

Creation of Delegated Administrative Authority

- The creation of either a Delegated Administrative Authority (DAA) or an Administrative Authority (AA) is a top-down approach resulting in additional levels of bureaucracy and increased red tape within the building sector.
- The development of a DAA would also require an increase cost for permit fees, as approximately 90% of the funds required to operate this agency would come from a provincial tax applied to the building permit fees municipalities collect.
- In the case that a DAA were to take on Building Code service delivery for a specific municipality, it is essential that the resources needed to do so are funded through additional user fees process connected to those operations.
- For the DAA or an AA to be a viable endeavour the primary function must be to support consistency for Building Code professionals by providing resources such as timely written code interpretations.
- Lastly, not clear as to the reason for the creation of a DAA because MMAH used to provide many of the services being proposed (i.e. written code interpretations, e-code, illustrated and learning documents, etc).

Improving Building Sector Supports

- The City of Kitchener recommends that the Ministry of Municipal Affairs and Housing (MMAH) or the established DAA/AA provide timely written code interpretations as a tool to ensure compliance and technical requirements of the building code consistently.
- The City of Kitchener recommends that clear, accessible, and timely technical bulletins and visual guidance materials be made available, as this would be another valuable tool for both professionals and general public.
- Electronic versions of code should be considered and be accessible through any smart device (laptop, desktop, mobile device).
- Generally, there is code change fatigue, both in the industry and for building officials. One effective tool used to address this issue in the past was the Provincial workshops on code changes. The City of Kitchener recommends that this practice be reinstated.

Supporting Chief Building Officials

- The City of Kitchener recommends that the public registry (QuARTS) tool be updated or refreshed. This tool must be user-friendly, easy to access, and allow for Chief Building Officials (CBO) to maintain an up-to-date staff database.
- Additional support measures including resources for best practices in administration, governance, and reporting structures would ensure that the operations of municipal Building Code service delivery is a sustainable enterprise.

Building Code Identification Number Examination

- The City of Kitchener does support a review of the current Building Code Number Identification (BCIN) examination process, as it would be useful in flagging issues such as ambiguous language, lack of integration of new technology, and inexperienced proctors.
- These issues are potential barriers for all Building Code professionals, however they may have higher impact on new-comers or those who are developing a second career.

- The City of Kitchener also recommends that post secondary institution programs (i.e. Architecture Construction Engineering Technology, Conestoga College) for Building Code professionals conduct BCIN examinations while students are in class, enabling graduates to have both a diploma and professional certification.

Building Code Professional Education

- The Ontario Building Official Association (OBOA) has proven and is equipped to provide education for building professionals including private sector as they have the tools, resources, and expertise to develop appropriate training programs. As such, the City of Kitchener does not recommend that a DAA or MMAH deliver training for building code professionals.
- The City of Kitchener further supports the level of continued professional development (CPD) outlined by OBOA, and recommends that the OBOA be used as the example and provider for requirements regarding CPD and the measures to ensure these requirements are being met.

Building Professionals Recruitment

- It should be pointed out that all sectors of the construction industry are facing difficulties in recruitment, not only City Building Departments.
- A number of municipalities have their own informal internship program, however, it is important that the OBOA internship program remain available. The City of Kitchener recommends that the Ministry promote and support programs which already exist in order to meet recruitment goals.
- One major issue which may account for the low rates of enrollment in the OBOA internship program is the lack of incentive for professional certification:
 - There is currently not an effective system of enforcement to ensure that officials are legitimately certified.
 - The Building Code Act has lacked penalties connected with accountability. Therefore the City of Kitchener recommends a revision and prescription of these penalties within the Building Code Act.
- To further attract and retain experienced building professionals, further collaboration and partnerships with the OBOA and local community colleges would be advantageous in creating a pipeline of talent.

Accountability and Public Safety

- The City of Kitchener supports random audits and the establishment of a tribunal investigation process to ensure that all municipalities uphold a transparent and robust administration and Code of Conduct.
- It is extremely important that building officials are independent and therefore provide unbiased review and inspections to support the goal of public safety.
- If a Certified Professional is permitted to complete a plan review and/or building inspection, a conflict of interest is implied. The professional may be eager to meet the expectations of the client for their own professional benefit or financial incentive, and therefore a decision made within an official capacity is at risk of being partial and increasing risk of public safety.

- Additionally, the City of Kitchener does not support allowing Certified Professionals to complete a plan review and/or building inspections for the following evidentiary reasons:
 - Local architects and engineers have stated that the reason they have submitted incomplete applications is to satisfy clients.
 - There is a notable trend of incomplete submissions being received, resulting in Status Letters with increasing numbers of deficiencies, which leads to longer time frames to issue the building permit.
 - There is a notable trend in design professionals falsely claiming that units are ready for occupancy.
- To further ensure public safety and accountability, the City of Kitchener recommends enhanced municipal enforcement by addressing barriers to accountability such as the requirement of the offending party to present their driver's license in the short-form ticketing process.

Additional Considerations

- The City of Kitchener recognizes the importance of a smooth and efficient process for housing and business investment across Ontario. However, to achieve the goal of “shovels in the ground”, the above noted changes will have little impact. To achieve shovels in the ground, it is important to highlight the upstream approvals that often prevent building permit issuance including: Section 41 of the Planning Act; site plan approval, Conservation approvals, Record of Site Condition approvals, Ministry of Transportation approvals, and Ministry of the Environment, Conservation and Parks approvals. MMAH has started a process in highlighting some of these approvals and their effects on the process. Until more work and changes are completed upstream, this goal will not be realized.
- Municipalities continue to deal with joint and several liability issues, and this is another reason why certified professionals retained by the owner is not good for municipalities and the public.