



November 25, 2019

Building Services Transformation Branch
777 Bay Street, 16th Floor
Toronto, ON M5G 2E5

To whom it may concern:

Re: **Conservation Ontario's Comments on Transforming and modernizing the delivery of Ontario's Building Code services (ERO #019-0422)**

Thank you for the opportunity to provide comments on "Transforming and modernizing the delivery of Ontario's Building Code services". Conservation Ontario (CO) is the network of Ontario's 36 conservation authorities (CAs). In addition to the opportunity to provide comments, we appreciate the invitation to participate in the November 5th Stakeholder Session which we were unfortunately unable to attend. These comments are not intended to limit consideration of comments shared individually by CAs through the consultation process.

Conservation authorities are involved in the administration of the Ontario Building Code through a number of key avenues, including being identified through regulation as "applicable law" which must be addressed prior to the issuance of a building permit, as well as some CAs acting as a principal authority with regard to sewage system approvals.

Conservation Ontario is actively involved in a Client Service and Streamlining Initiative ("Initiative") which contains many parallels with what the Ministry of Municipal Affairs and Housing is proposing with this modernization. In April, 2019 Conservation Ontario Council endorsed the Initiative which identifies actions to be taken by CAs in order to help the Province achieve its objective of increasing housing supply while protecting public health and safety and the environment. These actions include: a) Improve Client Service and Accountability, b) Increase Speed of Approvals, and c) Reduce Red Tape and Regulatory Burden. From this lens, Conservation Ontario provides the following comments on the themes of the consultation.

Theme 1: Getting people working in the building sector

Conservation Ontario supports the proposal to introduce the use of Prime Consultants to coordinate the work of multiple professionals involved in a project. This same idea was identified through a multi-agency process flow review workshop that Conservation Ontario hosted in April and will be incorporated into a future best practices document for conservation authorities on pre-consultation. Having a coordinated submission will help to expedite the approval process where multiple professionals are involved.

The use of a Prime Consultant is quite different than the idea of using Certified Professionals to review building plans and perform site inspections on behalf of a municipality. Conservation Ontario cautions against the use of Certified Professionals for projects where there are significant risks to public safety; principally in areas subject to significant natural hazards. It is unclear how a Certified Professional would integrate into the approval system, particularly as it relates to applicable law, including permissions under the *Conservation Authorities Act*. As conservation authorities work so closely with their municipal partners many of their processes are designed to work in tandem. Introducing an outside professional may have the undesired effect of slowing the approval down or at worst; result in potentially dangerous administrative errors.

Theme 3: Building Code administration and enforcement

The consultation document notes that “court processes are costly and often do not reflect the severity of risk to public safety”. The document indicates that recent changes to the *Building Code Act* allowed the Ministry to establish an administrative penalty framework that would help to ensure that the technical requirements of the building code were being adhered to. Conservation Ontario is extremely supportive of the proposed approach for minor infractions which reduce enforcement costs and promote public safety. Conservation Ontario Council endorsed a request for short-form wording for Section 28 under the *Conservation Authorities Act* in June, 2016 to address a similar type of offences without going through a court process. Conservation Ontario continues to seek this basic regulatory compliance tool.

The consultation document also notes that 57% of municipalities have some sort of sharing arrangement with a conservation authority, health unit, or Upper-Tier municipality for Part 8 Building Code Coverage. The Province is encouraged to look at opportunities to support these existing arrangements and to avoid duplication of effort through an external administrative authority.

Theme 4: Improving building sector supports

It is noted that building code professionals have been requesting more comprehensive tools and services in a timely manner to provide clear, standardized technical advice and interpretations. Proposed approaches to addressing these requests include: developing and distributing additional guidance materials on a regular basis, increasing the use of technical bulletins, providing technical opinions and/or interpretations, and developing specific checklists, resources and tools to assist. As part of the Client Service and Streamlining Initiative, Conservation Ontario is working closely with its members, and external partners to develop these same resources for CAs to assist with their permitting and plan review functions. The opportunity to share lessons learned through modernizing the delivery of Ontario’s Building Code Services would be appreciated.

Once again, thank you for the opportunity to provide comments on “Transforming and modernizing the delivery of Ontario’s Building Code services”. Conservation Ontario would be pleased to meet to discuss how the Client Service and Streamlining Initiative could better integrate with the Ministry’s work on modernizing the delivery of Ontario’s Building Code. Should you have any questions about these comments or our Initiative, please feel free to contact me at extension 226.

Sincerely,

A handwritten signature in black ink that reads "Leslie Rich". The signature is written in a cursive, flowing style.

Leslie Rich
Policy and Planning Liaison

c.c. all CA CAOs/GMs

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