



**October 22, 2021**

Ministry of Municipal Affairs and Housing  
Building and Development Branch  
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*Submitted electronically*

## **Comments to Ministry of Municipal Affairs and Housing (MMAH) on: Proposed Changes to the Building Code for Tiny Homes and Remote Inspections.**

As outlined in the document, “Discussion Paper- Proposed Changes to the Building Code for Tiny Homes and Remote Inspections”, MMAH is seeking input on proposed amendments to the Ontario Building Code related to building permits and inspections for Tiny Homes. MMAH is also seeking input on proposed amendments to the OBC related to remote inspections including the use of videos, photos, etc.

The Ministry should be commended for encouraging the construction of tiny homes to help address housing affordability and allow for the development of accessory units where appropriate (e.g., including where lot sizes are large enough). The Ministry should also be commended for specifically recognizing the importance and benefits of remote inspections.

According to the Ministry’s 2019 guide “Build or buy a tiny home: Ontario Building Code Information”, the OBC currently allows homes with a total minimum combined room area of about total room area for an open concept design of about 145 sq. ft. living area plus about 32 sq. ft. for a bathroom and 11 sq. ft. for a laundry area or about 200 sq. ft. in total. The maximum size of a tiny home that would fall under the proposed new two permit process is 400 sq. ft. As outlined in the Ministry guide, these tiny homes would be either constructed on-site or built off-site and then transported to a given property.

Some existing provisions in the Building Code Act and in the Building, Code are relevant to the proposed OBC amendments related to Tiny Homes. These include:

- a. Provisions under the Building Code Act, “Agreement re Review of Plans”, undersection 6.(1)., that allow for two or more principal authorities (typically municipal building departments) to enter into an agreement providing for the review by a principal authority for compliance with the OBC of plans and specifications for the construction of a building within its area of jurisdiction and also allowing for the expedited review by another principal authority for compliance with the building code of pans and specifications for the construction of a substantially similar building. Other enabling provisions in this Section address matters such as indemnification, disagreements, and delegation of powers.
- b. The reference under 9.1.1.9 of the Building Code, to CSA A277 which addresses site assembled and factory-built buildings. Under this provision a manufactured building is deemed to comply with the OBC if it is designed and constructed in compliance with CSA A277 “Procedures for Factory Certification of Buildings”. Buildings constructed in CSA certified factory are subject to inspections by factory staff. Certified factories are also subject to periodic audits by CSA. The newest version of this standard, CSA-A277-16, “Procedure for the Certification of Prefabricated Buildings, modules and panels”, which applies to factory-made buildings and components (using steel, wood or any other material acceptable under the OBC) has been referenced in



the model National Building Code (NBC) and in some other Canadian jurisdictions including Alberta. This standard would, among other changes, allow for the use prefabricated modules or panels in taller building including among building types, tiny homes and wood buildings of 5 and 6 stories. Other improvements to the CSA standard include factory approval of closed panels and clarifying that buildings must comply with the Code and standards applicable at the installation site. It should also be noted that modular and panelized buildings can be designed to meet a wide range of site plan and other requirements addressing municipal aesthetic requirements. It should also be noted that the new CSA standard has not yet been referenced in the Ontario Building Code (even though such a request was made to the MMAH's Building Branch).

#### **A. Comments related to MMAH Tiny Homes proposals:**

- It is surprising that the MMAH discussion paper, which deals with “tiny homes that are built both on site and those that are factory built “would not include a discussion on how this MMAH proposal relates to two relevant existing OBC/Act provisions (described above). One of these relevant provisions noted above (“agreement re review of plans”), allows municipalities to recognize plans review undertaken in another municipality which is part of such an agreement. This means that a building approved in municipality A can be accepted as code compliant if constructed or installed in municipality B. There would be one permit that would address site specific issues (soil and foundation requirements along with applicable law compliance in municipality B) while recognizing and accepting the plans review approval in municipality A (municipalities in the agreement could undertake joint plans review if they wanted to). There would still be one building permit not two as proposed in the current MMAH proposal. Similarly, the CSA A277-16 standard (and even the currently referenced version) allows for CSA certified factories to approve prefabricated buildings, modules and panels that are installed in another municipality with a requirement for only one building permit.
- The MMAH discussion paper does not discuss the existing provisions discussed above (a., b.) Therefore, it is unclear why these provisions are inadequate to address tiny homes that are “constructed on site or built in a factory (and then brought to a property” as described by the MMAH tiny home guide. (No special provisions are required for tiny homes that are site-built as the OBC already allows homes that are about 200 sq. ft. in area).
- A result of the proposed two permit system is that for homes that are between the OBC minimum of about 200 sq. ft. and the maximum under this provision (400 sq. ft.), this regime may encourage tiny homes providers and consumers to avoid the two-permit regime by choosing tiny homes that are 401 sq. ft. or a little more than 400 sq. ft. We don't necessarily improve the regulatory regime by adding new requirements and complexity. Also, we should encourage municipal building departments to collaborate and coordinate where possible, particularly since this is specifically provided for in the Building Code Act. We should also be encouraging alternative compliance mechanisms such as the CSA A277-16 standard that allows certified factories subject to periodic audit, to certify buildings and components produced by them. We know that off-site prefabrication is a global trend that should be encouraged by supporting key administrative protocols (e.g., CSA A277-16 adoption) that underlies this approach to building construction.



Regarding the “consultation discussion items” which pertain mainly to the dual permit regime, we are not commenting as the dual permit regime, for reasons note above is arguably premature.

**B. Comments related to MMAH Remote Inspections proposal:**

- This is a worthwhile amendment that clarifies that remote inspections satisfy municipal on-site inspection obligations under the OBC.
- It should be clear in the proposed amendment that inspections by alternate means includes remote inspections that can take many forms beyond those in the proposed amendment which are presumably captured by the “etc.”

Thank you for your consideration,

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