**Appendix B: Proposed Ministry Submission**

**1.1 Examination Development & Delivery**

Q1: How could the current examination design, content and/or delivery be improved?

A1: Examination design needs to be evolved to reflect the demands and pressures of the workplace. Building Officials, in their day to day work are not expected to navigate the Ontario Building Code under unrealistic time constraints. Examinations should test skill and knowledge and not speed. There would be more value if the content of the exam had less of a focus on being able to achieve a correct answer in a condensed timeframe and more of an emphasis on demonstrated code knowledge and the role building officials play in their community. The Province should continue with its effort to make proctored examinations available remotely via digital platforms such as Skype, screen sharing and other internet solutions.

**1.2 Pre-Qualification Training**

Q1: Are the current training offerings meeting your needs? If not, how could they be improved?

A1: The availability of current training offerings is acceptable. The duplication that exists as a result of dual qualification streams required by the OBOA and the ministry results in unnecessary costs to municipalities. Some municipalities require OBOA certification in addition to provincial registration. For individuals looking to enter the profession this also adds additional cost. There needs to be harmonization between these two streams of qualification.

Q2: Do you see a role for the administrative authority in the delivery of training for building code professionals?

A2: As a privately funded and independent corporation not subject to the budgetary constraints imposed on both municipal and provincial governments, the administrative authority serves as an ideal alternative to fund training related activities. If there is concurrence within the development community that the proposed funding model for the administrative authority is palatable, the ministry should continue to pursue this as an option.

**1.3 Recruiting Experienced Building Code Professionals**

Q1a: What factors could contribute to the low take-up of the current internship programs?

A1a: Outside of recent efforts by the OBOA to appeal to new recruits to this profession, there is no centralized effort to recruit new and experienced construction professionals to this sector.

Q1b: What role could an administrative authority play in internship programs?

A1b: Established under a proper framework, with a focus on responsible development that fosters economic prosperity in our province, the administrative authority could play an integral role in attracting and developing new practitioners. Having an industry funded authority engaged in this initiative would provide much needed resources to both the ministry and municipalities across Ontario.

Q2: Would implementing a provisional license framework help with municipal recruitment challenges and what should be considered?

A2: A provisional license would be helpful to attract experienced tradesperson to the profession. When establishing a framework for provisional licenses the Ministry should give consideration to the practical construction experience of those being considered.

Q3: Are there other ways to help building code enforcement bodies attract and retain experienced building professionals?

A3: Establishing a framework by which licensed tradesperson’s qualifications could be recognized as part of the required qualification stream for building officials, or could be part of a fast track qualification process would help broaden recruitment efforts.

* + 1. **Using Coordinating Professionals**

Q1: Do you think the use of a Prime Consultant, under certain circumstances, would support a more streamlined building permit application process?

A1: The role of a prime consultant should not be to supersede review by certified building code practitioners. A prime consultant should be a role responsible for the coordination of complete applications on behalf of the development community and having a prime consultant identified should form part of the complete application requirements on all development applications.

Q2: Do you think the use of Certified Professionals, under certain circumstances, would support a more streamlined building permit application process?

A2: It cannot be argued that certified professionals would not represent a value added component to development approvals in Ontario. That said, their role would need to be clearly defined across several Ontario regulations and should not be structured to undermine or supersede municipal development approvals. The focus should be on driving the quality of submissions. Adequate options currently exist to hear appeals should development approval still stagnate under a new structure that includes this concept.

Q3: 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?

A3: This concept needs to be framed as a value added component on the quality of submissions, not as an alternative to municipal roles and approvals in place in our current process.

* + 1. **Public Registry and Registration Process**

Q1a: If you are a registered building code professional, what are the key issues you face with the current QuARTS system?

A1a: The QuARTS system is cumbersome. The concept is sound, the functionality is lacking.

Q1b: What registration functionality would you find helpful that is not currently available in QuARTS?

A1b: No comment.

Q2: 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?

A2: Feedback suggests that the public would like to have confidence that the information that they do access is accurate and up-to-date. Too often this seems to not be the case.

* + 1. **Continuing Professional Development**

Q1: How many activities or hours of CPD do you feel is reasonable to require of building code professionals?

A1: 80 hrs per year of CPD is a reasonable amount of time. Recognition should be given to in-job functions as part of fulfilling CPD requirements.

Q2: 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.)?

A2: Given the evolving nature of the Code, a minimum of 50% of CPD should be derived directly from technical knowledge maintenance in the way of technical courses or technical information sessions.

Q3: 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)?

A3: The knowledge cycle should align with the release dates of new versions of the Code.

Q4: Are there already mechanisms, materials, or offerings that would give building code professionals options on how they could meet their CPD requirements?

A4: The industry provides many opportunities for knowledge sharing. Collaboration with industry partners should be promoted as part of any new CPD proposition.

* + 1. **Registration Compliance and Enforcement**

Q1: What types of compliance measures should be put in place to ensure building code professionals are meeting the requirements of their registration?

A1: Should a building code professional fall out of step with registration requirements a simple notice to the Clerk or Chief Administrative Officer of the municipality in which they work would be sufficient to achieve compliance. It should be part of the registration requirement of the municipality as a principle authority to ensure that all appointed building officials in their employ are fully compliant in terms of registration requirements.

Q2: 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?

A2: Principle authorities should have to report to the ministry on clear key performance indicators beyond simply the collection of fees. Breadth of building code administration, support of provincial policy direction through responsible administration of applicable law, and file management are a few concepts that could be considered as appropriate accountability measures.

Q3: Do you see any challenges with requiring all building code professionals to adhere to a code of conduct?

A3: No.

Q4: What should be considered when increasing the number of available enforcement tools and using an escalating enforcement model?

A4: Ease of administration and flexibility to allow for local conditions to be considered when contemplating the appropriate compliance measure to be used.

Q5a: 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?

A5a: Financial penalties should only apply to principle authorities when there is a demonstrated disregard for provincial policy direction and a disregard for the public interest.

Q5b: How could these penalties be set so that they are fair?

A5b: Penalties should be balanced against the severity of the infraction and the degree by which they undermine the public interest.

* + 1. **Enhanced Municipal Enforcement**

Q1a: What types of orders do you think administrative penalties could be used for?

A1a: Administrative penalties should be applied with the interest of achieving compliance. To that regard, having less significant monetary penalties associated with notices of noncompliance or orders to comply may avoid escalating penalties.

Q1b: What do you think the province should consider in developing an administrative penalty framework?

A1b: Definitely ease of administration. Many administrative penalty frameworks are too cumbersome, timely, and expensive to administer. Municipalities avoid their use.

Q2: Are there enforcement tools that would help principal authorities ensure compliance with technical requirements of the building code?

A2: Enforcement measures should remain within the purview of municipalities.

* + 1. **Supporting Local Building Service Delivery**

Q1: Would it be beneficial for municipalities to have the ability to transfer some or all of their building service delivery to the administrative authority?

A1: Municipalities that struggle to meet their requirements under the act should first look to their municipal partners for assistance under joint service agreements. The use of an administrative authority in this regard should be a last resort. A more appropriate function for an administrative authority would be do assist the ministry in its harmonization with the National Building Code and a continued push towards an objective based code.

Q2: If you live in a smaller, rural and/or northern municipality, how would you feel more supported at your municipal building counter?

A2: Residents of small municipalities want clarity and assistance in understanding the technical aspects of the code. Proper resources, potentially supplied by the industry via the administrative authority could help in this regard.

* + 1. **Unincorporated Areas**

Q1: What kind of framework should the province consider for dealing with building code compliance and enforcement in unincorporated areas?

A1: The province already has a tool at their disposal as MPAC has an established presence in unincorporated areas. Embedding registered building code officials within the municipal property assessment corporation would leverage the framework already in place at a very low cost.

Q2: If you live or work in an unincorporated area, what guidance, resources and/or support do you need for your building projects?

A2: Access to information is key. Even within unincorporated areas, the electrical safety authority assures compliance with the electrical Code. Looking to their established practices should provide answers to this question.

* 1. **Promoting a Consistent Application of Code Requirements**

Q1: Would you support the issuance of technical bulletins and/or code interpretations? Please explain.

A1: Technical bulletins endorsed by the ministry are key to promoting consistency across the province.

Q2a: 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?

A2a: Illustrative guides that deal with in-edition amendments to the code would ensure a consistent application of the amendment. These illustrations should be released in conjunction with the amendment.

Q2b: Would the addition of more visual guidance materials for specific building code issues be helpful?

Q2b: Yes. A picture is worth a thousand words!

Q3: 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.)?

A3: Clear illustrations of code requirements.

* + 1. **Digital Service Transformation**

Q1: 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)

A1: Digital resources should be compatible with all devices.

Q2: In addition to digital versions of the Ontario Building Code Compendium, what other digital guides, resources or tools would you find most useful?

A2: Any resource that is supplied to aid in code interpretation should be available electronically.

* + 1. **Building Sector Data and Research**

Q1: Does your organization collect building sector data? Do you have any policies in place for data collection, management, and/or transparency?

A1: Yes. Although no specific policies are in place regarding data collection, data is regularly shared across the organization and with committees of Council and the general public.

Q2: How could the potential increase in municipal reporting burden be mitigated?

A2: Municipal reporting is welcomed as long as it is meaningful. In the digital era, a clearly defined reporting framework, the use of consistent “work codes” across all data collecting agencies, makes reporting less burdensome on the municipality.

Q3: Do you think it would be beneficial if the administrative authority conducted research on behalf of the sector?

A3: Industry funded research and development, endorsed by the ministry would help bring consistency across the province and help ensure that emerging best practices reach the more remote regions of our province more quickly.

1. **Funding Better Service Delivery**

Q1: Is the proposed funding model a reasonable approach to delivering improved services to the sector?

A1: Yes. If the industry is supportive of a surcharge on building permits, municipalities should have no objections.

Q2: Are there impacts in implementing such a fee model that the government should consider?

A2: There will be an increased cost on municipalities to administer this surcharge. It should be anticipated by the ministry and the industry that this represents a direct cost of administering the code and may result in an nominal increase in permit fees.