



URBAN  
DEVELOPMENT  
INSTITUTE

SUITE 1100  
1050 W PENDER STREET  
VANCOUVER, BC V6E 3S7

June 16, 2023

Jun'ichi Jensen  
Director, Codes and Standards  
Building and Safety Standards Branch (BSSB)  
PO Box 9844 Stn Prov Govt  
Victoria BC V8W 9T2

**Re: B.C. Building Code 2023 Public Review**

Dear Mr. Jensen:

The Urban Development Institute Pacific Region (UDI) would like to thank you for meeting with our members on April 26<sup>th</sup> regarding the proposed *B.C. Building Code (BCBC)* changes that the Ministry would like to be implemented by the end of the year. We understand the Province's objectives to make buildings more accessible by increasing the adaptable features in them as well as improving health/safety with the proposed seismic design requirements. However, as discussed in our meeting, UDI has concerns about the substantial impact of these changes on the designs of buildings/units as well as the floor area and costs of projects. We have several recommendations, including:

1. Delaying the adoption and implementation of the accessibility and seismic design and accessibility requirements to allow additional time to understand the impacts on new housing supply and ways to mitigate them;
2. Working with staff in the Planning and Land Use Management Branch, and Ministry of Municipal Affairs to develop mitigation measures to protect housing supply; and
3. Enhance in-stream protection for projects already in the municipal approvals process.

**Accessibility**

UDI recognizes the need for the *BCBC* to include robust provisions related to accessibility and the development of adaptable units across the housing continuum, and many of the adaptable provisions such as the location of switches and plugs can be accommodated in all units. However, the proposed changes that will increase the space

in bathrooms and bedrooms far exceed the current requirements and present multiple challenges for the development industry to provide much-needed housing.

*Impacts on Design and Housing Delivery*

The proposed change to “[Require] 100 per cent of dwelling units to be adaptable in new, large apartments and condos...” could have significant adverse impacts on the number of homes being delivered and the affordability of these homes. This is especially true for smaller and more affordable units that would need to be designed to have enough space for increased mobility.

At the meeting, you indicated that 650 ft<sup>2</sup> one-bedroom apartments could be designed to accommodate the adaptable features. However, it is not clear how desirable or marketable these units would be if the larger bathrooms and wider halls reduce the size of the living spaces. In addition, our members are building one-bedroom units that are much smaller than 650 ft<sup>2</sup> as well as studios.

Fully adaptable units will have to be larger, which could negatively impact the affordability of these units as the overall square footage of the unit will increase. As unit sizes increase and corridors widen to meet the requirements, this would result in lower numbers of units per project if the same footprint was maintained. Considering the Province’s goals of making housing more affordable and supporting the delivery of more housing supply, these issues need to be addressed.

*Demand for Accessible Units*

Although it is noted in the consultation documents that more adaptable units are needed within the housing continuum, we do not think the need is for 100% of units to be fully adaptable given the small percentage of people requiring accessibility provisions. **UDI recommends that the BSSB delay the implementation of these changes and use the additional time to conduct more research on the demand for fully adaptable units as well as the impact of the proposed requirements – especially with regard to floor area – and mitigation measures.**

UDI acknowledges and supports that many of the proposed changes for *BCBC 2023* are intended to better harmonize it with the National Building Code of Canada (NBC). However, these proposed changes to accessibility are part of the changes being made too harmonize with the *NBC* and therefore could be given further consideration without impacting the harmonization of the codes.

There is an additional issue. There are currently several communities with no requirements for adaptable units. In the Lower Mainland, many communities require a much lower percentage of fully adaptable units ranging from 5-25%. In all these examples, a jump to require 100% of new units to be fully adaptable would be a substantial change, and it would be critical to phase-in much higher standards.

## Earthquake Design

UDI recognizes that in B.C. we are in a seismic zone, and our members want to make sure their buildings are safe in the event of an earthquake. Areas such as the Capital Region, Richmond and Delta experience increased challenges with earthquake preparedness in new buildings, especially in relation to the rest of Canada. These are also some of the areas with the greatest need for new housing in the province.

In our April 26<sup>th</sup> meeting with the BSSB, it was clear that the Ministry is still understanding what the impacts of new Earthquake Design requirements would be. The timeline for new seismic requirement implementation is short, for both the Ministry and the industry to identify the complete implications of the proposals. Some members have estimated that concrete core sizes will need to increase by 20-30% for high-rise buildings. This directly conflicts with municipal requirements constraining floorplate sizes, resulting in less liveable space in each building. It will take time for local governments to adjust requirements to adapt to larger building cores without compromising housing delivery. ***UDI recommends that the Earthquake Design changes be delayed to allow for further analysis on the impacts as well as potential mitigation measures.***

For Part 9 buildings, the Province is recommending the implementation of the 2025 NBC seismic measures, so the timing of the implementation does not need to align with the Harmonization Agreement. UDI also suggests a delay for the Part 3 changes, and there is a precedent that has been established in the treatment of other harmonization changes. It is noted on the Province's website that changes to the NBC and *National Fire Code (NFC)* requirements for Large Farm Buildings and Home-Type Care Occupancies are being delayed to allow for impact analysis.

In addition, the public consultation information provided by BSSB focused on the changes for Part 9. We are concerned that some of our members who build Part 3 projects will be surprised by what will be substantial changes in some communities compared to the current requirements that will add significant costs to projects as well as reduce the square footage of buildings, and impact the overall affordability of new housing.

## Implementation Approach

UDI has significant concerns regarding many of the proposed accessibility and seismic changes. We believe that there is a need to delay the implementation of both of these provisions in their entirety, despite the Province's commitment to the harmonization agreement. There are aspects of both provisions that may have a limited impact on the building sector, however ***we recommend against the adoption of these types of changes in a piecemeal approach.*** This would result in confusion for builders, consultants and municipalities, as well as a duplication of the Province's education efforts in these critical areas. This underscores our recommendation for the BSSB to

remove these provisions from the changes being proposed for 2023 implementation, to allow for additional time to assess impacts, then implement the changes as a package at a later date.

### **Mitigation Measures to Protect Housing Supply - Offsets**

The Provincial government has made clear their intentions to increase the supply of housing across the province. The Ministry of Housing has announced several initiatives including mandated housing targets for municipalities under the *Housing Supply Act*. These initiatives are critical to meet the current shortfall of housing and incoming demand, work towards increased affordability, and ensure that all B.C. residents have more housing options. In order to do this, it will involve the coordination of all provincial initiatives that impact the delivery of housing, including provisions in the new *BCBC*.

As noted above, increasing accessibility and seismic design requirements in the *BCBC* will have an impact on the amount of housing that can be delivered, and the affordability of housing because of the impacts on costs and densities that can be built. These difficulties will apply to all housing types, including much-needed purpose-built rental housing as well as non-profit housing.

Requiring changes to be made by the end of this year could directly impact certain communities that have been selected as part of the first wave of housing targets. For example, Delta, Saanich, Victoria and Oak Bay, which are in areas where the seismic design requirements will have significant impacts, will need to show progress to increasing the supply of housing in their communities by the end of this year.

Mitigation measures need to be in place to avoid negatively impacting the ability of builders and municipalities to deliver the housing the Province and public are demanding. ***We recommend that these measures be offset by changes to the floor area calculations, exempting additional area required to achieve the new standards.*** However, this may also include the need to adjust site coverage, setbacks and heights, so the additional floor area can be used by proponents.

**We recognize that this proposal is beyond the purview of the *Building Code*, but it is not beyond the purview of the Ministry of Housing.** UDI also recommends that these offsets and zoning adjustments do not solely become the responsibility of local governments to implement. Municipalities are already struggling to find capacity to streamline processing and increase housing delivery, requiring them to develop individual offsets for these changes would likely strain already overburdened departments. A process that is led by the Ministry would ensure there is a more consistent standard across the Province and would likely result in the changes being approved and implemented more efficiently.

In addition, there are provincial measures that could be explored. This includes tax offsets for purpose-built rental housing that would allow the additional costs incurred to meet new accessibility and seismic requirements to be deducted from taxable rental income over time.

### **In-Stream Protection**

To mitigate the impacts of the new accessibility and seismic requirements, better in-stream protection for projects will be necessary. UDI has long advocated for better in-stream protection for projects when there are substantial changes to any requirements or charges because our members purchase land and make financial commitments early in the development process. It is extremely difficult to make adjustments afterward, which can lead to projects being deferred/cancelled or prices and rents needing to be increased – both of which undermine affordability.

There are additional concerns with the proposed short implementation and weak in-stream protection provisions. Our members were notified of the changes in late April, reviewed the finalized proposals in late May, and will need to implement any changes into their projects by the end of the year. As noted above, there has not been clear communication regarding the drastic impacts of the seismic changes for Part 3 buildings.

Many will not have their Building Permit applications in on time to achieve the proposed in-stream protection. For those who do not make it in time, the implications are serious because the new accessibility and seismic requirements are so drastic, major design changes will be required – including to unit layouts.

We are concerned that pre-sales could be put in jeopardy, particularly with the recent changes to the Policy Statements 5, 6 and 13, under the *Real Estate Development and Marketing Act (REDMA)*, which allow the early marketing period to commence after the receipt of Third Reading. Under Policy Statement 5 issued by the Superintendent of Real Estate (BCFSA) pursuant to *REDMA*, if as a consequence of the issuance of a building permit a unit that has been pre-sold requires material changes to its layout or size (or if the layout or size of a major common facility, or the general layout of the development, is materially changed) then the developer would need to inform the purchaser and the affected purchaser(s) would have the right to rescind (cancel) their contract. Project financing is typically dependent on securing pre-sales and cancellations could ultimately undermine the agreements with lenders, threatening builders' ability to complete new housing developments. In addition, the higher costs of the changes, which cannot be recovered from pre-sale purchasers, may make projects unviable – again resulting in cancellations.

We would also be concerned if the design changes were so drastic that other municipal approvals would need to be revisited as this would further delay projects – especially given the capacity constraints in local government planning and building departments. The potential impacts of the impacts on pre-sales and municipal approvals is another issue that the Ministry needs to assess before it proceeds with accessibility and seismic changes.

***UDI would support changes to the current approach to in-stream protection to allow applications which have submitted with Development Permits on or after the date that these changes are effective to proceed under the current BCBC.*** Again, it would not be appropriate to rely on local governments to develop their own policies for in-stream protection because it would result in a patchwork of different approaches – changes to the in-stream protection requirements should be made at the provincial-level.

## **Conclusion**

UDI would like to thank you again for meeting with our members to discuss the proposed changes. We are deeply concerned about the changes to the accessibility and seismic design requirements. -The timeline for implementing them is short, with new code changes scheduled to be in effect by the end of 2023. Given the substantial impacts that these changes will have on building designs, we believe that this timeline should be extended, and recommend that the BSSB allocate more time to review them and explore potential solutions to the challenges we have outlined, including having floor area exemptions and improved in-stream protections for projects. UDI would be pleased to work with the Branch and other stakeholders to navigate the best way forward to harmonize the *BCBC* with the *NBC*, while mitigating the impacts on our collective ability to build new homes throughout British Columbia. Please do not hesitate to reach out should you have any questions about our concerns and recommendations.

Sincerely,



Anne McMullin  
President and CEO, Urban Development Institute