



TOWNSHIP OF NORTH HURON

REPORT

Item No.

REPORT TO: Reeve Vincent and Members of Council
PREPARED BY: Kirk Livingston, Chief Building Official
DATE: 05/02/2018
SUBJECT: Ontario Building Code Amendment Update
ATTACHMENTS:

RECOMMENDATION:

THAT the Council of the Township of North Huron hereby received the Chief Building Officials report for information purposes.

EXECUTIVE SUMMARY

The Building Departments main objective is to provide the best professional service to administer and enforce the Ontario Building Code. Recently added amendments and upcoming proposed amendments to the Ontario Building Code have been summarized for Council below at Councils request.

DISCUSSION

On December 14, 2017 the Government of Ontario passed Bill 177 the Stronger, Fair Ontario Act (Budget Measures) 2017. Included in Bill 177, under Schedule 2 are amendments to the Building Code Act, 1992. The amendments are intended to address the Elliot Lake Commission of Inquiry's recommendations.

With the passage of Bill 177, the following amendments to the **Building Code Act, 1992** are now in effect:

1) Amendments necessary to establish regulations for Building Condition Evaluation Programs for prescribed classes of buildings

The Lieutenant Governor in Council is authorized to make regulations establishing building condition evaluation programs and prescribing buildings and parts of buildings that are subject to such programs. Building owners are required to maintain and operate such a building or part of a building in accordance with the Act and the building code. Building owners are also required to ensure that an evaluation occurs in accordance with the Act and the building code. The Act provides for the inspection of buildings that are subject to a building condition evaluation program and authorizes the inspector to make orders. Requirements related to the service and posting of orders are set out, and the orders are also required to be made available to the public and registered in the proper land registry office. The Act also requires a principal authority to provide information regarding such a building to prescribed persons upon request and to adopt and maintain a written complaints policy regarding the program. (See section 15 of the Schedule.)

The Schedule amends section 1.1 of the Act to set out the role of building owners and persons conducting building condition evaluations.

2) Amendments allowing Chief Building Officials to register orders regarding contraventions to the Building Code Act and the Building Code on property title

The Schedule amends various provisions relating to the posting of orders made under the Act to authorize making copies of the orders available to the public and registering the copies in the proper land registry office. The existing orders affected are those authorized under the following sections of the Act: sections 12 (compliance), 13 (do not cover or enclose), 14 (stop work), 15.9 (unsafe building), 15.10 (emergency), 15.10.1 (maintenance).

3) An amendment to increase the maximum fine amounts for corporations

The maximum penalty that may be imposed on a corporation convicted of an offence under the Act is increased from \$100,000 to \$500,000 in the case of a first offence. In the case of a subsequent offence, the maximum penalty is increased from \$200,000 to \$1,500,000. (See section 25 of the Schedule.)

4) An amendment to clarify the independence of building official

Subsection 12 (1) of the Act currently authorizes an inspector to enter upon land and into buildings without a warrant where there is a permit or an application for a permit in respect of the building or site. This provision is amended to allow such entry, regardless of whether a permit is involved, if the inspector is entering to determine whether or not the Act, the building code or an order under the Act is being complied with, subject to the limitations set out in section 16 of the Act on the power to enter a dwelling. (See section 6 of the Schedule.)

The Act is amended to make it an offence for a person to perform the functions of a chief building official, an inspector, a registered code agency, a designer or another person referred to in section 15.11 or 15.12 of the Act without meeting the qualification and registration requirements. A similar offence is added in respect of a person conducting a building condition evaluation. (See sections 16 and 17 of the Schedule.)

The roles of chief building officials and inspectors are also amended to specify that their roles include exercising powers and performing duties in an independent manner. (See section 2 of the Schedule.)

5) An amendment to empower municipalities to be able to establish administrative penalties for property-standards by-law contraventions

New provisions are added to authorize the imposition of administrative penalties on specified persons by municipalities, designated enforcement persons and inspectors in specified circumstances. (See sections 10, 19 and 23 of the Schedule.)

6) Additional amendments to the Act that relate to continuing professional development and administrative monetary penalties were included in the Bill. These amendments would come into effect at a later date, following consultation and the approval of supporting regulations

Various regulation-making powers are provided for, including the power for the Lieutenant Governor in Council to make regulations governing a continuing education and professional development program for chief building officials, inspectors, registered code agencies, designers and other persons. (See section 24 of the Schedule.)

Interim Amendment Regulation:

7) Amendment to Electric Vehicle Requirements in the 2012 Building Code

An amendment to the Building Code was filed on December 19, 2017 to put in place transition provisions to support the smooth implementation of electric vehicle charging requirements that come into effect on January 1, 2018. The Electric Vehicle charging requirements apply to new houses and new non-residential buildings, such as work places, with integrated parking spaces.

The transition provisions apply to projects that have already been planned, approved and may have electrical servicing in the ground, but have not yet received a building permit. In these cases, investments have already been made in systems that were not designed to handle the increased energy loads that the new Building Code provisions generate.

Changes to Building Code Related Fees – Effective January 1, 2018

In December 2013, amendments to the Building Code were filed that introduced new fee structures for the following services:

These fee changes were intended to help ensure that the fees more closely covered the costs of delivering these services and to promote the financial sustainability of these services under the *Building Code Act, 1992*.

Building Practitioner Registration, Building Code Commission, and Minister's Rulings

For these services, new fees are calculated annually and take effect on January 1 of each year. New fees are based on the Consumer Price Index. For 2018, fees will increase by 1.6 per cent. Existing and new fees are set out below:

Registrations for Building Practitioners

		January 1, 2017	January 1, 2018
PRACTITIONERS	Transaction	Fee	Fee
Building Officials	Initial Registration/Reinstatement	\$109	\$111
	Annual Renewal	\$109	\$111
Independent Designers	Initial Registration/Reinstatement	\$109	\$111
	Annual Renewal	\$109	\$111
Design Firms	Initial Registration/Reinstatement	\$173	\$176
	Annual Renewal	\$131	\$133
	Updating class of registration	\$37	\$38
Septic System Installers	Initial Registration/Reinstatement	\$109	\$111
	Annual Renewal	\$109	\$111
Registered Code Agencies	Initial Registration/Reinstatement	\$412	\$419
	Annual Renewal	\$304	\$309
	Updating class of registration	\$70	\$71

Applications to the Building Code Commission

	January 1, 2017	January 1, 2018
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Building Code Commission	\$181	\$184
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Applications for Minister's Rulings

	January 1, 2017	January 1, 2018
Minister's Ruling	\$595	\$605

Building Materials Evaluation Commission

For applications to the Building Materials Evaluation Commission, the Building Code sets out the following fees:

Applications to the Building Materials Evaluation Commission

2015	2016	2017	2018 and subsequent calendar years
\$5000	\$7,000	\$9,000	\$11,000

FINANCIAL IMPACT

No financial impact at this time.

FUTURE CONSIDERATIONS

No future considerations at this time.

RELATIONSHIP TO STRATEGIC PLAN

Goal #2 the Township's residents are engaged and well informed. Goal #4 the Township is fiscally responsible.



Kirk Livingston, Chief Building Official



Dwayne Evans, CAO