Chief Building Officials of Niagara (CBON) is a committee of the Niagara Chapter of the Ontario Building Officials Association. The committee consists of the Chief Building Officials from fourteen municipalities which include, the Region of Niagara, the Cities of Hamilton, St. Catharine’s, Niagara Falls, Welland, Thorold, Port Colborne, the Towns of Fort Erie, Niagara on the Lake, Pelham, Lincoln, Grimsby, and the Townships of West Lincoln and Wainfleet.

The Committee meets regularly each month to discuss issues related to the administration and enforcement of the Ontario Building Code and applicable law. We are invested in the Ministry of Municipal Affairs and Housing consultation on “Transforming and Modernizing the Delivery of Ontario’s Building Code Services” and would therefore like to offer our comments and concerns in response the discussion paper published September 24, 2019.

**Transforming and Modernizing the Delivery of Ontario’s Building Code Services**

**Response from Chief Building Officials of Niagara (CBON) Region**

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| **#** | **Discussion Paper Question** | **CBON Comments** |
| **THEME #1 – Getting People Working in the Building Sector** | | |
| 1 | *How could the current examination design, content and/or delivery be improved?* | 1. The courses should be designed/customized based on the needs of the participants. For example, refresher courses for experienced practitioners who want to challenge exams and in-depth technical courses for entry level/newcomers to the industry. |
| 2 | *Are the current training offerings meeting your needs? If not, how could they be improved?* | 1. The current offerings pose geographical challenges because of the location of course delivery leading to increases costs. |
| 3 | *Do you see a role for the administrative authority in the delivery of training for building code professionals?* | 1. The authority can act in a consultative capacity for training development by establishing benchmarks for code competency and levels of service delivery to ensure that the intent of code is being implemented. |
| 4 | *What factors could contribute to the low take-up of the current internship programs?* | 1. Lack of awareness. 2. Lack of new positions being created by municipalities. Departments will generally be interested in fully qualified building officials and create positions accordingly and not for interns. |
| 5 | *What role could an administrative authority play in internship programs?* | 1. We do not see a role for the agency. |
| 6 | *Would implementing a provisional license framework help with municipal recruitment challenges and what should be considered?* | 1. Maybe, it would provide municipalities with the information on the experience and expertise of the licensee. |
| 7 | *Are there other ways to help building code enforcement bodies attract and retain experienced building professionals?* | 1. Bonus structure commensurate with years of services similar to fire service. This will be an incentive to retain experienced staff. |
| 8 | *Do you think the use of a Prime Consultant, under certain circumstances, would support a more streamlined building permit application process?* | 1. We support streamlining of building permit process but the bottleneck is applicable laws under the building code such as Conversation Authority, MOE, MTO, Hydro One, etc. Similarly, designers are not providing quality applications which is the single most factors for delays through the permit process. 2. The concept of coordinating professionals, prime consultant, and certified professionals is not clear and its relationship with the existing RCA model under the BCA is also not clear. More information is required. 3. The discussion paper assumes that that third party will be highly knowledgeable on the building code/building permit process. What kind of special training will be provided to the prime consultant and by whom? Currently, designers are not keeping up with Building Code training resulting in additional delays in the permit review process. Educational requirements should be standardized. |
| 9 | *Do you think the use of Certified Professionals, under certain circumstances, would support a more streamlined building permit application process?* | 1. We support streamlining of building permit process but the bottleneck is applicable laws under the building code such as Conversation Authority, MOE, MTO, Hydro One, etc. Similarly, designers are not providing quality applications which is the single most factors for delays through the permit process. 2. The concept of coordinating professionals, prime consultant, and certified professionals is not clear and its relationship with the existing RCA model under the BCA is also not clear. More information is required. 3. The discussion paper assumes that that third party will be highly knowledgeable on the building code/building permit process. What kind of special training will be provided to the prime consultant and by whom? Currently, designers are not keeping up with Building Code training resulting in additional delays in the permit review process. Educational requirements should be standardized. |
| 10 | *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?* | 1. This proposal lacks clarity and needs a follow up consultation with municipalities. This could have a huge impact on the municipal code administration system and should not be rushed in any manner. Furthermore, the assignment of liability has not been clarified. |
| **THEME #2 – Promoting Sustainability and Transparency in the Building Code Profession** | | |
| 11 | *If you are a registered building code professional, what are the key issues you face with the current QuARTS system?* | 1. Access to the system through the ONEkey portal. 2. Navigation through the portal is a challenge. |
| 12 | *What registration functionality would you find helpful that is not currently available in QuARTS?* | Historical information related to practitioner’s performance. |
| 13 | *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?* | 1. For the public, the clarity on the qualifications of a designer is important. Members of the public may not understand what small buildings or house qualification may mean in terms of the work that the want to undertake. |
| 14 | *How many activities or hours of CPD do you feel is reasonable to require of building code professional?* | 1. 20 hours per year |
| 15 | *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.)?* | 1. A mix of webinars, magazines etc. mandatory training on Code amendments. |
| 16 | *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?* | 1. Over 3 years |
| 17 | *Are there already mechanisms, materials, or offerings that would give building code professionals options on how they could meet their CPD requirements?* | 1. Industry delivered courses |
| 18 | *What types of compliance measures should be put in place to ensure building code professionals are meeting the requirements of their registration?* | 1. It is unclear whether this is being directed towards building officials or building designers? 2. Building officials who are already governed by their own Code of Conduct do not need another regime to govern their practice. The focus should be on designers who repeatedly submit sub-standard applications. |
| 19 | *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?* | 1. Monitoring the principle authorities for compliance with the Building Code Act |
| 20 | *Do you see any challenges with requiring all building code professionals to adhere to a code of conduct?* | 1. We agree with the idea but any conflict with other associations code of conduct should be reviewed, i.e. Professional Engineers of Ontario, etc. |
| 21 | *What should be considered when increasing the number of available enforcement tools and using an escalating enforcement model?* |  |
| 22 | *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?* |  |
| 23 | *How could these penalties be set so that they are fair?* | 1. A penalty is meant to be a deterrent to prevent bad behaviour and a punishment once bad behaviour has been verified. It should be set at an amount that cannot be seen as “the cost of doing business.” |
| **THEME #3 – Building Code Administration and Enforcement** | | |
| 24 | *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?* | 1. Order to comply 2. Stop work order 3. Order to uncover |
| 25 | *Are there enforcement tools that would help principal authorities ensure compliance with technical requirements of the building code?* | 1. This question is unclear. Are these in addition to the tools available within the BCA? |
| 26 | *Would it be beneficial for municipalities to have the ability to transfer some or all of their building service delivery to the administrative authority?* | 1. In some cases, the additional resources will be useful but the details are unclear. Would the agency be maintaining a pool of staff to provide the services on demand? |
| 27 | *If you live in a smaller, rural and/or northern municipality, how would you feel more supported at your municipal building counter?* | 1. Technical guidelines |
| 28 | *What kind of framework should the province consider for dealing with building code compliance and enforcement in unincorporated areas?* | 1. The discussion paper does not provide any evidence of problems with the current model regarding unorganized territories. 2. Service delivery in unorganized territories should not be funded by levies collected from organized territories. |
| 29 | *If you live or work in an unincorporated area, what guidance, resources and/or support do you need for your building projects?* |  |
| **THEME #4 – Improving Building Sector Supports** | | |
| 30 | *Would you support the issuance of technical bulletins and/or code interpretations? Please explain.* | 1. Yes. This service was provided by the ministry previously. Would assist in provide consistent interpretations. |
| 31 | *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?* | 1. Technical guidelines, illustrated guide. |
| 32 | *Would the addition of more visual guidance materials for specific building code issues be helpful?* | 1. Yes |
| 33 | *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.)?* | 1. Simplified/ Illustrated guidelines on typical homeowner projects. |
| 34 | *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)* | 1. Laptop or tablet. |
| 35 | *In addition to digital versions of the Ontario Building Code Compendium, what other digital guides, resources or tools would you find most useful?* | 1. Code and Construction Guide for Housing. |
| 36 | *Does your organization collect building sector data? Do you have any policies in place for data collection, management, and/or transparency?* | 1. Yes through the building permit process that gets stored in a database system. |
| 37 | *How could the potential increase in municipal reporting burden be mitigated?* | 1. Provide municipalities the format and we can forward the report based on the building permit statistics collected. |
| 38 | *Do you think it would be beneficial if the administrative authority conducted research on behalf of the sector?* | 1. This will be beneficial if municipalities have access to the research data and a central repository for alternative solutions, BCC and BMEC approvals etc. |
| **Funding Better Service Delivery** | | |
| 39 | *Is the proposed funding model a reasonable approach to delivering improved services to the sector?* | 1. The proposal lacks clarity in terms of governance model of the proposed agency and what new services are being offered that was not previously provided by the ministry. Improvements to existing services is also not clear. 2. The basis of the costing is unclear. |
| 40 | *Are there impacts in implementing such a fee model that the government should consider?* | 1. It will be considered as a fee over the fee. 2. Administration cost for municipalities to transfer levies to the province will be an additional cost 3. It may hamper the ability of municipalities to increase their fees given additional fees being collected for the agency 4. How will the revenue collected by the agency be scrutinized? 5. Any fee increases should be subject to the same model as that being applied to municipalities such as public meeting, etc. |