

Transforming and Modernizing the Delivery of Ontario's Building Code Services: *The OBOA Solution*

The Ontario Building Officials Association (OBOA) welcomes the opportunity to comment on the *New Path Forward for Building Services* consultations and provide further insight on the current challenges within the province's building sector. We are pleased to share our industry-endorsed position and proposal, the ***OBOA Solution***, on how Ontario can transform and modernize the delivery of its Building Code Services.

Responses to the specific questions asked in the Ministry of Municipal Affairs and Housing (MMAH) discussion paper have been provided in [Fact sheet #1: OBOA's response to MMAH consultation questions](#). However, we have taken the opportunity to outline larger systemic issues shared across the building sector in this submission, to ensure that this review results in the best possible outcome for the future of building construction in Ontario.

The ***OBOA Solution: A sector-wide solution, providing the province with a leading, professional building sector, and all Ontarians with the confidence that the buildings they live, work and play in are safe.***

The OBOA represents over 1,900 professional building officials. We are a self-governing, not-for-profit organization committed to establishing and maintaining a high professional standard in the administration of the Ontario Building Code.

In 1992, the need for expert well-qualified building officials in Ontario was formally recognized, by enshrining OBOA's role in provincial legislation.

We are guardians of a better built Ontario.

The 2019 OBOA Building Safety Month campaign, [#buildingcodematters](#), highlighted the importance of effective building standards on our everyday lives and aimed to translate complex regulation into illustrations that the general public could understand. The OBOA is very proud of our leadership in this area; in fact, this year's campaign was recognized by the International Code Council for its high level of public reach and effectiveness.

Building officials have always shown a strong commitment to: protecting consumers, being sector leaders in setting professional standards and education delivery, reducing red tape while building strong communities, and prioritizing innovation and modernization without jeopardizing public health and safety.

It's what the province has trusted us with and what we have been delivering on for over 25 years.

The OBOA Solution supports the government's role of policy primacy and a vision for a more responsive way to address the changing expectations of construction, while providing clarity and consistency for the sector and

Recommendation #1: The OBOA proposes the establishment of a Provincial Commission to oversee the development and evolution of the Ontario Building Code. This Commission would be comprised of a balanced membership of industry experts, the regulatory community and general interest groups, ensuring that all relevant sectors and geographical areas of the province are represented. This commission would have formal accountability to the province for raising potential solutions and amendments to the building code.

Effective, Efficient and Evolving Construction Regulation

In our rapidly changing world, the expectations for building construction have increased with higher standards in accessibility, resource conservation and climate change. There are also many moving parts at the national level, with efforts to harmonize construction codes across Canada. There is an acute need for a review of Ontario's building code regulations to ensure clarity, effectiveness and relevance in the midst of national efforts. The professionals charged with applying, administering and enforcing building code regulations feel continuously challenged with understanding and interpreting its provisions.

The OBOA and its sector partners share the government's vision that effective, efficient and quickly evolving regulations should be a key priority as we move forward together to modernize our sector:

"Many regulations are in place for good reasons, like those that protect health, safety and the environment, but at the same time, decades of government regulation have resulted in rules that are duplicative, outdated or unclear, causing businesses to spend time and money complying with rules that simply could be better. We're ensuring that Ontario's regulations are effective, targeted, clear and focused — while maintaining Ontario's high standards."

- Prabmeet Sarkaria, Associate Minister of Small Business and Red Tape Reduction

Our proposal seeks to address sector-wide challenges, while complementing the process used at the national level, and keeping public health and safety at the forefront of any future decisions that are made.

Public trust can easily be lost and almost impossible to get back, as we all learned through the Elliot Lake tragedy.

Recommendation #2: The province should once again be the sole source of Building Code interpretations, which are binding and administered through a user-pay model. This model will increase accountability to the public and ensure consistency and clarity on all code-related matters.

The sector supports the province’s policy primacy, especially related to development of and accountabilities to the Building Code Act. We believe that the way to increase confidence in Ontario’s building standards is through clear and consistent guidance on the Building Code.

90% of OBOA members responding to our survey on MMAH’s discussion paper, expressed a desire for greater advisory, guidance and interpretive services.

“Interpretations and directions are key to getting consistency across the Province.”
- OBOA member

In 2011, the Ministry withdrew this essential service of providing guidance on and interpretations of the Building Code, and the building official community has attempted to informally fill the void since.

The sector now shares common experiences and crowdsources answers to code-related questions from the frontline, in an effort to promote consistency in how the building code is applied across the province.

These efforts are purely voluntary and adhoc in nature – and cannot ensure that there is 100% consistency in how the Ontario Building Code is actually interpreted and applied. There is an inherent conflict of interest for a body outside of the provincial government to be providing formal

“Build Right Ontario is a one window online resource for building officials to access technical, legal and occupational information to support them in their day-to-day activities. The goal of this site is to provide a venue where building officials can communicate and share knowledge that will promote consistent application of the Building Code throughout the Province.”

- Mike Seiling, OBOA Past President

interpretations. It is the government that is ultimately accountable for setting and encouraging application of the Ontario Building Code standards.

First and foremost, the sector and the public deserve building code regulations that would result in the consistent application of building standards across the province. There will still be instances where further interpretation is needed to ensure consistent application of the building code by all municipalities. This can only be achieved if the government starts providing binding interpretations of code-related questions. And we believe this can be administered through an effective user-pay model that can be accessed by the whole sector and consumers, not just building officials.

Recommendation #3: The *OBOA Solution* proposes regulatory changes that would enable municipalities to adopt a Digital First approach to building code service delivery and endorse sector driven ventures, such as those currently being undertaken by OBOA and its sector partners.

This approach will help support the province’s public commitment to enhance the development approvals process by:

- improving information sharing between all approval agencies related to the development process;
- increasing clarity and transparency across the applicable law approval system and;
- streamlining and standardizing service delivery to the public.

True modernization of any public service means adopting a Digital First approach. Many municipalities throughout the province are already utilizing or moving towards electronic permitting (e-permitting) services. By 2022, we estimate that 70% of the municipalities will have adopted some form of online submission option.

Since local municipalities have already invested in these services, we recommend the province focus its efforts towards an agency-wide approach to enable the free flow of standardized information between provincial, municipal and other regulatory bodies that are part of the development approvals system. This will not only improve service delivery, but also help break down institutional silos.

“To help municipalities plan their inspections and improve builders’ compliance with the Ontario Building Code, we recommend that Tarion Warranty Corporation report on a timely basis to the municipalities all significant instances of builder non-compliance with the Code that it identifies. ”

- Bonnie Lysyk, Auditor General of Ontario, Special Audit of the Tarion Warranty Corporation

Currently, a collection of agencies from the sector: OBOA, Large Municipalities Chief Building Officials (LMCBO), Residential Construction Council of Ontario (RESCON) and the University of Toronto, are formulating a standardized data framework that can be incorporated into both existing and new e-permitting systems at the local levels. This Electronic Development Approvals Process (EDAP) project reinforces the need to have a sector-wide approach to service delivery.

“Protecting what Matters Most” - Trust and Public Confidence in our Sector

Trust starts at home.

In order for there to be increased public confidence in our sector, there first needs to be improved trust between all of the key industry players, including the ministry.

Recommendation #4: In order for a future model of building services to be successful, the sector and the public need a stronger level of trust and confidence in MMAH’s role. The OBOA, as respected leaders in this industry, is seeking a partnership role with the provincial government to achieve this goal.

The OBOA has been a trusted resource to governments at all levels, as well as our industry partners across the sector. We have always proactively stepped forward to work with the Ministry; providing policy advice, bringing forward new solutions to raise standards and improve service delivery, as well as reinforcing our ability to administer proposed regulatory changes.

We have advocated for clarity and transparency to the public, and mandated information sharing between agencies. We have also sought system-wide improvements by using resources and expertise that already exist within the sector (like the OBOA’s education delivery) without incurring new costs to the public. When the Ministry announced new user fees in 2006 the sector believed it would result in better services; however this was not the case. In fact, the Ministry has clearly acknowledged that its “services didn’t keep up with the pace of the sector, making their model unsustainable”.

The current government has demonstrated a strong commitment to listen to stakeholders and partners, such as the OBOA. We are optimistic that the sector will be consulted with throughout this process. Our concerns are based on past failures, lack of responsiveness and unclear futures with the Ministry. The OBOA and its sector partners look forward to working at both the political and ministerial levels to help rebuild that trust and achieve a final model to transform and modernize Ontario’s building services.

Partners in Professionalism/Co-governance

Over the last 25 years, the OBOA has been the voluntary, self-regulating body for the building official profession; it has set high professional standards through education and discipline. Ontario's Certified Building Code Official (CBCO) designation, recognized as the industry standard, has been a voluntary certification system since 1992. [Fact Sheet #2: OBOA's Training Expertise and Education Delivery.](#)

As the legislated authority and enforcer of the Ontario Building Code across the province, we have always been bold in establishing our role, expertise and credibility within the sector; we continue to do so in the absence of anyone else filling that crucial role. [Fact Sheet #3: OBOA 2018-2020 Strategic Priorities.](#)

The rapid change in consumer expectations and construction trends comes with an expectation for continuously improving professional standards in our sector. Public trust needs to be maintained.

The *OBOA Solution* supports a model for transforming and modernizing the delivery of Ontario's building code services that incorporates the following guiding principles:

Accountability, transparency, high professional standards, streamlined service delivery, consistent code application, consumer protection, red tape reduction and fiscal responsibility.

Recommendation #5: The *OBOA* proposes a co-regulatory model that efficiently uses the current resources and infrastructure of MMAH, OBOA, and other existing regulatory agencies. This would entail formalizing OBOA's regulatory mandate and establishing a partnership with an existing agency to deliver some of the current regulatory needs. ([Proposed co-regulatory model](#)).

As stated by Justice Belanger in the Elliot Lake Commission of Inquiry:

"Chief Building Officials make important decisions affecting public safety. Licensing simply based on passing examinations appears to be insufficient to ensure that the requisite skills and knowledge are retained, maintained, updated and applied."

The *OBOA Solution* recommends that no new regulatory body be created that will cost money, create inefficiencies and/or generate more red tape for the sector and public.

OBOA acknowledges that there are prerequisites to it becoming the co-regulator for building officials. Among other things, it would need to enhance its current governance and certification model as part of the legislative recognition of the designation. [Fact Sheet #5: List of Necessary Enhancements to OBOA's Governance and Service Delivery.](#)

As part of formalizing OBOA's regulatory mandate, we would also like increased formal accountability to the government (and the proposed Provincial Commission) for raising potential solutions and amendments to the building code; essentially a co-regulatory function that will encourage proactive and nimble policy change. We believe that this reinforces a vital role that already exists – using our frontline experiences and expertise to identify trends and opportunities for effective regulation. This also mirrors agreements that currently exist between the Province and other provincial partner regulatory agencies.

Recommendation #6: Similar to the example in British Columbia, the OBOA be given further administrative responsibility through legislative changes, enabling it to certify all building officials and provide services to its members and other sector professionals. That all building officials must be required to practice under the CBCO certification framework, as it is already proven and trusted to be a complete professional system.

This solution recognizes and leverages the OBOA's existing infrastructure and expertise, while achieving this government's vision for efficient, effective service delivery to the public.

Since the introduction of qualification requirements into the Building Code Act in 2003, the OBOA has provided over 40,000 professionals in the building sector with knowledge and skills training. In consulting with our members, 85% of the respondents believe education delivery should remain with the OBOA. [Fact Sheet #4: OBOA Consulting with its 1900 members.](#)

In 2014, the OBOA created its own training materials. We followed education best practices and enhanced our training delivery, switching to a more learner-centred, instructional format led by requalified subject matter experts. These and other changes were necessary because ministry training materials were not current and were not sufficient for the new generation of building officials entering the workforce. The 7,500 students instructed under the new system applaud OBOA's improved approach, but are still frustrated with the inadequacies of the currently-legislated Building Code Identification Number (BCIN) examination system.

"We partnered with the OBOA to provide building code training to the entire sector as they are the experts in the knowledge and skills required and the preferred supplier of training by the building sector."

- Joseph Sirianni,
George Brown College

The nationally-recognized industry standard of professionalism for building officials consists of 16 core competencies. Ontario's BCIN qualification only requires one basic competency, building code knowledge, and does not require any of these additional skills. This misleads the public by allowing individuals to seek employment and potentially practice in roles that the OBOA firmly believes they are not prepared to perform. We continue to try to bridge this gap and respect the BCIN by incorporating BCIN as one qualification (amongst many) within the CBCO designation.

The *OBOA Solution* is aligned with changes recently made to the British Columbia [Building Act, 2015](#). The Province of British Columbia delegated powers to certify and qualify building officials to an external body. This authority was granted specifically to the Building Officials Association of British Columbia (BOABC) through the [Building Officials Association of British Columbia Act](#), in recognition of their existing role as the professional association for building officials, linkages to the Alliance of Canadian Building Officials' Association (ACBOA), and existing infrastructure and expertise in building official education and qualifications. [Fact Sheet #6 – BC model](#).

While the focus of the OBOA has always been to raise the level of professionalism of building officials, we have also provided services to other building code professionals that recognize their competency in understanding and applying construction regulations. We are able to continue in that role but also recognize that there other agencies in the sector that are able to ensure the professional standards of the sector are being met.

Responsible Governance: Fiscal Responsibility and Reducing Duplication

Recommendation #7: The *OBOA Solution* supports a future building services model that is guided by evidence-based-decision-making, will enhance the culture of performance and be funded in a manner that does not result in unnecessary costs to consumers and the industry.

With 440 distinct communities across Ontario, we recognize the need to balance customer-focused service delivery with effective building code enforcement; encouraging growth while managing risk. There can never be a one-size-fits-all system that serves all municipalities, but there are opportunities to better align the whole.

"We cannot continue throwing money at the problem (broken systems) as our predecessors did... into top-down, big government schemes. That is neither compassionate nor sustainable."

- Premier Doug Ford, 2019 AMO
Conference Keynote Address

“There is anxiety out there amongst the municipalities that have development charges and that are very concerned about this. What it means is that it falls back onto the current taxpayers to all-of-a-sudden have to pay for growth. Right now, they are already strapped. Every municipality is grappling with—they’ve had assessment appeals and that sort of thing. If you take the actual amount that a municipality has control over in their operational funds, their discretionary funds, it’s not as broad as what some people think.”

- AMO President, Jamie McGarvey, to the Standing Committee on Justice Policy,
May 31, 2019

Now, more than ever, protectors of public interest like the OBOA must be part of a sector-wide solution to ensure that government protects what matters most to Ontarians while acting as stewards of taxpayers’ hard-earned money.

All levels of government struggle to do the most with our public’s dollars and must adopt innovative ways to provide efficient and effective service delivery.

Recommendation #8: The OBOA Solution supports a model that uses current infrastructure and capacity for regulatory services and setting of professional standards. This model should also ensure that there is no duplication of services across governments and the sector.

Consumers ultimately bear the cost of all new systems especially those that are funded through general levies or taxes, as is the case with the current MMAH proposal. While \$10 million annually for a newly created agency with 70 employees may seem reasonable to some, it does not seem to align with the efficient and respectful vision of the Government of Ontario. More importantly, it only adds to a growing list of financial impacts on the construction industry and our consumers, while facing a growing crisis in housing affordability.

The OBOA, with the support of its partners across the building sector, has a developed infrastructure, proven capacity, and an established asset base – and have continuously shown to be nimble and fast-moving when addressing the changing expectations of our consumers and industry.

Related to the themes of respecting the challenges of all levels of government and creating more clarity for the public, it should be noted that building officials are the only employees within the municipal structure required by legislation to have a code of conduct. Any new regulatory model should not ignore the structures that already exist at local levels regarding code of conduct.

Recommendation #9: The *OBOA Solution* supports a model that acknowledges current municipal powers, and does not result in conflicting or overlapping roles: i.e. enforcement, code of conduct, etc. In other words, the powers given to the new co-regulators must complement the pre-existing legislated local municipal powers.

The Building Code Act requires municipalities to appoint a Chief Building Official and provide the services needed to administer and enforce the Act. This recognizes that local governments have a deep-rooted interest in ensuring our communities are developed in a manner that protects its public.

The recommendations included in this proposal in no way changes this model. It would actually better serve municipalities in identifying and certifying the individuals undertaking this critical role on behalf of municipalities. Increasing the professionalism of building officials will build public confidence that their interests are being protected.

The Future Existence of our Profession: Getting the Best, Keeping the Best

Recommendation #10: There is a need to attract, train and retain talent in the sector. OBOA supports a future model that formally recognizes the OBOA's leadership, expertise and infrastructure that are already doing so much to encourage recruitment into the building official career path.

Building officials in the frontline predicted the quickly growing "Silver Tsunami" of professionals retiring from the workforce before it even happened. Recognizing the sector-wide impact that this shortage of building officials would have, the OBOA developed its own solution, within its current, informal powers, to address the recruitment and succession planning challenges across the province.

The OBOA took an evidence-based approach, conducting research and developing focus groups to better define our target audiences to best fill this vital professional role. Branding and promotional materials were developed to attract potential recruits at job fairs and post-secondary career fairs. This has been a grassroots strategy that has been fully endorsed and implemented by local members across Ontario. Building officials care greatly about this issue, and want to ensure that public interest continues to be served.

As part of our work with sector partners, we identified the need to make sense of the myriad of confusing pathways to becoming a building official. We wanted to provide clarity and certainty for aspiring applicants into our great profession. *The OBOA Solution*, with its established and respected training, certification, Continuing Professional Development Program (CPDP) and membership support system emerged as an appealing cradle-to-grave option for a new building official. [Fact Sheet #7: Ontario Building Official Career Path.](#)

Appendices:

- 1) Fact sheet #1: OBOA's response to MMAH consultation questions**
- 2) Fact Sheet #2: OBOA's Training Expertise and Education Delivery**
- 3) Fact Sheet #3: OBOA 2018-2020 Strategic Priorities**
- 4) Fact Sheet #4: OBOA Consulting with its 1900 Members**
- 5) Fact Sheet #5: Necessary Enhancements to OBOA's Governance and Service Delivery**
- 6) Fact Sheet #6: BC Model**
- 7) Fact Sheet #7: Building Official Career Path**

FACT SHEET #1: OBOA's response to MMAH consultation questions

Q. *How could the current examination design, content and/or delivery be improved?*

A. Current exams are not up to date, poorly worded, and don't reflect content of the courses. The Ministry has admitted they haven't been looked at since 2006. The syllabi are not up to date, and exams don't match the syllabus.

The exams are too long and questions need to be grouped/organized by subject to reduce the repetitive searching of the same section of the code multiple times.

"Why are there 5 questions on rapid transit in exams for individuals who do not work with this built form?"

Part 10 & 11 in the legal exam is an issue. Testing is just on building code knowledge. Building officials need to show skills and abilities that go way beyond basic knowledge of the building code. We support a more rounded set of subjects such as soft and occupational skills in both training and in testing.

Q. *Are the current training offerings meeting your needs? If not, how could they be improved?*

A. The number and frequency of new amendments to the building code make it difficult to keep training materials up-to-date.

We recognize the need provide training in multiple formats and in all areas of the province and are currently working with our partner, George Brown College to address these issues.

Q. *Do you see a role for the administrative authority in the delivery of training for building code professionals?*

A. No. Most AAs outsource training/education associated with qualification systems and rely on third parties to deliver to the market. The AA will specify what the required outcomes are.

OBOA has already done this for the training material it delivers for Building Officials looking to achieve CBCO certification. We have an 85% success rate from individual taking our courses even though our examination systems requires a higher level of understanding and application ability from the individual; as compared to the BCIN exams.

We have a high number of individuals from the sector also taking our courses.

Q. *What factors could contribute to the low take-up of the current internship programs?*

Internship, formal or informal, is a key tool for dealing with the silver tsunami and the recruitment challenges of municipalities. There are currently only two programs in the province; OBOA and the City of Ottawa.

Ministry policy for internship is too onerous right now. We need a more practical model which recognizes both the increased demand and the inherent difficulty of some municipalities to comply with requirements. OBOA is prepared to take on the challenge of rejuvenating the internship model and system.

We need the Province to support the needed regulatory changes.

Q. *What role could an administrative authority play in internship programs?*

A. None. *This is red-tape issue with the regulation.* All building official practitioner issues should be delegated to OBOA.

Q. *Would implementing a provisional licence framework help with municipal recruitment challenges and what should be considered?*

A. It would not help. Provisional licencing seems to be a variant on the concept of an internship program. It may be a part of what a revised internship logic is but only if the Ministry is looking to implement a licencing model for building code professionals.

Q. *Are there other ways to help building code enforcement bodies attract and retain experienced building professionals?*

A. The OBOA has already answered this question and undertaken the work for the last 25 years. It is more critical than ever right now but also more difficult.

The OBOA has become the thought leader over recent years by adapting all aspects of its business model, services and messaging to meet a new reality of public ignorance of the profession and career opportunities, sluggish adaptation by municipal recruiters and competing professions such as designers and builders, provincial inaction.

We have developed a recruitment campaign based of focus group research that targets a specific audience that would be ideal for the profession. In the past few years, we have attended dozens of events; high school and post-secondary career days, job fairs and trade show to connect with this audience.

We had over 100 students attend the 2019 AMTS as part of the OBOA Recruitment Campaign. OBOA members have volunteered hundreds of hours to this campaign and student participation is a big part of all our major events.

Q. Do you think the use of a Prime Consultant, under certain circumstances, would support a more streamlined building permit application process?

Yes. This was one of the recommendations made by Justice Bellanger in the Elliot Lake Commission of Inquiry and we support the design professional community's work to implement the role. It should be added as a recognized role in the Building Code Act.

There does need to be clarification on what types of projects a Prime Consultant (PC) is needed and who can act as the PC. For example we do not believe a prime consultant needs to be an engineer or architect for Part 9 Buildings that may require limited design professional services.

Q. Do you think the use of Certified Professionals, under certain circumstances, would support a more streamlined building permit application process?

A. We do not believe this is a streamlining solution. A certified professional program may be a tool for some municipalities but it can only be effective in maintaining building safety if the proper constraints are in place.

Individuals that act as a CP must complete a rigorous training program. They cannot be chosen by the applicant; must be appointed by the CBO. The municipality must be given the authority to allow CPs to be used within their jurisdiction. They must also carry higher levels of insurance.

This system is used in British Columbia where they have a proportionate liability system as opposed to the joint and several system employed in Ontario. However there has also been numerous concerns raised in other international jurisdiction where the system is utilized; it was a considered a factor that led to the Grenfall Tower tragedy in the UK and is being highly scrutinized for its ineffectiveness in protecting public safety in Australia.

This is essentially a rebranding of the Registered Code Agency program currently permitted in the Building Code Act. To have both would be duplicative regulation and could create confusion.

Q. If the ministry decides to move forward and allow the use of such professionals, what do you think needs to be considered in implementing this change?

A. Professional Engineers of Ontario, the Ontario Architecture Association, and especially Consulting Engineers of Ontario need to be consulted with and supportive of the change.

Q. If you are a registered building code professional, what are the key issues you face with the current QuARTS system?

The system was not designed with the end user in mind. It is very frustrating to maneuver through. The details can only be changed by the registrant with leads to inaccurate information being displayed to the public. It does not allow for the payment of multiple registrants by municipalities.

The OBOA has its own version of QuARTS. It is user friendly and tracking membership status, certification standings and continuing professional development requirements. Our version allows the public to seek what they need.

Q. *What registration functionality would you find helpful that is not currently available in QuARTS?"*

The Ministry has been hearing concerns and complaints about the QuARTS system since it was introduced. They should know the answer to this question already.

Q. *As a member of the public, what information would you like to see made publicly available on the registry to help you make an informed decision on hiring a qualified building code professional?"*

A. This question applies specifically to information needed on designers and septic system installers. As mentioned previously, the OBOA has its own version of QuARTS. Our version allows the public to seek what they need.

Q. *How many activities or hours of CPD do you feel is reasonable to require of building code professionals?*

The answer to differs depending on the area of practice. CPD requirements should vary for building officials, designers and septic system which reinforces the need for separate professional assessment systems for each of this roles.

The OBOA require 60 credits/hours in a three-year cycle. We doubled the requirement after Elliot Lake and shared the details with MMAH. They were pleased and admitted we were way ahead, OBOA, OAA and OACETT were widely considered the best practices. OBOA members perform beyond this per capita number by a wide margin. Our system is very auditable for the purposes of sharing results with others, and verifying its veracity.

Q. *What is the right mix of formal and informal CPD activities that building code professionals should be required to complete (e.g., courses, training, examinations, reading professional/technical journals or documents, volunteering in the sector, attending relevant conferences, etc.)?*

A. The OBOA program is a mixed model of formal and informal credits, including self-study. We support credits for soft skills, client facing skills, occupational skills and managerial

skills. For time sensitive exposure to priority issues and cyclical code amendments cycles, we show leadership.

Recent examples are a refresher course on accessibility issues jointly with MSAA which will be mandatory in the current cycle as a means of responding to the Onley report criticisms in AODA compliance, and a review and training package developed in one month for OBOA members on the recent 192 amendments to the Code (1200 code pages affected) to prepare for 2020 implementation.

Lastly, we have integrated our training platform with George Brown College and other colleges to permit more options to the wider community.

Q. *What is a reasonable timeframe for completing CPD requirements to ensure knowledge is maintained (e.g., annually, at every new Building Code cycle which is usually 5-7 years, other)?*

A. OBOA's is based on the 3-year cycle however there is room for flexibility.

Q. *Are there already mechanisms, materials, or offerings that would give building code professionals options on how they could meet their CPD requirements?*

A. Yes. Further, the OBOA CBCO program outlines the varied system for initial certification (entry standards, education, examination and experience in municipalities) and subsequent continuing professional development.

Q. *What types of compliance measures should be put in place to ensure building code professionals are meeting the requirements of their registration?*

A. In the case of building officials, the system exists already. The Province simply needs to recognize the CBCO designation and make OBOA membership mandatory. Discipline committee exists. Would need to add rights to appeal the decisions of the registrar and discipline committee.

Q. *What types of accountability mechanisms do you think might be appropriate if a body enforcing the building code (i.e., municipality, Conservation Authorities, Boards of Health) is found not to be meeting its responsibilities under the Building Code Act, 1992?"*

A. The Ontario Fire Marshalls Office currently has a system in place for holding municipalities accountable in meeting it fire protection requirements. The OBOA is recommending that a similar system be developed within MMAH.

Q. Do you see any challenges with requiring all building code professionals to adhere to a code of conduct?

No. The OBOA enforces a code of conduct/compliance and discipline system. The root of the system is in the corporate bylaws created at the inception of the OBOA. The Registrar has regularly enforced the requirements, within the limitations of voluntary membership. The threat of removing membership and therefore CBCO certification is the ultimate stick. All interventions have been successful.

Q. What should be considered when increasing the number of available enforcement tools and using an escalating enforcement model?"

A. The model should be consistent with other professions. It needs to balance the rights of practitioner and public interest, leaning towards public interest. Progressive enforcement and progressive discipline, based on repetitive or increasing severity of offence. The onus is on the regulator to assess and prove the case. Violations have to be fact based and provable. There also has to be an appropriate appeal system. Redress for the complainant is a separate issue.

Q. Under what circumstances do you think it would be appropriate for financial penalties to be used as a means of encouraging compliance with registration requirements?

A. Never. Compliance and performance are the desired outcome. There is sufficient leverage in a mandatory qualification/certification where the risk is loss of livelihood.

Q. How could these penalties be set so that they are fair?

A. Penalties are not meant to be fair. They should be appropriate.

Q. What types of orders do you think administrative penalties could be used for? What do you think the province should consider in developing an administrative penalty framework?

A. The OBOA does not have a position at this time as more research and discussion is needed in this area. However, this is a very important tool to help enforcement and should have been consulted on two years ago when the enabling legislation was introduced.

Q. Are there enforcement tools that would help principal authorities ensure compliance with technical requirements of the building code?

A. Same as the previous answer. Again, we question why this was not consulted on earlier.

Q. Would it be beneficial for municipalities to have the ability to transfer some or all of their building service delivery to the administrative authority?

A. No. The central issue is what services the Ministry and / or maybe an Administrative Authority should be supplying to municipalities. We have commented on these elsewhere in our responses, e.g. legal and technical interpretations.

There are many current service delivery options available to municipalities if they having difficulty providing it on their own.

Q. If you live in a smaller, rural and/or northern municipality, how would you feel more supported at your municipal building counter?

A. Each municipality addresses the support issue differently based off their local sector needs knowledge. The Building Code is the same for all areas of the Province and consistent resource material needs to be provided.

Q. What kind of framework should the province consider for dealing with building code compliance and enforcement in unincorporated areas?

A. The framework is already set within the Building Code Act. Municipalities are able to meet their legislative requirements in providing compliance and enforcement service within their boundaries and do so under a fee-for-service model. The Province should lead by example and do the same. This service should stay within the Ministry.

Q. If you live or work in an unincorporated area, what guidance, resources and/or support do you need for your building projects?

A. The Building Code is the same for all areas of the Province and consistent resource material needs to be provided.

Q. Would you support the issuance of technical bulletins and/or code interpretations? Please explain.

A. Yes, this is crucial if consistent application across the Province is going to be achieved.

The OBOA's preference is to have intent statements and binding interpretations directly from the Ministry. Prior to the issuance of an interpretation, we recommend that the

government look at the area of regulation where the interpretation is needed to determine if it can be clarified.

If the professional who administers and enforces the code has difficulty interpreting its meaning, the issue is with the regulation itself and it needs to be looked at as red-tape.

In the absence of such support over the last number of years, the OBOA and LMCBO have collaborated to create internal best practice and interpretative support mechanisms within the building official community such as standing technical advisory committees, and BuildRightOntario, an archival website for past guidance materials and a collaboration space for development and exchange of information for building officials. Others such as designers and builders have shown interest in BuildRight and the intent is to provide access and contribution to the wider technical audience.

As an aside, we note that as the province harmonizes with the national model code, the intent statements in the model code will be more directly available and relevant in Ontario.

Q. *If additional resources and guides to help with code interpretation were created, what types of resources (e.g., type of content, format, etc.) would be most useful?*

A. MMAH had a system of supplementary courses, guides and other supporting materials that were abandoned after the contract for training was issued to George Brown College in 2013. These were missed.

However, intent statements and binding interpretations are critical. Absent those, the rest are toothless and unsupported.

Q. *Would the addition of more visual guidance materials for specific building code issues be helpful?*

A. 70% of the population are visual learners and building officials are in a spatial, three-dimensional business. By definition, needing visuals is a truism. Should apply to the training platform generally not just special issues.

Q. *As a member of the public, what resources and tools would you need to assist you with understanding code requirements for your small or personal construction projects (e.g., minor renovations, decks, sheds etc.)?*

A. Again, the building code is overly complex in dealing with minor projects. This is not a resources issue, it is a red-tape issue.

Q. *If you would use an electronic version of the Code, on what type of electronic device would you most frequently view/use it on? (e.g., laptop/desktop, mobile device)*

A. Teaching the code is not a digital matter. Using the code is a digital matter and the OBOA supports automation of the code and linking it to the permit process.

We also believe in the desirability of some artificial intelligence or learning capability with electronic codes and standards that supports the user and his/her search patterns, and makes their way of working customized going forward.

The current structure of the code will not allow it to be effectively translated to a digital format and significant changes will need to be made to allow these desired functions to be performed.

Q. *In addition to digital versions of the Ontario Building Code Compendium, what other digital guides, resources or tools would you find most useful?*

Availability of all the standards; CSA, UL, NFPA, etc.

Q. *Does your organization collect building sector data? Do you have any policies in place for data collection, management, and/or transparency?*

A. The OBOA has done studies in the past to aid our members and collects data as part of those processes. We also have performance data on those taking training courses and writing exams through the OBOA.

We do have the needed policy framework in place.

Q. *How could the potential increase in municipal reporting burden be mitigated?*

A. The reporting of building construction data is going to increase as more agencies are seeing value in the information collected as part of the approval process. Adopting digital services will help in reducing the reporting burden. An agency to collect data and share with the numerous agencies would be beneficial.

Q. *Do you think it would be beneficial if the administrative authority conducted research on behalf of the sector?*

The OBOA would like clarification on this question. Why wouldn't the sector undertake this research on their own?

Q. *Is the proposed funding model a reasonable approach to delivering improved services to the sector?*

A. A large portion of the funds collected would be through the general levy. However many of the services being proposed are directed towards specific individuals or entities. The funding model should be strictly fee-for-service. It is obvious that more research is needed in this area.

Q. Are there impacts in implementing such a fee model that the government should consider?

A. There will be administrative impacts on the municipalities in collecting the levy. Regardless of what it is named it will still be seen as another local charge.

The OBOA is unclear why the levy is required and would like to see further justification.

As part of this consultation, the OBOA would also like to bring forward some additional areas of concern that building officials have presented to the Ministry in the past.

Autonomy for building officials

The Council of a municipality is responsible for appointing a CBO and providing building code services. However they are not permitted to influence the decision making process or interfere in the work being undertaken by a building official in carrying out their legislative role.

Unfortunately this can occur.

As stated in the Report of the Elliot Lake Commission of Inquiry:

The is judicial authority for the proposition that the Chief Building Official is independent of the municipality and bound in law to perform his or her duties entirely independent of any direction or recommendation the municipality may seek.

The OBOA would like to see Section 223.2 of the Municipal Act, 2001, S.O. 2001, c. 25 be amended to state that the Code of Conduct established by Council of a municipality must include provisions that any interference or influence of the CBO or a Building Official in performing their role is an offence.

Clarify responsibility and accountability between different parties

The Building Code Act was amended in 2006 to prescribe the roles of various persons; designers, builders, manufacturers, owners, Chief Building Officials and Inspectors. The actual recommendation of the BRAGG group was to clearly specify the roles and responsibilities for these various. By only applying partial measures, the Province has made it unclear where responsibility lies in the system and made it easy for individuals to avoid any accountability.

The Building Code Act needs to be amended to include responsibilities for the various persons listed who can cause a building to be constructed and be done in a manner that clearly define the actions that person must take to ensure public safety is protected

Identify Bad Actors

Illegal builders, or builders that represent themselves as owners but then turnover a house after it is completed is one of the most obvious ways that the system is being abused. This has been going on for some time and many new homeowners find themselves dealing with issues in their newly purchased homes with no warranty protection and frustrations in finding recourse.

As stated in Auditor General's Special Audit of the Tarion Warranty Corporation, the OBOA supports implementing the same requirements currently being used in British Columbia to identify potential illegal builders.

Clarifying who can do what

The regulation has to be clear on what a designer can design, when an engineer and/or architect is required, and what streams of qualification are required to perform different functions. If the regulation worded properly, guidance material is not required.

FACT SHEET #2 - OBOA's Training Expertise and Education Delivery

With over 4,000 students and a history of building industry training innovation, the OBOA is a recognized leader in the professional development of Building Officials and other professionals who use the building code, nation-wide. This year, we improved the learning experience both in Ontario and across Canada.

TO SUPPORT OUR MEMBERS:



Standardized the integration of MMA and OBOA training materials in partnership with George Brown College for seamless course delivery across all Ontario training platforms.

Developed strategy and program priorities for updating the OBOA suite of courses to 2019 BC Interim changes.

Completed the development and rollout of SB10 Energy Efficiency for Building course as a compliment to SB12 Energy Efficiency for Housing course.

TO SUPPORT OUR NATIONAL PARTNERS:

Updated the four ACBOBA core courses (Large, Complex, Small, House) from 2010 NBC in conjunction with the NRC.

Developed a national electronic question database to support the four courses and ten competency exams based on the 2015 National Building Code.

In conjunction with the Canadian Green Building Council, modified Canadian content of six skills-based green building courses to support the trades in building to new green standards.

YUKON

Developed four ACBOA course exams for the Yukon examination program.

NEW BRUNSWICK

Developed ten ACBOA competency exams based on 2010 NBC for the New Brunswick examination program.

NOVA SCOTIA

Developed ten ACBOA competency exams for the Nova Scotia examination program.

Developed an advanced Plan Examination course and Part 9 Plumbing course for the Nova Scotia certification program.

CPDP CREDITS

The OBOA's Continuing Professional Development Program (CPDP) is a requirement for certified members to maintain their designations and is rich in both technical and leadership training. CPDP cultivates well-rounded Building Officials with excellent communication and leadership skills in addition to the technical savvy required to meet the many demands of our profession.

Concerned that many OBOA members were not correctly documenting their CPDP credits, Board Member Shawn Merriman decided to take action. Shawn consulted with members and discovered the following:

- Most, if not all members had lots of credits, but they were not sure how to document them.
- Those who tried, found the tracking system frustrating.
- Too many credits were being submitted by an individual instead of a group.
- Too many credits were being submitted by an individual instead of a group.

Shawn stepped up to help members better understand the credit documentation process by undertaking an education campaign across Ontario. He attended nine chapter meetings, met with six committees and helped twelve cities across the province to bring on an administrator.

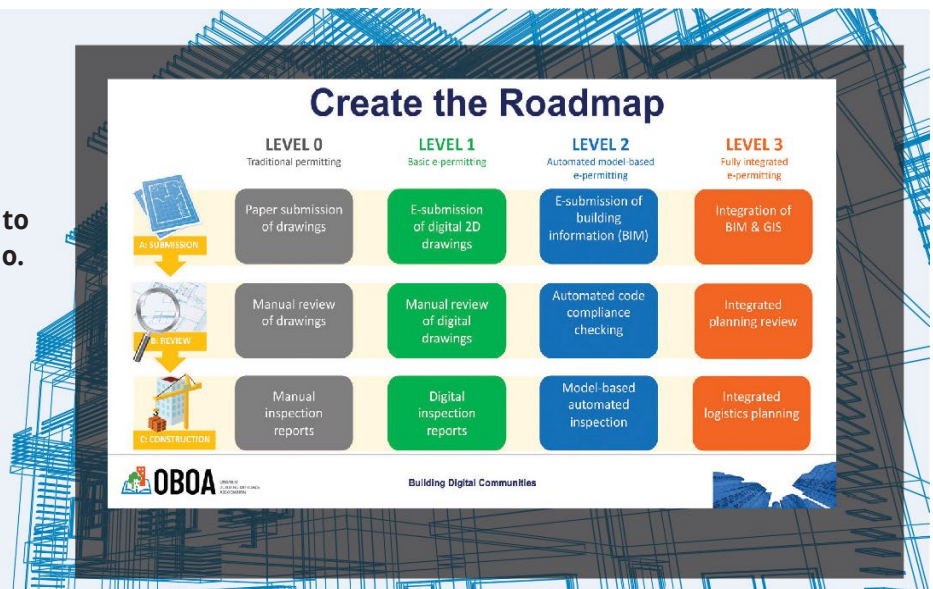
Shawn's initiative reduced the number of members with less than six credits from approximately 250 to 123. Additionally, 523 members of the 829 that are certified are on track to meet the requirements.

INNOVATION

With partners RESCON, LMCBO and the University of Toronto, the OBOA is helping to create data-driven Smart Cities in Ontario.

Past President, Matt Farrell's presentation "Building Digital Communities," to the Association of Municipalities of Ontario's 2019 Annual Conference in August encouraged cities to move from a paper-based to a fully digital approval process.

Farrell made the case that building data is the "missing piece" in a community information modeling paradigm comprised of Geographical Information Systems (GIS) and Computer Aided Design (CAD).



OUR 2018-2020
STRATEGIC PLAN

OVER THE YEARS, LED BY THE BOARD OF DIRECTORS AND LEADERSHIP TEAM, THE OBOA MOVED THE BUILDING OFFICIAL PROFESSION AND THE ASSOCIATION FORWARD IN SUPPORT OF A BETTER BUILT ONTARIO.

Our strategic priorities:



TRAINING & PROFESSIONAL DEVELOPMENT

To ensure that Building Officials have access to the latest and best quality training and professional development opportunities



CERTIFICATION & CONTINUING EDUCATION

To offer professional certification and continuing education programs that provide assurance of Building Officials' qualifications



KNOWLEDGE TRANSFER

To promote uniform code application by disseminating best practices using the OBOA's website, publications and other tools.



GOVERNMENT RELATIONS

To be an active voice for the profession on building regulatory issues by drawing on members' expertise and collaborating with other organizations



PUBLIC AWARENESS

To raise awareness of the importance of building safety and the critical role that Building Officials play.



ASSOCIATION EXCELLENCE

To pursue continuous improvement in membership value, service delivery, financial stewardship, and governance



ADVANCING THE PROFESSION

To enhance the professionalism of Building Officials and ultimately become a self-regulated profession

FACT SHEET #4 - OBOA Consulting with its 1900 Members

The OBOA surveyed Members to find out the day to day challenges they faced, the services that need to be improved, who is best suited to administer those services and how they felt about the changes proposed in the MMAH's consultation in regards to the report, Transforming and Modernizing the Delivery of Ontario's Building Code Services.

Here's what our Members had to say:

Members rated the following topics to be of highest importance to their municipalities

Requirement for a BCIN - 76%

Code training for CBCO – 72%

Electronic searchable version of the Code and standards – 76%

We asked Members who they would trust to deliver these services.

Here's what they said:

Requirement for a BCIN	Code training for CBCO	Electronic searchable version of the Code and standards
<ul style="list-style-type: none"> • 50% said the OBOA • 40% said MMAH • 7% indicated they would trust a new DAA 	<ul style="list-style-type: none"> • 73% said the OBOA • 16% said the MMAH • 5% said a new DAA 	<ul style="list-style-type: none"> • 56% said the MMAH • 25% said the OBOA • 5% said a new DAA

39% of Members who took the survey said they believed municipalities would be prepared to pay more money than it spends today to acquire more of these services than it receives today. **61%** said no.

72% of respondents did not know what a DAA was nor how it operated as opposed to **21%** who indicated that they were familiar with a DAA.

Fact Sheet #5: Necessary Enhancements to OBOA's Governance and Service Delivery System

In anticipation of new statutory amendment passed to delegate powers and responsibility to OBOA to administer the operational aspects of the professional practice of building official:

- Regulatory specification of CBCO as core requirement for qualification of BO
- Bill Pr40 (Chapter Pr38 Statutes of Ontario, 1992) repealed
- OBOA Bylaws repealed
- Current OBOA training creation and delivery devolved to subsidiary, if required
- Ontario Corporation #0319370 refiling under the Corporations Act to render it available for delegation
 - New Governance Model, and system for Board and Statutory appointments with skills-based structure, minister's appointees, and representation from consumer, municipal, licensee, building sector and other interests
 - Advisory committees
- New regulatory elements
 - Registrar, separate from but reporting to CEO
 - Establish a Code of Conduct
 - Discipline committee and process
 - Appeals committee and process
- Administrative structures:
 - Updated organization chart
 - Insurance, indemnification
 - Financial model and fees
- Qualification requirements:
 - Adjustment of CBCO categories to reflect
 - Complex buildings
 - Interns
 - BCIN
 - Certificate programs with George Brown College

FACT SHEET #6 – BC Model

The Building Act 2017 introduced qualification requirements for building and plumbing officials to support the competency and professionalism of those in this occupation, and to improve consistency in how the BC Building Code is interpreted, applied, and enforced.

What are the qualification requirements? To be qualified, local government building and plumbing officials who make decisions about whether a matter conforms to a provincial building regulation, have to:

1. Be a member in good standing of the Building Officials' Association of British Columbia (BOABC);
2. Pass exams according to the level of their responsibilities;
3. Undertake annual continuing professional development (CPD);
4. Be entered in the register of qualified building officials; and
5. Pay an annual fee to the administrative authority, and submit an annual report to the registrar.

When did/do the qualification requirements take effect? They come into force on February 28, 2017 and take effect in two steps over a four-year transition period:

1. **On or before August 28, 2017** (i.e., within six months from February 28, 2017), building and plumbing officials had to become members of the BOABC; and
2. **On or before February 28, 2021** (i.e., within four years from February 28, 2017), building and plumbing officials will have to pass the requisite exams for the class/scope of practice at which they work and be entered in the register of qualified building officials.

When a building official is entered in the register, they have to pay the annual administrative fee. The requirements for Continuing Professional Development (CPD) and the submission of the annual report of compliance apply after registration.

Who must be qualified? Any individual who decides whether a matter conforms to a provincial building regulation on behalf of a local government must be either qualified or exempt from the qualification requirements.

Who is exempt or temporarily exempt from the qualification requirements?

- Those registered and licensed as an architect by the Architectural Institute of British Columbia (AIBC).
- Those who are members of and registered as Professional Engineers with the Association of Professional Engineers and Geoscientists of British Columbia (APEGBC), or are APEGBC members holding a limited licence whose scope of practice includes consulting on building regulations.
- Those already required to hold qualifications under the Safety Standards Act.

- Those making decisions about the fire prevention and response matters, or fire suppression matters, listed in the Building Act General Regulation. This is a temporary exemption pending further work by the Province to develop qualifications for these matters.

Who administers the qualification requirements? The Building Officials Association of BC (BOABC) has been selected by the Province as the administrator. The Executive Director of the BOABC has been designated the *Registrar of Qualified Building Officials*.

The system has been operating successfully for almost three years. The Ontario Building Officials Associated assisted BOABC in its role as the core supplier of qualification training and testing, by supplementing the suite of BC code courses with adapted additional courses from Ontario.

ONTARIO BUILDING OFFICIAL CAREER PATH

THE "STEP ABOVE"

*CBCO (Certified Building Code Official) and *BCO (Building Code Qualified) are career-boosting voluntary designations that go above and beyond MMAH (Ministry of Municipal Affairs and Housing) requirements. For more info: www.oboa.on.ca/training

1 IF YOU ARE A...

"GOOD TO HAVE":
Construction Experience
Customer Service Experience

2 TAKE ENTRY-LEVEL BUILDING CODE COURSES:
Take these courses (in as little as one week) in advance of applying for a job to have a competitive advantage through OBOA or your local community college. In addition, OBOA and George Brown College have partnered to develop the Building Officials Fundamentals Certificate offered through the OBOA and George Brown College.
For more info: www.oboa.on.ca/courses
www.coned.georgebrown.ca

3 JOIN THE OBOA
OBOA members enjoy access to:
• Job board
• Certification
• Internships
• Bursaries
• Industry resources
• Influence
• The OBOA professional network
For more info: www.oboa.on.ca/the-oboa/membership

4 EXPLORE INTERNSHIPS
Many municipalities will allow you to work towards qualification once hired through the OBOA's Internship program.
For more info: www.oboa.on.ca/training

5 GET YOUR BUILDING IDENTIFICATION NUMBER (BCIN)
For more info: www.humber.ca/buildingcodeexams

6 PASS MMAH "HOUSE" AND "LEGAL" EXAMS
For more info: www.ontario.ca/page/become-registered-building-official

7 GET CBCO CERTIFIED
Many Building Official jobs require you to have your CBCO designation, or be working towards attaining it.
For more info: www.oboa.on.ca/training/getting-certified

PRIOR LEARNING ASSESSMENT REVIEW (PLAR)
PLAR is a process to assess whether your experience may be accepted in lieu of required post-secondary education. For more info: www.oboa.on.ca/plar

8 BUILD YOUR ONTARIO BUILDING OFFICIAL CAREER

This is an overview of typical roles and requirements of a Building Official career. Specifics may vary by municipality and individual applicant experience.

ENTRY LEVEL
• 2-3 years Architectural or Engineering Tech. (or equivalent experience.)
Within 6 months of hire, pass these MMAH exams:*
• LEGAL PROCESSES
• HOUSE

TYPICAL ENTRY-LEVEL TASKS

- Tech/Admin. tasks such as initial application review of small residential projects (decks, garages, etc)
- Inspection Scheduling
- Customer Service

INTERMEDIATE LEVEL ROLE

HOUSING AND SMALL BUILDINGS PLANS EXAMINER / BUILDING INSPECTOR
• 1-2 years of entry-level Building Official experience.
• Has demonstrated knowledge & ability to review plans and conduct inspections on residential and small commercial or industrial projects.
OR
• Has experience in the building industry.
Within 12 months of hire, pass these MMAH exams:*
• LEGAL PROCESSES • SMALL BUILDINGS
• HOUSE • BUILDING STRUCTURAL
• PLUMBING • BUILDING SERVICES
• HVAC

TYPICAL INTERMEDIATE-LEVEL TASKS

- Inspect and/or approve plans
- Site Inspections
- Assist and mentor more junior-level staff

INTERMEDIATE LEVEL ROLE

LARGE BUILDINGS PLANS EXAMINER / BUILDING INSPECTOR
• Experienced Building Officials qualified under various designations.
OR
• Individuals with work experience in this area such as architect or engineer.
Within 12 months of hire, pass these MMAH exams:*
• LARGE BUILDINGS • BUILDING STRUCTURAL
• COMPLEX BUILDINGS • BUILDING SERVICES

INTERMEDIATE LEVEL ROLE

SPECIALITY PLANS EXAMINER / BUILDING INSPECTOR (Title varies according to municipality)
• Possesses specialized qualifications or designations (e.g. HVAC Inspector, Mechanical Inspector, Plumbing Inspector, Septic Inspector, etc). Typically works in medium/large municipalities.
• Qualifications are assessed on an individual basis. This individual would typically take courses to enhance current knowledge with Building Code expertise.
Within 12 months of hire, pass appropriate MMAH exams.

SENIOR ROLES

CHIEF BUILDING OFFICIAL / DEPUTY CBO The CBO has a Chief Building Official designation with the MMAH.
• Senior-level individual who has demonstrated leadership, operational and technical abilities.
• Has good knowledge of the Building Code.
• Understands risk liability.
• Has great communication skills.
Responsibilities include:
• Personnel and administrative supervision.
• Government relations and advocacy.
• Financial management and budgeting.
• Report writing and more.
CBOs benefit from an OBOA Certified Building Code Official (CBCO) designation.

OBOA
ONTARIO BUILDING OFFICIALS ASSOCIATION

* For course info see: www.oboa.on.ca/courses
George Brown College: www.coned.georgebrown.ca
or your local community college.

Building Knowledge & Community
oboa.on.ca/buildingofficial