

June 19, 2019

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ORIGINAL BY MESSENGER

Ms. Selina Robinson
**MINISTER OF MUNICIPAL AFFAIRS
AND HOUSING**
PO Box 9056 Stn Prov Govt
Victoria, BC V8W 9E2

Mr. David Eby
ATTORNEY GENERAL
Room 232 Parliament Buildings
Victoria, BC V8V 1X4

Dear Ms. Robinson,
Dear Mr. Eby,

Object: Complaint Regarding the Non-Conformity To Applicable Standards for Helical Piles in British Columbia

This letter is further to CBC/Radio-Canada's report on the helical pile industry in Canada, which highlighted grave concerns within this industry that currently affect the interests of numerous British Columbians. It is time that action be taken and this is the reason I am writing to you today.

In the absence of a clear political direction, I fear that these issues will continue to be ignored.

When screw piles are manufactured properly and that their installation is adequate, this is a remarkable technology. Conversely, when piles are designed incorrectly and their installation does not respect standards and rules of the art this can create structures or installations that are dangerous.

One of the report's key points is the alarming number of British Columbia homes potentially affected by this construction defect. As the Minister of Municipal Affairs and Housing and the Attorney General of British Columbia will acknowledge, helical piles are used daily as a foundation system for buildings and structures (including public buildings, bridges, walkways, platforms, etc.). The conformity of helical pile systems to applicable standards plays a critical role in ensuring the safety of all British Columbians. The majority of helical piles are purchased by or for ordinary British Columbia consumers and are used in residential projects. These consumers do not have the knowledge, means or experience to assess the technical

characteristics of the piles, the quality of the installations and to determine whether they conform with applicable standards. However, non-conformity in structural components such as helical piles can lead to bodily injury and significant financial harm to consumers. It is often complex and costly to correct deficiencies in foundations, since there will almost inevitably be a structure built above them. For the majority of British Columbians, their home is a key part of their life savings and it therefore follows that defects affecting this important asset could even compromise, in serious cases, the amounts available for their retirement.

As the Minister of Municipal Affairs and Housing is well aware, certifications for piles are issued by the Canadian Construction Materials Center (“CCMC”), a division of the National Research Council of Canada, in order to attest their conformity to the requirements of the National Building Code.

As was revealed in the report, it appears that in practice competing businesses are installing piles that do not conform to their certifications, thus misleading consumers. Amongst other issues, they neglect to have engineers perform all necessary calculations prior to installing piles. It is nonetheless crystal clear in the conditions attached to CCMC certificates that it is necessary to attest that engineers have performed all calculations by providing a stamped report. The end result of not performing adequate calculations is projects that have insufficient numbers of piles or undersized piles that will not be able to bear all loads. This may lead to unstable structures that can oscillate, deform, and eventually collapse. British Columbians could be seriously injured.

Moreover, some competitors use parts that are not hot-dipped galvanized when they should be. One competitor has gone so far as to use silver paint to give the impression that its piles are galvanized. These parts are often exposed to corrosion, which can seriously affect the stability of a building's structure. The report also raised the fact that certain components sold by competitors are not able to ensure adequate uplift resistance where required by the National Building Code, so as to ensure, for example, that very strong winds not topple the building or structure.

Other problems exist beyond those enumerated above, which I would be happy to discuss further.

The position of the CCMC is however that it is not within its jurisdiction to proceed with inspections. It is, according to this federal institution, up to municipalities to ensure that there is conformity with applicable rules. It so happens that municipal building inspectors often have limited knowledge of the applicable rules concerning screw piles, or perhaps in some cases limited willingness to enforce them. In practice, many building inspectors will rely on the presence of the CCMC logo on the manufacturer's website as proof that the piles that are installed conform to all applicable rules. They therefore do not request the appropriate documentation required pursuant to this certification. This occurs despite the dissemination of technical bulletins by the CCMC explaining to inspectors that they should verify critical aspects such as load calculations and protection from corrosion.

In light of the preliminary information included in this letter, it would seem necessary that measures be taken quickly to rectify the situation, including:

- mandate the Consumer Protection BC to launch an investigation into possible misleading representations being made in the helical pile industry in light of the products and installation services that are actually being provided to consumers;
- direct municipal inspectors to rigorously verify the conformity of helical pile installations to applicable standards to ensure the safety of British Columbians;
- provide better training to building inspectors in the field of foundations;
- since public buildings and structures may have been affected by these issues, the BC Bid of British Columbia should ensure that public calls for tenders include detailed standards and adequate inspection mechanisms regarding piling systems to ensure that public projects are safely constructed. Supplying adequate stamped supporting documentation issued by engineers for pile installations should be mandatory under the terms of public calls for tenders;
- issue similar guidance to municipalities for their own construction projects;
- consider a prior approval mechanism by the Minister of Municipal Affairs and Housing approving the use of certain construction materials such as screwed piles that are evaluated by CCMC. In this way, manufacturers and installers who do not comply with the conditions imposed by the Minister may be sanctioned, in particular by severe fines. A system of this nature now exists in Ontario.

I will make myself available at your convenience to meet you and present the documentation and information in my possession concerning these extremely preoccupying circumstances. This situation can no longer be ignored and significant efforts must be made to preserve British Columbians' confidence in the construction industry and ensure that they receive piles that comply with all applicable standards.

Best regards,

Julian Reusing
CEO