

Building Better

A First Nations National Building Officers Association publication

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Building Inspections: The Status Quo Isn't Working

One of the challenges facing First Nations communities is to ensure home inspections are conducted. The comprehensive agreement between the federal government and First Nations requires First Nations to carry out inspections at the following stages: site, foundation, framing and completion. In addition, building inspections are not completed in accordance with national building-code standards, but rather with housing policies. In 2003, the Auditor General of Canada raised this point about code compliance. As part of Deloitte's review of Attawapiskat First Nation, AANDC and CMHC made the following observation:

"Upon substantial completion of the housing unit, CMHC requires declaration from an authorized representative of the First Nation, the jurisdiction with authority, confirming that the unit constructed meets or exceeds the requirements of the National Building Code of Canada or an accepted equivalent set of standards.

CMHC does not require evidence in the form of a documented certification to demonstrate that the declaration was supported by an independent and suitably qualified professional to certify that the First Nation has completed the construction according to an accepted building code – a practice that is common in the construction industry.

Without evidence of certification from an independent and suitably qualified professional, there is limited assurance provided to CMHC that housing units constructed are being built to National Building Code of Canada standards or an accepted equivalent set of standards, and as a result, there is increased potential that the completed units will require enhanced maintenance or report."

There are greater challenges to the building-inspection process in First

Nations, including lack of qualified professionals, and cost, especially for remote communities, where inspectors will need to travel numerous times. Project managers may be unfamiliar with the inspection process, or not trained to call an inspector to review any stage of the construction process. In some cases, contractors don't want their work inspected, as it may not meet building code requirements.

Building-inspection processes will improve only when Chiefs and Councils implement a building-permit or permission system. Building, financing, inspecting and providing approvals, may now be conducted by Chiefs and Councils in many communities, but eventually, many of these functions will be separated.

Where the Chief and Council are the contractor, it can be argued they have a duty to members to follow through and ensure that inspections meet the national building code. Otherwise, they may find themselves defending a lawsuit based on a failure to inspect homes according to the building code.



Is this the result of a bad inspection?

President's Message

Don't let a nickel hold up a dollar

The Residential Rehabilitation Assistance Program (RRAP) is intended to bring a house up to minimum levels of structural soundness and health. Most bands apply to the program as owner/contractor/builder. There are several reasons for doing this, however, the biggest reason is that should they seek invitation to bids, they need a minimum of three bids, with the lowest being acceptable. While this system ensures bang for the buck, getting bids is an onerous task. Contractors will cherry-pick applicants based on the scope of work and occupant. Obviously, contractors like big-ticket items that are fast and don't involve working with the occupant. Roofs, windows and siding are easy-to-get bids, however most contractors balk at interior work. Flooring in particular can be a nightmare when the occupant is still living in the unit.

But these are not the items that remain incomplete at the end of the job. For whatever reason, most projects end with work still to be done on eavestroughs and downspout extensions. I just don't get downspout extensions; it's two screws with a cordless screwdriver, or level off a spill pad beneath the downspout. Five minutes max. I recently reviewed my current RRAPs and found that 80 percent of them had work on downspouts and range hoods vented to the exterior outstanding. Does the band understand the importance of diverting water away from the foundation and venting moisture generated through cooking? Through Quality Housing Initiative training, education on mold awareness has been very successful in teaching occupants to exhaust moist air and keep the house warm and dry.

So, now that we have the occupant trained, how do we get the message to the contractor? In a perfect world, the contract would be all or nothing,

that is, no progress advance until completion of the project. Instead we have as many as five or six progress inspections to release funds for the aforementioned bigger-ticket items. The contractors themselves will abandon projects near completion so that they can do other projects. They may not realize that the build-up of uncompleted project has an impact on allocations: If a band has a number of outstanding RRAPs, it will not be eligible for new projects. It's a classic example of a nickel holding up a dollar.

The solution, though, is quite simple: Don't give the contractors new projects until they have all the old ones cleaned up. Better yet, spell this out in a valid contract. First Nations must be the only group in the world that still conducts business on a handshake. In most cases, the invitation to bid forms the basis of a contract; however, within it, there are no penalties for non-completion or poor performance. The invitation to bid form, often issued through the Automated Work Description System (AWDS), does provide enough detail to get bids; however, it lacks specific risk-management strategies, such as the standards to which the work must be done, and payment details, including the issuance of holdbacks and quality-of-work expectations. As that guy on TV says: "I hate minimum code." Similarly, the FNBO hates minimum performance. We'd like to close these old files and make room for more. Please have the contractor install that downspout extension before paying for the roof. Then he would understand a nickel holding up a dollar.



Bud Jobin

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FNNBOA Appears Before Senate Committee

On December 3, 2013, FNNBOA gave a presentation to the **Senate Standing Committee on Aboriginal Peoples**. Keith Maracle, Vice President of Government Relations, and John Kiedrowski, Project Manager/Consultant, represented FNNBOA. They presented several themes on how to improve the building of homes in First Nations, focusing on self-governance, including the authority having jurisdiction (AHJ) over housing.

FNNBOA pointed out to the Senate committee that Chief and Councils are responsible for the construction of any buildings in their community. Authority having jurisdiction refers to a governing body responsible for the enforcement of any part of the building code, or the official or agency designated by that body to exercise such a function. In building homes, the AHJ is typically the municipality, which has by-laws that govern how drawings for buildings must be reviewed and accepted by both a building department and fire department's plan reviewers, following application for a building permit.

During the construction of a building, the AHJ is the municipal building inspector who enforces the local building code. Once construction is complete and a final inspection has been passed, the inspector may issue an occupancy permit. Any changes made to a building, including its use, expansion, and structural integrity, must also be approved by the AHJ.

Only a few communities have exercised their AHJ and passed the appropriate bylaws. These include **Tsawwassen First Nation, Kamloops Indian Band, and West Bank First Nation**. Others propose implementing such bylaws. However, in the majority of communities, the Chiefs and Councils have not properly exercised their AHJ to pass bylaws that ensure homes are constructed according to a building code.

FNNBOA pointed out that without bylaws, there is no process to approve plans, or the site where the home is to be built. Homes may not be inspected to make sure they are constructed to a building code. Inspections may not be based on code compliance, but rather on housing policy. Inspectors may not be qualified. They may not have the power to stop construction if the home is not being built to code, or to force the contractor to fix the problem. Without by-laws requiring inspections and an occupancy permit or letter to state that it is safe to move in, buildings may be unsafe.

FNNBOA argued that given that existing policies and processes are not working, consideration should be given to the introduction of building- and fire-code legislation. Along with any legislation, capacity funds for training, as well as the development of building-control systems will be needed.

For a copy of the presentation, please send a request to info@fnnboa.ca.

Smile! Teleinspection is Coming to a Remote Community Near You

By John Kiedrowski

Telehealth, or telemedicine, is the provision of care at a distance, and it is key to our future health-care system. The patient can be in a remote community while the physician is in an urban centre. The camera is usually a high-quality imaging device used to transmit images to and from the site. Telehealth modes can be real-time, or pictures stored and forwarded later. Benefits to this kind of health-care delivery include providing expertise across geographic barriers, addressing the shortage of physicians and specialist and reducing costs.

Could telehealth applications work for home inspections in remote communities?



Home under constructed on a First Nation

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For many First Nations, the costs and potential construction delays associated with bringing in outside inspectors are enormous, and this often discourages communities from doing inspections at all. In these situations, the possibilities for teleinspections or telediagnosis are tremendous. They would enable effective delivery of inspections despite remote locations or local shortages of inspectors. Teleinspections could reduce costs dramatically, including travel expenses for inspectors and engineers and delays in the construction process.

Teleinspections also generate concerns that need to be addressed. The project manager or contractor will need access to a computer that has reliable internet access and connectivity and a camera. He or she must also be able to take good-quality pictures. Standards are required for how pictures are to be taken and on what parts of the construction site.

While there may be some obstacles, teleinspections constitutes a possible approach to overcoming many of the challenges facing First Nations to ensure homes are built to national building code standards.

This could be the future for inspection in many First Nations.

Communities Wanted!

Does your community want to improve housing conditions? Are you planning to improve how band homes are built? If you've answered yes, FNNBOA wants to hear from you.

Over the past few years, AANDC has funded projects in which FNNBOA provides an overview of your building and inspection activities, at no cost to the community.

FNNBOA gets many requests, and resources may be limited. Priority will be given to those who contact FNNBOA first and provide the necessary supporting documents.

If interested, please send an email to info@fnnboa.ca or contact Bud Jobin at (780) 523-8357.

FNNBOA Membership Form

Current Home Mailing Address	
First Name	
Middle Name	
Last Name	
Suffix (e.g. Jr. Sr.)	
E-mail address	
Address	
City or Town	
Province	
Postal Code	
Home Telephone	
Office/Business Mailing Address	
Contact First Name	
Contact Middle Name	
Contact Last Name	
Suffix (e.g. Jr. Sr.)	
E-Mail Address	
Company Name	
Address	
City or Town	
Province	
Postal Code	
Office Telephone	
Office Fax	
Type of Membership	
<input type="checkbox"/> Full (\$100/yr plus a one-time \$50 Initiation Fee)	
<input type="checkbox"/> Associate (\$250/yr)	
<input type="checkbox"/> Corporate (\$500/yr) - includes 5 memberships	
<input type="checkbox"/> Student-Internship and Mentorship (\$50/yr)	
Mail your cheque to:	
First Nations National Building Officers Association	
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