

Questions and Answers Questions et réponses



Ministry of
Municipal Affairs
and Housing

Ministère des
Affaires municipales
et du Logement

March 30, 2005

Ontario Regulations 145/05 and 146/05

Improving the Implementation of the Changes to the Building Regulatory System

1. What changes are being made to the Building Code?

Major changes to Ontario's building regulatory system are scheduled to come into force on July 1, 2005. These changes are set out in amendments to the *Building Code Act, 1992* and the Building Code resulting from the *Building Code Statute Law Amendment Act, 2002* (Bill 124).

Key changes due to take effect July 1, 2005 include:

- New service delivery options for municipalities through the use of private inspection bodies, known as registered code agencies (RCAs);
- Mandatory use of provincial building permit application form;
- A new list of "applicable law";
- New rules governing building permit fees;
- Timeframes for building permit decisions;
- Mandatory notices and inspections at key construction stages;
- Roles defined in Act for different building practitioners, including owners, builders, designers, and manufacturers;
- New measures to support innovation including binding Minister's interpretations, Minister's rulings;
- Mandatory registration and insurance for certain design firms and RCAs;
- Mandatory qualification for individual designers, building officials (chief building officials, plans examiners and inspectors), and RCA staff; and
- A Code of Conduct for building officials.

In response to stakeholder suggestions and to improve the implementation of these building regulatory changes, the Building Code has been further amended through Ontario Regulations 145/05 and 146/05, which were filed on March 29, 2005.

O.Reg. 146/05 amends the Building Code to:

- Adjust the existing qualification and registration categories for designers and buildings officials;
- Introduce new qualification and registration categories for designers and building officials and exempt certain building practitioners;
- Clarify the wording of the insurance requirements;
- Revise the timeframe for municipal review of stock house plans from five days to ten days; and
- Allow building officials who have not met all Building Code qualification requirements to perform restricted duties provided that such individuals are enrolled in a Ministry-approved internship program and supervised by a qualified building official.

O.Reg. 145/05 amends the Building Code to:

- Recognize the Ontario Association of Architects' establishment of a parallel qualification and registration system to evaluate Building Code knowledge by exempting architects.

O.Reg. 144/05 amends the regulation under the *Architects Act* to set out the parallel qualification and registration requirements for architects licensed by the Ontario Association of Architects.

2. When will the changes take effect?

Some practitioners will be able to take advantage of the changes to the qualification, registration and insurance requirements as they prepare for the July 1, 2005 implementation date of the changes to the building regulatory system.

Architects will also be able to become qualified and registered through the Ontario Association of Architects for July 1, 2005.

In addition, municipalities can take advantage of the elimination of the five-day timeframe for the review of stock house plans as they prepare for the July 1, 2005 implementation date.

3. How will the changes help municipalities?

The amendments to the Building Code will have a number of benefits for municipalities. Building officials who have not met all Building Code qualification requirements will be able to perform restricted duties if enrolled in a ministry-approved, supervised internship program. This will create more flexibility for municipalities in meeting the qualification requirements, particularly in rural and northern areas. The Ministry will continue to work with the Ontario Building Officials' Association and other stakeholders to establish appropriate internship programs.

Furthermore, the regulations exempt certain municipal staff from the Building Code qualification requirements, including inspectors responsible for site servicing, lot grading and signs. In addition, removal of the five-day compressed timeframe for the municipal review of stock house plans will provide relief to municipalities.

Other changes include adjustments to the qualification and registration categories for designers, and recognizing the Ontario Association of Architects' establishment of a parallel qualification and registration system to evaluate Building Code knowledge by exempting architects.

4. How would an internship program for municipal building officials operate?

The Ministry will continue to work with the Ontario Building Officials' Association and other stakeholders to establish appropriate internship programs. Based on discussions that have taken place to date, it is anticipated that an internship program will be operational before July 1, 2005.

5. How will the changes benefit designers?

It is anticipated that the changes to the Building Code will benefit designers in a number of ways:

- The adjustments to the qualification categories will expand the range of design activities that a designer may perform;
- Other adjustments to the qualification categories will recognize that certain specialist designers' work is only covered by very limited areas of the Building Code;
- Changes to the registration requirements will exempt certain design firms from the requirements to have insurance, although individual practitioners may still need to be qualified;
- Recognizing the Ontario Association of Architects' (OAA) establishment of a parallel qualification and registration system to evaluate Building Code knowledge will further recognize OAA's self-governing status.

6. What are the elements of the "parallel" system to be administered by the Ontario Association of Architects (OAA)?

O.Reg. 145/05 amends the Building Code to recognize OAA's establishment of a parallel qualification and registration system to evaluate Building Code knowledge by exempting architects. O.Reg. 144/05 amends the regulation under the *Architects Act* to set out the parallel qualification and registration requirements for architects licensed by the Ontario Association of Architects.

The parallel system recognizes the importance of public safety and financial accountability and will include:

- Assessments of Building Code knowledge recognizing the categories of qualification set out in the Building Code;
- Mandatory continuing education; and
- Mandatory insurance for architectural practices.

A Memorandum of Understanding setting out the parameters of OAA's parallel Building Code qualification and registration system has been developed and executed by OAA, the Ministry of Municipal Affairs and Housing and the Ministry of the Attorney General.

7. Has the opportunity to operate a “parallel” system been extended to Professional Engineers Ontario?

Yes. The Ministry of Municipal Affairs and Housing has extended an offer to work with Professional Engineers Ontario to develop a parallel system that would be tailored to meet the needs of engineers while also meeting the objectives of the Building Code.

8. How can I get further information on the Building Code changes?

You can obtain further information on the Building Code changes by visiting the Building Code website at www.obc.mah.on.ca or by contacting the Building and Development Branch at:

Tel: (416) 585-6666

E-mail: codeinfo@mah.gov.on.ca