# **Administrative Authority – Building Services Transformation Comments**

## **Getting People Working in the Building Sector**

### **Examination Development and Delivery**

The current examination process appears more focused on answering questions within the allotted time than understanding the content. For some exams, answering 75 questions within three hours is appropriate; however, the length of time to answer questions may need to be reviewed. Consideration should be made to evaluate the length of the exams with the content. For instance, Structural exams could consist of answering 50 questions within three hours whereas On-Site Sewage exams could be 50 answering questions within two hours.

The content of the exam should be examined and syllabuses updated to reflect the possible content. Currently, syllabuses do not always align with the scope of the exam. Also, the exam should not have duplicate questions, double negatives or lengthy questions that may take a few minutes to read and comprehend.

If an exam require calculations, that section should be grouped together and possibly weighted differently (i.e., two marks per question). Ideally, the exam could be divided into two or three sections such as: (1) General, (2) Scenario and (3) Calculations.

Another suggestion is to develop a trade specific examination (i.e., Framing, Fire Stopping) that is geared towards the specialized trades. This may benefit individual trades who only perform one aspect of the construction/inspection. It may also reduce the amount of issues that arise during construction.

### **Pre-Qualification Training**

The majority of the training courses have been designed for self-study and this may not be the best learning style for all participants. There should be different options available and training courses redesigned to include visual, kinesthetic or interpersonal (group) styles of learning. There could also be a suite of courses that utilize on-site training, specifically for Building Officials and Trades.

The courses should focus on a narrower portion of the Building Code. Currently, there is insufficient time to digest the content within a week, especially if the course participants do not have any previous experience in the area being studied.

The facilitator/teacher should be required to have knowledge of the subject matter and preferably hands-on experience.

The AA should be responsible for, at the very least, evaluating the courses to ensure they are beneficial. Ideally the AA should be responsible for creating and delivering the training to ensure consistent delivery of the content. If required, training could subcontracted out to a reputable training agency with experience in the subject matter.

There should be a Code of Ethics and an Ethics exam that is mandatory for all parties who have their BCIN. This would allow for disciplinary action when required.

In addition, there should also be training courses geared to education/experience level (i.e., Entry Level, Intermediate Level, and Advanced Level). Building Officials who have been working for years in the industry benefit more from technical courses.

### **Recruiting Qualified Practitioners/Professionals**

The current Internship Program requires experienced staff to oversee the interns; however, this may be challenging at times. Many experienced building staff are currently overloaded and may not have the time to participate in an Internship Program.

Another issue is that some municipalities are not aware of the Internship Program or will not support the use of the program. It may be easier to have senior building staff peer review the permit and sign off than to enroll staff in the Internship Program. There also appears to be a lack of follow up from the organization running the Internship Program.

If the Internship Program is to continue, the AA should be the body responsible. The AA should set standards/milestones that must be accomplished and be responsible for tracking these milestones. In order for this internship to be successful, there should be incentives and consequences.

The Building Official industry is not well known. Work needs to be done to advertise our business and purpose. One suggestion would be to work with colleges to offer a course specific to Building Officials so that graduates have more experience and can contribute faster. An option would be to have the third year of an Architectural Technology course focus on Code Enforcement. The college could develop programs for Designers (current course) or Building Official (new course). In this way, students could choose which path they would like to pursue.

A major obstacle to increase interest and retain existing Building Officials is political interference. A Building Official may be in situation where legislative requirements must be met but local government direction may conflict with these legislative requirements.

### **Using Coordinating Professionals**

The use of a Prime Consultant would support a more streamlined building permit application process. There should be only one point of contact throughout the building permit application process to minimize processing delays and increase efficiencies.

In addition, the use of Certified Professionals would support a more streamlined building permit application process if they are solely working for and/or approved by the AA. Any issues pertaining to the Certified Professionals should be redirected to the AA.

If the Ministry moves forward to allow the use of Certified Professionals in the building permit application process, certain factors should be considered before implementing this change. These factors include: eliminate joint and severally from legal liabilities; clarify who is responsible for errors and omissions; specify the authority that the CBO has over the certified professionals; define conflict of interest/perceived conflict of interest; clarify dispute resolution between licenced professionals within the same governing body; develop a peer review mandatory process for the OAA and PEO Act; require a Building Code Identification Number (BCIN) for areas they are reviewing and create a disciplinary action plan.

## **Promoting Sustainability and Transparency in the Building Code Profession**

### **Public Registry and Registration Process**

As a registered building code professional, they are concerns regarding the current QuARTS system. For example, legal certification does not display. Also, the QuARTS system is not very user-friendly. The system should be in the format of a database to enable the public to search for a designer.

Improvements could be made to the registration functionality in the current QuARTS system. Registration improvements to QuARTs could include: updating qualifications automatically at the time exams are passed; giving municipalities and firms the ability to remove employees no longer working for them; changing the registration format so that designers could be exported to external databases (i.e. direct link the Permit Review Software such as AMANDA, ACCELA, etc); inserting flags into the system as notification that a status is no longer valid and providing the option to report a misuse of qualification and incompetency.

### **Continuing Professional Development (CPD)**

For Continuing Professional Development (CPD), building code professionals should complete 20 hours per year. The mix of formal and informal CPD activities should be equally split between structured versus lunch and learn, chapter meetings, and trade shows. CDP activities could be coordinated with other certification organizations. A reasonable timeframe for completing CPD requirements to ensure knowledge is maintained would be one year, instead of the current 60 points in three years.

While there may be an abundance of mechanisms, materials and offerings to give building code professionals options to meet their CDP requirements, these options may not be relevant and/or accessible. The use of webinars may be a viable training method to consider.

### **Registration Compliance and Enforcement**

To ensure that building code professionals meet registration requirements, there should be a process create to discipline and/or acknowledge professionals abilities, knowledge and service. Discipline may be required to ensure compliance but public recognition also encourages people to perform to a higher standard. There should be the ability to provide both positive and negative feedback about building code professionals. It should not be anonymous as this promotes frivolous complaints but complaint information should not be accessible by the public.

There are challenges with requiring all building code professionals to adhere to a Code of Conduct. There are questions regarding enforcement of a Code of Conduct and the consequences for non-compliance.

A variety of factors should be considered when increasing the number of available enforcement tools and using an escalation enforcement model. These enforcement tools should be fair and consistent. In addition, the enforcement tools should provide: an appeal option, a complaint avenue (but not anonymous) and a peer review.

Financial penalties should be used to encourage Code of Conduct compliance. The Code of Conduct guidelines should be clearly established before penalties are levied. Penalties should be imposed as a last resort. In the case of multiple Code of Conduct infractions or extreme violation, the case should be escalated for a comprehensive review of all previous infraction and possibly revocation of certification. This should be reviewed by a tribunal to ensure the appropriate action is taken.

## **Building Code Administration and Enforcement**

### **Enhanced Municipal Enforcement**

Administrative penalties should be used for all types of orders. In developing an administrative penalty framework, the Province could set varying set fines relating to different orders and there should be different levels of set fines for repeat offenders.

Enforcement tools could be developed to help principal authorities ensure compliance with the technical requirements of the Building Code. These enforcement tools could include issuing fines without having to go to court and tracking repeat offenders (i.e., setting up a fine registry for architects, engineers, contractors, etc.) This registry could be used to see repeat offenders and be used for support of disciplinary actions.

### **Supporting Local Building Service Delivery**

It would be beneficial for municipalities to have the ability to transfer some or all of their building service delivery to the administrative authority for projects owned by the municipality or politically sensitive projects.

Peer review would be helpful for difficult or unfamiliar building elements (i.e., HVAC, Plumbing, and Structural). For instance if a municipality receives and high rise permit application it would beneficial to ask the Administrative Authority to review the structural portion to ensure code compliance. Right now the municipality may have to hire a structural engineering firm to review the structural components as they either do not have the expertise in house, or the software required to model the structure of the building. For smaller, rural municipalities, the transfer of some or all of their building service delivery to the administrative authority should be offered as an option but not a requirement.

## **Improving Building Sector Supports**

### **Promoting a Consistent Application of Code Requirements**

Our organization would be supportive of the issuance of technical bulletins and/or code interpretations if documentation is provided to supplement this information. A clear database should be available to access the information.

Additional resources and guides would be helpful to assist with code interpretation. The types of resources that would be most helpful would include: a new illustrated guide; intent statements for the Ontario Building Code (OBC); and a centralized location to access documents referenced by the OBC (small municipalities may not be able to afford to have a copy of every standard found in the OBC).

As a member of the public, additional resources and tools would assist with understanding Code requirements for minor building projects. An updated illustrated guide and additional TACBOC styled drawings for common projects that homeowners could reference would be helpful. Access to a database of qualified designers would be useful as homeowners do not normally have the knowledge to design their own projects.

There should be directions to hire a qualified designer and a list of pros and cons should be provided if they choose to take responsibility for the design themselves. Might not be possible, but required them to complete a basic test prior to being allowed to take responsibility for the design (Schedule 1 Designer Form) would help to eliminate incomplete and non-code compliant designs. Developing a webpage for homeowners with links to designers, standard details, typical requirements, etc. could be a valuable resource.

### **Digital Service Transformation**

In our organization, to access an electronic version of the Code, Examiners use desktops and Inspectors use a mobile devices. It would be beneficial to have an electronic version of the code that contains hyperlinks to all documents, code sections and definitions referenced. The best version would bring up the related code section or definition by hovering over the section.

In addition, other digital resources could include: an illustrated guide; standard details; digital version of Volume 2; improved interfaces of current resources and the ability for computer systems (i.e., AMANDA, Accela) to be able to pull or hyperlink to sections of the Building Code for inspection comments and plan review notes.

### **Building Sector Data and Research**

Our organization collects building sector data which is used to create monthly building reports and statistics Canada reports. We also use this data to run various reports which assists with the operation of the building department. We currently do not have any policies around data collection but our permit record system has been designed to require information at various stage of the permit process.

The potential increase in reporting burden could be mitigated if additional steps were taken. Reporting burdens could be alleviated if clearly defined guidelines were provided regarding the reports and information required. Also, one centralized reporting agency to look after the collection of information and distribution of information to stakeholders would be beneficial. Moreover, It would be helpful if the administrative authority conducted research on behalf of the sector.

## **Funding Better Service Delivery**

The proposed funding model to deliver improved services to the sector needs to be enhanced and realistic. Construction values vary depending on location and are not all derived from the same calculation method. Some contributing factors are unionized and non-unionized trades, availability of material, and distance for material delivery. There should be standard Construction Cost rates based on geographical areas. This would allow for a more realistic cost and avoid false information being provided to lower fees being paid to the Administrative Authority. These rates should be updated annually,

It appears the majority of the financial resources will be coming from larger municipalities. How will this be addresses? Will services be provided equally across the country or will more resources be dedicated to the regions where the revenue is generated? There is always a question on building permit fees. Specifically, why is it more expensive in this municipality for the same permit? Is the AA going to set standard permit fees across the province? If not, will the ministry provide fee comparisons between municipalities?

If there are complaints regarding additional levies, it should be the responsibility of the AA to address these concerns – the municipality should not be involves with defending the mandatory fee items being collected on the AA’s behalf.

**Other Comments**

Other possible considerations include;

* Centralized application system with the AA. Once applied the permit application is circulated to the municipalities.
* Standardized review software/e-permitting system.
* If the AA provides review service we should have access to their standardized comments to ensure uniformity across Ontario
* Standardized checklists/service levels based on permit type and complexity
* Accreditation transferable between provinces
* If AA is reviewing and issuing permits how are they handling local by-laws and applicable laws in these areas