


Addressing Building Code Challenges in Your Community

January 22, 2023

Purpose

- To provide an overview of Ontario's building regulatory system and an update on work underway to improve building services for building practitioners.
- To provide an overview of the components that makes complete professional building official and to provide how the OBOA can help a municipality and it's officials get there and maintain it.
- To provide for consideration options and means by which rural communities may attract and retain Building Officials, lessons learned.

Overview of the Building Regulatory System



Ontario's Building Regulatory System

- The provincial Building Code Act, 1992 (the BCA or Act) and the Building Code form the framework for the building regulatory system in Ontario.
- The BCA is the legislative framework governing the construction, renovation, change of use and demolition of buildings. This includes setting out the rights, powers and duties of various persons and bodies who have a role regulating construction, such as Chief Building Officials.
- Ontario's Building Code is a regulation made under the Act which sets out detailed administrative and technical requirements.

Ontario's Building Regulatory System

- The purpose of the Building Code is to establish:
 - standards for public health and safety, fire protection, structural sufficiency, energy and water conservation, environmental integrity and accessibility, and
 - processes for the enforcement of the standards and requirements.
- The Act and Building Code are not retroactive and generally only apply to new construction, renovations and additions to buildings.
- New editions of Ontario's Building Code are released approximately every five years. The ministry expects to release a next edition of the Code in Spring 2023 – to be in-effect by March 2024.

Federal and Provincial Roles and Responsibilities

Federal

- The main role of the federal government (played by the National Research Council of Canada) in building regulation is to conduct building-related research and to coordinate the development of model national construction codes (Building, Fire, Plumbing, and Energy).

Provincial (MMAH – Ministry of Municipal Affairs and Housing)

- MMAH administers the BCA and Ontario's Building Code. This includes:
 - developing legislation and regulations
 - engaging with other ministries and building sector stakeholders
 - participating in the F/P/T code development process

Federal and Provincial Roles and Responsibilities

Provincial (cont'd)

- Other key responsibilities include supporting:
 - innovation (e.g., through the Building Materials Evaluation Commission) and
 - the building sector (e.g., through the Building Code Commission, Code advisory services, and qualification of building practitioners).
- MMAH is also responsible for enforcing the Act and the Code in unorganized territories.
- The province has no authority for enforcing building permits, construction inspections, or issuing orders for compliance in municipalities.

Municipal Roles and Responsibilities

- Enforcement of the Act and Ontario's Building Code is assigned to local "principal authorities":
 - Principal authorities are primarily municipalities, as well as conservation authorities and boards of health in the case of on-site sewage systems in certain areas.
 - Local enforcement responsibilities include reviewing building permit applications, issuing permits, and undertaking construction inspections.
- The BCA provides principal authorities with the power to take enforcement action (orders and prosecutions) where contraventions of the Act and the Building Code are found (e.g., when a building is found to be unsafe).

Municipal Roles and Responsibilities

- The Act also provides authority for municipalities to make property standards by-laws to prescribe standards for the maintenance and occupancy of buildings within the municipality.
- Principal authorities are required to appoint a Chief Building Official and as many qualified inspectors as are needed.

Building Services Transformation

Building Inspector Internship Program

- Due to recruitment challenges, retirements from the profession and increased construction activity, the building inspector profession is facing labour supply shortages.
- In April 2022, Ontario amended the Building Code to provide municipal building departments the ability to design and administer building inspector internship programs that meet their own unique local recruitment and enforcement needs.
- Since this amendment came into effect, the townships of **South Stormont** and **North Dundas** notified the ministry of their intention to align programs with the new legislative amendments.
- Greater adoption of the program will support the qualification of more building inspectors and help municipalities approve more home construction while maintaining public safety.

Internship Program Requirements

- A qualified building inspector or Chief Building Official must supervise interns, and interns must pass ministry exams before being able to practice independently.
- Municipalities must:
 - Provide **30 days notification** to the minister on the establishment, alteration or revocation of a program.
 - Develop a **written policy** including enforcement and supervision measures and ensure it is **publicly available** to the public.
 - Report **high-level program data** to the ministry on an annual basis (e.g. number of enrollments and exits, entry into profession as qualified building officials).
 - Ensure programs are no longer than **18-months** in duration.

Internship Program Benefits

- This new model provides benefits over the original model:
 - **More flexibility** – municipal building departments determine program eligibility criteria for their interns.
 - **Less administratively burdensome** – municipal building departments do not have to apply to establish a program, there is no eligibility review or MoU with ministry and fewer frequent reporting obligations.
 - **Broader scope of work** – municipal building departments can allow interns to inspect footings and other work leading to issuance of occupancy permits.
- In the coming months, detailed information and supporting material about the new intern program process will be made available from the ministry.
- We are keen to work with ROMA and other groups to respond to inquiries and provide support.

Qualification Program Review


- In April 2022, the ministry initiated a **review of its Qualification Program for Building Inspectors** (and other regulated practitioners) to identify potential enhancements.
- The review included:
 - An evaluation of the current program.
 - Consideration of best practices in adult learning.
 - Consultation with key stakeholders.
 - Jurisdictional analysis of alternative qualification approaches.
 - Review of current exam questions.
- The goal was to develop recommendations that can help building practitioners better understand and apply the Code and help improve qualification outcomes.

Consultation: Qualification Program Enhancements

- A **discussion paper** outlining some **potential operational** and **future design changes** to the program was posted on the Environment Registry of Ontario (ERO) for public comment on December 21, 2022 until February 3, 2023 i.e. period of 44 days.
- Your feedback is encouraged and will inform future decisions on program enhancements that will help building inspectors get qualified faster.
- The ministry will continue to work with its municipal partners and associations representing building officials, such as Ontario Building Officials Association, on future implementation of any changes.

Digital Building Code Compendium

- The ministry updated its **free digital PDF version of the 2012 Building Code Compendium** in September to include recent amendments that encourage the development of municipal building official internship programs.
- Improvements were made for navigation and use, including **bookmarks, hyperlinked tables of contents, the ability to insert notes and highlight** sections of the Code.
- Since March, **more than 6,000 requests** for access to the digital Code have been fulfilled.
- You can request a copy @ <https://www.ontario.ca/page/request-digital-copy-2012-building-code-compendium>



**Since 1956, OBOA has
created professional
building officials**

But what are the components of a
professional building official?

There are three main components of a professional building official.

- Registered-A yearly requirement to inform and pay the fees required to the MMAH through the ON-Key system and found on Quarts. (a minimal fee is associated).
- Qualified-Successfully passed the MMAH exams in the appropriate categories they are expected to review and inspect. (up to 13 exams).
- Capable-This is the more difficult ability to measure but it is a combination of experience, skill and practise that will help an applicant through the entire building process.

What are the parts the OBOA?

- The OBOA is a volunteer association with members from all 443 Municipalities with many of those municipalities requiring it as a condition of employment.
- Over 1800+ members with twenty three chapters in six regions that span the province.
- OBOA works with the City of Toronto and the Large Municipal Chief Building Officials group (LMCBO) to provide a unified voice to the province.
- The Internship program changes that MMAH created was supported by all three groups above.

How can the OBOA be of assistance?

- The OBOA has a primary function is to provide training for new building officials and on-going training, certification, and networking for all building officials.
- Courses offered by the OBOA include partnering with George Brown College to provide the most up to date courses as related to the Ministry Qualification exams.
- Partnership with George Brown in the creation of the Building Official Certificate Program. This program prepares a person to start within a building department and write the MMAH exams.
- Provide Municipalities a sample practice guide of a mentorship program that will assist in making sure all items are considered.

Value of OBOA membership

- The OBOA program certification Certified Building Code Official or CBCO is the recognized designation for building officials.
- All building officials should be working towards this designation and maintaining said designation which has a continuing education component. This certification can be applied for by any building official in many different streams but in general it involves much more detailed study than just the items needed to get qualified by the Ministry. These courses are listed on the OBOA website. It also involves a municipal experience factor between 3 and 5 years.

Value of OBOA membership (cont'd)

- ITS – Inspector Technique Suite – new courses created by OBOA for building officials
- Provides practical, non-technical training for the influx of new building officials in the Province. The suite of courses is intended to prepare new inspectors and promote consistent inspection standards across the Province. Through these courses the inspectors will learn how to speak with contractors and other professionals while learning the process of completing thorough and detailed inspections.

Value of OBOA membership (cont'd)

- OBOA since last October provides the Ontario Building Code Advisory Portal. This is a members only section in which they can pose questions or review what has already been discussed and what solutions or practises are common. It is for information only with final decision left to the building official reviewing.
- OBOA provides access to all the CSA standards that may be needed properly confirm construction as per the standard involved.
- Partnership with TRAX an enhanced capable program of all digital codes that can work on all platforms including phone, tablets and laptops.

Specifics that the OBOA continues to work towards

- The OBOA, along with LMCBO and Toronto continue to press the Ministry to harmonize our qualification program across Canada. Meaning that taking the House exam should include HVAC house, Plumbing House etc. Persons could take the specialty should that be all they do but for those whom wish, taking the house exam should include questions that cover not just the structural aspects of the house but the plumbing and HVAC areas as well.

Specifics that the OBOA continues to work towards (cont'd)

- Changes to the building code should be done with adequate resources by those who will implement those changes. Harmonization and innovative building solutions are key to industry growth. as long as liability falls to the Authority Having Jurisdiction assistance should be provided to those providing the training and those paying for the training.

Specifics that the OBOA continues to work towards (cont'd)

- Encourage the Ministry to implement or strengthen existing tools that will assist building officials and their municipalities.
- Existing tools are that Building officials may register orders on title, conduct remote inspections, and the ability to conduct a search related to building activity.
- New tools that could be provided include recognizing the Continuing Education Programs of the various partners including the OBOA and clarifying the allowance of an Administrative Monetary Program within a building By-law.

South Stormont

Challenges:

- Retirements
- Lack of information as a career
- Municipalities not investing in people
- Changes in workplace
- Dealing with difficult people
- Competitive workplaces
- Leadership

Building Officials – Recruitment & Retention (cont'd)

Opportunities:

- Retirements
 - Make use of the knowledge and experience
- Information as a career
 - Information sessions in high schools, colleges, universities
- Investing in people
 - Perceived budgetary constraints, solved by making difficult choices and strategic use of fees
 - Improve training budgets
 - Foster culture of support and improving skills/knowledge,
*especially dealing with difficult people

Opportunities:

- Changes in workplace, new employees different expectations
 - Adaptation required
 - Flexible work
 - Addressing needs of new employees and
 - Work place culture

- Leadership
 - Demonstrate willingness to try options
 - Patience, allow time for growth

Building Officials – Recruitment & Retention (cont'd)

Opportunities:

- Agreements with Upper Tier levels to enforce BCA and OBC
- Recruitment field is much larger than local area
 - Competition for Building Officials
- Encourage, support
 - Performance based systems
 - Educate managers, Council members and Building Officials
 - Work place culture
- Improve current system to qualify BO's
 - Engage with BO's and designers

South Stormont:

- Internship program began several years ago
- Current BI and CBO were in the 'informal' program
- Legislation supported what we were already doing
- Legislation provides guidelines and reasonable parameters for developing program and setting some standards
- Consider broadening own programs - provides context and greater knowledge, e.g. planning requirements

South Stormont

- Challenges

- Getting everyone in Dept on board
- Opportunities to attend inspections, learn from senior members
- Classes, time off for exams

- Outcomes

- Stronger more effective Dept
- Growth of individuals
- Improved service response time to community
- Roster on which to build as senior Dept members retire

QUESTIONS?