

Ministry of Municipal Affairs and Housing
Building Services Transformation Branch
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Re: Transforming and Modernizing the Delivery of Ontario's Building Code Services

Dear Sir/Mam

Thank you for the opportunity to review and comment on this discussion paper. Public Health Sudbury & Districts (Sudbury and District Health Unit) is mentioned in the Building Code as one of the Northern Health Units responsible for enforcement of Part VIII and respectfully request that the following comments be taken into consideration:

Page 1	The paper states that the Administrative Authority would be tasked with providing streamlined customer services to all Ontarians. Clarification is needed to better understand if the intention of the proposed amendment is that the Authority will replace the Municipalities for enforcement of the Building Code Act.
Page 3 Sect 1.	Of the people working in the building industry, only septic installers/contractors have to be licensed under the Building Code. Public Health Sudbury & Districts suggests that all contractors who are not Red Seal Certified be licensed in a similar fashion to septic contractors requiring Code certification and ongoing dues.
Page 4 Sect 1.1	At the present time all building inspectors are required to pass the General Legal Exam which deals with all parts of the Building Code. Septic inspectors in the North in Health Units and Conservation Authorities only deal with Part VIII but must have knowledge in all areas of the Code in order to pass the General Legal exam. The amount of knowledge expected that will never be used makes this an extremely difficult exam for the septic inspectors, and the cost to train staff for all the information can be prohibitive. Public Health Sudbury & Districts recommends a separate Legal Exam for inspectors with Health Units that only enforce Part VIII.
Page 8 Sect 1.4	Based on the description supplied, Prime Consultants appear to work for the contractors /developers to oversee the contractors/developers. This would appear to be a serious conflict of interest. In areas such as environmental assessments, the reports are reviewed by the appropriate government departments to ensure they are correct. Under this system the Principal Authorities do not appear to have that oversight but will still have legal responsibility and liability. Public Health Sudbury & Districts recommends that oversight remains with Principal Authorities.

<p>Page 11 Sect 2.2</p>	<p>As outlined in the discussion paper, a CPD program will be challenging and needs to be fair. Additionally, it needs to be fiscally viable for the principal authority or business paying for the training. Travel and lodging plus the entrance fee can be onerous if in person training is expected. Public Health Sudbury & Districts recommends the Ministry set up a training program utilizing webinars that are signed into for proof of attendance and deal with a single category or topic (if applicable to multiple categories). The BCIN holder is then expected to have a minimum number of webinars attended over a set time frame in order to stay certified.</p>
<p>Page 17 Sect 3.1</p>	<p>Public Health Sudbury & Districts agrees with the use of administrative penalties or tickets. These allow for progressive enforcement, imposing a penalty without requiring a full prosecution and elevated fines as appropriate.</p>
<p>Page 18 Sect 3.2</p>	<p>Although having the Administrative Authority deliver building services in an area may be a good option for a local principal authority, for those municipalities in the North that are serviced by 2 principal authorities, an agreement with one principal authority cannot mean an agreement with both.</p>
<p>Page 20 Sect 3.3</p>	<p>Unincorporated areas will be difficult to enforce given the large areas and very low population densities involved. Public Health Sudbury & Districts recommends that if the Administrative Authority is intending to enforce the Building Code in unorganized territories that a formalized information exchange be set up between the Administrative Authority and the local Health Units and Conservation Authorities who presently enforce Part VIII in these areas.</p>
<p>Page 20 Sect 3.3</p>	<p>It is our understanding that the reason that the Health Units and Conservation Authorities are required to enforce Part VIII is due to the unorganized territories located within the respective geographic areas. Because the Part VIII program is the only section of the Building Code which the Health Units are responsible for, it is an expensive program to run due to costs associated with, but not exclusive to, training, certification, legal fees, equipment etc. as they are not useful for other Public Health programs and services. In order to pay for these costs a minimum number of systems have to be done annually as there is no other budget to pull money from to pay for the program. Therefore, Public Health Sudbury & Districts requests that if the Administrative Authority is going to be responsible for Part VIII in unorganized territories, Section 1.7 of Part C of the Building Code be removed allowing the Principal Authority to be responsible for Part VIII in their municipalities and the Administrative Authority to be responsible for unorganized territories.</p>

Thank you for taking the time to consider these comments. If you have any questions please contact Burgess Hawkins, Manager Environmental Health at 705-522-9200 ext. 218.