can confidently confirm that a building is ‘structurally sound.’
- set out the minimum standards for inspection by the professional inspecting the building to determine whether there has been ‘section loss’ of structural elements. In particular whether actual measurement is required where corrosion has been identified or that a ‘visual assessment’ of the degree of corrosion is sufficient?
- define what the professional inspecting the building must include in their reports in relation to which elements of the building have and have not been inspected. Should the Guidelines require that a review of structural steel must include an inspection of and report on the condition of the connections, failing which the structural review is not complete?
- specify when the professional conducting the inspection should include a warning in their report to the client of the potential risks of failing to follow the recommendations in the report where significant or potentially unsafe deficiencies in the building have been identified and recommendations have been made for the repairs;
- set out when it is appropriate to make changes to a draft report based on client feedback;
- set out when copies of the reports for the buildings which have been inspected in the past should be retained;
- establish an obligation to create and maintain a searchable database within their respective offices (locally and nationally) which would allow the professional conducting the inspection to search to see if their respective companies have

inspected a particular building in the past (for any reason) and to review the previous files and reports prior to taking on a new retainer, or conducting a further inspection of the building; and

- clarify the procedure to be followed when signing a report prepared by a graduate professional in training, a C.E.T. or an unlicensed engineer.
- 4) Should there be a requirement on engineers and architects to advise clients (past and present?) of the suspension or revocation of their license?
 - 5) Although architects and engineers currently have a duty to report a building which poses a threat to the safety and security of the public, should a guideline be issued by the PEO, OAA and/or the OACETT which provides:
 - a. a standard of when the professional is to report the unsafe conditions (i.e. degree of risk);
 - b. that public safety should be the primary consideration;
 - c. to whom the professional is to report the unsafe condition (i.e. professional organization, CBO of the municipality in which the unsafe building is located, owner, etc.); and
 - d. whether the professional (architect, engineer, C.E.T.) reporting the unsafe building should be afforded immunity from liability where the building has been reported in good faith.
 - 5a) The Algo Centre Mall included an open air parking lot over occupied space. Are you aware of other commercial buildings in Canada of similar design and construction? Are there problems with this kind of structure which need to be addressed by consultants?
 - 6) Should the concept of a “provincial engineer” be adopted in Ontario?
 - 7) In the past, engineers had specialties that were identified on their seals. Should the PEO, in the case of structural engineering at least, revert to that approach, including specific training and mandatory continuing professional education components for engineers practicing and holding themselves out to the public as “structural engineers”?
 - 8) Should Professional Engineers Ontario adopt a system of mandatory continuing education similar to other professions in the province and like other professional engineering licensing bodies in several other provinces?
 - 9) Should PEO adopt guidelines for structural engineering practice and independent documented structural engineering review similar to those now published by APEGBC and which resulted from the inquiry into the Station Square collapse in Burnaby, B.C. in 1988?
 - 10) What is the general state of knowledge in the engineering profession of corrosion, and particularly what conditions affect the rate of corrosion of structural steel and what is the

impact of corrosion on the anticipated life of a building's structural integrity? Is there continuing education in this area and, if not, should there be?

- 11) Considering the information you have gleaned from the proceedings of the Elliot Lake Commission of Inquiry, can you provide your top five recommendations as to what should be done to ensure that a similar tragedy does not occur again in Ontario or Canada? If possible, identify the sort of buildings or occupancies which should be the highest priority?