

25 November, 2019

Hon. Steve Clark
Ministry of Municipal Affairs and Housing
17th Floor, 777 Bay Street
Toronto, Ontario M7A 2J3

Dear Minister Clark:

We appreciate the opportunity to provide feedback and a response on behalf of the qualified interior design profession in Ontario to the *Transforming and Modernizing the Delivery of Ontario's Building Code Services* proposal. We have attended several webinars and stakeholder meetings during the consultation period.

We understand from meetings held that recommendations included within the proposal have been brought forward by certain building sector stakeholders. We also understand that the Ministry is struggling to sustain its growth related to Building Code services with its current resources. It was identified in recent technical stakeholder meetings that several models were reviewed by the Ministry, under the leadership of a consultant, a review process which has led to a sole recommendation that an Administrative Authority (AA) be formed to transform the delivery of a suite of new and enhanced services to support the building sector. To date, more in-depth information and research resulting from the review process has not been shared during this consultation period.

We have given the proposal considerable review and agree that issues exist within the building sector. Key issues such as building services inefficiencies and inconsistent interpretation of the Building Code impact industry partners and stakeholders alike. These issues filter down to the public, clients, and building owners. The interior design profession has been greatly impacted by these issues for several years and relies heavily on ARIDO to represent public safety and the importance around qualifications and training one requires to carry out the scope of interior design.

While we appreciate the efforts and considerations made by the Ministry, we, and on the behalf of the interior design profession in Ontario, have several concerns which we have outlined within this written response. This proposed model will cause greater issues that impact the design and construction industry, as well as the interior design profession directly, and we believe that it will not furnish the desired results the Ministry would like to achieve.

Our written response identifies the following negative impacts this model will cause:

- increased inconsistent interpretation of the OBC;
- greater confusion related to when the OBC applies compared to other important legislation such as the *Architects Act*;
- additional and unnecessary procedural layers to an already complicated and delayed permits process;
- confusion as to when a Certified Professional and Coordinating Registered Professional model is required; and
- the exclusion of the interior design profession from leading interior projects in Ontario.

Our written response also outlines:

- existing duplication with the BCIN qualifications process and other existing frameworks; and
- the BCIN qualification framework, in its current state, is not sufficient to protect the public.

Based upon the above concerns, we do not see the creation of an Administrative Authority (AA) as a viable solution to remedy the issues the industry is facing today with Building Code services in Ontario.

OVERVIEW: ARIDO REGISTERED INTERIOR DESIGNERS

In Ontario, ARIDO is the self-regulatory body for interior design that sets the standards to become Registered or “qualified”. While the interior design scope is not currently regulated in Ontario, ARIDO enforces the protected title “Interior Designer” through private legislation implemented in 1990.

ARIDO membership totals 2,373 individuals across Ontario, all at different levels within their career, with a goal of becoming Registered and maintaining Registered membership. Of the 2,373 members, 1,058 are Registered members in good standing, who have met the mandated minimum requirements, are authorized to publicly promote themselves with the title “Interior Designer”, and have been deemed competent to carry out the scope of interior design. Our member firms also represent BCIN holders in the house, small building, and large building sectors.

Qualified Interior Designer Requirements

The current standards to become Registered with ARIDO are part of a set of national standards that all provincial regulatory bodies in Canada mandate as the minimum requirement. The standards consist of the following internship requirements:

- An accredited four-year degree in Interior Design;
- 3,520 hours of training as an Intern under the supervision of a qualified interior designer or licensed architect; and
- Successful completion of a three-part interior design exam, one of which is a practicum test.

The minimum education requirement instills a foundation for knowledge and skills in prescribed competency areas that are necessary for an individual to begin performing the interior design scope under supervision. The experience and on-the-job training requirement include vital tasks performed while an Intern is mirroring the scope of work under a qualified practitioner, and ensures the technical experience gained from performing those tasks establishes their ability to perform competently. Included within their training is extensive Building Code knowledge along with knowledge of other important regulations that impact the interior environment.

Mandatory Liability Insurance

To become a qualified member, interior designers are required to maintain professional liability insurance with a minimum of a \$1,000,000 claim amount and a \$1,000,000 aggregate. ARIDO enforces this requirement when members apply to become Registered and enforces continuous compliance with every annual renewal, ensuring continuous insurance coverage.

Mandatory Professional Development (PD)

To maintain ARIDO membership, all Interns (individuals in training) and Registered members are required to maintain a minimum level of professional development. The cycle is a two-year program and mandates 12 hours of structured learning, four of which must be Health/Safety focused. With each Building Code update, ARIDO members must complete an OBC update course to ensure their competencies remain relevant in practice. Failure to meet the PD requirement will result in a financial penalty owed to ARIDO in order to maintain membership. Failure to pay the fine will result in termination of membership. In addition, ARIDO works with industry partners to ensure that members have access to continuing education that is focused on Code changes, accessibility changes, and their intended use and application within the interior environment.

Renewal of Membership

Failure to maintain membership with ARIDO will result in mandatory requalification after a three-year absence. This includes requalifying for the education, supervised experience and examination requirements in order to be re-admitted as a member.

Practice Standards

ARIDO has a Code of Ethics and Practice Standards that members are required to follow. Failure to adhere to these standards can result in suspension or revocation of their membership with ARIDO. These



standards include ethical behaviour and sound business practices which put the public interest above the practitioners.

Complaints and Discipline

ARIDO has a Complaints and Discipline Process in place for cases where there has been an infraction by a member against the Code of Ethics and Practice Standards. A thorough investigation process is held under peer review, where recommendations are made as to whether disciplinary action is needed in order to protect the public. Disciplinary action can include:

- letter of reprimand;
- suspension of membership; or
- revocation of membership.

Titles Enforcement

ARIDO grants authorized use of the title "Interior Designer" to those who are Registered members of ARIDO. ARIDO also actively enforces infractions of title use where a non-Registered member holds themselves out to the public with the protected title. Through Ontario Divisional Courts, the following fines can be laid:

- for a first offence, to a fine of not more than \$1,500;
- for a second offence, to a fine of not more than \$3,500; and
- for each subsequent offence, to a fine of not more than \$5,000.

The Scope of Interior Design

While many ARIDO members pursue the BCIN for the purposes of permit privileges, the scope of interior design is one that goes beyond the minimum Building Code standards.

ARIDO members are trained practitioners possessing the minimum design and OBC competencies which have been obtained through rigorous training. Designing for interior spaces goes beyond the building minimums. It is about developing creative, human-centred solutions for interior environments that not only support the health, safety, well-being and enhanced quality of life for all occupants, but also create human experiences that enhance the psychology of the space and the wellness of the occupants. This is achieved through thoughtful spatial organization and material applications as well as the adherence to all applicable codes, standards, and regulatory requirements, namely, the Ontario Building Code and *Accessibility for Ontarians with Disabilities Act* as examples.

Qualified Interior Designers undergo training in areas such as needs assessment, building construction, construction law, standards of practice, building materials, specification writing, technical drawing, business standards, business ethics, technical building audits, project management, and budget control. In many interior design projects, the Interior Designer acts as lead consultant responsible for coordination of all other consultants and the application of building permits.

Interior design services address functional, business, and financial objectives that meet client needs. This is particularly important for Ontario businesses that wish to enhance their interior environments to improve their business, support their staff, or enhance the experience of the general public wishing to engage in the services that business owners offer.

Sectors that benefit from well-designed interior spaces include:

- Industrial: manufacturing, transportation, utility and communications;
- Health Care: hospital, care facilities, health offices and hospices;
- Retail: shopping malls and independent stores;
- Office/Work Environments: low-rise to high-rise office towers;
- Educational Institutions: schools, daycare centres, university facilities, libraries;
- Government and Government Agencies;
- Public Gathering Spaces: public art galleries, museums, theatres, and community centres; and High-Density Residential: condominium towers.



THE BUILDING CODE IDENTIFICATION NUMBER (BCIN)

The Building Code Act requires individuals and firms be “qualified” and registered with the Ministry of Municipal Affairs and Housing (MMAH). MMAH maintains a registry of building practitioners and organizations that have met the prescribed qualifications for OBC testing as deemed by the Ministry.

Examinations and Training

The Building Code Identification Number (BCIN) enables anyone who can pass the examinations to obtain a BCIN, and submit for permit. Previous training or experience within the design industry is not a pre-qualification for the BCIN exams. The BCIN pre-qualification process focuses on the minimum Building Code standards and includes a testing system that confirms if an individual “knows the Code”. Successfully passing the BCIN to prove understanding of the minimum OBC standards is far from rigorous and does little to strengthen or enhance public safety. BCIN holders are not obligated to possess any other formal training or competencies prior to writing the BCIN exams. In many cases, the lack of proper experience and training leads to misinterpretation of the Code and its intended application, and in turn results in incomplete drawings or non-compliance with Code at the time of permit submission.

While we appreciate that the Ministry would like to ensure pathways are available for individuals in Ontario to become Building Code professionals, in the spirit of public safety within buildings in Ontario, the priority should be prescribing a more rigorous pre-qualification process that fosters competent, experienced individuals working in the sector. Where experience is a consideration for the pre-qualification process, those not currently reporting to or being monitored by a self-regulatory body could benefit from similar mandatory pre-qualifications like interior design and architecture. Experience qualifying as a credit towards pre-qualifying is not sufficient. Organizations such as ARIDO, OAA, and OBOA already mandate rigorous qualifications for our respective professions. For ARIDO and OBOA, these qualifications have been a voluntary choice for interior designers and building officials.

BCIN testing should be practical in nature to ensure that all candidates can demonstrate not only knowledge of minimum standards but proper application of the Code to interior spaces in different building sizes, sectors and occupancies.

Lastly, while concerns have been expressed to the Ministry that the time required to prepare and write the exams along with exam costs can be a barrier, it is important to note that committing to a higher level of competence and professional standards requires professional commitment. ARIDO Registered members must meet the requirements outlined above in order to become qualified. This path can take anywhere from 7 to 10 years for an individual to complete. Those committed to furthering their knowledge, competencies, and practice abilities meet these requirements to go above and beyond. Rather than focusing on complaints regarding time constraints and exam costs, we recommend that the Ministry consider alternatives to ensure that quality of competent and applicable knowledge of the minimum Codes is a focus during exam redevelopment. Other considerations should be the utilization of existing frameworks within the industry which are currently fulfilled by regulatory bodies.

BCIN Stamps

ARIDO and its members are aware that many BCIN holders for house, small or large buildings do not currently belong to a professional organization or self-regulatory body. Others lack proper training or knowledge in the scope they claim to practice. These individuals lack sound business practices and are not held to a Code of Ethics or Practice Standards that support ethical conduct. Currently, BCIN holders can be hired to review a set of drawings for Code compliance where they were not involved with the project during design development. In most cases, non-qualified designers leading a project, who are not BCIN holders, are aware they can circumvent possessing Building Code knowledge by engaging a BCIN holder solely for Building Code review. BCIN holders with no proper training or qualifications, often mislead clients that as a BCIN holder, they are competent in Building Code knowledge as well as interior and architectural design. This is not the case.

BCIN holders who engage in Code review or act as the design lead for projects where they were not involved, fail to connect with the intent of the design approach, understand user needs, or apply relevant



Code compliance. Where a BCIN holder reviews and applies their BCIN stamp to a set of project drawings to which they were not involved in the design, that BCIN holder assumes all liability for Code compliance. Where an issue arises, the client must hold the designer and the BCIN holder accountable for two different scopes. This includes liability for the overall designs outside of mere Code compliance.

When an ARIDO Registered member with a BCIN submits a set of drawings for permit, the designer has approved the design and documentation which they directly supervised. Technical drawings are recommendations and decisions made within a specific context that encompass design intent paired with applicable sections of the Building Code and other regulations, to the best of the practitioner's competencies.

The ability to engage a BCIN holder for the purpose of solely meeting Building Code minimums does not prioritize public safety or drive innovative design. The creation of a new Administrative Authority whose purpose is to carry out the same BCIN framework that exists today will only exacerbate an already flawed system and increase public risk, while diluting the integrity of Building Code services in Ontario.

PLANS REVIEW AND INCONSISTENT INTERPRETATION OF THE CODE

BCIN Holders Denied Permit

Since the release of the 2012 Amendments to the *Ontario Building Code*, the profession of interior design has experienced an increase in misinterpretation of the OBC. Misinterpretation has led to plans examiners refusing to accept drawings for interior alterations due to the inability to understand when an architect or engineer is required. In most cases, examiners are refusing to accept the drawings of an interior alterations project by an Interior Designer, despite the member's "BCIN" credential. Examiners are confused regarding scope and are under the impression that changes to the 2012 OBC occurred wherein an architect or engineer is now required for design review and to sign off on the drawings submitted.

Although the OBC was amended in 2012, specifically the table found in Article 1.2.2.1 Division C, Part 1 OBC, the section of the *Architects Act* that details when an architect is required for the design or design review of a building has not changed. The changes to OBC have also not addressed the scope of interior design when an architect is not required for design review or permit. The Ontario Building Code does not have authority to override what is mandated and what is exempted as they relate to when an architect is not required via the *Architects Act* for interior work in a building.

It is important to note that interior projects submitted for permit typically do not involve the design of the building itself, nor do they include any scope related to structural or fire safety of the building. Projects have been interior scope related only and therefore the project falls within the exemption as to when an architect is not required. The exemption can be referenced in the *Architects Act*, Section 11, 3, (e): <https://www.ontario.ca/laws/view>.

Reference may also be made to the Joint Table which was released jointly by the OAA and PEO. See *Appendix A*.

It is also important that we identify that this is not the first instance that we have raised this concern with your Ministry. We have had several meetings since 2013 with your Ministry to raise concerns related to BCIN holders being denied permit for a scope which they are capable of and legally allowed to carry out. A BCIN holder being denied permit solely on the grounds of misinterpretation of when an architect or engineer is required by law, nullifies the BCIN qualification process and the intent of its implementation in 2004. See *Appendix B*. The Ministry's proposal does not identify a solution to this issue which has been in existence since 2013.

Additional Permit Review Issues

Although the permit process requires competency from the BCIN holder or regulated professional to demonstrate proficiency in building code knowledge, the delay in the permit process does not always reside within the professional's submission. There are a few issues that reside within the municipality, where Engineers in Training are reviewing projects or Plans Examiners with a specialized scope that does not allow them to efficiently review drawings.



In addition to the inefficiencies of trained staff, the prescribed timelines for initial review as set forth in Division C of the 2012 Ontario Building Code often create a fast and inefficient review, where a deficiency letter is released to meet the timeline, but does not reflect a educated review of the plans submitted. Practitioners are required to spend time going through all items on the deficiency review and provide detailed responses and revisions to drawings that do not have a prescribed timeline for re-review. Municipalities are aware of the extended timelines for review they may be able to benefit from, and often the deficiency letters contain many items that are already shown on the drawing or are in contradiction to the Building Code, demonstrating that the plans were reviewed “fast” but not efficiently.

In some municipalities the reviewers are separated and plans are reviewed under their specialty. Architectural review is through a plans examiner that specializes in this scope, and engineering drawings are then reviewed internally by a specialist within that discipline as well. Although municipalities struggle to hire and maintain qualified professionals for plans review, the multiple person approach would be a more effective way of reviewing and expediting plans, reducing redundancy in deficiency lists. As mentioned in our review of the BCIN exams, a plans examiner must successfully complete all exams; however this does not make them an expert in all sectors due to their previous experience. Moreover, with the current approach of the OBC, specifically the Objective and Functional statements that allow for alternative solutions, an expert opinion within a specific speciality would help facilitate these solutions and allow for an expedient process. Practitioners often shy away or “give up” on their solutions to facilitate timelines, which does not encourage positive and innovative thinking within the built environment.

Many of our ARIDO practitioners state that the majority of the deficiency letters they receive include many items that are not accurate to the OBC review of the project and/or already demonstrated on their drawings. One item that is consistently overlooked and misinterpreted is the provision of Part 11, Renovation. Often practitioners spend hours quoting the provisions of Part 11 even though an associate matrix has been submitted with drawings.

Permits are often obtained after the fact and when an Order to Comply has been issued. In this case, the owner scrambles to find a qualified designer to execute the work and is given only 30 days to submit for a permit. The ability to find a designer, have that designer verify the site, create drawings for permit and have them submitted within 30 days is often impossible. Some municipalities are flexible with owners and are comfortable in knowing that an owner has retained a designer and that it is in process; however others begin to apply fines immediately. A review of this system should be undertaken as well as a part of this process.

Although the permit application system requires both the plans examiners and the practitioners to have proficient knowledge of the OBC in order to expedite the process, delegating this to select regulated professions that are already contributing to some of the current issues would not solve the process. Training of plans examiners and possible regulation of the OBOA would be a favourable model in order to leverage an established non-for-profit organization that has the infrastructure to carry out much of the requirements that the proposed model is trying to delegate.

Certified Professional (CP) and Coordinating Registered Professional (CRP) Model

While the ministry believes British Columbia’s model (BC) is viable, ARIDO has engaged in feedback with several members who carry out work in the province along with local interior designers practicing in BC. We have been advised that the model has, in fact, caused greater confusion, lengthened permit approval times, and has not resulted in greater consistency of Building Code interpretation.

Interior Designers have been left with a minimal scope where Authorities Having Jurisdiction (AHJ) and municipalities have engaged the model in BC, even where it is not required. Once an architect is engaged as the CP or CRP levels, regardless if an architect is required for the project, the architect must now stamp and seal drawings, hence assuming responsibility for the project. This in turn excludes the interior design profession from serving as lead of the project for a scope of work they are fully trained and legally authorized to execute.



We understand that within the BC model, an AHJ, municipality, builder or building owner can unilaterally decide if the model will be applied to a project. As a result, municipalities are not consistently implementing the model across similar projects or within their building departments. Many are mandating a CP for professional design and review to all interior construction and renovation projects irrespective of the requirements for a CP. While the Ministry of Municipal Affairs and Housing is recommending this approach to modernize the process, the legislation in BC is old and vague, and as a result many municipalities in BC are now referring to the provincial *Architects Act* when reviewing most projects in order to determine if an architect is required or not.

As a result of inconsistent application and interpretation of when the model applies, simple renovation projects have become unnecessarily complex, duplicating consultant fees, and increasing overall project cost and budget. While this Ministry views the BC model as a paragon, it has increased expenses for small and medium design firms, limited consumer access to cost-effective practitioners, and restricted a competitive marketplace, while increasing misinterpretation of the Building Code and failing to properly enhance public safety.

Interior Design and the Prime Consultant Role

While the current permits process has resulted in interior designers being denied permit, we anticipate that the BC model will completely exclude the profession of interior design in Ontario to serve as Prime Consultant for an interiors project. Should this occur, it will strip interior design firms in Ontario of an important service they presently offer to their clients. While confusion currently exists as to when an architect or engineer are needed for design review and submission for permit, this model will further obfuscate when an interior designer can lead a project where the scope is interiors focused.

Legal Implications: BC Model

We feel it imperative to identify existing legal implications that have arisen within the current BC model. While it is proposed that streamlining the coordination of contracts for projects through a Coordinating Registered Professional model will improve Building Code services and expedite the permits process, we feel it is necessary to direct the Ministry's attention to two important legal precedents.

1) *Supreme Court Ruling: Swift v. Eleven Eleven Architecture Inc. (2012)*

This court ruling demonstrates that the existing BC model has not provided for public protection or consistent code interpretation. The case demonstrates that even with a streamlined CRP model, negligent misinterpretation of the Building Code occurred under the purview of a Prime Consultant. This occurred at the financial expense of the clients while endangering them by failing to satisfy the relevant portions of the Code, particularly seismic design criteria. This case involved negligent misrepresentation and building code non-compliance on behalf of an engineer who was hired, and services coordinated under a Prime Consultant for the project.

2) *Architectural Institute of British Columbia (AIBC) vs City of Langford.*

The AIBC has filed legal action against the City of Langford for a permit application which was approved for a building that required an architect under the provincial *Architects Act*. This application in the BC Supreme Court has been undertaken by the AIBC to ensure that the province's *Architects Act* is followed. A professional engineer applied his signature and seal to architectural drawings and the architectural portion of letters of assurance for a project that required the services of an architect under the *Architects Act*. The engineer has acknowledged his breach of the *Architects Act* by not engaging an architect.

ADMINISTRATIVE AUTHORITY (AA) MODEL

Duplication of Regulatory Functions and Oversight

It appears that the recommendation of the creation of the AA has been driven by the Ministry's position that it is struggling to sustain itself and lacks the resources to fulfill Building Code services. Qualified professionals in the design industry have already met a prescribed set of standards, are held accountable to their respective organizations, and are subject to existing complaints and discipline procedures where they fail to conduct themselves professionally, competently, and in the public's interest. Many of the



recommended components of the AA are duplicative in nature and are carried out by existing regulatory bodies. This includes the enforcement of Practice Standards and Codes of Ethics, mandating and enforcing professional development in the area of Building Code knowledge and the setting of qualification standards. What is currently lacking is structure and oversight over those practitioners who are not currently reporting to or being monitored by regulatory bodies such as ARIDO, OAA, or OBOA.

Compliance and Enforcement

It has been admitted by the Buildings Branch that the existing legislation has not provided for greater enforcement options over BCIN holders. As a result, discipline and enforcement has not occurred by the Ministry until recently. While it is recommended that an Administrative Authority (AA) model will provide the necessary resources to carry compliance and enforcement out, the greatest impact will be on one's ability to file for permit. Current repercussions within the existing system only result in the Ministry temporarily suspending, revoking, refusing to register or renew a Building Code Identification Number. The establishment of an AA will not achieve the desired results where current legislation does not provide the ability to permanently revoke a registration for egregious conduct by a BCIN holder.

Administrative Authority (AA) Funding Model

There are several organizations which have been established not-for-profits and regulatory bodies for some time. These organizations understand the undertaking required to run an organization, set standards in order to protect the public, and have the means to enforce them accordingly. We have the established resources required to efficiently and responsibly run our respective organizations, while maintaining financial sustainability, and are held accountable by our respective members.

It has been disclosed, during consultation meetings, that substantial funding will need to come from the Ministry as start up funds. We have also reviewed the proposal for funding as it relates to proposed direct user fees, building levies, and Building Code services fees. While a recommended percentage has been outlined within the proposal, we also understand that this is a preliminary recommendation and may not necessarily be the final fee structure that rolls out with implementation of the model. There are concerns that the actual permit percentage fee could in fact be significantly higher than proposed and essentially funded by the design and construction sector. The costs to small and medium sized businesses in Ontario are already demanding, and increased funding for the sole purpose of the creation of a new organization will greatly impact our member firms and their capacity to establish new business.

The recommendation of determining permit fees on a fixed percentage of estimated construction value should be reconsidered as we believe it will not be a reliable approach. We anticipate inaccurate reporting, at the time of permit application, of estimated construction value. ARIDO members already experience push back from clients and building owners on permit fees. This approach will cause greater issues during the initial stages of a project with clients and building owners asking consultants and other industry practitioners to by-pass the permits process.

We understand that fees cannot be streamlined across all municipalities and that municipalities should have control of their financial sustainability, however, a consistent approach and formula could be considered with permit fees based on a fee per square footage formula.

Lessons Learned: Regulatory Models

The Ontario College of Trades (OCT) was formed in 2009 at the recommendation of a consultant and was intended to modernize the apprenticeship system in Ontario to help ensure the growing needs of the economy. Prior to its formation, the proposal to form the College was backed by a thorough review process where employers, employees and representatives of the skilled trades were engaged. On November 18, 2018, this government passed *Bill 47, Making Ontario Open for Business Act*, which resulted in significant changes to the apprenticeship and skilled trades system in Ontario and the ultimate wind-down of the College. Ontario Government has indicated its vision was a proposed replacement model for the regulation of the skilled trades and apprenticeship system in order to "modernize compliance and enforcement of trades and skill sets" by establishing a risk-based approach and restricting activities through a requirement for certification for public safety.



It is vital that we learn from past attempted models, such as the OCT, which was intended at the onset to modernize an existing system and help Ontario businesses grow. The establishment of new third party entities is not always successful and can often be more costly and onerous on the industry and professions. Building new organizations from the ground up requires resources and funding, all of which often are funded by government, businesses and practitioners within the system. As the college winds down, there is much discussion around an existing and excessive \$21,000,000 reserve that was fueled by the users in the system. Concerns around the fate of this reserve fund are unknown and the practitioners remain left with unanswered questions. The proposal for an AA requires much more consideration to ensure that next steps result in a transparent, feasible, and appropriate model backed by research.

CONCLUSIONS

While we have outlined several concerns with the proposed model, we are assured by comments made on several occasions by yourself and the Buildings Branch team that this is a preliminary consultation, and that any move forward will take much consideration and time. As a result, we recommend that the Ministry extend its consultation period and continue to engage the design and construction sector for further insight and input in other viable options for the following reasons:

- As users of BCIN and Building Code services in general, there is a lack of sufficient evidence and research to demonstrate the accuracy of the information collected to sufficiently relay any proven benefits and viability of the model.
- The Ministry failed to engage the industry earlier in the development process. The consultant group of practitioners have only recently been involved in addressing existing issues and the discussion of potential solutions. Had we been engaged during the initial review process when exploring different models, the industry's knowledge and expertise could have been leveraged at earlier in the process. Earlier involvement may have resulted in a more holistic approach designed by the Ministry and the industry collectively, with multiple models for consideration.
- We encourage the Ministry to build from the existing expertise and regulatory frameworks that the design and building industry has in place to assist to alleviate existing administrative burden and avoiding duplication of regulatory functions such as the qualifications process.
- Interior Designers have been negatively impacted by the current system. On numerous occasions, this has impacted their right to practice and grow their business in Ontario. Continuing with this model will cause greater confusion and add additional, unnecessary layers that may restrict our profession further from their right to practice their specialized scope. This conflicts with your mandate of "Getting People Working".
- Tools and interpretive guides will be welcomed by the design industry. Rather than forming a new AA to develop these, engage the design industry and regulatory organizations. We are here as a resource to the Ministry and are willing to leverage our respective specialities and resources to create sector specific interpretive guides. The industry supports public safety and our involvement can only enhance public safety in buildings in Ontario.

Again, we appreciate the opportunity to engage in this review and dialogue with the Ministry. We look forward to supporting you, Minister, in improving building code services and designing a more appropriate solution that can be achieved together.

Yours truly,

A handwritten signature in dark ink, appearing to read "L De Biasio".

Lucia De Biasio,
ARIDO President

Design and General Review Requirements for Buildings in the Province of Ontario



JOINT BULLETIN



**Professional Engineers
Ontario**

25 Sheppard Avenue West
Suite 1000
Toronto, Ontario
M2N 6S9

Tel: 416 224-1100 or 1-800-339-3716
Fax: 416 224-8168 or 1-800-268-0496

Enforcement Hotline: 416 224-9528 Ext. 1444

Website: www.peo.on.ca



OAA
Ontario
Association
of Architects

111 Moatfield Drive
Toronto, ON M3B 3L6
Tel: (416) 449-6898
Fax: (416) 449-5756
Email: oaamail@oaa.on.ca
Website: www.oaa.on.ca



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As per Section 11 of the *Architects Act* and Section 12 of the *Professional Engineers Act*, certain building types in this Joint Bulletin are required to be designed by an architect, PEO licensee, or both. In this Joint Bulletin is a Table that provides a synopsis of the requirements of these two acts with respect to building design.

As per Section 8(9.1) of the *Ontario Building Code Act*, we request that you, in your capacity as Chief Building Official of a municipality, review all documents submitted for permit and refer to the Ontario Association of Architects (OAA) and/or Professional Engineers Ontario (PEO) any documents or information pertaining to permit submission or general review that you have reasonable ground to believe will contravene the above acts.

It should be noted that the OAA and PEO have in place a Liaison Committee, which has been established to deal with those matters that have been forwarded to our respective organizations in accordance with section 9.1, as noted above. In addition to this, the Joint Practice Board also exists by virtue of our respective legislations and is given the mandate of maintaining a professional relationship between the OAA and PEO and ultimately to deal with any matters of conflict regarding the scope of architectural and engineering practice.

Definitions

Within this document a PEO licensee means a holder of a licence, a temporary licence or a limited licence as defined in Regulation 941 under the *Professional Engineers Act*.

Within this document an architect means the holder of a licence, a certification of practice, or a temporary licence as defined in Regulation 27 under the *Architects Act*.

Design by an Architect or PEO Licensee

- (1) Except as permitted in sections (2) and (3) noted below, the construction, including, for greater certainty, enlargement or alteration, of every building or part of it described in the Table in this Joint Bulletin shall be designed and reviewed by an architect, PEO licensee or both.
- (2) An architect may provide the services within the practice of engineering in any building described in the Table, or a PEO licensee may provide the services within the practice of architecture in any building described in the Table, where to do so does not constitute a substantial part of the services provided by the other profession related to the construction of the building and is necessary,

- (a) for the construction of the building and is incidental to the other services provided by the architect or PEO licensee, or
- (b) for coordination purposes.

- (3) The requirement for an architect does not apply to the preparation or provision of a design for interior space for a building, including finishes, fixed or loose furnishings, equipment, fixtures and partitioning of space, and related exterior elements, such as signs, finishes and glazed openings used for display purposes, that does not affect or is not likely to affect,
 - (a) the structural integrity,
 - (b) a fire safety system or fire separation,
 - (c) a main entrance or public corridor on a floor,
 - (d) an exit to a public thoroughfare or to the exterior,
 - (e) the construction or location of an exterior wall, or
 - (f) the usable floor space through the addition of a mezzanine, infill or other similar element, of the building.

- (4) Where a building or part of it described in the Table is designed by an architect or a PEO licensee or a combination of both, all plans, sketches, drawings, graphic representations, specifications and other documents that are prepared by an architect, PEO licensee or both and that form the basis for the issuance of a permit under section 8 of the *Building Code Act* or any changes to it authorized by the Chief Building Official shall bear the signature and seal of the architect, PEO licensee or both, as applicable.

- (5) As authorized under the *Architects Act*, a person designated as a Licensed Technologist OAA is permitted to design and perform General Review for:
 - (a) restaurants with a maximum occupant load of 100 persons,
 - (b) residential buildings of one unit or two attached units up to four storeys in height, including buildings with one dwelling unit above another,
 - (c) residential buildings that are not larger than 600 square metres in building area containing three or more attached dwelling units and which are up to four storeys in height, including buildings with one dwelling unit above another.

For clarification on any of the information in this Joint Bulletin, please contact Ontario Association of Architects at 416-449-6898, or Professional Engineers Ontario at 416-224-1100.

Date Issued: December 2007

Design and General Review

Building Classification by Major Occupancy	Building Description	Design and General Review By
Assembly occupancy only	Every building	Architect and PEO Licensee ⁽¹⁾
Assembly occupancy and any other major occupancy except industrial	Every building	Architect and PEO Licensee ⁽¹⁾
Care or detention occupancy only	Every building	Architect and PEO Licensee ⁽¹⁾
Care or detention occupancy and any other major occupancy except industrial	Every building	Architect and PEO Licensee ⁽¹⁾
Residential occupancy only	Every building that exceeds 3 storeys in building height	Architect and PEO Licensee ⁽¹⁾
	Every building that exceeds 600 m ² in gross area and that contains a residential occupancy other than a dwelling unit or dwelling units	Architect ⁽²⁾
Residential occupancy only	Every building that exceeds 600 m ² in gross area and contains a dwelling unit above another dwelling unit	Architect ⁽²⁾
	Every building that exceeds 600 m ² in building area, contains 3 or more dwelling units and has no dwelling unit above another dwelling unit	Architect ⁽²⁾
Residential occupancy and any other major occupancy except industrial, assembly or care or detention occupancy	Every building that exceeds 600 m ² in gross area or 3 storeys in building height	Architect and PEO Licensee ⁽¹⁾
Business and personal services occupancy only	Every building that exceeds 600 m ² in gross area or 3 storeys in building height	Architect and PEO Licensee ⁽¹⁾
Business and personal services occupancy and any other major occupancy except industrial, assembly or care or detention occupancy	Every building that exceeds 600 m ² in gross area or 3 storeys in building height	Architect and PEO Licensee ⁽¹⁾
Mercantile occupancy only	Every building that exceeds 600 m ² in gross area or 3 storeys in building height	Architect and PEO Licensee ⁽¹⁾
Mercantile occupancy and any other major occupancy except industrial, assembly or care or detention occupancy	Every building that exceeds 600 m ² in gross area or 3 storeys in building height	Architect and PEO Licensee ⁽¹⁾
Industrial occupancy only and where there are no subsidiary occupancies	Every building that exceeds 600 m ² in gross area or 3 storeys in building height	Architect or PEO Licensee ⁽³⁾
Industrial occupancy and one or more other major occupancies where the portion of the area occupied by one of the other major or subsidiary occupancies exceeds 600 m ²	The non-industrial portion of every building	Architect and PEO Licensee ⁽¹⁾
	The industrial portion of every building	Architect or PEO Licensee ⁽³⁾
Industrial occupancy and one or more other major occupancies where no portion of the area occupied by one of the other major or subsidiary occupancies exceeds 600 m ² .	Every building that exceeds 600 m ² in gross area or 3 storeys in building height	Architect or PEO Licensee ⁽³⁾

Notes to Table

- (1) An architect shall provide services within the practice of architecture and a PEO licensee shall provide the services within the practice of engineering.
- (2) An architect may engage an engineer to provide services within the practice of professional engineering.
- (3) Only a PEO licensee may provide services within the practice of professional engineering.
- (4) Requirements for design and general review by an architect or PEO licensee or a combination of both for the construction, enlargement or alteration of a building are set out in the *Architects Act* and the *Professional Engineers Act*.



MAKE SPACE FOR GOOD DESIGN.

July 2, 2014

Hon. Ted McMeekin, Minister
Ministry of Municipal Affairs and Housing
Office of the Minister
777 Bay Street, 17th Floor
Toronto ON M5G 2E5

Dear Minister McMeekin:

On behalf of the ARIDO Board of Management and Ontario's 2,000 Interior Designers, we would like to congratulate you on your appointment to the position of Minister, Municipal Affairs and Housing. With your previous position as Minister of Consumer Services, we are confident in your passion and concern for consumer protection and would like to share some key priorities impacting consumers of design and construction services in Ontario.

The Association of Registered Interior Designers of Ontario (ARIDO), which represents the interior design community in Ontario, has been working with the Attorney General on the introduction of legislation to regulate the profession of interior design in Ontario. This has been a large focus and priority for the association in order to protect the public's safety and welfare in public spaces such as hospitals, corporate offices and restaurants, to name a few.

Of our other priorities and a chief concern to ARIDO are recent changes to the 2012 Ontario Building Code (OBC) which are causing issues with **ARIDO members who are also BCIN holders**. Specifically the changes are the amendments to Part 1, Section 1.2, Design and General Review and more importantly, the **removal of 1.2.1.1. Section 3** which provided for when an architect is not required for the preparation or provision of a design for the interior space of a building.

With the removal section 1.2.1.1 section 3, the OBC no longer provides for when the design for interior space for a building can be carried **without an architect or engineer**. It was under this exemption that interior designers and more importantly ARIDO members who are also BCIN holders have been able to carry out the design for interior spaces within certain building classifications and sizes and in accordance with the Architects Act and the OBC.

The unfortunate reality is that ARIDO members who are also BCIN holders are now being wrongfully rejected for permit on projects that they were previously able to submit for permit on. This is mostly due to industry confusion and misunderstanding of these recent changes.

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ARIDO would like to meet with you to discuss this important issue and to work with you in identifying a solution.

Please let us know us at your earliest convenience of a date and time that is convenient for you to meet in either Toronto or in your local riding in Waterdown. Your staff can organize a date and time through our Executive Director, Sharon Portelli at 416-921-2127 ext. 4232 or by email at sportelli@arido.ca.

We look forward to hearing from you and meeting in person.

Sincerely,

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

Greg Quinn, B.Tech, BCIN, ARIDO, IDC
President

cc. Brian Teefy, Chief of Staff, MMAH



**Association
of Registered
Interior Designers
of Ontario**

September 28, 2015

Brenda Lewis
Director - BUILDING AND DEVELOPMENT BRANCH
College Park
2nd Flr, 777 Bay St
Toronto ON M5G2E5

Dear Brenda,

I am writing on behalf of the Association of Registered Interior Designers of Ontario (ARIDO) to update you on the issues that Registered Interior Designers continue to face in relation to the changes to the Ontario Building Code (OBC).

As discussed previously with you, the primary concern to ARIDO are recent changes to the 2012 Ontario Building Code (OBC) which continues to cause issues for Registered Interior Designers who are also BCIN holders. Specifically the changes have impacted professional design requirements and are the amendments to Part 1, Section 1.2, Design and General Review. More importantly, the removal of 1.2.1.1. Section 3 which provided for when an architect is not required for the preparation or provision of a design for the interior space of a building.

With the removal section 1.2.1.1 section 3, the OBC no longer provides for when the design for interior space for a building can be carried out without an architect or engineer. It was under this exemption that Registered interior designers including those who are also BCIN holders have been able to carry out the design for interior spaces within certain building classifications and sizes and in accordance with the *Architects Act* and the *Professional Engineers Act*.

The unfortunate reality is that Registered Interior Designers who are also BCIN holders continue to be wrongfully rejected for permit on projects that they have a right to practice as far as scope and to submit for permit on. This is mostly due to industry misinterpretation that recent changes to Ontario Building Code also mean changes to scope for some industry professions.

Although the exemption in the Architects Act continues to exist, the industry still refers to the OBC first to interpret boundaries of scope for professionals applying for permit. The industry fails, however, to cross-reference the Architects Act and are therefore missing the exemption that exists.

We understand through recent meetings with Ministry of Municipal Affairs and Housing, Ontario Building Officials Association (OBOA) and the Ontario Association of Architects (OAA), that consideration is being made to reinforce clarity to this ongoing issue through the inclusion of the requirements for professional design or even possibly an addition of an appendix in the Building Code. The Interior Design profession fully supports the inclusion of professional design requirements and are equally eager to see resolution to the issues our profession and our industry partners continue to face.

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ARIDO is very grateful of your continued commitment to supporting the industry and to correcting this issue for all professions that it impacts.

We would like the opportunity to meet with you in the near future to fully articulate the scope of our issues and to explore what assistance ARIDO can provide to you and the Ministry, as a key partner.

Yours truly,

A handwritten signature in black ink, appearing to read 'S. Portelli', with a stylized, cursive script.

Sharon Portelli
Executive Director and Registrar

Cc. Scott Kirkham, Senior Advisor - Housing & Municipal Affairs
Greg Quinn, Past-President, Association of Registered Interior Designers of Ontario
Michael Seiling, CBCO, President Ontario Building Officials Association
Toon Dreesen, OAA, MRAIC, AIA, LEED AP, President, Ontario Association of Architects



July 14, 2016



The Honourable Bill Mauro
Minister of Municipal Affairs
17th Floor - 777 Bay St
Toronto ON M5G 2E5



Dear Minister Mauro:



We are writing on behalf of several allied organizations including the Association of Registered Interior Designers of Ontario (ARIDO), the Ontario Building Officials Association (OBOA), the Large Municipalities Chief Building Officials (LMCBO), and the Ontario Association of Architects (OAA) to congratulate you on your appointment as the Minister of Municipal Affairs. We appreciate the Ministry's continuing commitment to ensuring the safety of the built environment for Ontarians through oversight of the Ontario Building Code (OBC) and most recently, actions taken to address recommendations arising out of the Elliot Lake Commission of Inquiry. We hope to continue the long and constructive relationship between the Ministry and our organizations.

You can be assured our respective organizations take the responsibility to ensure building safety seriously. This submission is unified and we feel strongly that we advance our concerns collectively in order to promote the best outcomes for Ontarians. We remain highly concerned with the void left within the OBC by the removal of professional design requirements. Our experience suggests a potential impact on the safety of the built environment.

The removal of professional design requirements from the OBC has been an issue of concern to our organizations for some time. The ARIDO, OBOA, LMCBO and OAA continue to support the inclusion of the requirements for professional design within the OBC, or at the very least as an appendix to the Code. For years, the inclusion of professional design requirements in the OBC provided an easily accessible tool for building officials to use to ensure the safety of the built environment as well as a critical resource for other users of the Code and the public. We have individually brought this matter to the attention of your predecessors. Assuming this issue has yet to be rectified; we are collectively bringing it to your attention to highlight the importance of this issue and are requesting the return of what has been historically referred to as "the table" and its accompanying notes into the OBC.

The inclusion of the table within the OBC adds value to the Code as it reduces any confusion that might exist as to whether an architect and/or engineer is required for work on a specific building and allows for more accurate, consistent application of the OBC. In addition, the table includes critical notes which clarify the exemption which exists under the *Architects Act* relative to design services that can be performed within the interior of certain building by other design professionals.

As you are aware the *Architects Act* and the *Professional Engineers Act* govern the practice of architecture and practice of engineering respectively. The table is a clear re-iteration of what exists within these two pieces of legislation along with some critical notes of clarification including the provision of interior design services within large buildings. The table would return to building officials a clear and convenient tool to enable them to effectively perform their duties.

The ARIDO, OBOA, LMCBO and OAA note that the return of professional design requirements in the OBC only serves to support - not confuse - the application of existing legislation including the *Architects Act* and the *Professional Engineers Act*. Providing this information in the regulation most used by all parties across the spectrum (the OBC) is a logical and obvious step. All Ontarians benefit from consistent application of legislation pertaining to the built environment, including those Ontarians who are Architects, Engineers, Interior Designers and Building Officials.

The reintegration of professional design requirements into the OBC should also help to alleviate some of the strain felt by municipalities. Building Officials from across the province continue to contact the OAA with questions of clarity about professional design requirements, specifically with respect to design services that can be provided within the interiors of large buildings as noted above. ARIDO members continue to be questioned on their qualifications to design due to the lack of clarity on this interior designer exemption. This is inefficient and costly.

By reintroducing the previously cited table to the OBC (or as an appendix), the Government can return the process that was in place and offered an efficient and effective way of communicating designer limitations, saving municipalities time and money in enforcing the OBC.

With the aligned support of many professions working within the built environment and the Government's commitment in the 2014 Budget to *Strengthen Building Safety*, specifically to "clarify that only qualified designers and design professional can design certain types of buildings in Ontario," we feel reintegrating professional design requirements into the OBC will quickly fulfill this commitment to the people of Ontario.

With near unanimous support from the industry, we urge you to adopt our recommendation.

Sincerely,



Toon Dreessen, President
Ontario Association of Architects (OAA)

Lynn McGregor, President
Association of Registered Interior Designers
of Ontario (ARIDO)



Ralph Kaminski
Large Municipalities Chief Building
Officials (LMCBO)



Alan Shaw, President
Ontario Building Officials Association
(OBOA)

cc. Professional Engineers of Ontario (PEO)