

Questions and Answers Questions et réponses



Ministry of
Municipal Affairs
and Housing

MinistPre des
Affaires municipales
et du Logement

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COMING INTO FORCE OF BILL 124 : QUESTIONS AND ANSWERS

When will the changes take effect?

On July 25, 2003 the regulation required to implement the *Building Code Statute Law Amendment Act, 2002* (Bill 124) was filed.

Bill 124 and the supporting regulation will take effect in two steps.

On September 1, 2003, certain provisions will come into force. These include:

- Provisions allowing building officials and other building practitioners to take examinations related to Building Code knowledge;
- Provisions that govern the qualifications of on-site sewage inspectors and installers who are already required under the *Building Code Act, 1992*, to have qualifications (in order to allow for a smooth transition); and,
- Provisions which provide for certain “housekeeping” changes.

Most provisions of Bill 124 will take effect on July 1, 2005, including:

- Qualifications for building officials which become mandatory on this date;
- Mandatory registration for certain classes of designers and private building inspectors, known as Registered Code Agencies (RCAs), including mandatory qualifications and professional indemnity insurance;
- The use of a common building permit application form;
- Time frames within which decisions must be made on issuing a building permit;
- Stages of construction when a building must be inspected;
- Authority to allow municipalities to appoint RCAs or to allow certain building permit applicants to appoint their own RCA;
- New rules governing building permit fees to enhance transparency; and
- An expedited route to the Ontario Municipal Board in the case of site plan disputes.

Why is the Province proceeding with reforms to the building regulatory system?

Implementation of the reforms in Bill 124 will address long-standing concerns from various groups including builders, municipalities, building inspectors and citizens.

The reforms will update and improve Ontario's building regulatory system. Implementation of the legislation will increase the safety and quality of building construction in Ontario, streamline the regulatory system, enhance accountability, and create a more transparent and innovation-friendly regulatory environment for the construction industry.

The Ministry has recently completed extensive consultations on the regulation which supports Bill 124, and is now ready to proceed with the implementation of the reforms.

How will Bill 124 and its regulation affect public safety?

The reforms in Bill 124 will significantly improve public safety in new building construction and building renovation in Ontario. The following reforms, in particular, will have a positive impact:

- Mandatory provincial Building Code knowledge exams for building designers will help ensure that buildings are safe and building designs comply with the Building Code.
- Mandatory provincial code knowledge exams for municipal building inspectors and person employed or engaged by private building inspectors, RCAs, will help to ensure that persons responsible for plans review and inspection functions are qualified.
- Mandatory inspections for all buildings will be established. Most buildings will be subject to mandatory inspections at 7 stages of construction.

How will changes streamline the regulatory system?

Key reforms in Bill 124, which will significantly improve and streamline the building regulatory system in Ontario, include:

- Mandatory time limits on building permit decisions will be introduced. After a building permit application containing prescribed information is received, the municipality must make a decision within a specified period of time ranging from 10 to 30 days. At the end of this time period a permit must be issued, or all reasons for denying the permit must be provided.
- Municipalities will be given the flexibility to appoint RCAs to provide plans review and/or inspection services. In the case of house construction, municipalities can also allow permit applicants to directly appoint RCAs.
- Provisions will be introduced which outline how municipalities can enter into reciprocal agreements

to approve repeat or “stock” plans within 5 days.

- A standardized province-wide building permit application form will be introduced. This application form will allow builders who operate in several municipalities, to use the same forms thereby reducing paperwork and facilitating use of the internet for submitting building permit applications and related information.

How do the changes affect municipalities?

Key reforms affecting municipalities include:

- Mandatory Building Code knowledge examinations for municipal building officials. This will ensure that building inspectors have the required knowledge of the Building Code.
- Mandatory Building Code knowledge exams for persons responsible for design activities. This requirement can be expected to improve the level of Building Code compliance.
- Minimum required levels of professional indemnity insurance for designers who provide design services to the public in support of a building permit.
- The requirement that municipalities meet time limits for decisions on applications for building permits.
- The requirement that building permit applicants use standardized provincial building permit application forms.
- Limiting municipal building permit fees to the anticipated reasonable cost to administer and enforce the Building Code. Municipalities will be required to prepare an annual report which includes information on fees collected as well as direct and indirect costs. Municipalities must also report on any change in building permit fees.
- Giving municipalities the option to appoint RCAs to provide plans review and/or inspection services. In the case of houses, municipalities will also have the option to allow building permit applicants to directly appoint RCAs.
- An expedited route to the Ontario Municipal Board in the case of site plan disputes.

How do the changes affect designers?

Several changes in Bill 124 will affect designers, including the following:

- Designers who take responsibility for design activities in connection with plans submitted with building permits, will be required to pass provincial Building Code knowledge exams.

- Designers who provide services to the public, in connection with plans submitted with building permits, will be required to carry professional indemnity insurance and be registered annually in accordance with provincial requirements.

How do the changes affect architects and professional engineers?

Architects and professional engineers are generally affected in the same way as other designers with respect to new requirements related to Building Code knowledge, registration and insurance.

The Ministry is working with the Ontario Association of Architects and Professional Engineers of Ontario. It is anticipated that these organizations will assume responsibility for the registration and qualification of their members in accordance with the new provisions.

How do the changes affect builders?

Builders will benefit from several of the reforms in Bill 124 including:

- The introduction of time limits on decisions about building permit applications, which will reduce delays and uncertainty.
- The introduction of mandatory Building Code qualifications for designers which should contribute to improved Building Code compliance and building quality. Mandatory Building Code qualifications for inspectors should contribute to improved quality of plans review and building inspections.
- The requirement for mandatory inspections by municipalities will enhance the quality of building inspection services.
- The introduction of a standardized building permit application form which will reduce paperwork for large homebuilders and other firms operating in several jurisdictions.

How will the qualifications examinations and supportive training be delivered?

New Building Code knowledge exams will be available across the Province to ensure that all affected practitioners including building officials, designers and RCAs, have access to the exams. The Ministry will coordinate delivery of the exams through various organizations. The Ministry will also arrange for examination centres in Northern Ontario.

Building Code courses, to prepare practitioners for the issues and topics addressed in the provincial exams will be developed by the Ministry will be delivered through stakeholder organizations and educational institutions.

The Ministry is also developing self-guiding courses which can be useful for persons in more remote locations.

The Ministry will be allocating resources to help building officials in northern and remote communities

meet the new qualification requirements.

Will the Province recognize previous Building Code training?

Yes, credit will be granted to practitioners who have successfully completed past Ministry Building Code training and assessments.

Information about the qualification requirements will be available on the Ministry's web-site in the coming weeks.

How does the Province intend to address the issue of accountability for builders?

The Bill 124 Regulation does not require insurance for builders in the institutional, commercial and industrial (ICI) sector.

To address issues related to building contractor accountability, an advisory committee of stakeholders will be formed with a mandate to develop options for improved accountability for builders. The Building Advisory Committee (BAC) will be asked to report back on this issue within six months of being formed.

Homebuilders will continue to be covered by warranty insurance provided by the Ontario New Home Warranty Program.

What checks and balances are in place to ensure that Registered Code Agencies (RCAs) will protect public safety?

The Regulation includes a wide range of checks and balances to help ensure that RCAs provide a high quality of service, including the following requirements:

- Staff engaged by an RCA must meet the same qualification standards as those applied to municipal building officials and designers.
- RCAs must carry professional indemnity insurance.
- RCAs must submit and comply with, a quality management plan.
- RCAs must comply with provincial conflict of interest rules and a code of conduct.
- RCAs must have a professional engineer or architect on staff where the RCA is engaged to review buildings which require professional design.
- RCAs must register annually with the Province.

How will the current requirements related to on-site sewage installers and inspectors be affected?

Sewage installers and inspectors will be regulated through Bill 124 effective September 1, 2003, but will not face any new requirements as a result of the changes under Bill 124.

Sewage system inspectors who are certified on August 31, 2003, and sewage system installers who are licensed on that date, will be deemed to be qualified and registered, respectively, under the new system.

How do I obtain further information?

You can obtain further information related to the implementation of Bill 124 from the Building and Development Branch website at www.obc.mah.gov.on.ca.

You can also post a question through this website, or you can telephone the Building and Development Branch at (416) 585-6666.