



City of Richmond

Report to Committee

To: General Purposes Committee
From: James Cooper
Director, Building Approvals
Date: November 27, 2025
File: 12-8360-01/2025-Vol
01
Re: Bill M216, Professional Reliance Act

Staff Recommendations

1. That a letter from the Mayor be sent to the Premier, Minister of Housing and Municipal Affairs, Minister of Post-Secondary Education and Future Skills, and all Richmond MLAs, conveying the concerns related to Bill M216 as outlined in the report titled "Bill M216, Professional Reliance Act", dated November 27, 2025, from the Director, Building Approvals;
2. That the report titled "Bill M216, Professional Reliance Act", dated November 27, 2025, from the Director, Building Approvals be forwarded to the Union of British Columbia Municipalities (UBCM);
3. That staff submit concerns to the Legislature's Select Standing Committee on Private Bills and Private Members' Bills for debate via the provincial government portal; and
4. That staff contribute to a joint communiqué of the Regional Permitting and Licensing Committee (regional chief building officials) for submission to the Legislature's Select Standing Committee on Private Bills and Private Members' Bills.

James Cooper, Architect AIBC
Director, Building Approvals
(604-247-4606)

Att. 1

REPORT CONCURRENCE		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Engineering	<input checked="" type="checkbox"/>	
Development Applications	<input checked="" type="checkbox"/>	
Policy Planning	<input checked="" type="checkbox"/>	
Lulu Island Energy Company	<input checked="" type="checkbox"/>	
Law	<input checked="" type="checkbox"/>	
Climate & Environment	<input checked="" type="checkbox"/>	
SENIOR STAFF REPORT REVIEW	INITIALS: 	APPROVED BY CAO

Staff Report

Origin

Staff are seeking Council endorsement of analysis and feedback in response to the proposed Bill M216 for submission to the Premier, Ministers, MLAs, UBCM, provincial staff and the Legislature's Committee of the Whole.

This report supports Council's Strategic Plan 2022-2026, Focus Areas #2 and #3:

Focus Area #2, Strategic and Sustainable Community Growth:

Strategic and sustainable growth that supports long-term community needs and a well-planned and prosperous city.

Focus Area #3, A Safe and Prepared Community:

Community safety and preparedness through effective planning, strategic partnerships and proactive programs.

Background

On October 21, 2025, the provincial Legislature gave first reading to Private Member's Bill M216 (the Bill), the "Professional Reliance Act" (Attachment 1). The Bill received second reading on November 17, 2025. The intent of the proposed Bill is to require local governments to accept, as meeting all permit and bylaw requirements, any submission by a licensed professional defined under the Professional Governance Act (PGA) within their certified area of practice, such as an architect, engineer, technologist, agrologist, biologist or forest professional. The Bill is expected to go before the Committee of the Whole in the Legislature.

The Bill's effect is to deny local governments the ability to evaluate permit applications for compliance with applicable codes, standards and bylaw requirements when submitted by a PGA professional. Furthermore, there is a specific prohibition on requiring third-party review from other registered professionals. This will remove from these applications the technical oversight that has been critical to ensuring the safety of the built environment and adherence to building, engineering, environmental and planning criteria. If the local government's opinion differs from that of the PGA professional or if it is apparent the PGA professional has not adhered to a specific regulation, the local governments is prohibited from exercising due diligence.

Despite the far-reaching ramifications for the local approval process, there was no prior consultation with any local government, PGA professional associations or UBCM. In response, UBCM and other local governments voiced serious concerns about the lack of consultation, the lack of clarity in the rationale for the Bill, the binding effects on all local governments, and questions on preparedness of the professions and the Office of the Superintendent of Professional Governance (OSPG) to take over the role of public safety.

Local governments and the public must submit materials to provincial staff for discussion by the Committee of the Whole via the provincial portal no later than 3:00 p.m. on January 6, 2026.

Analysis

Scope

The language of the Bill is vague, without sufficient detail to define the intended scope of its application. As such, it has the potential to impact multiple City-regulated functions that require a technical submission.

Section 2 of the Bill provides that “[a] local government must accept as meeting permit or bylaw requirements any submission certified by a PGA professional acting within their regulated scope of practice...”

The “submission” is broadly described as a “technical submission that is required to be provided under a development project approval process established by a local government in respect of land use.” Without any definitions for the terms “development project”, “development project approval process” and “land use”, the proposed Bill would impact virtually any submission requirement associated with improving or altering the use of land or a building. Should a submission be prepared by a PGA professional working within their regulated scope of practice, the City will have to accept the proposed designs and issue a permit to construct.

Based on a preliminary review, this could include submission requirements for a wide scope of City-regulated activities that range from buildings, the built urban form, tree protection, flood mitigation, fire protection, soil and environmental protection, City utilities and district energy.

The proposed Bill would apply to both permits and any regulated activity in these areas requiring a technical submission, depriving the City of the ability to verify compliance to key City criteria and technical standards. Within the Building Regulation Bylaw, the Act would apply to all permit and building types, from the simplest to the most complex - commercial, industrial, institutional and residential - far beyond the justification for streamlining housing approvals, which is the stated rationale for the Bill.

Permitting

Building permit review is used not only to verify proposed construction for compliance with codes and standards, but also as a gateway to ensure items secured through rezoning and development approvals are included in the scope of construction. Typically, these include civil works contributing to the City’s infrastructure, development and landscape requirements, environmental and tree protection, connection to district energy and acquired City facilities.

In addition, City requirements through bylaws administered by multiple departments and legal agreements are also secured through the permit. Bill M216 would bypass this process, rendering compliance based on a PGA professional who may have limited knowledge of the local context, its specific bylaws and development standards. In essence, there would be no controls by the City to ensure its interests have been considered in the submissions for construction.

In many cases, the scope of work covered under a permit is beyond technical matters and extends far beyond the knowledge base that can be reasonably expected of a professional’s core

competency. The Bill assumes such knowledge is part of a professional's core competency in allowing a permit to be granted based solely on a professional's certification.

The Professional Reliance model may indeed work in isolated technical disciplines. The Safety Standards Act, which is overseen by Technical Safety BC, offers a framework whereby qualified persons are accountable to self-assess and declare compliance of their design and construction. This model however is supported by decades of objective assessment of a qualified person's performance by the regulatory body, thereby lending confidence to the validity of such a model.

The Building Act, in contrast, offers no such framework and is reliant on local governments to assess professional accountabilities via a building permit and inspection process, across many of the inter-dependent disciplines (technical and non-technical) in a holistic and coordinated manner. Accordingly, the Professional Reliance Act would erode the value of the oversight currently offered by local government through the permitting process, without offering an alternative oversight mechanism to support public confidence in the built environment.

Local Government Autonomy

The Bill is extremely problematic for the City's ability to ensure that the intent of its bylaws and decisions made by Council are met. Although it specifically recognizes the ability of local governments to control zoning and planning, the inability to review submissions for compliance removes the City's ability to assure its standards and Council's decisions are expressed in construction.

In addition, the potential impacts to other application types such as rezoning, OCP amendments, heritage permits, riparian management, Environmental Safety Area Development Permit, tree protection, dewatering, crane swing and water crossing are unclear.

Beyond the requirements of local government, provincial, regional and federal regulations, and departments are often involved in the building permit review. Examples include regulations enforced by the Ministry of Environment, Metro Vancouver Government, the Agricultural Land Commission, the Department of Fisheries and Oceans, and Navigation Canada. Their review processes, which involve coordination with municipal staff and regulations, would be lost should the oversight from the City be bypassed. Legally, this would become an untenable situation for the City to issue a permit without review and acceptance by third-party authorities.

For larger constructions, building permits are often applied for concurrently with rezoning and development applications. The provisions of the Bill would not be able to compel issuance of the building permit without the completion of rezoning and development permit, giving the legal basis for the development. Concurrent application reviews enable overall approval efficiencies without compromising the City's ability to assure compliance and exercise due diligence.

Life Safety

The Bill assumes that professional practice standards (established by the PGA) are sufficient to ensure that designs for permits are entirely correct, free from omissions and compliant with the appropriate codes, standards and items required by City bylaws.

The reality is that professional design, particularly for complex construction, is rarely perfect and requires collaborative review to confirm compliance with complex and interrelated standards involving multiple disciplines. The work itself is difficult and often performed under time and economic pressures from their clients.

The application process is, in many respects, an iterative discovery of the criteria for approval, intermeshed between technical (within professional competency scope) and non-technical regulations. It is through the iterative review process provided by the City that the design is refined for compliance with life-safety and City requirements.

Despite being provided with sealed plans and Letters of Assurance, there may be errors or omissions on applications from PGA professionals. Some errors or omissions may be minor while others may be serious. The point of City oversight is to work with design professionals to find errors and omissions prior to construction instead of afterwards when it becomes very difficult and costly to mitigate or, worse, potentially causes harm if not caught.

The independent oversight of life-safety matters is paramount to ensuring confidence in the built environment. Concentrating this function onto a single venue for dispute at the office of the superintendent of the PGA also has the potential for severe bottlenecks, hampering the pace of development Province-wide.

The Building Code allows performance-based design solutions as equivalent to prescriptive codes and standards. These are alternate solutions that have to be evaluated by the jurisdiction in charge. This process, as defined in the Building Code, would be disrupted by Bill M216 should the ability to review be removed.

The inspection process verifies construction in accordance with documents, drawings, specifications and reports that form an approved permit. That process becomes compromised if the permit documents, without proper oversight, contain errors and omissions and are non-compliant with codes and standards.

A difficult situation arises if we cannot trust official documents and must evaluate the physical construction before us against the Building Code, construction standards and City regulations. At this point, City inspectors will be inspecting against the required criteria as opposed to the professionals' self-approved drawings. Any differences will result in costly delays and potentially difficult remediation of the construction.

Professional Inconsistency and Practice Disputes

Although the PGA certifies professionals, upholding practice standards and ethics, it does not certify their work. Despite never being intended as an instrument to verify the correctness of any technical submission, the Bill identifies the OSPG as the dispute resolution mechanism between PGA professionals working for local government and those certifying submissions. Communities without PGA professionals on staff may not access this dispute mechanism.

There exist other avenues within professional organizations for complaints against professional conduct, but these tend to be “after the fact” and would not prevent the compelled issuance of a permit as proposed under the Bill.

The OSPG currently has a staff of eight. There is no practicable way that it can handle complaints stemming from disputes, potentially from many cities and towns in the Province. Even if the OSPG staff were to be increased, the bottleneck created by having to resolve the potentially huge number of complaints would cause delays beyond what could be addressed by local government. Although the proposed legislation includes the ability of the Lieutenant Governor to establish dispute resolution procedures and bodies, this would represent only a replication of the task currently performed by local government.

Limiting the discussion to PGA professionals also denies the voice of registered professional planners, registered building officials, surveyors and heritage professionals in opposing a permit application based on their field of expertise.

Liability

Although the proposed Act states that liability for permitted construction will be transferred to the PGA professional, information bulletins produced by municipal law firms indicate that, by virtue of issuing a permit, local governments will still have liability for damages due to the errors in a submission. Moreover, liability is increased since permits are compelled to be issued without the ability to evaluate compliance with safety and industry standards. This liability translates into increased costs to local government, particularly in insurance and potential legal claims.

This is an untenable situation where the City has exposure to noncompliant design and construction, with very little recourse to recover costs if there are damages and the PGA professional is unavailable to be held responsible. There is also increased risk of higher maintenance costs to be transferred to local governments should they be required to accept infrastructure that may not be designed to approved standards.

The Bill provides little acknowledgement of the effects on the operating expenses of PGA professionals, who, in principle, must shoulder much more liability and have that reflected in their errors and omissions insurance costs. The lack of consultation with the professional groups ignores professional practice in the larger context of construction law and contracts that have been developed continent wide over many decades.

The requirement from the Bill for the professional to be the authority for building in the Province repeals the formal relationships defined and established between authorities having jurisdiction, owners, professionals and contractors. There will have to be extensive reconsideration of established standard construction contracts moving forward as a result.

Consultation and Engagement

It is apparent that no consultation took place with local governments, UBCM, the PGA professional associations, prior to the introduction of the Bill. The development, insurance and construction industries were also not consulted. Consultation will have to occur during the

committee period, which seriously limits the scope and depth of opinion and input from affected parties and the local governments.

These actions are inconsistent with the serious impacts on the structure of municipal permitting and development responsibilities that have been developed over many years to address the roles of applicants, professionals and interrelated regulations and permits. The proposed changes are profound, yet without any implementation structure to address how cities may ultimately ensure compliance and what recourse they should have when the constructed environment is not compliant.

Implementation Framework

The Bill has profound implications for how local governments operate. The Bill lacks a clearly defined implementation framework to provide local governments with direction on how or when it may be enacted. There is also no information provided that would indicate how local governments will be provided with lists of compliant PGA professionals or how local governments will be advised of any changes to a practitioner's licensing status.

Next Steps

Should the recommendations of this report be approved by Council, staff will prepare communication reflecting analysis and rationale for opposition to the proposed Bill for submission to the Committee of the Whole via the provincial portal. These comments will also be provided to UBCM. Staff will also contribute to a joint communiqué from the Chief Building Officials in the region to provincially elected leaders and the Committee of the Whole.

Financial Impact

It is difficult to ascertain the financial implications of the proposed legislation given the potentially expansive reach on City functions and the introduction of risks to both legal and maintenance budgets.

Conclusion

The effects of the Bill M216, "Professional Reliance Act", are far-reaching. It represents the removal of municipal authority in maintaining regulatory control over the safety of their built environments and their form as directed by their councils. Its effects are to place fundamentally higher risk to the City while changing irrevocably the application process.

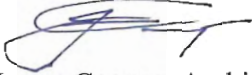
The logic has always been, and continues in every jurisdiction in North America, that if a city is charged with issuing building permits for public safety and good, then it has a right and duty to evaluate those applications. Bill M216 seeks to replace this fundamental part of civic function with a reliance on professionals who will be able to authorize construction based on their declaration of compliance for their own work.

This is the removal of the checks and balances that are the intention of reviewing construction applications and critical for public safety. Up until now, there has been no opportunity for cities to voice concerns.

November 27, 2025

- 8 -

Staff are concerned regarding the effects of Bill M216 on both the City's public safety and development, and recommend conveying the concerns identified in this report to the Premier, Provincial Ministries, Richmond MLAs and UBCM.

A handwritten signature in blue ink, appearing to read 'James Cooper', is positioned above the printed name.

James Cooper, Architect AIBC
Director, Building Approvals
(604-247-4606)

Att. 1: Bill M216, "Professional Reliance Act"

Member's Bill

First Session, Forty-third Parliament
4 Charles III, 2025
Legislative Assembly of British Columbia

BILL M 216

PROFESSIONAL RELIANCE ACT

George Anderson

Explanatory Note

This Bill provides for the streamlining of development projects and reduction of administrative costs in the approval of development projects by local governments.

BILL M 216 – 2025

PROFESSIONAL RELIANCE ACT

Contents

1	Definitions
2	Acceptance of certified submission
3	Resolution of dispute
4	No limitation
5	Peer review
6	Building codes
7	Liability of PGA professional
8	Protection against actions
9	Regulations
10	Commencement

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

Definitions

1 In this Act:

“**applicant**” means a person who is applying to a local government for approval of a development project;

“**development permit area**” means a development permit area designated under the *Local Government Act*;

“**local government**” means

- (a) the board of a regional district,
- (b) the council of a municipality, including the City of Vancouver,
- (c) local trust committee as defined in the *Islands Trust Act*, or
- (d) any other prescribed body;

“**official community plan**” has the same meaning as in the *Local Government Act*;

“**PGA professional**” means a registrant in good standing of a regulatory body set out in Schedule 1 to the *Professional Governance Act*;

“**submission**” means a technical submission that is required to be provided under a development project approval process established by a local government in respect of land use;

“**superintendent**” means the superintendent appointed pursuant to section 4 of the *Professional Governance Act*.

Acceptance of certified submission

- 2 A local government must accept, as meeting permit or bylaw requirements, any submission certified by a PGA professional acting within their regulated scope of practice, unless
- (a) the submission is incomplete, or
 - (b) a complaint in respect of the submission has been made to the superintendent.

Resolution of dispute

- 3 Where a dispute arises between a PGA professional employed by a local government and a PGA professional retained by an applicant, the matter must be referred to the superintendent for resolution.

No limitation

- 4 Nothing in this Act limits a local government's ability to establish zoning bylaws, development permit areas or official community plans.

Peer review

- 5 A local government may not require a peer review of a submission that has been certified by a PGA professional, unless specifically authorized by the superintendent.

Building codes

- 6 Nothing in this Act affects the authority of the Province with respect to the establishment of building codes.

Liability of PGA professional

- 7 A PGA professional who has provided a certification referred to in section 2 or 5 is liable for damages resulting from any harm that is caused by reliance on the certification for the purposes of this Act.

Protection against actions

- 8 No legal proceeding for damages lies or may be commenced or maintained against a local government in respect of a submission certified by a PGA professional.

Regulations

- 9 (1) The Lieutenant Governor in Council may make regulations referred to in section 41 of the *Interpretation Act*.
- (2) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations to:
- (a) designate a local body as a local government for the purposes of this Act or the regulations;
 - (b) establish dispute resolution procedures;
 - (c) set timelines for development application processing.

Commencement

- 10** This Act comes into force by regulation of the Lieutenant Governor in Council or on the date that is three months after the date of Royal Assent, whichever is earlier.

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Victoria, 2025