

MEMORANDUM OF UNDERSTANDING

Between the

ONTARIO BUILDING OFFICIALS ASSOCIATION
(hereinafter referred to as "OBOA")

-and-

**HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO AS REPRESENTED BY
THE
MINISTER OF MUNICIPAL AFFAIRS AND HOUSING**
(hereinafter referred to as "MAH")

- WHEREAS MAH is responsible for administering the *Building Code Act, 1992* and the Building Code (Ontario Regulation 403/97, as amended);
- AND WHEREAS Article 2.16.4.2 of the Building Code authorizes the Minister of Municipal Affairs and Housing to approve a building inspector internship program;
- AND WHEREAS MAH recognizes OBOA as a responsible and accountable professional Association with respect to matters within their jurisdiction;
- AND WHEREAS OBOA wishes to establish a building inspector internship program;

NOW THEREFORE THE PARTIES AGREE AS FOLLOWS:

1. Approval

- 1.1 The Minister of Municipal Affairs and Housing approves the establishment of an internship program as proposed by OBOA subject to the terms of this Memorandum.

2. Establishment and Administration

- 2.1 OBOA will establish and administer an internship program as described in Schedule A and consistent with the MAH guideline "Application and Approval Criteria for Organizations Seeking to Establish an Inspector Internship Program" dated November 2005 included as Schedule B.
- 2.2 OBOA will be responsible for all costs associated with the development and maintenance of the internship program.
- 2.3 Despite subparagraph 2.1, this Memorandum does not establish OBOA as an exclusive provider of an internship program.

3. Communication

- 3.1 The parties shall cooperate in the development and distribution of information required for effective implementation of this Memorandum. Confidentiality of information will be respected, as described in Schedule C.
- 3.2 OBOA shall submit reports to MAH every six months, beginning no later than six months following execution of this Memorandum outlining:
- The number of interns entering within, and leaving the internship program;
 - Number of offshore-trained professionals progressing through the program; and
 - Summary of appeals for refused enrolment or terminated enrolment.
- 3.3 Notwithstanding subparagraph 3.2, OBOA shall, from time to time, at OBOA's expense, give to MAH such documents or information relating to

the registration of interns or to associated activities as MAH may reasonably require.

4. Meetings

4.1 In the interest of continuing open communication and the effective implementation of this Memorandum, meetings will be held between the parties.

4.2 Meetings will be held as jointly determined by the parties.

4.3 OBOA will, at MAH request, endeavor to participate in internship assessment panels established by MAH.

5. Term

5.1 This Memorandum takes effect on the date this Memorandum is executed by the parties and shall remain in effect from the date of execution.

5.2 Despite subparagraph 5.1, MAH may terminate this Memorandum at any time without cause.

5.3 Despite subparagraph 5.1, OBOA may terminate this Memorandum at any time without cause upon one hundred and eighty (180) days written notice.

6. Review

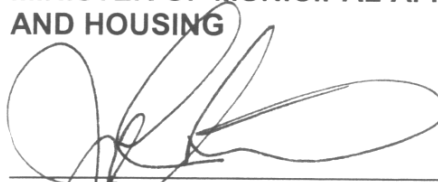
6.1 This Memorandum will be reviewed by the parties one year after adoption, or at any other time mutually agreed upon by the parties. Amendments to the Memorandum may be made with the agreement of both parties.

7. Entirety

- 7.1 All terms and conditions of Schedule A, B and C are incorporated into this Memorandum except where they are inconsistent with this Memorandum in which case the terms of the Memorandum shall take priority.

IN WITNESS WHEREOF to make the best efforts to adhere to the terms established in this Memorandum, the parties have executed this Memorandum.

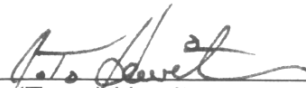
**HER MAJESTY THE QUEEN in right
of Ontario as represented by the
MINISTER OF MUNICIPAL AFFAIRS
AND HOUSING**



The Honourable John Gerretsen
Minister of Municipal Affairs and
Housing

Dated the 15th day of December, 2005.

**ONTARIO BUILDING OFFICIALS
ASSOCIATION**



J.T. (Terry) Hewitson
President

I have the authority to bind the
Association.

Schedule A

to MMAH / OBOA

Memorandum of Understanding

Intern Building Code Official

2005

Program to Assist the Municipal Building Industry in Meeting Qualification Requirements
Related to the New Building Regulatory Process in Ontario Under the Building Code



**OBOA Internship Proposal, Schedule A (REVISED)
December 13, 2005**

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Definitions

IBCO shall mean Intern Building Code Official, which is the level of OBOA Certification granted to a successful *Internship Program* applicant as determined by the *Review Committee* as per Article 2.16.4.2. of the Ontario Building Code

Internship Certificate shall mean a certificate issued by the *Review Committee* to a successful applicant to the *Internship Program*.

Internship Program shall mean an Internship Program as approved by the Minister of Municipal Affairs and Housing in accordance with Article 2.16.4.2. of the Ontario Building Code.

Mentor shall mean the qualified person who performs the supervision required for an *IBCO* and whose name is set out for that purpose on the Internship Application and who accepts those responsibilities as outlined in the OBOA Internship Agreement (Appendix “D”).

Review Committee shall mean the Internship Review Committee of the OBOA and is chaired by a Board Director.

Supervision shall mean the function of a *mentor* in terms of guiding, assisting, advising and reviewing the tasks of an Intern Building Code Official (*IBCO*) as shall “supervise” and “supervised”.

Task documentation means documentation that may be required such as records (in a prescribed form) work tasks, special duties, technical training and other experience oriented events and the time in hours spent on such tasks, duties, training and events. Said documentation to be maintained by the “IBCO” and the “Mentor” in the manner as required by OBOA.

Section 1 – Administration

The proposed *Internship Program* will be administered by the OBOA based on a memorandum of understanding between the OBOA and the Government of Ontario represented by the Ministry of Municipal Affairs & Housing (MMAH). The administration of this program will provide for a reporting period of every six months on program operation and related information as required by MMAH. Provision will be made for specific operational review and audit process by MMAH.

OBOA will augment the current tracking system used to monitor CBCO certification candidates and maintenance requirements for certified officials to track intern status, mentor reporting, completion of examinations and compliance with conditions of the review committee. The Chief Administrative Officer will oversee this program.

Applicants transferring into the program from another approved internship program will have all equivalent requirements of the other programs carefully reviewed against enrolment criteria and documentation criteria for benefit by the Review Committee. Transfer in from another internship program will not normally extend the total internship program, however, additional requirements of the OBOA Internship program may apply.

Intern Building Code Officials leaving the OBOA program will receive a transcript of qualifications completed and a statement of recognized time spent under qualified supervision.

Section 2 – Background

The OBOA is a self-governing, not-for-profit, professional organization and certified as an Educational Institution. A 10 member Board of Directors and a President that are elected by the membership for 2-year terms governs the OBOA. Committees of the Board are responsible for issues such as succession, oversight, policy, communication and education. The OBOA currently employs a Chief Administrative Officer and full time staff to address association operations, member services, training and education, member certification, industry advocacy and most importantly the Internship Program.

The Association is committed to maintaining a high degree of professionalism in the field of building inspection, code administration and building safety. Through the committee work and the training and education services offered by the Association, it promotes both uniform regulations and code interpretations across the Province. The Association is committed to maintaining a relationship with its current affiliations while actively pursuing other strong partnerships to the benefit of all members.

The OBOA currently maintains a membership in excess of 2000 Building Officials and associated professionals and has administered member certification programs for more than 20 years. The programs are recognized in legislation, Bill Pr40 *An Act respecting the Ontario Building Officials Association*, and have contained mandatory maintenance components that have been recognized as an Industry Standard and the basis of recruitment practices for employers, particularly Ontario municipalities, since their inception by the OBOA.

The OBOA remains the major delivery agent of MMAH training and continually augments that service to include the most current regulatory changes and Provincial government objectives.

Financial viability has grown with the association and will remain positive provided the OBOA can continue to provide it's membership with the required services, such as access to an approved Internship Program as set out in the Ontario Building Code.

Section 3 – Rationale

Municipal Building Officials are required to discharge significant services in context of the Ontario Building Code (Ontario Regulation 403/97, as amended hereinafter called "the Regulation"). The OBOA has consistently embraced the Regulation and provided support during its development and implementation. This is a proactive approach working in collaboration with MMAH. In this regard, OBOA will commit to participation on panels established by MMAH for the purpose of Internship Program review.

The OBOA will be able to compare actual enrolment statistics to 1st year predicted enrolment. The numbers can be divided into two streams of the program. Firstly, existing Building Officials who must intern in one or more disciplines due to exam difficulties or upgrading of work duties. Secondly, newly hired officials who must attain the minimum qualifications to practice. OBOA anticipates approximately 75-100 existing officials to require internship in at least one discipline. 30-50 new officials could be expected based on the position advertising volume on the OBOA website. The figures are estimates only for the first 12 months of the program.

The OBOA looks to grow this Internship Program to serve a variety of potential partners. The Ontario Plumbing Inspectors Association and the Ontario Municipal Fire Prevention Officers Association have both expressed support for the OBOA Internship Proposal and stated interest in having access to the Program. OBOA has committed to providing these opportunities to its partner associations.

OBOA also plans to bring this Internship Program into an already strong relationship with Ontario's Colleges and Universities. The Education and Internship Committees are already planning this future project.

Section 4 – Internship Program

This program is aimed at equipping Municipalities in achieving full compliance with the Regulation for the current as well as future building department employees. Under this proposed model, current employees will continue to perform their tasks in context of the Regulation under a *mentor* while new employees will be able to perform certain tasks while completing qualification requirements as set out by the *Review Committee*.

Internship Options

The internship program will consist of two tiers.

Tier 1 will encompass those qualifications, in part or in whole, which relate to “The House” qualification as set out in Part 2 of the Ontario Building Code. Specifically: “House”, “Plumbing - House” “HVAC - House” and “On-site Sewage Systems”.

Tier 2 shall comprise all other qualification categories such as Small Buildings”, “Large Buildings”, “Complex Buildings”, “Building Services”, “Building Structural”, “Plumbing – All Buildings” etc. The legal qualification will either be obtained prior to Intern application or as a component of either Tier 1 or 2.

Internship Period

Tier 1 Interns may be enrolled for not longer than 18 months, except that a further period of 6 months may be added for personal hardship.

Tier 2 Interns may be enrolled for not longer than 12 months, except that a further period of 6 months may be added for personal hardship.

In consideration of diverse municipal conditions, enrolment in both tiers concurrently will be accepted. Interns may only participate once in each Tier.

Extenuating circumstances will be evaluated on a case-by-case basis.

Enrolment Criteria

Prior to enrolment in an Internship Program, an intern must have completed:

- a) One of the Ministry’s Legal/Process examinations (General, CBO, RCA or Designer);
- b) Possess not less than five (5) years verified experience as a building official or building practitioner or
- c) An equivalent combination of post-secondary education and experience in the area of practice.

The program is for Building Officials who are members of the OBOA, and who currently do not meet all of the requirements for the Provincial Qualification. This includes a chief of the fire department of the Municipality that is appointed as a building inspector by the municipal council, and is assigned specific responsibility for the enforcement of any portion of the Code respecting fire safety matters.

Foreign educated and trained applicants will be required to obtain OBOA membership and demonstrate applicable and equivalent-knowledge of Internship application requirements as set out by the *Review Committee*.

The *Internship Program* will include a *supervised* practical internship in addition to the necessary training to achieve Provincial Qualification. A provincially qualified inspector or chief building official as required by Article 2.16.4.2. of the Ontario Building Code will provide the mentorship. The mentor must be an OBOA member and will also need to demonstrate compliance with the procedures of a supervising and reporting program to be established between the OBOA, the *Mentor* (and /or the municipality) and the Intern for the purposes of monitoring the progress and fulfillment of the Internship.

Endorsement from the Chief Building Official or Municipal clerk is required on Municipal letterhead.

Elements of the Internship Program

The Internship Program will include:

- A application process and include transfers in and out of the program
- A application review method and assessment
- An appeal process
- Awarding of an *Intern Building Code Official (IBCO) Certificate*
- A designation of *Intern Building Code Official*
- Conditions of training
- Required examinations based on tier requirements
- A mentorship under a qualified mentor
- Enforcement of the Internship program will be in accordance with Bill Pr40 *An Act respecting the Ontario Building Officials Association.*

Application Process:

See Appendix “A” Internship process and Appendix “B” Internship Application

The *Review Committee* comprised of the Certification Committee will review the application and it will be independent of the current CBCO/BCQ committees. The application will be assessed based on the information provided and in accordance with guidelines.

The *Review Committee* will provide reasons, in writing:

- For the refusal
- For the conditions of approval
- For the designation level granted

Internship Certificate:

When an applicant does not meet all of the requirements for the Provincial Qualification as a Building Official, a *Internship Certificate* may be issued by the OBOA if:

The *Review Committee* believes:

- (1) The person's education, training and experience are adequate to function properly as a Building Official in a specific area, and
- (2) The person is diligently undertaking the process of completing MMAH training courses in order to qualify under the Provincial requirements.

Intern Building Code Official:

An *Internship Certificate* allows a person who has not achieved the required Provincial Qualification to carry out plans review and/or inspection functions within the context of Article 2.16.4.2. of the Ontario Building Code using a designation *Intern Building Code Official (IBCO)*

Conditions of IBCO:

Based on the application and the minimum enrolment criteria, the *Review Committee* will determine what additional requirements may be necessary in order for the applicant to obtain the designation of the *IBCO*. These conditions may include additional training and/or mentorship, and compliance with the *task documentation* requirements.

The *Internship Certificate* will have an expiry date based on the conditions set by the Review Committee and an applicant will be required to satisfy the conditions in a timely manner (not exceeding the internship period for the respective tier). Failure to comply with the condition will cause revocation and or expiration of the certificate.

Where appointed by a Principal Authority as an intern *inspector* under the *Building Code Act, 1992* the IBCO may carry out plans review and/or inspection functions within the context of Article 2.16.4.2. of the Ontario Building Code and in accordance within the terms and restrictions provided under the Internship approval.

Appeals Process:

An applicant has the right to appeal the decision of the *Review Committee*, if the applicant's application has been refused / revoked or if the applicant is not satisfied with the conditions imposed on the Internship approval. An applicant must provide notice of appeal within 30 days of receiving notification from the OBOA. The notice of appeal must be in writing and clearly state the reason for the appeal.

Appeals to the decision by the *Review Committee* will be conducted by a committee comprised of:

The Immediate Past President – OBOA or his designate (Chair)

And any combination of two provincially qualified, appointed representatives of the:

Ontario Architects Association
Professional Engineers of Ontario
Association of Architectural Technologists of Ontario

Ontario Association of Certified Engineering Technicians and Technologists
Other Associations and public at-large

