

Bill Pr40

*(Chapter Pr38
Statutes of Ontario, 1992)*

An Act respecting the Ontario Building Officials Association

Mr. Martin

1st Reading	December 1st, 1992
2nd Reading	December 10th, 1992
3rd Reading	December 10th, 1992
Royal Assent	December 10th, 1992



An Act respecting the Ontario Building Officials Association

Preamble	<p>The Ontario Building Officials Association has applied for special legislation to enable it to govern and discipline its members and to grant to its members the right to the exclusive use of the designation "Certified Building Code Official" and the initials "CBCO". The applicant represents that it is a corporation.</p> <p>It is appropriate to grant the application.</p> <p>Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:</p>	<p>(a) to assist in the establishment of uniform regulations in Ontario relating to the planning, construction, demolition, alteration, renovation, maintenance, operation and renewal of buildings, in so far as these activities relate to the structural adequacy and durability of buildings, to the safety and health of their users, to fire protection and prevention and to the protection of the environment and resource conservation;</p> <p>(b) to promote the uniform interpretation and enforcement of the Ontario Building and Fire Codes, and any other code, standard, Act or regulation respecting the activities described in clause (a);</p> <p>(c) to assist in the development and improvement of the Ontario Building and Fire Codes and other codes, standards, Acts or regulations respecting the activities described in clause (a);</p> <p>(d) to promote the interchange of ideas and knowledge respecting the activities described in clauses (a), (b) and (c) and to foster a close liaison among the Association; related associations, the building industry, the government and the consumer public;</p> <p>(e) to provide formal training and educational facilities to the members of the Association;</p> <p>(f) to hold conferences and meetings for the discussion of building standards and municipal affairs and for the presentation of papers and lectures;</p> <p>(g) to collect and disseminate papers, lectures and other information that is useful or interesting to the members of the Association; and</p> <p>(h) to maintain high professional standards among the members of the Association through education and discipline.</p>	
Definitions	<p>1. In this Act,</p> <p>"Association" means the Ontario Building Officials Association;</p> <p>"board" means the board of directors of the Association.</p>		
Association continued	<p>2.—(1) The Association is continued as a corporation without share capital under the name "Ontario Building Officials Association" in English and "Association des directeurs de la construction de l'Ontario" in French.</p>		
Members of the corporation	<p>(2) The persons registered as members of the Association on the day this Act comes into force and such other persons who later become members of the Association constitute the corporation.</p>		
Continuation of the present board	<p>(3) The members of the board of directors of the Association and the officers of the Association in office immediately before this Act comes into force are continued in office until their successors are elected or appointed under this Act.</p>		
Letters patent revoked	<p>(4) The letters patent of the Association are revoked, but their revocation does not affect the rights or obligations of the Association or any by-law, resolution or appointment of the Association except to the extent that it is inconsistent with this Act.</p>		
Special Act corporation	<p>(5) The Association shall be deemed to be a corporation incorporated by a special Act.</p>		
Objects of the Association	<p>3. The objects of the Association are,</p>		<p>4.—(1) The affairs of the Association shall be managed by the board of directors.</p>

Board of
directors

Composition of board	<p>(2) The board shall be composed of,</p> <p>(a) not fewer than five and not more than thirty-five members of the Association, as the board may determine by by-law, who are elected by the members of the Association; and</p> <p>(b) the most immediate past president of the Association willing to serve.</p>	<p>(c) governing the election and appointment of officers and directors, their terms of office and their responsibilities;</p> <p>(d) providing for the appointment of committees, sub-committees and task groups, and governing their composition, responsibilities, powers, and the election or appointment of their chairs;</p>	
Election of board	<p>(3) The manner of electing the members of the board under clause (2) (a), the qualification of electors, the notification to the electors of the time and place of holding elections, the taking and counting of votes, the giving of a casting vote in the case of an equality of votes, the tenure of office of all members of the board and other necessary details shall be as set out in the by-laws.</p>	<p>(e) establishing a curriculum, courses of study and examinations for students and members of the Association, and governing the granting of certificates to those who have successfully passed the examinations;</p>	
Vacancies	<p>(4) A vacancy on the board caused by the death, resignation, removal or incapacity of an elected member of the board shall be filled as follows:</p> <p>1. If the remaining members of the board constitute a quorum, the replacement shall be appointed by a majority of the board.</p> <p>2. If the remaining members of the board do not constitute a quorum, the replacement shall be elected in accordance with the by-laws.</p>	<p>(f) establishing classes of membership in the Association, and establishing the qualifications for,</p> <p>(i) the class of members who are certified building code officials, and</p> <p>(ii) other classes of members;</p>	
Same	<p>(5) A member of the board appointed or elected under subsection (4) shall hold office for the unexpired term of the member he or she is replacing.</p>	<p>(g) regulating and governing the conduct of members of the Association by prescribing a code of ethics, rules of conduct and standards of practice, and providing for suspension, expulsion or other penalty if a member contravenes the code of ethics, rules of conduct or standards of practice; and</p>	
Quorum	<p>(6) A quorum of the board shall be as set out in the by-laws.</p>	<p>(h) providing for the establishment and designation of local chapters of the Association.</p>	
Registrar	<p>(7) The board shall appoint a registrar, who need not be a member of the board, to perform the functions assigned by this Act and such other functions as may be assigned by the board.</p>	<p>(3) The by-laws of the Association shall be open to examination by the public at the head office of the Association during normal office hours.</p>	Examination of by-laws
Annual meeting	<p>5. The Association shall hold an annual meeting of its members not more than fifteen months after the last annual meeting.</p>	<p>7. The Association shall grant a membership in the Association to every individual who applies for it in accordance with the by-laws, if the individual,</p>	Membership
By-laws	<p>6.—(1) The board may pass by-laws necessary to conduct the business and carry out the objects of the Association.</p>	<p>(a) is at least eighteen years old;</p> <p>(b) has complied with the academic and experience requirements specified in the by-laws for the issuance of membership; and</p>	
Same	<p>(2) Without restricting the generality of subsection (1), the board may pass by-laws,</p> <p>(a) respecting the application of the funds of the Association and the investment and reinvestment of any funds not immediately required, and the safe-keeping of its securities;</p> <p>(b) prescribing the remuneration of the members of the board and of committees and providing for the payment of their necessary expenses in the conduct of their business;</p>	<p>(c) has passed such examinations as the board may set or approve.</p>	
		<p>8.—(1) The registrar shall keep a register which shall show the names of all members of the Association in good standing and each member's class of membership.</p>	Register
		<p>(2) Only those persons whose names appear in the register are entitled to the privileges of membership in the Association.</p>	Privileges

Examination of register	(3) The register shall be open to examination by the public at the head office of the Association during normal office hours.	tion registered as a Certified Building Code Official.	
Appeals	9. —(1) A person who has been refused membership in the Association, who has been refused membership in a class of membership in the Association or who has been subject to a disciplinary sanction under the by-laws of the Association may appeal to the Divisional Court from the refusal or from the sanction.	(3) On conviction of an offence under subsection (2), a person is liable to a fine of not more than \$5,000.	Penalty
Record	(2) Upon the request of a party desiring to appeal to the Divisional Court and upon payment of the fee, the registrar shall provide the party with a certified copy of the record of the proceedings being appealed, including the documents received in evidence and the decision or order that is the subject of the appeal.	(4) In every case where registration is an issue, the production of a copy of the register, certified under the hand of the registrar, is sufficient evidence of all persons who are registered in lieu of the production of the original register.	Evidence
Powers of the court	(3) An appeal under this section may be made on questions of law or fact, or both, and the court may confirm, vary or rescind the decision being appealed, may exercise all powers of the Association, the board or any committee of the Association and may direct the Association to take any action that the Association is empowered to take and, for such purposes, the court may substitute its opinion for that of the Association, the board or any committee of the Association or the court may refer the matter back for rehearing in whole or in part.	(5) A certified copy of the register purporting to be signed by the registrar is proof, in the absence of evidence to the contrary, that such person is the registrar, without proof of the signature or of that person being in fact the registrar.	Same
Designation	10. —(1) Every member of the Association who is registered as having satisfied the qualifications required by a by-law made under subclause 6 (2) (f) (i) may use the designation "Certified Building Code Official" and the initials "CBCO".	(6) The absence of the name of any person from a certified copy of the register is proof, in the absence of evidence to the contrary, that the person is not registered.	Same
Offence	(2) A person in Ontario who is not qualified under subsection (1) is guilty of an offence, (a) if he or she takes or uses the designation "Certified Building Code Official" or the initials "CBCO", either alone or in combination with any other word, name, title, initial or description; or (b) if he or she implies or holds out that he or she is a member of the Associa-	11. This Act does not affect or interfere with the right of any person who is not a member of the Association or who is not registered by the Association as a Certified Building Code Official to practise or be employed as a building inspector or municipal officer or municipal employee in the Province of Ontario. 12. Any surplus derived from carrying on the affairs and business of the Association shall be applied solely in carrying out its objects and shall not be divided among its members. 13. No action or other proceeding for damages shall be instituted against the registrar, members of the board or officers of the Association for any act done in good faith in the execution or intended execution of any power or duty under this Act or the by-laws or for any alleged neglect or default in the execution in good faith of that power or duty. 14. This Act comes into force on the day it receives Royal Assent. 15. The short title of this Act is the <i>Ontario Building Officials Association Act, 1992.</i>	Right to practise unaffected Surplus Immunity from action Commencement Short title