

ABC's of Building Inspections and Liability Claims

Avoid acting as a consultant.

Be aware of changes to construction which may require revised plans.

Communicate to potential new buyers any outstanding orders or open permits.

During inspection, document deficiencies, issue orders when necessary and follow-up to ensure compliance.

Ensure drawings are sealed by an architect or professional engineer where appropriate.

Files and records should be kept in accordance with provincial and federal Limitations Acts.

Get to know your builders. Which ones will follow the building codes and which ones will take short-cuts?

Have procedures for consistent plan reviews.

Inspections completed today will need to stand the test of time. Remember the subsequent owner.

Judges rely on documentation to formulate a decision. What will your documentation reveal about the inspection?

Keep your documentation consistent and objective. Checklists will allow you to do this. It is also an excellent tool to ensure a complete inspection.

Liability for negligent building inspection arises at the plan approval stage and the on-site inspection stage.

Municipalities that make a decision to conduct building inspections are at law, held to owe a duty to the individual property owners, future property owners and the public at large to properly review plans, issue building permits and conduct inspections.

While Intact Public Entities Inc. does its best to provide useful general information and guidance on matters of interest to its clients, statutes, regulations and the common law continually change and evolve, vary from jurisdiction to jurisdiction, and are subject to differing interpretations and opinions. The information provided by Intact Public Entities Inc. is not intended to replace legal or other professional advice or services. The information provided by Intact Public Entities Inc. herein is provided "as is" and without any warranty, either express or implied, as to its fitness, quality, accuracy, applicability or timeliness. Before taking any action, consult an appropriate professional and satisfy yourself about the fitness, accuracy, applicability or timeliness of any information or opinions contained herein. Intact Public Entities Inc. assumes no liability whatsoever for any errors or omissions associated with the information provided herein and furthermore assumes no liability for any decision or action taken in reliance on the information contained in these materials or for any damages, losses, costs or expenses in a way connected to it. Intact Public Entities Inc. is operated by a wholly owned subsidiary of Intact Financial Corporation. Intact Design® and Risk Management Centre of Excellence® are registered trademarks of Intact Financial Corporation or its affiliates. All other trademarks are properties of their respective owners. TM & © 2021 Intact Public Entities Inc. and its affiliates. All Rights Reserved.

Never admit liability.

Owner acting as the builder is a potential red flag.

Plans submitted should be detailed enough to carry out a proper review. Do not expect less.

Qualified persons are required to prepare plans for building permits.

Remember to follow-up on deficiencies found during previous inspections.

Safety of the present owner, future owner and potential visitors to a property must be considered, particularly associated with an occupancy inspection.

The Building Code is your bible. Refer to it when in doubt.

Understand that by the time a claim is made, the municipality may be the only defendant left to sue. Other parties may have gone bankrupt, may not exist or may have liability policies that will respond.

Verify that all required documentation has been received before issuing a permit.

What length of time do you allow inactive permits to remain open? Why do you allow them to remain open?

X'pect a red flag when the contractor is working outside of his usual expertise or is a new builder.

You have the power to order work to be uncovered when it is covered before you've inspected.

Zero in on the aspects of construction within the Building Code that are related to health, safety and structural stability.