

Take your pick, Ontario: lead and innovate, or lag behind other provinces in reforming building regulations

Alek Antoniuk / OAA

In 333 BC, Alexander the Great was passing through the city of Gordium, where he was challenged to untie an intricate knot with hidden ends, a task that had never been achieved since the founding of that city. Alexander the Great sliced through the knot with his sword and the knot was untied.

The Ontario Building Code was founded in 1975 to set one uniform building standard for all of Ontario. However, it was realized thereafter that a myriad of construction-related requirements in other provincial acts and regulations conflicted with the Ontario Building Code. Frequently, construction projects were held up by other government requirements even though the projects complied with the Ontario Building Code and building permits had been issued.

By 1989, the buildings branch (as it was known at that time) was actively engaged with other government ministries in an exercise then known as “streamlining and consolidation.” This was a process to eliminate duplication of construction-related regulations made by different ministries. The other part of streamlining and consolidation involved consolidating all construction-related requirements within the Ontario Building Code and leaving all other remaining requirements, such as operation of facilities, in the other ministry.

STREAMLINING AND CONSOLIDATION

A successful implementation of streamlining and consolidation was the relocation of all construction-related requirements for public swimming pools into the Ontario Building Code in the late 1980s. The operation and maintenance of pools remained in the Ministry of Health’s regulations. Other successful initiatives with the Ministry of Health included consolidating construction requirements for food premises in the Ontario Building Code. The Buildings Branch worked with the Office of the Fire Marshal (OFM) to transfer OFM requirements for schools into the Ontario Building Code, in order to enable the OFM to withdraw from approving the plans for schools in Ontario. Over the past 25 years, the buildings branch engaged in many similar small technical exercises aimed at streamlining construction regulations in Ontario.

In 2000, the government established the Building Regulatory Reform Advisory Group (BRRAG) to identify issues and provide advice on additional measures required to continue the streamlining and consolidation initiative. BRRAG’s report to the minister, entitled “Knowledge, Accountability, Streamlining: Cornerstones for a New Building Regulatory System in Ontario,” pointed out the need:

- for improved technical competency of key building practitioners (knowledge);
- to reduce unnecessary delays and red tape in the approvals process (streamlining); and
- to make sure that different players are accountable for the roles they perform and the work they do in the system (accountability).

Unfortunately, the government cherry-picked from BRAGG's interlinked recommendations instead of embracing them all, with the effect that the Gordian Knot was tightened, rather than unravelled, around the myriad of regulations that impact building in the province.

Nevertheless, one notable success of BRAGG was to, finally, incorporate the list of applicable laws into the Ontario Building Code. This had the effect of limiting the reasons for refusing a building permit to the list provided in the current Sentence 1.4.1.3.(1) of Division A of the Ontario Building Code.

While the above noted progress in unravelling Ontario's proverbial Gordian Knot is important, it does not meet the needs of a modern-day economy. The progress made in creating the New Building Regulatory System for Ontario recommended by BRAGG is **miniscule**, when compared to the progress being made in other Canadian provinces, most notably in Alberta and Québec.

ONE MINISTER

You might believe that Alexander the Great was somehow reincarnated in 1993 to cleanly slice through all the construction red tape in Alberta. Alberta has a Safety Codes Act that covers work governed by the Alberta Building Code, the Canadian Electrical Code, the Alberta Gas Code and the Alberta Plumbing Code. All aspects of building construction are under one minister in Alberta: the Minister of Municipal Affairs. Alberta's Safety Codes Council manages the safety codes system in the province and reports to one minister. The Council is governed by a board of directors, or coordinating committee, which is made up of members appointed from experts in the areas of governance, finance, risk management, human resources and business. This system is unique in Canada – no other province has a similar organization responsible for so much.

The province of Québec has made great progress in consolidating all construction-related legislation under one branch in government, the Régie du bâtiment du Québec. The Régie administers legislation governing:

- Buildings
- Plumbing
- Electricity
- Elevators and other elevating devices
- Gas
- Passenger ropeways
- Petroleum equipment
- Pressure vessels
- Public pools

The Régie du bâtiment du Québec has the sophisticated leadership and technical resources

needed to manage this concentration of technical legislation within one government entity. Therefore, we should not be surprised that Québec is now at the forefront of research into the development of technical literature for the design and construction of 12-storey wood buildings, for example.

Unless it proceeds with further consolidation and streamlining of its building regulatory system, Ontario will never be a leader in construction and building innovation and achieve the government's goals associated with climate change and conservation.

Is there anyone with the political charisma to cut the Gordian Knot around construction regulations in Ontario?

Ontario can employ a number of short-term strategies to keep up with Alberta and Québec. In my next CodeLetter, I will be exploring what I call the "X" Permit, which Ontario could use to promote Ontario jobs and innovation.

About the author: Alek Antoniuk is best known for co-ordinating and managing the technical development of the 2006 and the 2012 editions of the Ontario Building Code. He also played a lead role in managing the code advisory services of the Ontario Ministry of Municipal Affairs and Housing since 1989. He is a building code consultant, a policy adviser and the publisher of a website for information about construction codes at: www.codenews.ca.