

News & Views

ABC's of Building Inspection Errors & Omissions 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 the Statute of Limitations.

Get to know your builders. Which ones will follow the building code 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?

Kep 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.

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 not 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?

Xpect 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.