



DURHAM REGION CHAPTER Ontario Building Officials Association

November 21, 2019

Building Services Transformation Branch
777 Bay Street, 16th floor
Toronto, ON
M5G 2E5
Canada

To whom it may concern,

On behalf of the Durham Region Chapter of the Ontario Building Officials Association, I hereby respectfully submit the Chapter's response to the Fall 2019 Consultation on "Transforming and Modernizing the Delivery of Ontario's Building Code Services".

While we are officially the Durham Region Chapter, membership is comprised of members from ten municipalities, including seven municipalities in Durham Region (Township of Brock, Municipality of Clarington, City of Oshawa, City of Pickering, Town of Whitby, Township of Scugog, Town of Whitby, Town of Uxbridge); and three municipalities outside the Region including the City of Kawartha Lakes, Municipality of Trent Lakes, and City of Richmond Hill.

The response below was compiled by members at a meeting held on October 30, 2019 and voted on at a meeting held on November 21, 2019.

Please do not hesitate to contact me if you require any further information or clarifications.

Respectfully yours,

Jeremy Bender, CBCO
Chair, Durham Region Chapter

1. Getting People Working in the Building Sector

1) What do you think? (Re: Examination development & Delivery)

How could the current examination design, content and/or delivery be improved?

- Better organized questions to reduce page flipping.
- Disparity of volume of pages for each exam (as noted in paper).
- Timelines aren't realistic to everyday duties.
- Focus more on practical applications of the Code, rather than simply testing how quickly people can find the answer in the code.

1.2) Pre-Qualification Training

1. Are the current training offerings meeting your needs? If not, how could they be improved?

- The OBOA does an excellent job in delivering building code training courses.
- Promote and facilitate the further partnership between the OBOA and George Brown by releasing George Brown from their current contract with the Ministry and make all training material owned by the Ministry available to OBOA, ACBOA, and George Brown to assist in the creation of new and updated course material.

2. Do you see a role for the administrative authority in the delivery of training for building code professionals?

- The Durham Chapter does not believe there is a role for the Administrative Authority (AA) in the training of building code professionals. The AA should focus on providing support to the industry by delivering better service to the industry so that stakeholders have the tools they need to administer up to date training. For example, provide code updates in a timely manner so that course material can be updated as necessary. Also, working with course and training developers to ensure they have interpretations and technical bulletins to assist in course development.

1.3) Recruiting Experience Building Code Professionals

Durham Region Chapter

One The Esplanade, Pickering, ON, L1V 6K7 | | Tel.: 905-460-4660 Ext. 2057 | jrbender@pickering.ca

- 1a. What factors could contribute to the low take-up of the current internship programs?
 - Lack of understanding and clear guidelines
- 1b. What role could an administrative authority play in internship programs?
 - The Durham Chapter believes that the OBOA and LMCBO are best suited to administer an internship program.
2. Would implementing a provisional license framework help with municipal recruitment challenges and what should be considered?
 - A provisional license framework would be valuable.
3. Are there other ways to help building code enforcement bodies attract and retain experienced building professionals?
 - Working with industry to have tradespeople, site supers, and homebuilders to attain OBC qualifications would increase code knowledge for constructors and allow an easier transition for those wishing to exit the trades for municipal work.

1.4) 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?
 - The Durham Chapter supports the role of a “Prime Consultant” to coordinate designs and field work.
2. Do you think the use of Certified Professionals, under certain circumstances, would support a more streamlined building permit application process?
 - The Durham Chapter does not support the use or concept of Certified Professionals. The regulatory role should be maintained by the Municipalities as they are independent, have a code of conduct and a designated role in the BCA.
 - A better solution to speed up approvals would be mandatory peer review of certain projects and/or framework for code reports for large or complex projects

3. 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?
 - The Durham Chapter does not support the use or concept of Certified Professionals.

2. Promoting Sustainability and Transparency in the Building Code Profession

2.1 Public Registry and Registration Process

1a. If you are a registered building code professional, what are the key issues you face with the current QuARTS system?

- Not updated regularly.
- Qualified BCIN designers are not searchable by location / qualification.

1b. What registration functionality would you find helpful that is not currently available in QuARTS?

- Additional search function by location / qualification
- Compliant reporting mechanism for building officials who deal with substandard plan submission

2. 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?

- N/A

2.2 Continuing Professional Development

1. How many activities or hours of CPD do you feel is reasonable to require of building code professionals?

- 15-20 hours per year. Depending on scope of responsibility / duties. The OBOA and OACETT programs are great examples of CPD programs

2. 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.)?

- The Durham Chapter supports the OBOA program for continuing education.

3. 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)?

- A 3-5 year cycle is reasonable

4. Are there already mechanisms, materials, or offerings that would give building code professionals options on how they could meet their CPD requirements?

- Yes, OBOA, OACETT, MAATO, OAA

2.3 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?

- Building code professionals are currently subject to a code of conduct through their municipalities and/or professional associations such as OAA, PEO, OACETT, MAATO, ETC.
- BCIN designers that are not subject to the above mentioned professional associations must be held to a code of conduct that would ensure the drawings and submissions meet the minimum Ontario Building Code requirements.

2. 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?

- The current system is adequate. A major issue facing municipalities and development approvals in general is poor quality plans submission.

3. Do you see any challenges with requiring all building code professionals to adhere to a code of conduct?

- Municipalities should, and do, govern code of conduct for building officials.
- Municipalities should determine if employees have breached code of conduct, not the Administrative Authority.
- Professional associations like OBOA, OACETT, PEO, OAA, MAATO, ETC. should regulate their members.
- BCIN designers that are not subject to the above mentioned professional associations must be held to a code of conduct that would ensure the drawings and submissions meet the minimum Ontario Building Code requirements.

4. What should be considered when increasing the number of available enforcement tools and using an escalating enforcement model?
- Municipalities should, and do, govern code of conduct for building officials.
 - Municipalities should determine if employees have breached code of conduct, not the Administrative Authority.
 - Professional associations like OBOA, OACETT, PEO, OAA, MAATO should regulate their members.

5a. 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?

- Building code professionals are currently subject to a code of conduct through their municipalities and/or professional associations such as OAA, PEO, OACETT, MAATO, ETC.
- BCIN designers that are not subject to the above mentioned professional associations must be held to a code of conduct that would ensure the drawings and submissions meet the minimum Ontario Building Code requirements.
- Financial penalties may be appropriate for BCIN qualified individuals or companies that are not regulated by other associations. Escalating penalty system with appeal process is suggested.
- Reporting mechanism to share indiscretions with public

5b. How could these penalties be set so that they are fair?

- Municipalities should, and do, govern code of conduct for building officials.
- Municipalities should determine if employees have breached code of conduct, not the Administrative Authority.
- Professional associations like OBOA, OACETT, PEO, OAA, MAATO should regulate their members.

3. Building Code Administration and Enforcement

3.1 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?
- Minimum fines in addition to maximum fines. And eliminate the punitive fines.

2. Are there enforcement tools that would help principal authorities ensure compliance with technical requirements of the building code?

- Mandatory building code training and continuing education requirements similar to the OBOA model for CBCO and BCQ

3.2 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?

- No, it would be preferable to collaborate with neighboring municipalities.

2. If you live in a smaller, rural and/or northern municipality, how would you feel more supported at your municipal building counter?

- N/A

3.3 Unincorporated Areas

1. What kind of framework should the province consider for dealing with building code compliance and enforcement in unincorporated areas?

- The Director of the MMAH is currently responsible for those areas and should be provided with the resources necessary for the administration of the OBC for those areas. This should be the responsibility of the Province of Ontario.

2. If you live or work in an unincorporated area, what guidance, resources and/or support do you need for your building projects?

- N/A

4. Improving Building Sector Supports

4.1 Promoting a Consistent Application of Code Requirements

1. Would you support the issuance of technical bulletins and/or code interpretations? Please explain.

- Yes. The current system of building officials and the public fishing for answers from different code advisers needs to end. The Administrative Authority should have a clear framework in place to ask a question and they should be prepared to answer in writing. Further, if a clarification or

interpretation is requested numerous times, technical bulletins should be provided.

2a. If additional resources and guides to help with code interpretation were created, what types of resources (e.g., type of content, format, etc.) would be most useful?

- Illustrated guides (similar to 1997, barrier-free, exiting, etc), intent statement (complete with applications), best practice guides, Code and Construction Guide for Housing (c/w stacked row houses), LMCBO standard details, accessory dwelling guides, etc.

2b. Would the addition of more visual guidance materials for specific building code issues be helpful?

- Yes. See 2a above.

3. 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.)?

- We would like more tools to help the public. Details for small projects for public use (ADU's, minor renovations, decks, sheds).

4.2 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)

- Desktop, laptop, tablet, smartphone depending upon the situation (plans review, meetings, inspection, etc.)

2. In addition to digital versions of the Ontario Building Code Compendium, what other digital guides, resources or tools would you find most useful?

- All standards that are referenced in the code.

4.3 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?

- N/A

2. How could the potential increase in municipal reporting burden be mitigated?

- N/A

3. Do you think it would be beneficial if the administrative authority conducted research on behalf of the sector?

- N/A

5. Funding Better Service Delivery

1. Is the proposed funding model a reasonable approach to delivering improved services to the sector?

- Extra administration on the municipal side will also have a cost. The building community needs to be on board with an increase to fund the AA, but there may also be increased admin work required to support the additional fees.
- It will be necessary to clearly define “estimated construction cost”. Municipalities should not be left to determine what is considered “construction cost” for the purpose of funding the AA.

2. Are there impacts in implementing such a fee model that the government should consider?

- This will be viewed as another tax and public education needs to be available so municipalities (front line staff) are not left to explain to the public why their fees have gone up.
- Small projects (decks, sheds, etc.) should potentially be excluded if under a certain value or size so as not to impact the cost. As an example it can already be difficult to convince someone to pay (\$100 to \$200 depending upon Municipality) for a building permit for a 12m² shed, additional fees will make this more difficult and potentially result in an increase in Orders being issued.