1. **Theme - Getting People Working in the Building Sector**
   1. Examination Development and Delivery
      1. How could the current examination design, content and/or delivery be improved?

*Comments:*

* *While the current 3 hour exam time is reasonable, consider reducing the number of questions in a given exam so that more time is allotted to answer each question.*
* *Consider the sentence structure of the questions to reduce confusion. Current exam questions examples include use of double negatives and strong distractor answer choices.*
* *Questions should no longer focus on the ability to “find” the answer. This will allow you to assemble the examination questions in a orderly format to reduce the amount of flipping between Sections of the building code.*
* *Re-evaluate the current set of qualification requirements by category to find opportunities to reduce the number of required examinations for that category.*
  1. Pre-Qualification Training
     1. Are the current training offerings meeting your needs? If not, how could they be improved?

*Comments:*

* *Current training material does not promote discussion through the use of meaningful exercises. Increase the number of exercises/real-world scenarios and promote learning through collaboration in a class setting.*
* *Increasing the length of training for less experienced practitioners may allow for more time to absorb and reflect on learned material.*
* *Splitting training material related to Parts 3 and 9 into more than one course would allow a more focused learning experience. For example, training for House qualifications could be split into training similar to previous courses such as Part 3 - Classification and Construction, Part 9 - Health and Safety, etc..*
* *A pre-exam exercise manual could be developed to help a practitioner prepare for the exam format. (ie. Orderline.com publishes an example exam)*
* *Ensure the use of qualified facilitators/instructors with relevant experience.*
* *Training manuals should be updated on a regular basis to reflect changes in the code in a timely manner.*
  + 1. Do you see a role for the administrative authority in the delivery of training for building code professionals?

*Comment:*

* *Yes, the administrative authority should maintain control of training material and delivery to control consistency and continuity across the province.*
  1. Recruiting Experienced Building Code Professionals
     1. What factors could contribute to the low take-up of the current internship programs?

*Comments:*

* *A lack of knowledge of career opportunities in municipal building code enforcement at the secondary and post-secondary school levels of education may be contributing to low take-up.*
* *There is a lack of Ministry-approved municipal internship programs. The only municipality that has an approved internship program in place is the City of Ottawa, as noted in the Ministry’s discussion paper.*
* *The Ontario Building Officials Association has an approved internship program but the additional cost of membership and the requirements of their program may be deterrents.*
  + 1. What role could an administrative authority play in internship programs?

*Comments:*

* *An administrative authority could develop and manage an internship program.*
* *An administrative authority could develop a strategy to educate the public respecting careers in the municipal building official industry.*
  + 1. Would implementing a provisional license framework help with municipal recruitment challenges and what should be considered?

*Comment:*

* *No, implementing a provisional license framework would not be needed with a well-structured and well-known internship program in place.*
  + 1. Are there other ways to help building code enforcement bodies attract and retain experienced building professionals?

*Comments:*

* *Develop programs and advertising strategies that target secondary schools, post-secondary schools and various trade organizations to promote the municipal building official industry.*
* *Leverage social media to connect with the public.*
* *The administrative authority could also collect salary data that can be shared with municipal building departments to help them set competitive salaries.*
  1. Using Coordinating Professionals
     1. Do you think the use of a Prime Consultant, under certain circumstances, would support a more streamlined building permit application process?

*Comments:*

* *Yes, creating a legislative requirement for the Prime consultant to coordinate designs and field reviews of the professionals involved in a project will help to ensure accurate, coordinated and completed submissions.*
* *While requiring a Prime Consultant as the single contact for the Chief Building Official or inspector respecting designs and construction could be beneficial to the building permit application and inspection processes, the municipality should maintain the responsibility of permit application review and permit inspections through the appointed Chief Building Official and inspectors. A Prime Consultant should not have autonomy.*
* *Since architects and professional engineers are exempt from the building code requirement of being qualified in building code proficiency, incomplete designs submitted in support of building permit applications are a common occurrence. Architects and professional engineers should not be exempt from the qualification requirements set out in the building code.*
* *Obtaining a building permit is the last step in the process of obtaining development approvals and approvals from external agencies. The time to review permit applications is typically a relatively small portion of the time of gathering all approvals. The current legislated timeframes set out in the building code are adequate.*
  + 1. Do you think the use of Certified Professionals, under certain circumstances, would support a more streamlined building permit application process?

*Comments:*

* *The use of a Certified Professional, such as that used in British Columbia's Certified Professional program, is not recommended. First, this program would be similar to the implementation of an RCA which is provided for in the BCA as part of the Bill 124 improvements and has received very limited interest. Second, in order to implement a Certified Professional program, it would be necessary for the PEO and OAA to agree to additional required training, testing, and certification requirements. Based on recent past history (i.e., Assn. of Professional Engineers of Ontario v. Ontario (Minister of Municipal Affairs and Housing)) this may prove to be quite challenging.*
* *It should also be noted that in British Columbia, this is not an as of right program. The municipality maintains the authority to accept or deny the use of the Certified Professional in the province. Only 3 of the over 160 municipalities in the province have used the model.*
* *In Ontario, the BCA provides for the possibility of obtaining conditional building permits to "get shovels in the ground" most expeditiously, where British Columbia does not have this option.*
* *Ontario currently has tools available that adequately address the concerns of timely approvals.*
  + 1. If the ministry decides to move forward and allow the use of such professionals, what do you think needs to be considered in implementing this change?

*Comments:*

* *As stated in the previous response, use of a Certified Professional, such as that used in British Columbia's Certified Professional program, is not recommended.*
* *Design Professionals should not replace any of the current duties of a Chief Building Official or inspector.*
* *The use of a Certified Professional should be at the discretion of the Chief Building Official.*
* *A permit applicant or design professional should not be empowered to choose to engage a Certified Professional.*

1. **Theme - Promoting Sustainability and Transparency in the Building Code Profession**
   1. Public Registry and Registration Process
      1. If you are a registered building code professional, what are the key issues you face with the current QuARTS system?

*Comments:*

* *The user interface is not intuitive and is cumbersome to navigate.*
* *There is currently no receipt issued for payment that links the person’s name, BCIN, period of registration and the fee that is paid.*
* *Having annual renewal fees of inspectors is not necessary as there is no value added.*
  + 1. What registration functionality would you find helpful that is not currently available in QuARTS?

*Comments:*

* *Searching complicated names is difficult and often results in no hits. Having wildcard search capability would be helpful.*
* *QuARTS currently provides all practitioners in the same list. Having directories for separate disciplines such as “building official”, “other designer”, etc. may help the user find data quickly and easily.*
  + 1. As a member of the public, what information would you like to see made publicly available on the registry to help you make an informed decision on hiring a qualified building code professional?

*Comments:*

* *Pending and completed disciplinary action should be published.*
* *Being able to search a building code professional by areas of qualification would help the public and QuARTS users find designers with relevant qualifications.*
  1. Continuing Professional Development
     1. How many activities or hours of CPD do you feel is reasonable to require of building code professional?

*Comment:*

* *10 to 20 hours/year of continuing professional development is reasonable.*
  + 1. What is the right mix of formal and informal CPD activities that building code professionals should be required to complete (e.g., courses, training, examinations, reading professional/technical journals or documents, volunteering in the sector, attending relevant conferences, etc.)?

*Comment:*

* *Courses, training, exams, authoring articles, etc. – up to 60%  
  Reading, volunteering, etc. – up to 40%*
  + 1. What is a reasonable timeframe for completing CPD requirements to ensure knowledge is maintained (e.g., annually, at every new Building Code cycle which is usually 5-7 years, other?

*Comment:*

* *Continuing professional development goals should align with the building code amendment cycle of 5 years.*
  + 1. Are there already mechanisms, materials, or offerings that would give building code professionals options on how they could meet their CPD requirements?

*Comment:*

* *Professional organizations such as OBOA and other professional code practitioner organizations already have CPD requirements.*
* *The administrative authority could also offer on-line training modules and seminars to earn CPD points.*
  1. Registration Compliance and Enforcement
     1. What types of compliance measures should be put in place to ensure building code professionals are meeting the requirements of their registration?

*Comment:*

* *The Ministry could create a common code of conduct for all building code practitioners. This could be enforced by the administrative authority.*
  + 1. What types of accountability mechanisms do you think might be appropriate if a body enforcing the building code (i.e., municipality, Conservation Authorities, Boards of Health) is found not to be meeting its responsibilities under the Building Code Act, 1992?

*Comment:*

* *The administrative authority could investigate complaints. A tribunal could be created to hear evidence and conclude findings.* 
  + 1. Do you see any challenges with requiring all building code professionals to adhere to a code of conduct?

*Comment:*

* *No, all building code professionals should adhere to a code of conduct.* 
  + 1. What should be considered when increasing the number of available enforcement tools and using an escalating enforcement model?

*Comment:*

* *The penalty should be proportionate to the level of severity of a confirmed infraction.*
  + 1. Under what circumstances do you think it would be appropriate for financial penalties to be used as a means of encouraging compliance with registration requirements?

*Comments:*

* *Financial penalties could be used for late renewals.*
* *Financial, revocation and other escalating penalties could be applied to more severe infractions such as fraudulent submissions.*
* *The administrative authority could also publish important public advisories regarding repeat offenders.*
  + 1. How could these penalties be set so that they are fair?

*Comment:*

* *The Ministry should review appropriate penalties and have a public consultation prior to finalizing set penalties.*

1. **Theme – Building Code Administration and Enforcement**
   1. Enhanced Municipal Enforcement
      1. What types of orders do you think administrative penalties could be used for? What do you think the province should consider in developing an administrative penalty framework?

*Comments:*

* *Administrative penalties could be applied to all types of orders, registration of orders on title and other enforcement procedures.*
* *Orders are generally issued after attempts have been made to gain voluntary compliance to a contravention. As a deterrent, an administrative penalty framework could include punitive financial penalties for the issuance of an order.*
* *Escalating fees could be considered for continuing contraventions.*
  + 1. Are there enforcement tools that would help principal authorities ensure compliance with technical requirements of the building code?

*Comment:*

* *The Provincial Offences Act provides the tools necessary to gain compliance with the building code. However, the Ministry could consider legislating minimum punitive fines for various infractions.*
  1. Supporting Local Building Service Delivery
     1. Would it be beneficial for municipalities to have the ability to transfer some or all of their building service delivery to the administrative authority?

*Comment:*

* *Municipalities who lack in-house expertise and/or competent, qualified inspectors may be able to take advantage of services from the administrative authority.*
  + 1. If you live in a smaller, rural and/or northern municipality, how would you feel more supported at your municipal building counter?

*Comment:*

* *Not only in smaller, rural and northern municipalities, an administrative authority should provide interpretations and guidance to all building code professionals.*
  1. Unincorporated Areas
     1. What kind of framework should the province consider for dealing with building code compliance and enforcement in unincorporated areas?

*Comments:*

* *An administrative authority could provide building code compliance and enforcement services in unincorporated areas of the Province.*
* *The Building Code Act already provides that the Province is the authority having jurisdiction in unincorporated areas of the province.*
* *Costs to deliver services in unincorporated areas by the administrative authority must not be recovered from the proposed general building permit levy.* 
  + 1. If you live or work in an unincorporated area, what guidance, resources and/or support do you need for your building projects?

*Comment:*

* *N/A*

1. **Theme - Improving Building Sector Supports**
   1. Promoting a Consistent Application of Code Requirements
      1. Would you support the issuance of technical bulletins and/or code interpretations? Please explain.

*Comments:*

* *Yes, an administrative authority could be empowered to provide guidance, interpretations to building code professionals and to issue technical bulletins.*
* *Providing building code interpretations to the public and building code professionals and publishing technical bulletins would result in a more consistent application of the building code across the province.*
  + 1. If additional resources and guides to help with code interpretation were created, what type of resources (e.g., type of content, format, etc.) would be most useful?

*Comment:*

* *Application and intent statements for each code provision, similar to the National Building Code, should be published for the Ontario Building Code.*
* *The administrative authority should publish illustrated guides to the various section of the building code.*
  + 1. Would the addition of more visual guidance materials for specific building code issues be helpful?

*Comment:*

* *Yes, a comprehensive Ontario Building Code illustrated construction guide should be published.*
  + 1. As a member of the public, what resources and tools would you need to assist you with understanding code requirements for your small or personal construction projects (e.g., minor renovations, decks, sheds, etc.)?

*Comments:*

* *Illustrated guides, standard construction details and information bulletins would be resources that could be useful to the public.*
* *Information brochures such as a homeowner’s guide to obtaining a building permit may promote consistent application processes among municipalities.*
  1. Digital Service Transformation
     1. If you would use an electronic version of the Code, on what type of electronic device would you most frequently view/use it on? (e.g., laptop/desktop, mobile device).

*Comments:*

* *Plans examination and other office staff generally use desktop and laptop computers and site inspectors generally use tablet and smart phone technology to view the building code.*
* *The digital code should be compatible with Microsoft Windows, Apple IOS, and Android operating systems.*
  + 1. In addition to digital versions of the Ontario Building Code Compendium, what other digital guides, resources or tools would you find most useful?

*Comments:*

* *On-line access to all building code-referenced standards.*
* *A database of approved alternative solutions.*
  1. Building Sector Data and Research
     1. Does your organization collect building sector data? Do you have any policies in place for data collection, management, and/or transparency?

*Comments:*

* *Building permit, complaint and related records are tracked electronically using a corporate database application.*
* *Our current permit tracking system does not have a public interface.*
  + 1. How could the potential increase in municipal reporting burden be mitigated?

*Comment:*

* *A standard database application common to all municipalities and applicable law agencies could help collect applicable law approvals and other required information.*
  + 1. Do you think it would be beneficial if the administrative authority conducted research on behalf of the sector?

*Comment:*

* *Yes, an administrative authority could develop best practice methods and research innovative construction and building solutions.*

1. **Funding Better Service Delivery**
   1. Funding and Fee Models
      1. Is the proposed funding model a reasonable approach to delivering improved services to the sector?

*Comments:*

* *Expenses should be reasonable to recover the expected costs of delivering services to the industry.*
* *Construction value data provided by the applicant may not be accurate and may vary depending on the project’s location in the province. The proposed funding model may not capture reasonable costs of the administrative authority’s services.*
  + 1. Are there impacts in implementing such a fee model that the government should consider?

*Comments:*

* *The model proposes that a permit applicant be responsible to fund the entire administrative authority. That sector may argue that they should not bear the entire cost of an agency that delivers services to the public, including municipal enforcement agencies.*
* *Municipalities will be burdened with collecting levies for an administrative authority.*

1. **Additional Comments**

*Thank you for the opportunity to provide comments in response to the Ministry of Municipal Affairs and Housing (MMAH) consultation on "Transforming and Modernizing the Delivery of Ontario's Building Code Services". In the discussion paper published on September 24, 2019, it was identified that the building sector is a $38 billion industry and a key driver of Ontario's economy. The discussion paper stated that the building sector stakeholders have been asking for better, more modern and timely services and resources to support their ability to understand and apply the highly technical and complex building code requirements.*

*As was explained in the discussion paper, "MMAH has provided a suite of building code services in the past but over time the delivery of these services has not kept pace with the needs of the sector, making the model unsustainable. The ministry needs to implement a model that will enable the delivery of improved services to promote consistency and better support the sector."*

*As the chief building official for the City of Vaughan, and former employee of the Building and Development branch, I recognize and acknowledge that the creation of an alternate service deliver model and this transformation consultation has become necessary to address the obvious and visible reduction of ministry staff over many years to the point that the resources are no longer available to provide the service within the ministry. This consultation is structured to direct the focus toward implementing a chosen model of an Administrative Authority, where other models could also have been chosen.*

*As you are aware, significant changes were made through the enactment of the Building Code Statute Law Amendment Act, 2002, S.O.2002, c.9-Bill 124 to include prescriptive timelines for permit review and issuance, and qualification of chief building officials, inspectors and designers. This was a bold initiative and was enacted, in part, to address expediting permit issuance as well as ensuring applications were in accordance with the requirements of the Building Code Act. Unfortunately, the qualifications and registration requirements that were implemented under this statute are not mandatory for all practitioners in the building industry and accountability is focused mainly on regulators at the municipal level. Also, the authorities that govern the applicable law requirements do not follow these, or similar, timelines.*

*In fact, the RESCON Report published in 2017 and the Ministry's Process Mapping Exercise conducted in 2019 both confirm that the delays are not in the review of permit application but rather with the applicable law requirements that need to be satisfied in accordance with the Building Code Act, such as site plan approvals, Ministry of the Environment, Conservation and Parks, Ontario Ministry of Transportation and conservation authorities. Chief Building Officials are always looking for opportunities to work with these agencies and approval authorities to streamline processes and support development.*

*It is unclear what streamlining opportunities will be presented through the establishment of an Administrative Authority (AA) especially in the absence of training, qualification and accountability for others in the building sector who are not regulators. The streamlining referenced in the discussion paper is about the functions not currently being provided by the ministry, i.e. intent statement, interpretations, bulletins, etc.*

*Through this consultation, the ministry explained that 10 different models were explored, including the Office of the Fire Marshal (OFM) model and this AA model was the preferred option. It would be beneficial for stakeholders to understand how this decision was made and what criteria was considered in that decision-making process. Was consideration given to how this AA will be able to operate independently, at arm's length from the ministry, funded by the industry but report back to MMAH? Would it not be more suitable to have a similar model to the OFM and report to the Solicitor General to maintain the integrity of the BCA and OBC?*

*It would appear that representative stakeholders were not consulted on the needs analysis to determine how the Ministry could better deliver services, as such, I am lacking clarity in how the Administrative Authority model decision was made. I am also interested in the background information that was considered in choosing the AA as the preferred option since other models related to oversight on public safety legislation (i.e. OFM) seem to be successful and mirrors many of the same functions the ministry is planning to transfer.*

*Historically, the ministry did provide those services. It is my understanding that these services are no longer available due to a lack of resources. As identified in "the paper", the ministry is responsible for:*

*• Setting policy direction and establishing regulatory building standards;*

*• Overseeing the qualification and registration of building practitioners; and*

*• Providing support to consumers (e.g. publishing guides and resources and explaining policy intent of code requirements)*

*Based on the consultations that I have attended with the ministry, it has become apparent that the ministry is only interested in maintaining one of these identified responsibilities, "Setting policy direction and establishing regulatory building standards." All other functions, previously provided by the ministry, would be transferred to the Administrative Authority (AA).*

*While the ministry is reviewing how to proceed with these matters, I recommend that the ministry create a committee of knowledgeable practitioner volunteers as a pilot program to vet code interpretations and provide an alternative mediation process, outside of the Building Code Commission (BCC) and perhaps prior to a BCC application. This would assist in creating some consistencies in current time while awaiting the transformation path decisions.*

*It is my understanding that the Minister of MMAH may select criteria for the board of directors and has the authority to appoint a chair of the board of directors. Further, the minister develops the legislative and regulatory framework that defines the scope of the AA's authority and lays out key accountability provisions, has oversight functions and maintains control of the AA function. Therefore, it is not an independent, private corporation as indicated in the discussion paper. It could appear to have political, self serving, and conflicting interests between the building sector stakeholders and the regulations.*

*With the challenges that CBOs have experienced with the acknowledgement in the Building Code Act in regard to the "independence of the CBO", the governance model of the AA could further complicate this issue. Special attention must be given to the board composition to ensure that the directors are knowledgeable practitioners of the BCA and OBC regulations and have experience working in the building industry. The mandate of the AA board cannot be politically driven; it must be reflective of the life safety regulations of the BCA and OBC, create standards for competencies for all practitioners, and provide code interpretations, quarterly bulletins, and intent statements.*

*Should the minister decide to proceed with an AA model, I highly recommend that the governance model for the AA include a balanced representation of all the industry including designers, constructors, regulators, insurers and legal from both the public and private sector.*

*Funding of this model is concerning because the sector providing the funding will want to have a major representation on the board and affect the decision making of the board. This is a conflict of interest. Given the recent Auditor General's report on concerns with TARION, this should serve as a cautionary note on the risks with establishing a private, not-for-profit Corporation funded by developers.*