



November 25, 2019

BY EMAIL ONLY: buildingtransformation@ontario.ca

Ministry of Municipal Affairs and Housing
Building Services Transformation Branch
16th Floor – 777 Bay Street
Toronto, ON M5G 2E5

Dear Sir/Madam:

**RE: Transforming and Modernizing the Delivery of Ontario's Building Code Services
Discussion Paper (ERO 019-0422)**

Please find attached a resolution from the Town's Planning and Development Committee and comments from the Town of Bracebridge concerning the above mentioned discussion paper.

We look forward to receiving any additional information on the next steps in this process.

If, at any time, we can be of assistance, please do not to hesitate to contact us.

Sincerely,

Cheryl Kelley
Director of Planning and Development
ckelley@bracebridge.ca

Tom Hookings
Chief Building Official
thookings@bracebridge.ca

Attach: Motion-19-PD127
Staff Report PD064-19

1000 Taylor Court
Bracebridge, ON
P1L 1R6 Canada



The Corporation of the Town of Bracebridge

BRACEBRIDGE
The Heart of Muskoka

Planning and Development Committee

Item 6.3. Town of Bracebridge Comments -
Transforming and Modernizing the Delivery of
Ontario's Building Code Services Discussion
Paper (ERO 019-0422) (PD064-19)


Reference: _____ Date: November 20, 2019

Moved By:  Struthers

Seconded By:  Quemby

That the comments set out in Appendix "A" to Staff Report PD064-19 be forwarded to the Environmental Registry of Ontario (ERO) regarding the Transforming and Modernizing the Delivery of Ontario's Building Code Services Discussion Paper (ERO 019-0422).

Carried	Lost	Referred	Deferred	Amended
✓				

Chair: 

COUNCIL MEMBER	YES	NO	ABSENT
Mayor G. Smith			
Councillor A. Buie			
Councillor S. Clement			
Councillor R. Maloney			
Councillor B. McMurray			
Councillor M. Quemby			
Councillor D. Smith			
Councillor A. Struthers			
Councillor C. Wilson			

Motion #	<u>19-PD-127</u>
Ratified by Council	<u>Nov 22/19</u>
Confirming By-law / Other By-laws	

TO: Councillor S. Clement, Chair and Members of Planning and Development Committee

FROM: C. Kelley, Director of Planning and Development
T. Hookings, Chief Building Official

SUBJECT: Town of Bracebridge Comments - Transforming and Modernizing the Delivery of Ontario's Building Code Services Discussion Paper (ERO 019-0422)

RECOMMENDATION

1. That the comments set out in Appendix "A" to Staff Report PD064-19 be forwarded to the Environmental Registry of Ontario (ERO) regarding the Transforming and Modernizing the Delivery of Ontario's Building Code Services Discussion Paper (ERO 019-0422).

ORIGIN

2. On September 24, 2019, the Ministry of Municipal Affairs and Housing (Transformation Services Department) put forth a myriad of points for discussion to substantially change the method and model to deliver building services within the Province of Ontario.
3. The document entitled, "Transforming and Modernizing the Delivery of Ontario's Building Code Services, Discussion Paper" (Discussion Paper) released as [ERO 019-0422](#) is included as Appendix "B".
4. Supporting materials obtained from a Consultation Session held in North Bay are attached as Appendix "C".
5. General Committee Motion 15-GC-057, ratified by Council on March, 31, 2015, provides authority for staff to provide comments to Provincial Policy reviews as long as the comments are consistent with the Town's policy framework, plans and priorities. Notwithstanding this motion, staff felt it was important for Council to be aware of the Discussion Paper and implications for the Corporation, the Town's residents and businesses should the Province implement the changes discussed in the document.
6. The purpose of the report is to obtain approval from Council to forward the comments on the Provincial Government's Discussion Paper as outlined in Appendix "A" to the ERO from the Town of Bracebridge.

ANALYSIS

7. The goals set out by the Ontario Government in the Discussion Paper for the transformation and modernization of code services is as follows:
 - 7.1. strengthen public safety;
 - 7.2. streamline customer service and approval processes;
 - 7.3. deliver sector-driven services;
 - 7.4. provide timely and modern tools and products;




- 7.5. promote consistency across the province; and
- 7.6. enhance integrity in the system.
8. The paper begins with the introduction of the creation of a new Administrative Authority to deliver a suite of enhanced and new user-driven services to be delivered to the building sector. The report indicates the following about this new entity:
 - 8.1. It can scale and deliver services more nimbly and would be tasked with providing streamlined customer service to Ontarians;
 - 8.2. It would protect public health and safety and promote a consistent approach to building code interpretation and application;
 - 8.3. It would operate on a full cost-recovery basis, funded by the sector; and
 - 8.4. It would be funded through a combination of user-based fees and require municipalities to collect a small levy (0.016% calculated on estimated construction values) on top of municipal building permit fees to fund this new entity.
9. Additionally, there are four themes of the discussion paper as outlined below.
 - 9.1. **Theme 1:** Getting people working in the building sector which includes ways to:
 - 9.1.1. modernize the current Building Code examination process to ensure that building code professionals have the required legal and technical knowledge so that public safety is protected;
 - 9.1.2. help support municipalities with recruitment and retention of experienced building officials;
 - 9.1.3. introduce the use of Coordinated Professionals to coordinate work of professionals (architects, engineers) involved in a project; and
 - 9.1.4. introduce the use of Certified Professionals to ensure Code compliance and streamline the permit approval process.
 - 9.2. **Theme 2:** Promoting sustainability and transparency in the Building Code profession which includes ways to:
 - 9.2.1. transform the public registry and registration process (of qualified building code professionals) to be more streamlined and user friendly;
 - 9.2.2. require building code professionals to complete Continuing Professional Development activities regularly to maintain knowledge in their areas of practice so they can understand and apply new / amended Code requirements and promote public safety; and

- 9.2.3. establish a comprehensive, compliance-based, enforcement framework to ensure that building code professionals are meeting their qualification and registration requirements and are operating appropriately, which could include codes of conduct and annual attestations (certification) for all building code professionals, educational tools and resources, corrective actions for non-compliance such as financial penalties, a complaints process for public concerns, and increased transparency regarding disciplinary actions.
- 9.3. **Theme 3:** Building Code administration and enforcement which includes ways to:
 - 9.3.1. enhance municipal enforcement to promote public safety by allowing the use of administrative penalties to help municipalities address non-compliance and contraventions of the Building Code Act, 1992 and the building code; and
 - 9.3.2. support local building service delivery by providing the option for smaller, rural, and/or northern municipalities to enter into an agreement with the administrative authority to deliver full or partial building services on their behalf; and
 - 9.3.3. provide a more active enforcement approach in unincorporated areas.
- 9.4. **Theme 4:** Improving building sector supports which includes ways to:
 - 9.4.1. promote a consistent understanding and application of building code requirements by looking into additional and more comprehensive tools and services in a timely manner to provide clear, standardized, technical advice and interpretation;
 - 9.4.2. enable modern, digital services, which may include development of a digital version of the Building Code that meets the needs of users and supports municipal efforts to reduce building permit approval timelines; and
 - 9.4.3. improve the quality and quantity of building industry data and research Analysis.
10. The majority of changes have the potential to enhance and strengthen Building Code administration and enforcement. The strengthening of the professional knowledge and certification requirements for those tasked with interpreting, utilizing and enforcing the Building Code, is essential.
11. Should the Ontario Government move forward with an Administrative Authority to take over the building code related functions, as set out in the Discussion Paper, it was suggested by the Ministry of Municipal Affairs and Housing (MMAH) that it would likely take anywhere from 2-10 years for a new system to be fully operational. This will leave the Town of Bracebridge and other municipalities with a high degree of uncertainty during the transition period. The ability of municipalities to recruit and retain qualified staff within the building inspection field will become even more difficult if the sector becomes unstable because of the uncertainty in transition.
12. The Town of Bracebridge and the other lower-tier municipalities in Muskoka have had success in the delivery of services to our residents and businesses. Building permits are reviewed under the timelines set out by the Ontario Building Code and generally inspections are completed within 24 hours of the request. In Bracebridge, the Town has had the benefit of the same Chief Building Official since 2008. This stability in a key operational position has allowed the Town's Building Services Branch to set out a consistent approach to customer service. As a result, the Building Services Branch has built a trusting and positive working relationship with the local building industry.

13. The ability for the staff in the Building Services Branch to work with all departments through municipal planning and development applications has benefited the community and applicants by in a streamlining and coordinating manner.
14. Staff in Building Services Branch have been part of discussions with the Muskoka-Parry Sound Ontario Building Officials Association (OBOA) Chapter and the submission from the Chapter submitted to the ERO is included in Appendix "D".
15. The Building Officials in the area are represented by Andy Jones, the Chief Building Official from Gravenhurst who is currently the Vice-President of the OBOA and Region C Director. The OBOA has had the opportunity to provide direct feedback to the MMAH through at least one meeting and through multiple information/input sessions that were held in the province during the month of October in Belleville, North-Bay, Chatham-Kent and Vaughan.
16. Through the OBOA and associated chapter organizations throughout the province, building professionals have access to training and professional development. Staff support the ongoing work of the OBOA in conjunction with MMAH in determining the best way forward with training and qualification requirements.
17. Staff supports an ongoing dialogue between MMAH and the OBOA to develop solutions better support inspection and enforcement services throughout the province. This support could range from professional education and information experience sharing to current and future building professionals to providing experience products and code enforcement related to grey areas. This would assist in ensuring more consistency across Ontario. This, in turn, will strengthen the overall field of building services.
18. Staff feel that the comments outlined in Appendix "A" are consistent with Town's policies and practices as well as Council's priorities and believe that they are appropriate for submission to the Provincial Government.

LINKAGE TO COMMUNITY BASED STRATEGIC PLAN

19. The comments to the ERO regarding the Discussion Paper on Building Code Services is well aligned with the strategic theme(s):

 <p>MODERN & PROSPEROUS ECONOMY</p>	<p>Develop and engage in policies and initiatives to enhance Bracebridge as a service community for the surrounding areas.</p>
 <p>ENVIRONMENTAL STEWARDSHIP</p>	<p>Ensure that environmental protection is a priority in the Town's operations and plans.</p>
 <p>CREATIVE & CONSIDERATE PLANNING</p>	<p>Recognize the importance of the Town's decisions in shaping the future of the community.</p>

COMMUNICATIONS

26. This staff report was distributed to Council, Media, and all Town staff and was published on the Town's website in accordance with the Town's Procedural By-law.

Prepared By:

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T. Hookings
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Approved by:

C. Kelley, MCIP, RPP
Director of Planning and Development
Ext. 253

**Approved for Submission to
Planning and Development
Committee By:**

J. Sisson
Chief Administrative Officer
Ext. 229

APPENDIX "A"

Comments to be submitted to the ERO

Administrative Authority

1. The Town of Bracebridge has a number of concerns regarding the proposed creation of an Administrative Authority that would be responsible for permitting and enforcement of the Building Code as has been presented in the Discussion Paper for the following reasons:
 - 1.1. It is uncertain from the Discussion Paper if the Administrative Authority is an addition to municipal building inspection and enforcement services or if this new Authority would replace a municipal role;
 - 1.2. The Discussion Paper lacks significant details regarding how the Administrative Authority would address a number of items that are coordinated within each municipality such as the planning and municipal infrastructure (roads, water/sewer) reviews;
 - 1.3. The creation of a new Administrative Authority could impact the recruitment and retention of staff in the building inspection field. This area of municipal operations is already struggling with staff attraction and retention difficulties. MMAH has reported that it could take 2 to 10 years to transition to a new Administrative Authority;
 - 1.4. There is uncertainty in how the land use and building permit functions would interact through permitting if the responsibility of this external agency;
 - 1.5. There is uncertainty in how the agency can be created that would be more-efficient than local governments or how the agency could be sustained over time as there many examples of provincial downloading to municipalities;
 - 1.6. There is uncertainty as to how existing permits would be handled and the associated liability with historical permits with no new revenue streams available that would support historical permits;
 - 1.7. Municipal building departments are generally either operating on cost-recovery or supported by the local tax levy (i.e. user-pay approach);
 - 1.8. There is uncertainty regarding how the enforcement activity would be enhanced or how it would interact with enforcement of land-use related by-laws (i.e. in numerous cases there are zoning issues at the same time there are code issues);
 - 1.9. If the Administrative Authority provides partial or full building services on behalf of a municipality, it would add another level of bureaucracy while still leaving municipalities with the liability of building services but not the oversight. By dividing inspection service entities, it is more likely to create greater inconsistencies;
 - 1.10. If the Administrative Authority provides oversight of qualification services and supports to municipal building inspection and code services, the collection of fees/levies on behalf of the authority is not appropriate. Costs for this type of service available to all Ontarians should be spread across a Provincial tax levy; and

- 1.11. The addition of the Administrative Authority would subject the municipality to additional fees which in turn could impact the taxes, as building revenue would not be available as an offset. Municipal programs such as CIP programs and internal shared services (staffing) that are currently being offset by the building revenues would also have impacts on budgets.
2. The Town of Bracebridge encourages MMAH to continue to work with members of the OBOA and the municipal building officials to identify gaps in services and ways to enhance service delivery in various ways including, but not limited to:
 - 2.1. Determining if there are policy changes are required at the Provincial level (i.e. the Building Code);
 - 2.2. Determine if there are ways to support unserved municipalities in the provision of qualified professionals to undertake building services; and
 - 2.3. If the development of best practices can occur to provide assistance to those providing local building services.

Theme 1: Getting people working in the building sector

3. The Town of Bracebridge supports efforts to enhance the number of workers and the qualifications of those involved in building in the Province of Ontario as follows:
 - 3.1. The Town supports any province-wide efforts to increase the number of workers in the industry and specifically with recruitment and retention of municipal building officials;
 - 3.2. The Town supports the concept of having a designated Coordinating Professional that is qualified to review and perform site inspections for large projects (e.g. a hospital project) subject to additional information as to how that would be implemented. This would support the building inspector's role in large projects; and
 - 3.3. The Town supports modernizing the examination process, as well as the proposal to implement prequalification training and increased training opportunities for code professionals.

Theme 2: Promoting sustainability and transparency in the Building Code profession

4. The Town of Bracebridge supports effort promoting sustainability and transparency in the Building Code profession as follows:
 - 4.1. The Town supports initiatives to increase the number of qualified professionals and the maintenance of qualifications for those working with the Building Code;
 - 4.2. The Town supports increasing requirements on qualified building professionals to maintain and enhance knowledge of the Code as this has become particularly challenging for building inspectors in years where there are substantial code changes and staff then become the teachers of the Code changes rather than this be undertaken at a professional or ministry level. For instance in 2020, there are 1200 pages of Code changes that staff will have to review and become knowledgeable with and ensure that designs that are submitted and approved, meet the requirements;

- 4.3. The Town supports greater oversight in ensuring that there are not individuals practicing as building code professionals without being qualified and to ensure that Building Code Identification numbers (BCIN) are no being misused; and
- 4.4. The Town supports formalizing requirements for on-going professional development for those qualified by MMAH.

Theme 3: Building Code administration and enforcement

5. The Town of Bracebridge supports efforts to enhance the Building Code administration and enforcement as follows:
 - 5.1. The Town supports continued professional development opportunities and certification in partnership with the OBOA and MMAH;
6. The Town of Bracebridge is uncertain about the proposed Certified Professional (CP) program that would permit a municipality the ability to hire a CP to conduct plans review and inspection as follows:
 - 6.1. The current Building Code has a very similar system called Registered Code Agent (RCA) which has been in the code since 2006. Staff do not believe there are any RCA in Ontario even though this has been permitted since 2006;
 - 6.2. The main benefit to a CP program would be to help offset municipal building staff timing associated with selected projects, however municipalities would be liable for the inspection activities and municipal staff would not be permitted to comment/inspect on any stage of the project. Alternatively, under the current RCA program; reports are submitted to the CBO and should there be concerns, through the CBO the municipality could relieve the RCA of their duties and municipality could take back the authority of inspection services for the project; and
 - 6.3. More details are required concerning the CP to gain a full understanding of the impact and benefits to the building services sector.

Theme 4: Improving building sector supports

7. The Town of Bracebridge supports efforts to improve building sector supports as follows:
 - 7.1. The Town supports consistent application of the code requirements to reduce conflicting interpretations which could be done through Interpretation Bulletins, additional training opportunities, or circulation of best practices/approaches; and
 - 7.2. The Town supports implementation of new tools to support the industry such as digital versions of Building Code products (i.e. Compendiums, guide and tools) with increased functionality;



APPENDIX "B"

Transforming and Modernizing the Delivery of Ontario's Building Code Discussion Paper



APPENDIX "C"

Support Materials from MMAH hosted Session North Bay, October 2019



APPENDIX "D"

Comments Provided to the ERO from the Muskoka Parry Sound Chapter of the OBOA