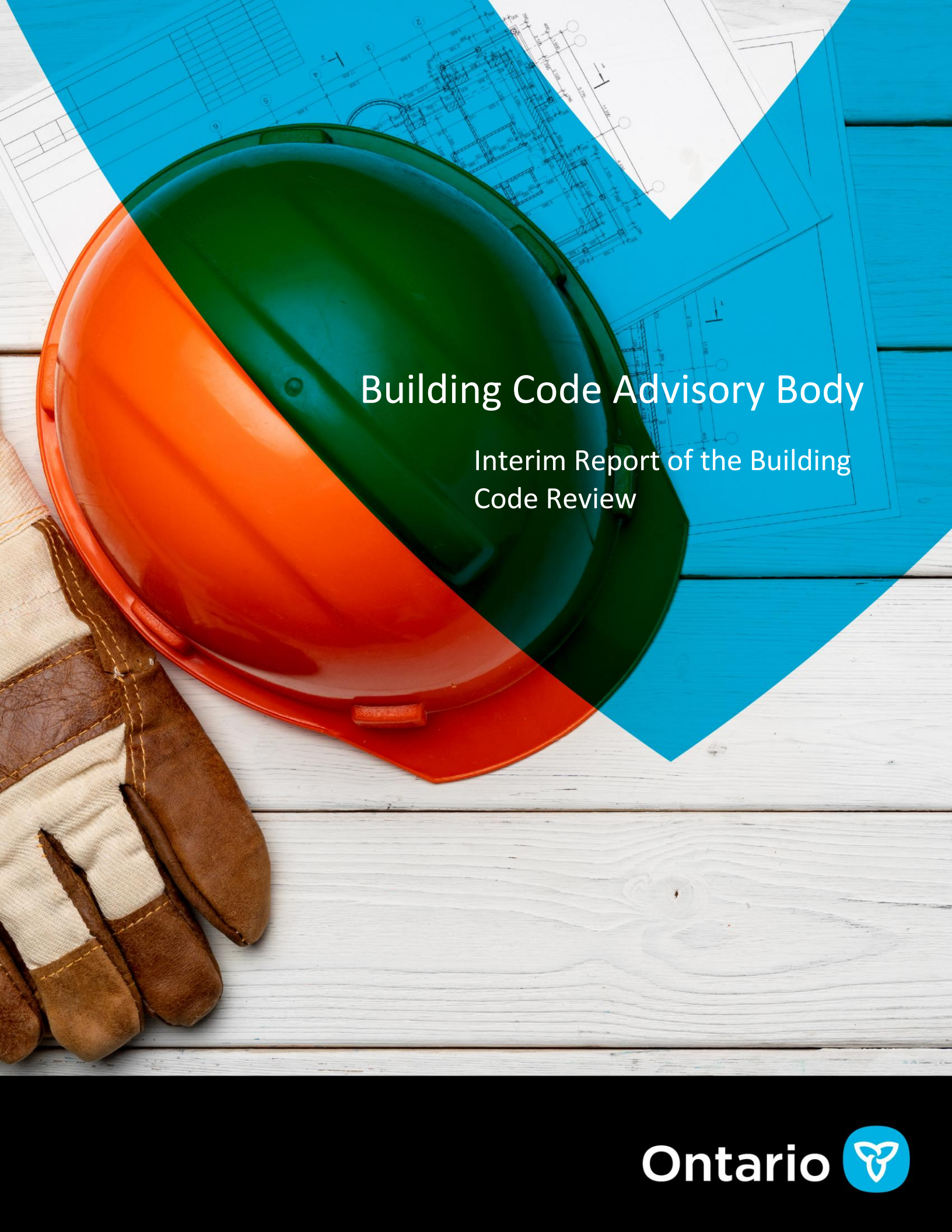




Building Code Advisory Body

Interim Report of the Building Code Review

Section 1: Message from the Chair

The Minister of Municipal Affairs and Housing ('Minister') established the Building Code Advisory Body (BCAB) to undertake a review of Ontario's Building Code to identify opportunities to reduce unnecessary regulatory burden, improve clarity and deliver a more streamlined Ontario Building Code ('OBC' or 'Building Code') without compromising health, safety and accessibility.

The BCAB is comprised of 5 appointed members with varied expertise in Ontario's building and construction sector. To carry out its mandate the BCAB has engaged with volunteer technical experts in plumbing, fire protection, structural design, onsite sewage systems and mechanical aspects of the code. The BCAB has also held two rounds of stakeholder meetings. The first was to explain the BCAB role and invite input, while the second provided an opportunity to identify and clarify comments which had been submitted with the aim to develop themes and ensure understanding. While the BCAB understood the parameters of this undertaking, it could not have anticipated the magnitude of the task.

The posting of the BCAB's consultation paper on the Environmental Registry of Ontario generated a significant volume of written responses. Because of the tremendous response, the valuable advice we have received has not been fully reviewed in its entirety but with the assistance of Ministry of Municipal Affairs and Housing (MMAH) staff, the BCAB has begun to identify several issues and themes for further consideration.

One of the important messages we are hearing is that opportunities to reduce burden are not limited to only technical Building Code requirements but also include how the broader system functions and how it's different parts can work together to improve the building permitting process. Rather than simply reducing its size, the best outcome may be more clarity in how the Building Code is understood, more consistency in how it is applied across Ontario, and more efficient for everyone involved. As an example, Part 11 has renovation provisions for secondary units in existing buildings and Part 9 has different secondary suite requirements for new construction. In addition, planning legislation in other domains of MMAH have been made, but the technical Code remains unchanged and does not address the requirements necessitated by the changes. For example, three residential units are permitted in a building, but the Code only speaks to the creation of two units.

I am pleased to submit this interim report to the Minister. The BCAB recognizes that there is a great deal of work required between this interim report and a final report in March 2027. The

BCAB will continue to review common themes identified in this report in detail with the goal of developing final recommendations. Some of these recommendations may lend themselves to earlier action, while others will require more extensive analysis, consultation and cooperation among affected parties.

The BCAB has also undertaken targeted engagement on accessibility. That work will continue as the BCAB considers opportunities for greater clarity and consistency in support of accessibility outcomes.

On behalf of the BCAB members, I would be remiss if we did not extend our appreciation to the Hon. Rob Flack, Minister of Municipal Affairs and Housing and MMAH staff for their continued support without which we would not be prepared to present this interim report at this time. We also thank all who have responded to the consultation to date. I want to express my sincere gratitude to the members of the BCAB for their commitment and dedication to this project.

We now turn our efforts to further discussion, analysis and engagement that will inform the BCAB's final report.

To this end, we believe there is value in releasing this Interim Report even where it may generate further debate or differing views. It can help stakeholders understand the issues the BCAB is examining and where their experience and expertise may assist the next phase of the review. Some of that engagement may also identify related issues that fall outside the BCAB's mandate but are nevertheless important to understanding how the Building Code system operates and to fully informing the BCAB's consideration of matters within its mandate. This may be particularly relevant in further discussions with municipal building officials and other participants in the building regulatory system.



Leo Grellette

Chair of the Building Code Advisory Body

Section 2: Executive Summary

Mandate and Central Insight

The BCAB is undertaking an independent, time-limited review of the OBC to identify opportunities to reduce unnecessary regulatory burden while maintaining appropriate health, safety, accessibility and building-performance outcomes. The BCAB's work to date indicates that regulatory burden does not arise only from individual technical requirements. It can also result from unclear or outdated provisions, inconsistent interpretation and administration, repetitive approval processes, duplication across regulatory systems and requirements that are not well matched to the scale, complexity or risk of the building or activity being regulated.

Preliminary Recommendations for Early Action

The BCAB has identified a number of relatively discrete matters that are sufficiently developed to support preliminary recommendations for earlier action. These include simplifying or making more proportionate certain technical requirements affecting housing and construction, including minimum room sizes, window requirements, ceiling heights, guard climbability, drain water heat recovery and selected Part 8 sewage-system provisions. The BCAB is also recommending administrative and system-level changes, including regulated timelines for permit resubmissions, establishing a province-wide mechanism for issuing written Building Code interpretation, allowing building permits to proceed where remaining site-plan matters can appropriately be finalized later, and establishing an administrative monetary penalty framework. Other recommendations would update Ontario's illustrated Building Code guidance and move demountable stages to a regulatory framework better suited to temporary specialized structures. These are preliminary recommendations, and implementation may still require technical, legal, regulatory, and/or operational work.

A More Consistent and Usable Building Code System

The BCAB's review has also identified broader issues that require further analysis before conclusions can be reached. A central theme is the need for a more consistent and predictable Building Code system across Ontario, including more consistent permit application requirements, better approaches to repeated review cycles and further consideration of digital permitting. The BCAB will also examine opportunities to make the Code clearer and easier to use, improve the

implementation of Code amendments, strengthen access to technical standards and support Code knowledge and understanding.

Housing, Innovation and System Alignment

Further work will consider whether more proportionate pathways can support small multi-unit housing, conversions and other forms of residential intensification while maintaining appropriate public-interest outcomes. The BCAB will also examine how Ontario can better support certified models, alternative solutions, innovative products, modular and factory-built construction, and other modern construction methods, including the role of municipal liability and the recognition of credible product-evaluation bodies. Other next-phase issues include alignment across codes, standards, regulators and approval authorities, and ensuring that burden reduction does not simply transfer cost, risk or responsibility from one participant in the system to another.

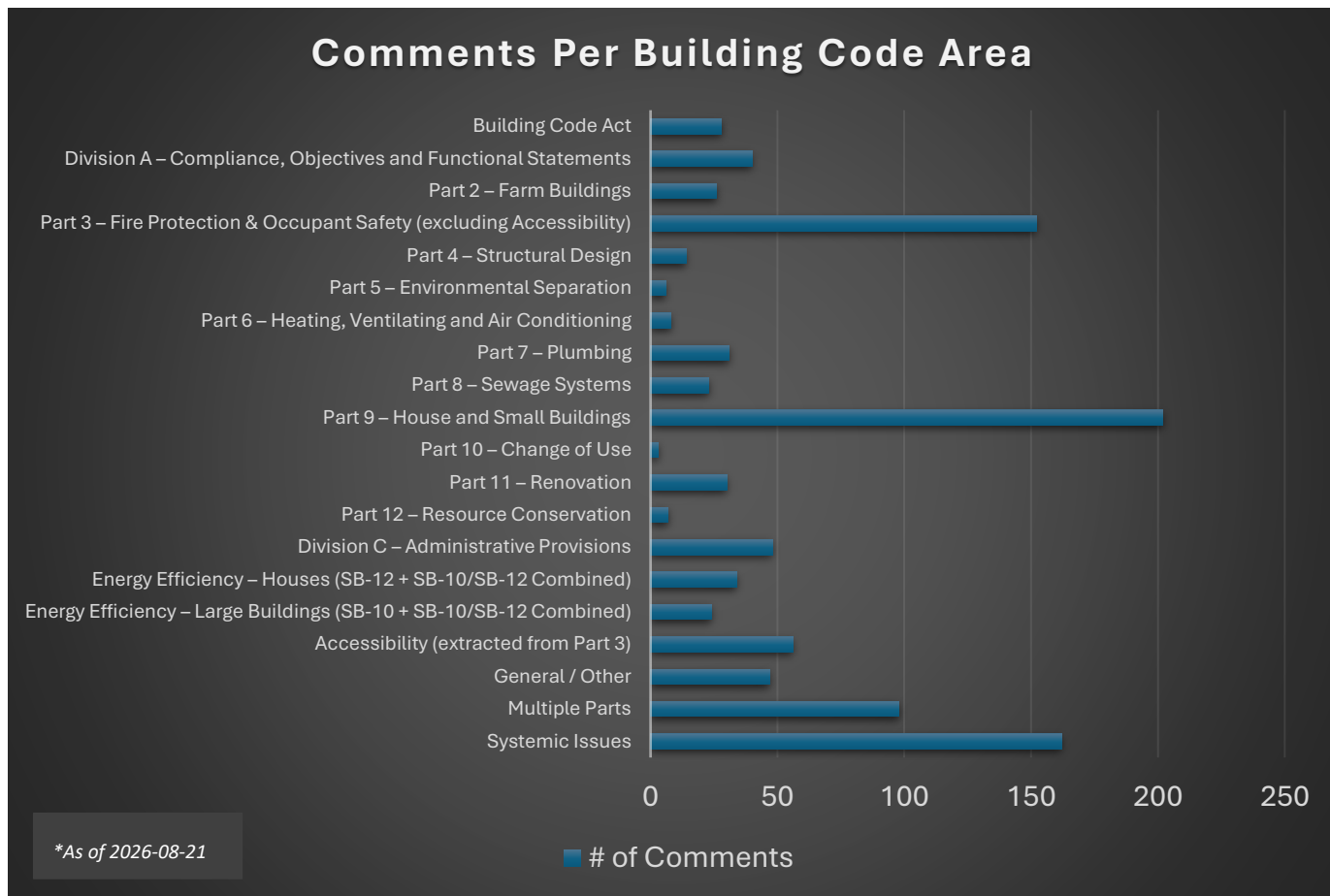
Next Steps and Continued Engagement

This Interim Report is an early milestone in the BCAB's review, not its conclusion. The BCAB has not yet completed its assessment of the full consultation record and will continue technical, legal and policy analysis before developing its Final Report. Focused engagement with affected stakeholders, technical experts and subject-matter specialists will be important in testing potential approaches, understanding different perspectives, and obtaining better evidence about the scale and practical effects of identified burdens. The objective of the next phase is to determine which issues are sufficiently supported to advance as final recommendations and which may instead require further work.

Section 3: How the Building Code Advisory Body (BCAB) Has Approached the Review

The BCAB was established as an independent, time-limited expert advisory body to provide advice to the Minister on opportunities to reduce unnecessary regulatory burden in the Building Code. The BCAB's mandate call for a comprehensive review of the Building Code, an examination of how it functions as a regulatory system, and practical, evidence-based recommendations to be delivered to the Minister in Interim and Final Reports. The recommendations are to focus on improving clarity and usability, reducing unnecessary construction and compliance costs, and supporting housing supply while maintaining or improving health, safety, accessibility and building-performance outcomes. The BCAB has also been asked to consider harmonization with the National Construction Codes of Canada where it provides a demonstrated burden-reduction benefit to Ontario.

The BCAB is chaired by Leo Grellette, with members Paul De Berardis, Michael Seiling, Stephen Wong and Douglas Tarry bringing experience in municipal Building Code administration, engineering, residential construction, regulatory decision-making and high-performance housing. The BCAB is tasked with delivering an Interim Report to the Minister in September 2026 and a Final Report to the Minister in March 2027. Additional information on the BCAB, its members and the details of their appointments is available through Ontario's Public Appointments Secretariat. The BCAB has undertaken its work through regular member deliberations, a Consultation Paper which was posted for public consultation, stakeholder roundtables, and targeted discussions with technical experts. Further engagement is planned as the review proceeds.



MMAH staff provide the BCAB with secretariat support, as well as research, policy, technical and administrative assistance. However, the BCAB remains solely responsible for considering the consultation submissions and technical opinions provided, developing its advice and delivering its interim and final recommendations to the Minister.

The review is proceeding in several stages. The BCAB has identified some matters that are sufficiently developed to support preliminary recommendations, while recognizing that implementation may still require technical, legal or Code-development work. Other issues are broader or more complex and will require additional examination and engagement before conclusions can be reached.

Section 4: What Burden Reduction Means for Ontario's Building Code

Reducing regulatory burden does not simply mean removing requirements or making the Building Code shorter. For the BCAB, the central question is whether regulatory objectives can be achieved while reducing unnecessary cost, delay, complexity, inconsistency or duplication across the Building Code system. This includes examining requirements that may be outdated, overly prescriptive or no longer proportionate to the scale, complexity or risk involved, and whether the processes used to interpret, administer and implement the Code are working as effectively as they could be.

Health and life safety, accessibility and building performance are foundational outcomes the Building Code is intended to achieve. In considering individual requirements that support these outcomes, the BCAB looks at the risk being addressed, the evidence of the requirement's effectiveness, and whether the requirement remains necessary and proportionate or if the same outcome could be achieved through a more targeted or effective approach. The BCAB's discussions to date have also highlighted that burden does not always originate in the intent of the technical requirement. It can arise from unclear drafting, inconsistent municipal interpretation or administration, duplication between regulatory authorities, repetitive approvals, or requirements poorly matched to the building or activity being regulated. These sources of burden can create unnecessary uncertainty, repeated work and delay for applicants, regulators and others even where the underlying regulatory objective is appropriate. To address these sources of burden, a Code amendment may be appropriate in some cases. However, in other cases, clearer written guidance, a different compliance pathway or changes to an administrative or regulatory process may provide for a better outcome.

Genuine burden reduction must also be considered across the Building Code system. A change should not shift burden, transfer material cost, delay, risk or administrative responsibility to another entity or create greater downstream costs. Similarly, we understand the importance and value of harmonizing with the National Building Code. However, based on recent experiences with the OBC harmonizing with the 2020 NBC, harmonization with the National Construction Codes should not be pursued automatically where an Ontario-specific requirement remains justified. The BCAB's emerging test is whether a change to a requirement, compliance pathway or process:

- reduces unnecessary cost, delay, complexity, inconsistency or uncertainty;
- identifies and addresses the actual source of the burden, whether in the requirement itself or in how it is interpreted, administered or implemented;
- is proportionate to the circumstances and risks involved;
- is practical and implementable for affected parties; and
- maintains the public-interest outcomes the Building Code is intended to achieve without shifting material cost or risk elsewhere.

Section 5: Preliminary Recommendations: Opportunities for Early Action

The preliminary recommendations in this section arise from the BCAB's work and deliberations to date. Drawing on the members of BCAB's experience with Ontario's building regulatory system, technical discussions and issues raised through stakeholder engagement, the BCAB has identified areas within the Building Code and broader building regulatory system where the regulatory burden is evident and the direction for change sufficiently developed to warrant a recommendation for early action. These recommendations focus on issues with potentially meaningful or recurring impacts, where a practical response could address the identified burden without first requiring resolution of a substantially broader technical or policy question.

These recommendations should not be understood as the BCAB's assessment of the full range of issues raised through public consultation and engagement. Broader input continues to be reviewed, and many significant issues require further analysis, additional discussion with technical experts, or stakeholder engagement before the BCAB can reach any final conclusions.

1. Establish Regulated Timelines on Permit Application Resubmissions

Recommendation

Require resubmitted building permit applications made in response to deficiencies identified by the municipality to be reviewed within the same prescribed period as the original complete application, with the applicable review period beginning the day after the applicant resubmits all the outstanding information or drawings required to address those deficiencies. The prescribed period would apply only to a resubmission responding to the identified deficiencies and would not apply where the applicant makes significant material changes to the proposed construction or design beyond those necessary to address the deficiencies. The government should determine the appropriate legislative or regulatory mechanism for implementing this requirement.

Why this matters

Ontario prescribes timelines for reviewing complete building permit applications, but comparable timelines do not apply when information or drawings are resubmitted to address deficiencies identified through plan review. The BCAB has heard that repeated review and resubmission cycles can create uncertainty and delay even where an applicant responds promptly to identified deficiencies. Implementing the applicable prescribed review period to these resubmissions would improve accountability and predictability without changing the technical, health, safety, accessibility or performance requirements that must be satisfied before a permit is issued.

What this would achieve

Applying a defined review period to resubmissions would make the permit-review process more certain and predictable and could help expedite construction starts because the permit is issued sooner. Implementation would need to consider municipal capacity and resourcing, as meeting a new regulated review period may require operational changes or additional resources in some municipalities. Resourcing needs to be considered because resubmissions are not presently explicitly regulated in the Building Code.

2. Strengthen Provincial Building Code Interpretation Support

Recommendation

Establish a province-wide mechanism to strengthen provincial interpretation support through the issuing and publication of written Building Code interpretations to support more consistent application of Ontario's Building Code. Interpretations should be readily accessible to municipalities, designers, builders and other Code users. The government should determine the appropriate model and process for providing this support, including who should issue interpretations, the circumstances in which interpretations should be provided, whether they should have greater formal or binding effect in defined circumstances, and how the provincial interpretation support would interact with the statutory responsibilities of Chief Building Officials.

Why this matters

The BCAB has heard that recurring Building Code questions can be interpreted differently between municipalities and, at times, within the same municipality, creating uncertainty, repeated technical work and different outcomes in substantially similar circumstances. This can be particularly challenging for designers, builders and other Code users working across multiple municipalities. Ontario has one provincial Building Code, and the BCAB considers stronger province-wide interpretation support consistent with the principle of having one provincial Code. The province has also previously provided Building Code interpretation support.

What this would achieve

Stronger provincial interpretation support, delivered through a province-wide mechanism, could reduce the need for the same questions to be resolved repeatedly across Ontario, improve certainty and consistency in the application of the Building Code, and allow recurring issues to be resolved more quickly. Where the same provision repeatedly requires interpretation, this could also identify provisions that warrant clarification or amendment.

3. Remove Minimum Floor Area for Certain Room Types

Recommendation

Remove the prescriptive minimum floor-area requirements in Division B, Subsections 9.5.3A. to 9.5.3E. of the Building Code, which establish minimum areas for living, dining, kitchen, bedroom and combined spaces in dwelling units. This would harmonize Ontario more closely with the National Building Code approach.

Why this matters

Ontario's Building Code prescribes minimum floor areas for living, dining, kitchen, bedroom and combined spaces in dwelling units. Through its work and engagement to date, the BCAB has heard that these requirements can constrain compact and flexible housing designs and can result in permit rejections, redesign and resubmission where proposed layouts do not meet the prescribed areas. The issue is particularly relevant where limited floor area must be used efficiently to create smaller, space-efficient forms of housing. The BCAB considers these requirements unnecessarily prescriptive where other applicable Code requirements continue to address health and safety, accessibility and building performance. This proposal is a discrete Code change that would also reduce an Ontario-specific difference from the National Building Code.

What this would achieve

Removing these requirements would provide greater flexibility to design compact and varied housing layouts and could reduce permit review, redesign and resubmission arising solely from compliance with prescribed minimum floor areas. It would also remove the need for applicants and building officials to demonstrate and verify compliance with these specific minimum-area requirements, while leaving other applicable Building Code requirements unchanged. Removing these requirements could reduce permit-processing time and allow affected projects to proceed to construction sooner where minimum floor-area compliance would otherwise result in non-compliance, redesign or resubmission.

4. Remove Certain Minimum Window Sizes

Recommendation

Amend Division B, Article 9.7.2.3. of the Building Code to remove the current percentage-based minimum window glass area requirements while continuing to require windows in rooms where they are currently required. For bedrooms, the Code should require a window opening sized to accommodate a compliant escape window, without requiring every bedroom window to be operable unless it is otherwise required to serve as an escape window under Article 9.9.10.1.

Why this matters

Ontario prescribes minimum window-glass areas based on room floor area, which can constrain compact housing layouts and add design and permit-review requirements. The BCAB sees an opportunity for a simpler approach that maintains windows where currently required while providing greater design flexibility. For bedrooms, requiring an opening sized to accommodate a compliant escape window could also make future conversion or reconfiguration easier by reducing the potential need for structural enlargement if that window is later required to serve as an escape window. This approach would not change the Code requirements that determine when an operable escape window is required or the performance requirements that an escape window must meet.

What this would achieve

The change would provide greater flexibility in housing design while maintaining windows where currently required. It could also make future residential conversions easier by ensuring bedroom window openings are appropriately sized for potential escape use without requiring operability at initial construction where an escape window is not otherwise required.

5. Amend Minimum Ceiling Heights for Residential Conversions

Recommendation

Amend Division B, Article 9.5.3.1. and Part 11 to establish a clear prescriptive ceiling-height pathway, including appropriate reduced clear heights of 1.85m for existing Part 9 residential buildings being converted to contain up to four dwelling units. The amendments should extend, where appropriate, the reduced ceiling-height flexibility already permitted for secondary suites, including reduced clear-height allowances beneath beams and ducting and in other appropriate constrained areas, while maintaining appropriate general ceiling heights and clearances for safe movement and egress.

Why this matters

Ontario's Building Code already permits reduced ceiling heights for secondary suites and provides additional flexibility for renovations to existing buildings. However, the same flexibility does not apply consistently when an existing house is converted to contain a third or fourth dwelling unit. The BCAB has heard that constrained basement ceiling heights can therefore require alternative solutions, structural alterations or significant structural underpinning, and in some cases can make otherwise viable housing conversions more difficult. The BCAB has also heard that where compliance requires substantial structural work or cost, some renovations may proceed without a building permit and therefore without the associated permit review and inspection. The physical characteristics of an existing basement do not change solely because an existing house is

converted to contain additional dwelling units. A clearer prescriptive pathway would make requirements more proportionate to the circumstances of existing housing while retaining the minimum clear heights needed for safe movement and emergency egress.

What this would achieve

The change would make it easier and more predictable to convert suitable existing spaces into additional housing, while reducing reliance on project-specific alternative solutions and structural work undertaken solely to address ceiling-height requirements. It would provide a clearer and more proportionate compliance pathway for converting suitable existing Part 9 residential buildings to contain up to four dwelling units, while maintaining appropriate minimum clearances for movement and egress.

6. Amend Residential Guard Climability Requirements

Recommendation

Amend Division B, Sentence 3.3.1.18.(4) and Article 9.8.8.6. to generally align the scope of guard-climbability requirements with the National Building Code's height-based approach, while retaining an Ontario-specific restriction on horizontal guard members located between 140 mm and 900 mm above the level protected by the guard.

Why this matters

Ontario applies guard-climbability restrictions more broadly than the National Building Code, including at lower fall heights. The BCAB has heard that this can restrict guard design and create uncertainty because determining whether a feature “facilitates climbing” can involve subjective judgment. In considering this change, the BCAB has considered the fall risk being addressed, the available evidence on guard climbability, and the differences between Ontario and national requirements. The available evidence does not support eliminating climbability protections entirely. The BCAB therefore supports a balanced approach: closer alignment with national requirements while retaining Ontario-specific protection against horizontal members that can create ladder-like climbing opportunities for children.

What this would achieve

The change would provide greater guard-design flexibility and consistency with national requirements while helping to reduce interpretation, redesign and inspection issues. Greater alignment would also reduce an Ontario-specific difference for manufacturers and suppliers serving markets across provincial boundaries. Other Code requirements governing guard height, openings and structural performance would remain unchanged.

7. Transfer the Regulation of Demountable Stages

Recommendation

Transfer regulatory responsibility for demountable stages and demountable support structures from the Building Code regulatory framework to a province-wide safety framework better suited to temporary, repeatedly assembled and dismantled specialized structures. The government should determine the appropriate regulatory framework and administrator, including whether a specialized safety regulator such as the Technical Standards and Safety Authority (TSSA) would be suitable.

Why this matters

Demountable stages and support structures are regulated under the Building Code as designated structures. However, demountable stages and support structures are temporary engineered systems, often assembled shortly before an event and dismantled within days, which makes them poorly matched to the building permit process. The BCAB has heard that permit applications may arrive shortly before installation and that stages are commonly erected outside normal inspection hours, making timely municipal inspection difficult or impractical. These characteristics differ significantly from permanent construction for which the Building Code permit and inspection system is principally designed.

The BCAB considers that the safety risks associated with demountable stages should remain regulated, but through a province-wide framework better suited to structures that are repeatedly assembled, dismantled and moved between jurisdictions. Demountable stages and structures are very similar to amusement park rides, in that they are pre-engineered systems that are erected and dismantled for a short period of time, often on weekends. We understand the TSSA already regulates portable carnival rides and amusement devices through regulating licensing and permits, engineering and inspections as well as ongoing certification processes.

What this would achieve

Transferring responsibility to a more appropriate regulatory framework would reduce municipal permitting and inspection burden while providing a more consistent province-wide approach to temporary stage safety. It could also allow municipal building departments to focus resources on construction more suited to the Building Code permit and inspection process. The change should be implemented so that existing structural and life-safety outcomes are maintained and there is no gap in regulatory oversight during the transition.

8. Remove the Mandatory Drain Water Heat Recovery Requirement

Recommendation

Amend the Building Code to remove the mandatory requirement to install drain water heat recovery units in residential projects and make the necessary consequential changes to the associated energy-efficiency compliance paths. Drain water heat recovery should remain available as an optional energy-efficiency measure.

Why this matters

Ontario's Building Code requires drain water heat recovery through the Building Code's Supplementary Standard SB-12 energy-efficiency compliance pathways for new housing. While DWHR can reduce water-heating energy use, its benefit varies with the building, hot-water use, water-heating system and installation configuration. The BCAB has heard that mandatory installation can add cost and complexity and that, in some applications, the incremental benefit may be limited or installation can be difficult. The BCAB considers a technology-specific mandate unnecessarily restrictive where other approaches can support energy-efficient housing. Removing the mandate would preserve DWHR as an option, where it provides value.

What this would achieve

The change would give builders and designers greater flexibility to select energy-efficiency measures appropriate to the building while maintaining the applicable overall energy-efficiency requirements. DWHR would remain an available option where it is practical and provides sufficient benefit.

9. Simplify Septic Tank Provisions and Remove Type B Dispersal Beds

Recommendation

Amend Division B, Part 8 of the Building Code to remove provisions that are duplicative or no longer widely used. This would include removing Article 8.2.2.1. and simplifying Sentences 8.2.2.3.(5) to (7), where equivalent septic tank requirements are already addressed by CSA B66, "Design, material, and manufacturing requirements for prefabricated septic tanks and sewage holding tanks", as well as removing the Type B Dispersal Bed provisions in Subsection 8.7.8. and updating related definitions and references.

Why this matters

Stakeholder and technical expert feedback has identified opportunities to simplify Part 8 by eliminating unnecessary duplication and removing leaching bed provisions rarely used.

Part 8 already requires specified septic tanks to conform to CSA B66, yet also contains overlapping requirements related to septic tank compartment design and operation. Maintaining parallel requirements in both the Building Code and CSA B66 can create unnecessary complexity and the potential for inconsistencies where requirements differ.

Type B Dispersal Beds have seen very limited use since their introduction in 2014. Their design constraints, including minimum length requirements, can make them difficult and costly to design and construct. Designers and installers now have access to several alternative dispersal options, including leaching chambers and combined treatment and dispersal systems, reducing the need for the Type B dispersal bed category.

These provisions add regulatory complexity without providing benefits and can make Part 8 more difficult for designers, installers, manufacturers, regulators, and property owners to navigate.

What this would achieve

The proposed amendments would streamline Part 8 by removing redundant requirements and eliminating an underutilized leaching bed system. This would improve clarity, reduce potential conflicts between the Building Code and referenced standards, simplify compliance and enforcement, and maintain flexibility for designers. Public health, environmental protection, and sewage system performance would continue to be maintained through the remaining Part 8 requirements.

10. Update Ontario's Illustrated Building Code Guidance

Recommendation

Update and release Ontario's illustrated Building Code guidance to reflect the current Code and provide practical visual guidance on how requirements are intended to work in design and construction. Updates should prioritize areas where illustrated guidance would improve understanding, interpretation and consistent application of Code requirements, including accessibility requirements where appropriate. The guidance should complement written Code interpretations and other provincial implementation resources and should be kept current as the Building Code changes.

Why this matters

The BCAB has heard that regulatory burden can arise not only from Building Code requirements themselves, but from difficulty in understanding and applying those requirements consistently across Ontario municipalities. Written requirements do not always provide practitioners with enough practical information about how provisions are intended to work in actual buildings, particularly where correct placement, configuration or coordination is important. Illustrated

guidance can improve Building Code knowledge and provide designers, builders and building officials with a clearer understanding of how requirements operate in practice. Clearer guidance could also reduce repeated interpretation, design revisions and permit comments arising from misunderstandings about how requirements are intended to apply.

Accessibility stakeholders also emphasized that understanding why requirements matter can improve implementation and that accessibility is most effective when considered as part of the design process. Illustrated guidance would not replace enforceable Code requirements or authoritative interpretations but could complement them by explaining visually how requirements are intended to function.

What this would achieve

Updated illustrated guidance would improve Code knowledge and support more consistent implementation of Building Code requirements across Ontario. The BCAB heard from the accessibility stakeholders how the placement of minor items in a barrier free washroom are routinely located in the wrong location. An updated illustrated guide would educate code practitioners on the correct locations. It could help reduce recurring design, construction and inspection issues arising from misunderstanding or inconsistent application while supporting the intended health, safety, accessibility and building-performance outcomes of the Code. While the BCAB considers this work important, this project should proceed at the earliest opportunity, the BCAB understands that updating comprehensive guidance would require prioritization, technical expertise and resources and would therefore need to be implemented over time.

11. Allow Building Permits to Proceed Before All Site Plan Matters Are Finalized

Recommendation

Amend section 41 of the Planning Act and, as necessary, the corresponding applicable-law provisions in the Building Code, to allow a building permit to be issued before all site plan matters are finalized, where all other applicable law requirements have been satisfied and any outstanding section 41 site plan matters can appropriately be finalized later without preventing the safe and lawful commencement of construction. Outstanding site plan matters that can appropriately be completed later should not, on their own, prevent permit issuance or require use of a conditional permit.

Why this matters

Section 41 site plan approval forms part of the applicable-law framework for building permit issuance. The BCAB has heard that projects can be prevented from proceeding after zoning, building location and other core site plan matters have been resolved because remaining site plan matters, such as landscaping and planting details, exterior lighting, walkways or similar matters

that can appropriately be finalized later, have not been finalized. This causes construction start delays or increases reliance on conditional permits even where the outstanding matters are not necessary to safely and lawfully commence the proposed construction. The BCAB considers that the process should distinguish between site plan matters that must be resolved before construction can proceed and those that can appropriately be completed later, without reducing municipal authority over site plan matters that must be resolved before construction can safely and lawfully proceed.

What this would achieve

The change would provide a clearer pathway for construction to proceed without waiting for site plan matters that can appropriately be finalized later. It would reduce avoidable construction delays and reliance on conditional permits while preserving municipal oversight of outstanding site plan requirements.

12. Implement Administrative Monetary Penalties for Building Code Enforcement

Recommendation:

Implement an administrative monetary penalty (AMP) framework under the Building Code Act to give municipalities a timely and proportionate enforcement tool for specified contraventions, including construction without a required permit and failure to comply with orders. The framework should distinguish deliberate or repeated non-compliance from applicants who are lawfully proceeding through the permit process, such as where municipal permit-review or resubmission timelines have not been met. The government should establish appropriate penalties, procedural safeguards and interaction with existing enforcement powers.

Why This Matters:

Municipalities need effective tools to address construction without permits, repeated non-compliance and failure to comply with orders. The BCAB has heard that repeated follow-up and court-based enforcement can be time-consuming and resource-intensive, and that administrative penalties could provide a timelier and more proportionate response in appropriate cases while preserving prosecution for more serious matters. The BCAB also heard that accountability should work both ways. Stronger enforcement tools for deliberate or repeated non-compliance should be accompanied by clear expectations for timely permit review and resubmissions. An AMP framework should distinguish conduct that circumvents permit or enforcement requirements from situations where an applicant is following the required approval process and municipal review is unreasonably delayed.

What This Would Achieve:

A more efficient administrative enforcement option could reduce the staff time and resources municipalities devote to repeated follow-up and court proceedings in appropriate cases. This could allow building departments to focus more capacity on permit review, inspections and other core Building Code related functions, supporting a more efficient and responsive permit system. AMPs would supplement, rather than replace, existing enforcement tools where stronger action is required.

Section 6: Next Phase of the Review – Complex Issues Requiring Additional Consultation

The BCAB's work to date has identified a number of relatively focused matters that are sufficiently developed to support inclusion as preliminary recommendations. At the same time, the review has also generated substantial input on broader questions about how Ontario's building regulatory system operates, how it affects housing and innovation, and whether some requirements remain proportionate to the buildings and risks to which they apply. The BCAB has not yet completed its assessment of the full consultation record. The themes below should therefore not be read as findings or recommendations. They reflect broad areas emerging through the BCAB's discussions and engagement that warrant further examination. Some may ultimately lead to recommendations; others may point to improvements in guidance, administration or other parts of the regulatory system rather than Code amendments. Among the strongest issues emerging to date is the need for greater consistency and predictability in how Ontario's Building Code is interpreted, administered and supported across the province. The preliminary recommendation in Section 5 for a provincial Building Code interpretation mechanism addresses one aspect of this broader issue.

The next phase of this review will allow the BCAB to test these issues more rigorously, understand different perspectives and assess whether potential changes are practical, implementable and capable of reducing burden while maintaining appropriate public-interest outcomes.

1. A more consistent and predictable Building Code system across Ontario

The BCAB has heard that regulatory burden can arise not only from Building Code requirements, but also from differences in how the Code and permit processes are interpreted and administered across Ontario. Ontario has one provincial Building Code, but it is applied across 444 municipalities, and that substantially similar projects can encounter different interpretations and administrative expectations. This can result, for instance, in the same building design being deemed permissible in one municipality, but not in a neighbouring municipality. The preliminary

recommendation for a provincial Building Code interpretation mechanism addresses recurring interpretation issues. Other issues raised include varying application and documentation requirements, approaches to alternative solutions, repetitive review processes and uncertainty about what information is needed for an application to proceed. These differences create additional repeated work, costly delays and uncertainty for applicants, designers and municipalities.

Consistent Permit Application Requirements

The BCAB has heard that municipalities can differ in the information and documentation they require for a building permit application to be considered complete. These differences can create uncertainty for applicants working across municipalities and may require substantially similar applications to be prepared differently depending on the jurisdiction. There may also be concerns that, in some cases, complete-application requirements may become unnecessarily extensive and delay the point at which prescribed permit-review timelines begin.

The next phase will examine whether greater provincial consistency could be established through baseline information and documentation requirements for common project types, while preserving the ability to require additional information where warranted by the circumstances of a particular application. This work will also consider the role of municipal building bylaws in establishing and communicating local administrative requirements, including whether greater consistency and transparency could make complete-application requirements easier for applicants to understand and satisfy.

Resolving Deficiencies and Repeated Resubmissions

The BCAB will also examine whether permit-review practices could better support timely resolution of deficiencies, including greater use of meetings with applicants or redlined drawings where issues remain after repeated submissions, and whether municipal workflow and plans-examiner assignment practices could improve co-ordination and consistency. The BCAB has also considered whether a more structured response should be triggered where an application proceeds through repeated submission and review cycles, including approaches based on a maximum of three submissions. The appropriate approach has not yet been determined and will require further examination and engagement with municipal building-official organizations. Any changes would need to consider municipal capacity, staffing and cost implications.

Digital Permitting and Common Provincial Standards

The BCAB will examine whether greater provincial consistency in digital permitting could be achieved through common application, document and data standards, interoperable systems, or other shared approaches. This could reduce fragmentation for applicants and designers working across municipalities without requiring municipalities to replace existing permitting platforms and also provide insight for the province on building permit activities. Any future approach would need to consider existing municipal systems, governance, cost, implementation capacity, data and technology requirements, and the appropriate roles of municipalities and the province. Further research is required to determine the feasibility, functions and appropriate scope of any provincial portal.

2. A clearer, simpler and more usable Building Code

The BCAB has heard that burden can arise from uncertainty about what the Code requires, even where the underlying requirement remains appropriate. Potential sources include unclear or outdated provisions, requirements dispersed across different parts of the Building Code or supporting documents, and difficulty accessing or navigating the technical information needed to understand and apply requirements.

Clearer Drafting and Organization

The next phase will consider opportunities to make Building Code requirements clearer and easier to navigate, including whether related requirements could be better organized or communicated, and whether outdated or unnecessarily complex provisions can be clarified or simplified, while maintaining the technical precision, accountability and public-interest protections required of a provincial building regulation. At the same time, the BCAB recognizes that making the Building Code easier to use does not necessarily mean making it shorter.

The BCAB will also continue to explore opportunities to increase intent guidance explaining the purpose or “why” behind requirements to help designers, builders and building officials understand how requirements are intended to work in practice and support more consistent outcomes.

More Predictable Code Amendment and Implementation Process

The BCAB will also examine whether frequent or short-notice Building Code amendments can create implementation challenges for municipalities, designers, builders and other Code users, particularly where revised Code requirements and supporting materials are not available sufficiently in advance of when new requirements take effect. Greater predictability in the timing and implementation of Code changes, together with timely access to the applicable amendment

text, could make it easier for affected parties to prepare, train staff and update practices consistently.

Better Access to Referenced Standards

The BCAB will also examine whether Building Code users have appropriate access to the referenced standards and other technical material needed to understand and apply regulatory requirements. This includes considering outdated references, ease of access and whether referenced requirements are located in the most appropriate regulatory or technical instrument.

Building Code Knowledge, Education and Implementation Support

Effective use of an objective-based Code also depends on the knowledge and confidence of those applying it. The BCAB has heard that greater consistency across Ontario depends not only on clearer requirements and guidance, but also on strong Code knowledge among designers, builders, building officials and other Code users. The BCAB has identified education, training, knowledge transfer and understanding of objective-based regulation as longer-term issues requiring further consideration. Better implementation support could also help build a more consistent understanding of Building Code requirements across Ontario, particularly as new or amended requirements are introduced.

3. Supporting Housing Supply Through Proportionate Building Code Requirements

The Building Code plays an important role in enabling the construction, conversion and adaptation of housing across Ontario. As part of its review, the BCAB is considering whether some requirements may create unnecessary barriers to housing supply where the regulatory response is not proportionate to the scale, complexity or risk of the project.

Reducing Barriers to Small Multi-Unit Residential Buildings

Challenges for those looking to develop housing can arise across a range of residential development, including new construction, infill, conversions and the adaptation or reuse of existing buildings. Three- and four-unit houses and mid-sized multi-unit residential buildings provide important examples of where Building Code requirements can affect housing supply. A relatively modest increase in building height, size or number of units can trigger several additional requirements at the same time, particularly at the transition between Part 3, 9 and Part 11 of the Code. Requirements related to exiting, elevators, fire protection, accessibility, spatial separation (including associated wall construction and assembly requirements, professional design and general review requirements) and other building systems can have significant cumulative implications in terms of project design, cost and feasibility.

The BCAB will further examine whether the Building Code provides sufficiently clear and proportionate pathways for constructing and converting small multi-unit residential buildings. This will include consideration of single-exit residential buildings, elevator requirements, the Part 9/Part 3 interface, conversions and adaptive reuse, and how requirements operate together across different housing types and building thresholds. The next phase will examine whether the Code provides sufficiently flexible and proportionate pathways for creating a wider range of housing, including missing-middle housing and the conversion or intensification of existing buildings.

Reducing unnecessary barriers to housing supply must be considered alongside the public-interest outcomes the Code is intended to achieve. Changes in these areas can engage important questions of fire and life safety, accessibility, emergency response, enforcement and long-term building performance.

4. Better pathways for innovation, proven solutions and modern construction

Ontario's objective-based Building Code provides flexibility through mechanisms such as alternative solutions. The BCAB has nevertheless heard concerns that demonstrating equivalent performance can require significant effort where a proposal does not follow one of the Building Code's prescribed acceptable solutions, even where similar solutions or designs have previously been reviewed or accepted in other municipalities.

This raises broader questions about how Ontario treats engineered solutions, standardized designs, innovative products and systems, modular and factory-built construction and other modern methods of construction. The challenge is to reduce unnecessary repetitive regulatory work while continuing to establish that a particular design or solution meets the required performance outcomes. Where substantially similar solutions are repeatedly demonstrated to meet those outcomes, the BCAB is interested in whether clearer pathways could allow them to move toward more routine use without removing necessary project-specific review.

Certified Models and Modular and Factory-Built Construction

Certified-model and repeating-design processes provide one example. The BCAB has heard that repeat housing designs may be reviewed through different processes or be subject to varying requirements across municipalities, limiting the efficiencies that standardized designs could otherwise provide. Further work will examine whether these processes could operate under more consistent provincial requirements, including review timelines. It will also consider whether technical review already completed for certified or repeating designs could be relied on more readily within and across municipalities, while still accounting for site-specific requirements, design changes, municipal responsibility, professional accountability and liability. The BCAB has

also heard that municipal exposure to liability, including joint and several liability, can make building departments reluctant to rely on approvals or technical reviews completed elsewhere. The next phase will therefore examine whether liability and accountability arrangements are creating unnecessary barriers to greater use of certified or repeating designs, and whether those barriers can be addressed without weakening appropriate municipal oversight or accountability. Similar questions arise for modular and factory-built construction, including how to distinguish matters already established through factory certification from those that properly remain subject to local review.

Alternative Solutions

Similar considerations apply to alternative solutions. The next phase will consider whether better access to precedents, more consistent documentation and clearer pathways for solutions that have repeatedly demonstrated acceptable performance could reduce technical review. This will include examining when recurring solutions may be sufficiently established to warrant a standardized or prescriptive pathway, while ensuring that site-specific conditions, professional accountability and liability continue to be appropriately addressed.

Innovative Products and Construction Systems

The BCAB will also examine whether the Building Code provides appropriate pathways for recognizing tested certified, or evaluated assemblies, products and systems where their performance has already been independently established. Stakeholders have noted that innovative products and construction systems can be subject to repeated technical reviews, inconsistent acceptance practices, or additional Alternative Solution requirements across municipalities, even where independent testing, certification, or technical evaluation has already been completed. This can create uncertainty, increase costs, and delay the adoption of new technologies and construction methods. Municipal exposure to risk and liability can also affect willingness to accept unfamiliar or innovative products and systems, even where supporting technical evidence is available.

Further technical review is required to determine whether existing Code provisions may unnecessarily duplicate assessments that have already been completed through recognized third-party testing, certification, and evaluation processes, and whether proven products and systems could be recognized more directly. This will include examining the role of accredited conformity assessment bodies, opportunities to make greater use of existing evaluation frameworks, and whether clearer and more predictable compliance pathways could be established for products and systems that have repeatedly demonstrated acceptable performance. This work will also consider whether liability and accountability arrangements, including joint and several liability, create

barriers to the acceptance of appropriately evaluated products and systems and how those concerns could be addressed while maintaining appropriate responsibility for Code compliance.

The BCAB will consider how any such approach can improve consistency, reduce unnecessary regulatory burden, support innovation, and maintain appropriate municipal oversight, professional accountability, project-specific review, and the Building Code's health, safety, accessibility, environmental protection, and building performance objectives.

5. Better alignment across codes, standards and regulators

The BCAB's review has also raised questions about the relationship between Ontario's Building Code, the National Construction Codes, referenced standards and other regulatory and approval systems affecting construction.

Harmonization

National harmonization can in certain instances reduce unnecessary differences, support interprovincial trade, and simplify the design, construction and use of products and building systems across Canada. However, the BCAB has heard that harmonization can also introduce requirements that may not be well suited to Ontario circumstances or may increase regulatory burden in particular applications. The BCAB therefore sees harmonization as an important tool for burden reduction where it provides a demonstrated benefit to Ontario, but not as an objective to be pursued automatically.

The next phase will review harmonization opportunities that have been identified by stakeholder groups that demonstrate potential to reduce regulatory burden in Ontario, including where greater consistency could reduce burden while maintaining appropriate public-interest outcomes. This will include considering how Ontario-specific technical and stakeholder assessment should inform future national harmonization decisions.

Referenced and Supplementary Standards

Referenced and supplementary standards provide access to specialized technical requirements and support national consistency, but outdated, duplicative or difficult-to-access references can also contribute to complexity. The BCAB will continue to consider opportunities to modernize referenced requirements, improve practical access to standards referenced in the Building Code, and determine which instrument is best suited to particular requirements.

Recognition of Product-Evaluation Bodies

The BCAB has also identified the recognition of product-evaluation bodies as an issue requiring further examination. Clear and predictable recognition of credible third-party evaluations can reduce the need for products and systems to be reassessed repeatedly through project-specific alternative solutions or other approval processes.

The next phase will examine whether the Building Code Act and Building Code provide a sufficiently clear framework for recognizing product-evaluation bodies and the use of their evaluations. Where clarification is required, the BCAB will consider whether changes could provide a more predictable pathway for appropriately evaluated products and systems while maintaining appropriate technical review, accountability and Building Code performance outcomes.

Alignment Across Regulators and Approval Authorities

Alignment issues also arise across regulators and approval authorities. Building permits can be contingent on approvals under other legislation, involving municipalities, provincial agencies and other regulatory bodies. Poorly coordinated processes can create uncertainty about responsibilities, documentation, sequencing and timing. Similar issues can arise where related technical requirements are divided between the Building Code and other regulatory frameworks, creating potential overlap, duplication or uncertainty about which authority is responsible.

Electrical-related requirements provide one example. Where matters addressed in the Building Code overlap with requirements administered by the Electrical Safety Authority under the Ontario Electrical Safety Code, the BCAB will consider whether responsibilities can be more clearly allocated and duplicative requirements reduced or removed. The BCAB will also consider whether clearer coordination, responsibility and, where appropriate, service expectations could reduce unnecessary delay associated with applicable-law processes and other interfaces between municipal building departments and external approval authorities.

This work will distinguish delays caused by the Building Code framework from those arising under other statutes and regulatory authorities and consider whether requirements are located in the regulatory framework best suited to their administration and enforcement.

Moving a requirement or responsibility to another regulator does not, by itself, represent burden reduction. Any change should reduce genuine duplication or uncertainty rather than simply transfer burden or responsibility elsewhere.

6. Reducing Burden Without Shifting Costs or Risks

Across these themes, the BCAB will consider whether a proposed reform would produce a clearer, more proportionate, predictable and efficient Building Code system overall, rather than just moving requirements, costs or risks elsewhere.

Capacity, Accountability and Allocation of Responsibility

A change that reduces burden for one participant or at one stage of a project can create new costs, responsibilities or risks elsewhere, including for municipalities, designers, builders, approval agencies, owners or occupants, or later through inspection, operation, maintenance or renovation. The BCAB will therefore consider not only the immediate benefit of a proposed change, but also its effects on capacity, accountability and risk across the system.

Systemic reforms may offer efficiencies but can also create implementation costs, capacity demands and accountability issues. Similarly, shifting responsibility to another regulator should only be considered burden reduction where the alternative framework can perform the function more effectively and the change does not create gaps in oversight or simply transfer burden elsewhere. The BCAB has also heard concerns about how municipal liability and accountability arrangements, including joint and several liability, may affect the allocation of risk and the way regulatory and professional responsibilities are exercised. These issues will warrant further examination as part of the next phase.

Accessibility and Other Public Interest Outcomes

Accessibility provides an important example. The BCAB does not consider accessibility itself to be regulatory burden. Accessibility requirements should nevertheless be examined for clarity, consistency, proportionality and effectiveness. This will include whether requirements applying to renovations of existing buildings are proportionate to the scope of the work and the practical constraints of the existing building.

Changes intended to simplify the Code, support housing or streamline approvals should not create new accessibility barriers or transfer costs and responsibilities to occupants or require future alterations. The objective should be both effective implementation and achievement of the intended accessibility outcomes.

More broadly, the next phase will examine both the potential benefits and consequences of proposed changes, including whether they reduce unnecessary cost, delay, complexity, inconsistency or duplication, are practical for affected participants, and maintain appropriate health, life-safety, accessibility, consumer-protection and building-performance outcomes.

Section 7: Next Steps

The Interim Report is an early milestone in the BCAB's review, not its conclusion. The BCAB is expected to provide its Final Report to the Minister in March 2027, including final recommendations, proposed regulatory changes where appropriate, and implementation considerations, risks and sequencing. The BCAB will use the remaining period to continue reviewing consultation input, undertake additional technical and legal analysis where needed, and determine which matters are sufficiently supported to advance as final recommendations. This will include deeper examination of the system-level and technical issues identified in this report, particularly opportunities to improve consistency in the interpretation, administration and implementation of the Code, and to strengthen implementation support and Code knowledge across Ontario, and the opportunities for burden reduction they may represent.

Further engagement will be an important part of this work. The BCAB intends to undertake focused discussions on priority issues with affected stakeholders and technical and subject-matter experts. These discussions will help test possible approaches, understand different perspectives and identify practical implications for implementation, enforcement and public-interest outcomes. The BCAB also welcomes further evidence and perspectives, particularly on the frequency and scale of identified burdens, measurable impacts, technical implications and experience with potential solutions. Given the breadth of issues raised and the BCAB's time-limited mandate, not every matter may be sufficiently developed to support a final recommendation. Where appropriate, the BCAB may identify issues that warrant longer-term Code development, further consultation or future government consideration. The BCAB's objective for the Final Report is to provide practical, feasible and evidence-based advice on opportunities to reduce unnecessary regulatory burden in Ontario's Building Code and building regulatory system while maintaining appropriate public interest outcomes.