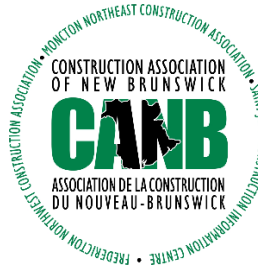




Architects' Association
of New Brunswick

Association des architectes
du Nouveau-Brunswick



ASSOCIATION OF CONSULTING ENGINEERING
COMPANIES | NEW BRUNSWICK

ASSOCIATION DES FIRMES D'INGÉNIEURS-
CONSEILS | NOUVEAU-BRUNSWICK

March 18, 2021

Hon. Hugh J.A. (Ted) Flemming, Q.C.
Minister of Justice and Public Safety
Attorney General
P.O Box 6000
Fredericton, NB
E3B 5H1

Minister Flemming:

Re: ***New Brunswick Building Code Administration Act***

On behalf of the design and construction industry in New Brunswick, we are writing to you regarding the many questions and issues that have arisen since the Building Code Administration Act came into effect on February 1st, 2021. To be clear, our concerns are not with the Act itself, but the method by which it has been rolled out and the lack of clarity provided with respect to projects currently in the design / construction phase or in the review process with the Office of the Fire Marshal.

A week after the Act came into effect, the AANB communicated with the Office of the Fire Marshal to seek clarity on the transition process for projects that were either completed a short time before February 1st, nearing 100% completion in the design stage, currently out for tender or currently under construction in perhaps a phased approach. At that time, we were assured that a "Bulletin" specifically addressing this new Act and its implications was being drafted and would include considerations for a transition period for projects that fall into the categories noted above. Further, it would be provided to us for distribution to our membership and posted on the GNB website.

Later in February the AANB again communicated with the Office of the Fire Marshal and we were advised that the "Bulletin" was awaiting final approval but that "*members submitting plans to the Office of the Fire Marshal for review after **February 1, 2021** should reference NB Regulation 82-20 and 82-239, which reference the National Building Code of Canada 2015 and the National Fire Code of Canada 2015. This would include plans still being finalized*".

Due to the lack of clarity provided and the lack of a transition or grace period, since February 1st, 2021, we have received numerous calls and messages from members who have clearly indicated that the consistency that was sought by implementing a long overdue system to adopt NBC 2015 province-wide is not being realized. We have heard that:

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1. Contractors applying for a permit for projects professionally signed and sealed prior to February 1st, 2021 are being denied a permit.
2. Planning Commissions and various municipalities are advising clients and potential developers that projects nearing design completion are now required to comply with NBC 2015 despite being given the green light for Code compliance before February 1, 2021.
3. Due to the lack of clarity authorities having jurisdiction are randomly applying the requirement to comply with NBC 2010 versus NBC 2015 resulting in confusion.
4. There is a risk that phased projects are being put at risk, again due to the lack of a provision for a transition period.

As you may or may not be aware, NBC 2015 contains over 600 revisions so clarity on how projects are handled is essential. In addition, our members and all authorities having jurisdiction must have time to familiarize themselves with these extensive changes to ensure interpretations are correct and consistently applied.

The timeline for the development of projects through design to construction is phased and extensive. Implementing NBC 2015 without consideration of a transition plan or proper roll-out will result in projects being cancelled for 2021, considerable cost escalations, or extensive delays in an already short construction season. These potential and likely scenarios do not support Government and the private sectors desire to revive and restore New Brunswick's economy post COVID-19.

We appreciate your attention to this issue, and we look forward to meeting with you to discuss possible next steps to address the concerns outlined above.

Yours truly,



Karen L. Chantler, Hon. MRAIC
Executive Director

**Architects' Association
of New Brunswick**

P.O. Box 5093
Sussex, NB
E4E 5L2
506-433-5811



John Landry,
Executive Director

**Construction Association
of New Brunswick**

59 Avonlea Court
Fredericton, NB
E3C 1N8
506-459-5770



Christy Cunningham, P.Geo.
Executive Director

**Association of Consulting
Engineering Companies-NB**

P.O. Box 20111, Brunswick Square
Saint John, NB
E2L 5B2
506-651-6562

Copy: Premier Blaine Higgs, P.Eng.
Mike Comeau, Deputy Minister and Deputy Attorney General
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