August 13, 2026

Ministry of Municipal Affairs and Housing
Building and Development Branch
12th Floor, 777 Bay St,
Toronto, ON M7A 2J3

Sent via email: buildingcode.advisorybody@ontario.ca

Re: Consultation on Reducing Regulatory Burden in Ontario's Building Code
ERO#: 026-0744

To Whom It May Concern:

RESCON (The Residential Construction Council of Ontario) welcomes the opportunity to comment on the Consultation on Reducing Regulatory Burden in Ontario's Building Code.

RESCON is Ontario's leading association of residential builders, committed to providing leadership and fostering innovation in the industry. Our members build the majority of new residential homes constructed in the province of Ontario.

RESCON met with our membership to discuss and learn about how as principal code users, their experience with the Building Code and the regulatory and approvals process affects housing supply and costs. According to Altus Group Economic Consulting, the cost of delays are hefty. When accounting for annual property taxes paid on vacant land, cost escalation and opportunity cost of holding land vacant can add approximately $4000 per month, per unit, to the cost of producing housing. Coupled with the fine from Tarion of $7500 if a builder delays a new home's closing or occupancy date past the firm date established in the sales contract with the purchaser. Builders need certainty and expediency in the building permit approval process.

Generally, members' feedback about the code itself was not all negative. There are some aspects of the code they truly appreciate – even if it is a complex document. However, this can not be said for the building permit approvals process and many of the necessary requirements and administrative burden placed on code users before anyone even gets to use the code for its intended purpose. Ontario's building approvals process has inadvertently stifled innovation, slowed housing supply progress, and stalled new housing supply in most major municipalities across the Greater Golden Horseshoe. If we are truly going to improve our desolate housing market and address housing affordability, the aim of government should not be fully directed at the Building Code document

solely, but at the entire regulatory landscape including all municipal red tape and roadblocks that protract building permit approvals.

Our submission is subdivided into two primary blocks of comments, those related to process issues, and those related to technical content of the Building Code.

Harmonization

The idea that there should be one building code governing all Canadian buildings is sound logically, but in practice the concept doesn't work. Canada is the second largest country in the world. Every province and territory has its own unique geography, climate, as well as natural and social policy challenges. Trying to combine all variables into one universal document has been clumsy, cumbersome and has not served the people of Canada. The 2025 version of the National Building Code (NBC) is an excellent example of how this process has failed. The document is difficult to navigate, overly complicated and does nothing to help get more housing built. In fact, it may do the exact opposite – time will tell. In fact, both the 2020 and 2025 versions of the NBC did not even acknowledge housing supply as a priority. Housing supply has only just been introduced as a priority during the 2030 NBC development process. This is a critical misstep.

Ontario's current building code consultation is looking to modernize the code, to reduce duplication, unclear, overly prescriptive articles, or those difficult to apply in practice. The Ontario consultation is looking to make the code easier to understand, more practical, more efficient and hopefully reduce or at the very least, consider the cost to implement or construct. These are all admirable goals, yet they are all completely at odds with the goals and objectives of the NBC development.

As noted above, harmonization of the Ontario Building Code (OBC) with the model National Building Code (NBC) is an admirable goal where it makes sense. Certain things like adopting the latest standards or product safety test results are important to ensure uniformity of acceptance of goods and services across the country. For example, it is reasonable for the NBC to reference which types of insulation are safe and acceptable to use in buildings, but attempting to stipulate how much insulation is used becomes overly complex and clumsy. Traditionally, the OBC has utilized a mantra of "harmonization with the NBC where harmonization makes sense". This has served the OBC well over the years. It was only after the Reconciliation Agreement on Construction Codes was signed by Ontario around 2020 and unification with National became mandatory that the OBC encountered difficulties. The one over-arching problem with blindly harmonizing with the NBC, is that we simply assume national got it right. There are far too many examples of how this is absolutely not the case. Principles of code development will be discussed in further detail later in this submission, however it is important to understand that the NBC's code development process is fatally flawed when it comes to the vast majority of sound regulatory development principles.

Recommendation:

The OBC should continue to harmonize with the NBC where harmonization makes sense, but we need a robust technical stakeholder advisory group to do so. When MMAH abandoned these technical advisory committees, they lost the ability to objectively analyse proposed code changes. Conducting public consultations is not enough for a complex technical document like the OBC. A technical advisory group is the only way to vet the responses received through a public consultation and determine what makes sense to carry forward. This is ultimately why we are undertaking this

review process now, harmonization has lead to technical bloat in the OBC with no apparent benefit to support the delivery of new housing in Ontario.

Cost-Benefit Analysis and Justification

Historically, code change proposals had to be put under a very focused cost-benefit lens to proceed to public consultation or to even be considered for serious review. In our opinion, we believe this lens has become so myopic that any manufacturer or special interest group with mediocre advocacy can bypass the cost-benefit gatekeeper. One only needs to look at drainwater heat recovery as an example, and that is only one example. There are dozens more.

The problem with doing effective cost-benefit analysis is that it takes time, money and hard work to undertake the research. The NBC development is a great example of how a thin veil can be draped over poor process and improper research (referencing outdated RS Means for Cost Estimating – an American source, does not provide Canadian or Ontario context) to fool a public consultation into believing there is justification for a proposal. If we are going to attempt to address housing affordability and run-away construction costs, we need to prevent gold-plated requirements from finding their way into the OBC. The Building Code is intended to be a minimum standard.

All prospective code changes need to filter through a 10-point policy sieve before ever seeing the light of day. These should be mandatory for any and all OBC articles, including NBC harmonization provisions:

1) Does it solve a problem (technical, practical, structural, etc.)
2) Is it buildable or practical (if it is impractical to utilize in the field, it should not be a mandatory requirement)
3) Is it scalable (can industry mass-produce it or otherwise satisfy the requirement at scale as soon as the change becomes a requirement)
4) Is it enforceable (can AHJs govern it or will it simply be ignored because no one will ever "see" it)
5) Aligns with other standards or regulations in all jurisdictions (does it produce a regulatory conflict, not just with other codes and standards, but with other regulators like Tarion)
6) Does it provide a benefit that outweighs the cost (cost-benefit to consumers: upfront costs and lifecycle)
7) Does it create a monopoly or hardship, or will it apply widely (similar to 3. Is there only one or two manufacturers of the product or service that stand to profit from the proposal)
8) Is it easy to understand or will it create confusion (will it cause interpretation issues, or is it overly complex to understand/implement)
9) Is it a minimum standard or is it a best practice (Or worse still: has it been field proven or is it R&D)
10) Can it be applied realistically across all municipalities throughout Ontario

Recommendation:

The entire OBC should be run through this microscope, however RESCON is realistic and we understand that is likely not practical at this point. Going forward, added to our recommendation regarding the reintroduction of technical advisory committees, the list of ten policy principles needs to be part of their mandate for sound regulatory development.

All code change proposals need to be thoroughly analysed using a cost-benefit process. Industry and other stakeholders can assist MMAH in this assessment through ad hoc working and technical

advisory groups. Individual code change proposals may appear manageable or insignificant when considered in isolation, but their combined effect can be very costly and have a substantial cumulative effect. In the 2024 code cycle alone, there were over 2000 change provisions. In the 2012 code cycle, there were 800 revisions. This escalating volume of change has lead to the bloat and complexity of the current OBC for designers, builders, and building officials alike. Issues like construction costs, installation markup, consultant fees, redesign time, trade labour/union agreement impact, maintenance and lifecycle replacement, as well as various overhead and profit costs are all factors that need to be considered, not just the singular upfront cost of a proposed code change. These need to be weighed against borrowing costs, amortization, time and in some cases opportunity costs for consumers.

Approvals

The building permitting process throughout Ontario leaves much to be desired from an applicant's perspective. Through our observations having visited multiple jurisdictions worldwide, very few countries have regulatory approvals processes as dysfunctional as ours. We have the ability to be better, but it seems each municipality has lost the principle of providing good customer service to applicants who are paying for a client service. When new legislation or procedures are introduced to speed things up, there appears to be an inherent desire to develop twice as many roadblocks and loopholes to slow things down further. We received many comments from our members and have selected several to provide context should the Advisory Body wish to read them (see Appendix).

Generally, things like "complete" application, inconsistent drawing submission requirements, background studies, superfluous engineering reports or stamps, energy modelling reports, and municipal siloing or internal communication problems are all reported by code users as continual frustration points. Builders, designers, architects and engineers spend an inordinate amount of time and resources bending to municipal will in these areas simply to attempt to get building permit faster. All of this costs money. Operational dollars are not easily calculated but professional hourly services are expensive. There really have been no studies done to examine how much it costs the end consumer when a municipality bumps a building permit application back in the name of being "incomplete" when the real issue seems to be a systemic lack of accountability in the workplace culture that has normalized a disregard for urgency with respect to the provincially mandated timelines. Municipal red tape and operational inefficiencies are real problems. An example is provided in Appendix D where the Town of Oakville cautions applicants in small print at the bottom of a very long residential building permit application checklist that, "…incomplete applications are not subject to a full review within the timeframes set out in the Ontario Building Code."

For over 30 years, the industry has been advocating for universal approvals of certified models or more simply, house plans that have been already undergone plans examination and approval in one municipality to be fast-tracked in all other municipalities. Certain municipalities have adopted certified model programs, but these are only applicable within their own municipality. This concept remains illusive as each municipality feels compelled to find errors in the work of the previous approver. However, even municipalities with certified model programs cannot seem to increase permit approval timelines.

For example, in Vaughan they caution applicants "To allow for enough time to resolve deficiencies, builders are requested to apply for Certified Models approximately 3-6 months prior to using a Certified Model for a Repeat Building Permit Application." For context, a typical construction

schedule to build a completed house from excavation to closing is 120 days (4 months). Vaughan further advises, "repeat Building Permits [are] issued in 5-7 days subject to zoning and other approvals" – but, provided everything is complete and correct for a new permit applicant, the regular timeline is 10-days! This is only one example of many.

There are other examples of municipalities requiring things that are not consistent with low-rise residential construction such as Brampton and Barrie both requesting plumbing schematics or hydraulic load calculations as part of a complete application – or these may be requested after an application has already been submitted even though they weren't required previously on comparable permit applications. Engineering information may be needed to be submitted repeatedly for each lot, even when the model, structural design and construction details are identical. And some municipalities require separate engineering letters to contain information already shown on signed and sealed engineering documents. Some comments received during the permit application process appear to reflect individual municipal preferences rather than a clearly identified OBC requirement.

Bill 98 put an end to municipal green standard requirements that supersede the OBC, but some municipalities still require specific elements such as bird-friendly glazing and backwater valves under municipal bylaws or regulations that bend the rules of Bill 98 and the OBC. Under what authority are municipalities using to stipulate these construction requirements?

E-permitting was touted as the solution to faster permit processing timelines, but the reality could not be farther from the intent. Permit applicants report no end of frustration with the variability of municipal requirements for the acceptance of drawings and documentation submitted through e-permitting portals. From having to submit separate files for each and every drawing page, to problems with file naming conventions, and even reports of drawings being rejected because there wasn't enough white space in the top corner for the municipality to place their stamp. We seem locked in a paradox where paper submissions are more efficient, yet digital submissions are only allowed. Even municipalities that utilize the same ePlans Portal such as Vaughan, Markham and Mississauga, they have customized the application process so there is no shared consistency for applicants.

Recommendation:
The list of issues regarding the approvals process goes on and on. Before developing a solution to a problem, we must first understand the nature of the problem and its cause. While the problem statement appears to be slow or overly complex permit approvals, there may be dozens of underlying problems all contributing to the overarching problem, and the cause of each may point to a unique solution no one has thought of. The knee-jerk reaction is to point to MMAH to solve the problem and develop province-wide permit application standards and service timelines. But if the underlying problem is municipal resource inefficiencies or fear of liability, no amount of overarching provincial regulation will solve the problem. We therefore recommend the Advisory Body consider forming an ad hoc committee to dive more deeply into the problems and causes that result in certified model house permits taking 3-6 months (or longer) to approve. As an aside, in Alberta greenfield permits for new homes are issued within one week, and simple building permits in Edmonton can be turned around in one day.

Collecting and monitoring municipal service timelines may also help to understand the magnitude of the problem. Requiring municipalities to post quarterly service times as in Alberta would begin to

document high performers which could point to innovative solutions to apply universally. Perhaps the answer may lie in utilizing other professionally qualified partners such as engineers to help reduce workload and provide oversight to municipalities struggling to keep up. This has been implemented successfully in the City of Toronto for Part 9 applications under the Reliance on Professional Engineer's Seal Program and should be expanded throughout all Greater Golden Horseshoe municipalities.

In our opinion, there is no reason why certified or previously approved house plans cannot be approved across all jurisdictions in Ontario as the concept is similar to the CMHC Housing Design Catalogue. Our recommendation to the Advisory Body is to develop a strategy that would allow OBC-certified, Part 9 buildings to be easily reproduced and approved throughout the province. We understand each application will still need to be approved for planning, zoning and lot-specific requirements, but there is no need for full plans examination for OBC compliance unless the original submission has been materially altered. There may also be a way to pilot a "certified builder program" between LMCBO and RESCON for builder members who regularly utilize stock plans across various municipalities. Coupled with this may be an opportunity to trial a private sector outsourced model such as in Australia where licensed engineers or recognized building consultants are allowed to perform certain OBC mandatory inspections to help reduce workload for municipalities with resource issues.

With respect to e-permitting, there may be merit in MMAH considering becoming the sole-source provider and repository of permit application submissions. This could in fact solve several problems with continuity of uniform application requirements, as well as approved OBC certified model packages. A one-window approach would standardize building permit application forms, electronic file conventions, and utilizing AI software (such as the City of Edmonton has been pioneering) could perform an initial complete application scan before the application is forwarded to the appropriate municipality.

Another proposal for the Advisory Body to consider is the concept of concurrent plans submission review (see Appendix C) or partial/staged permits applying to low rise housing. Where a municipality is requiring additional information (such as HVAC review, structural confirmation, supporting documentation, or even drawing package errors, etc.) to approve the permit as a whole, a foundation permit or approval could be granted for the builder to begin construction while the rest of the permit is being finalized. The Building Code Act already gives the Chief Building Official (CBO) the authority to issue foundation permits, yet municipalities rarely use them. Most municipalities require a near-complete review of the entire drawing package before issuing a foundation permit, defeating the purpose altogether. This option could be provided to applicants where the rest of the package is complete enough to allow construction to begin and then held at the stage where permit information is still incomplete.

Interpretation and Consistency

One area where many code users consistently have issues and express frustration is with respect to uniform interpretation of the OBC and consistency of application. With any complex regulatory technical document such as the Code, there will always be interpretation issues. This is understandable and expected. However, as the Advisory Body examines areas where the OBC could be improved, this may be an easy win. Newer OBC requirements such as secondary suites and associated fire separations create more frustration because they are new, experience, interpretation and practice have not yet equalized. Other technical areas like radon requirements

have been drafted and/or edited in such a way that it encourages interpretation problems. The OBC used to recognize three municipalities in the province where radon concentrations are documented to be high. But the 2024 OBC added wording that opened the door for any municipality to declare radon is known to be a problem in their area, yet there doesn't seem to be any conclusive studies or surveys done to support the claims. If these municipalities are in radon problem areas, then they should be added to the list of three other municipalities in the OBC.

Recommendation:
MMAH needs to return to issuing code interpretations. While the municipal CBO has the authority to interpret the code, MMAH is the author and knows how each article should be interpreted and/or applied. Abandoning this practice has done a disservice to code users and AHJs across the province. In addition, the Building Code Commission process is not nimble and further contributes to housing delays when interpretation disputes arise.

Additionally, when MMAH releases a new code article, it should come with an interpretation or explanation statement (not a justification statement) and these should be warehoused on a MMAH website for future reference by all code users.

We also believe the OBOA may have a part to play in advancing greater uniformity of code interpretation. Discussions on certain code requirements undoubtedly happen within the OBOA membership. It would be helpful for all code users to have access to the conclusions, knowledge and thought process whereby interpretation results from these discussions are derived.

Professional Qualifications
The Protect Ontario by Building Faster and Smarter Act, 2025 (Bill 17) made changes to the Planning Act and the City of Toronto Act, 2006 to scope "complete application" requirements, including creating a new regulation-making authority for the Minister to provide greater recognition of technical studies and reports prepared by certified professionals.

"Complete application" refers to provincial and municipal requirements that need to be satisfied before a planning application must be accepted and the statutory timelines for municipal review and decision on the application begin.

Further to the Bill 17 legislative changes, the Minister has amended 4 existing regulations under the Planning Act to identify professional engineering as a prescribed profession for the purposes of the new provisions that deem material prepared by practitioners of the profession to meet complete application requirements.

The identification of professional engineering as a prescribed profession by Minister's regulations means that municipalities are required to accept technical studies and reports prepared and stamped by professional engineers in the first instance as satisfying complete application requirements (without requiring further review or revisions).

RESCON members report time and time again that municipalities require additional documentation beyond a signed and sealed engineered report or stamped drawing. To further complicate this matter, sealed reports and drawings are then questioned by the municipal building department. Where a building permit applicant has consulted with a recognized and accredited

professional and submitted sealed packages as part of their application, a municipal plans examiner should not be questioning the validity or integrity of the submission.

Recommendation:
Both the OBC and the Building Code Act need to be amended to give more credence to accredited professionals. This should extend to innovative solutions. Under this same lens, we urge parallel changes as adopted in the Planning Act be adopted under the Building Code Act to recognize professional engineers and architects as prescribed professionals whereby municipalities are required to accept technical submissions prepared and stamped by licensed professionals. Furthermore, like how the Province is reinforcing a broader shift away from the negotiated intake of development applications toward a more rigid, regulation-driven entry point, these principles could also be applied to complete building permit application requirements.

Engineers and architects are licensed and regulated by their respective professional bodies and they must carry professional liability insurance. If we undermine these professional qualifications then there is no merit in recognizing credentials at all. We suggest further investigating the building permit and inspection system in other jurisdictions like Australia.

Frequency of Changes
The OBC is supposed to be on a five-year review cycle. However, traditionally the length of time differs. Generally, industry has found that the longer the cycle between changes the better as every change cycle is very disruptive and costly – even if the changes are not significant. Code changes typically require a 'trickle-down' education process where larger industry associations train their members, and members then need to train staff, designers and trades. In some cases this can take a considerable amount of time, not just in training but also in implementation through eventual contract changes and negotiations. When unions are involved, the changes (if significantly different than previous work) can trigger additions and changes that will eventually affect collective bargaining and contract pricing. Code changes and their associated disruption need to be kept to a reasonable time duration. Five years for a complete change to every section of the Building Code is too frequent and this is another reason why harmonization with NBC is too challenging.

However, if the time delay between code change cycles is too long, new and innovative products as well as keeping the code up to date with the currency of standards can become an issue. We believe there is a solution that would satisfy both problems.

Recommendation:
RESCON members suggest the OBC be reviewed every five years for editorial changes and standards updates. Emergency code changes (where there is an identifiable problem or risk to public safety) should be addressed as soon as relevant data and justification studies/research are complete. All other code changes should go through a cyclical change period where each Part of the OBC is reviewed and changed separately (unless there is overlap of provisions). This would limit changes to each Part to roughly ten years in cycle.

The most important recommendation for OBC changes is the reestablishment of the MMAH Technical Advisory stakeholder committees.

Technical
The consultation paper asks where do Building Code requirements create unnecessary complexity, uncertainty, or difficulty in practice without improving outcomes? Our members are generally satisfied with the OBC in terms of its technical content. The following list represents areas where builders and their design professionals continue to experience either interpretation issues, or where they believe the OBC could be improved:

Radon and SB-9
Through blind harmonization, the OBC has uploaded a radon problem from the NBC. Current wording in the OBC is problematic and fundamentally we do not believe adequate research has been performed to justify the current requirements. The OBC no longer recognizes concrete as an air barrier and therefore a barrier to soil gas entry. This was incorrectly eliminated, removing viable options to solely using polyethylene under the concrete basement floor slab without demonstrated research to the contrary. RESCON is currently undertaking a field research project to determine the air leakage rate of a typical basement floor slab as well as the ability for the slab to allow depressurization of the granular layer under the slab without the use of polyethylene. This research project is being conducted by Gord Cooke and Building Knowledge Canada. Results will be available in September 2026. This editorial harmonization problem needs to be corrected immediately.

Polyethylene under the concrete basement floor slab creates practical installation problems, results in poor finishing results and built-in Tarion defects (see Appendix E). This requirement alone has resulted in builders absorbing thousands of dollars in warranty repairs which have inevitably driven up the cost of new housing. The addition of polyethylene has not been proven to be effective at stopping or reducing soil gas entry into basements. The NBC adopted this provision to aid in future radon mitigation, should it be necessary. According to Health Canada radon data, fewer than 10% of Ontario households have radon concentrations in excess of the established 200Bq/m3 threshold. If polyethylene does not prevent radon entry into homes, the requirement for its inclusion without substantive data is excessive to mitigate less than 10% of households.

Further, SB-9 is a remnant of previous radon provisions in the code and it no longer serves a purpose. The information in SB-9 could easily be integrated into Part 9 and the Appendix.

Single Exit Stairs in Multi-residential Buildings
The fire services have maintained that single exit stair designs are somehow more dangerous to public safety and fire fighting operations, yet there does not appear to be documented evidence to support these claims in other North American or European jurisdictions where single exit stairs are permitted. Single exit stair designs would allow more flexibility in small to medium sized, missing middle buildings providing greater market options and construction cost savings which could help to alleviate Ontario's housing supply crisis. The NBC is currently working on a Part 3 solution for 2030, but the OBC could deal with a Part 9 solution in a more expeditious manner in the mean time. Under Ontario's More Homes Built Faster Act (Bill 23), up to three residential units are permitted "as-of-right" on most serviced residential lots zoned for a single-detached, semi-detached, or townhouse dwelling. This provincial baseline allows homeowners to create units inside houses so developing single exit stair provisions is an important undertaking to support small multiplexes.

Secondary Suites / Fire Separations
Following NBC harmonization, new provisions in the 2024 OBC for the design and construction of secondary suites are overly restrictive in terms of fire separations and mechanical requirements. This has lead to fewer new home purchasers choosing to specify and purchase code-approved secondary suite upgrades directly from home builders. New home buyers are instead waiting for a few years after they have taken possession to undertake renovations to construct a basement apartment (legal or illegal), bypassing the OBC provisions and original intent. Because these requirements are overly complex and costly, it is preventing builders from bringing more housing options to the market and encourages renovations in the underground economy. Housing units introduced this way bypass building code and safety oversight. We therefore recommend aligning the Part 11 compliance alternatives as an option to keep the cost of adding secondary suites in Part 9 more reasonable and affordable from the time of original construction.

Height Requirements and Restrictions for Four Storey Buildings
There are several problem areas within the OBC with respect to the transition from three to four storeys of residential design. For example, where a room or roof access enclosure is considered a storey on an otherwise three storey building, or when the elevator requirements are triggered for two, two storey stacked townhouse units: the elevator is essentially only serving two units on two floors.

Accessibility Requirements for Part 9 Four-plexes
Another area where the OBC requirements affects design options is with respect to accessibility requirements for dwelling units where there is ground-level access to the unit, but the unit is a walk-up on a storey above grade. There is a fundamental clash within the code amongst accessibility objectives, construction costs, housing affordability and housing supply options.

Energy Efficiency and SB-12
While RESCON members generally approve of the structure of SB-12, the prescriptive requirements within the tables have not been thoroughly reviewed in years. RESCON has recently undertaken cost-benefit analysis of these requirements in light of bringing SB-12 in line with NBC tier 3 energy efficiency targets and the results challenge the old, traditional tables. We would be pleased to share the results of the partnership project under Buildability's Michael Lio, with MMAH and the Advisory Body. This highlights the need for the code and prospective code changes to undergo thorough cost/benefit and justification analysis prior to implementing based on tradition.

SB-12 can be pared down as there are remnant sections being held for outdated transition rules.

Stair Nosing Requirements
Members have identified interpretation issues in certain municipalities with respect to stair nosing requirements in the OBC. The OBC requirements are not clear with respect to nosings on the landing and floor surfaces entering a staircase. This has lead to challenges in typical stair design and application from one municipality to another. Stair manufacturers supply and install nosings to the treads of their product only. The flooring manufacturer (or site finishing carpenter) supplies a different nosing option. This has resulted in interpretation issues of what is acceptable. There are no questions about the stairs, only the flooring and what constitutes a nosing at these areas.

Required Guards and Window Wells
Guards are required where there is a difference in elevation of 600mm or more from the walking surface. However, this has lead to some creative interpretation problems at window wells, particularly egress window wells from basements. The need for a guard impedes the ability to readily escape in the case of a fire. Better defined goals or clear requirements and/or exceptions would be helpful for builders and consumers.

Minium Room Sizes
The OBC stipulates minimum room sizes. We believe this is an archaic requirement. Marketability is more of a determinant of minimum room size.

Drain Water Heat Recovery
We are not aware of any real-world functional studies that support the use of drain water heat recovery as a cost-savings device for consumers. Depending on the type of water heater and frequency / duration of showers, drain water heat recovery typically has a 50-year (or more) payback period. The Building Code should be a minimum standard for acceptable performance of its objectives. Requirements such as drain water heat recovery are discretionary items that add little to no overall benefit to the building or its occupants. These types of things can be sold as upgrades or included as performance improvements by builders to differentiate their product.

Appendices

The following represent a select few comments received from members to illustrate some of their frustration with various municipalities and as code users.

<u>Appendix A</u>) - Builder Feedback & Recommendations

As a representative of a residential home builder working with multiple municipalities across Ontario, I would like to provide the following feedback regarding unnecessary regulatory and administrative burdens in the building permit process:

- Municipalities often interpret and apply the same Ontario Building Code requirements differently. For example, the same model or construction detail may be accepted by one municipality, while another requires additional drawings, supporting documents or revisions for the same Code requirement.

- Additional documents are sometimes requested even though they are not clearly identified as Building Code or permit-submission requirements. For example, a municipality may request truss general notes or similar supporting documents that are normally provided at the construction site and are not required as part of the permit application by other municipalities.

- The same engineering information may need to be submitted repeatedly for each lot, even when the model, structural design and construction details are identical. For example, signed and sealed engineering details that have already been reviewed and accepted for a model may be requested again for every lot constructed using the same model and design.

- Municipalities sometimes require separate engineering letters to confirm information already shown on signed and sealed engineering documents. For example, a signed and sealed engineering detail may be submitted, but the municipality may still request a separate letter from the engineer confirming or explaining the same information. A professional engineer's stamp should be sufficient evidence that the design has been reviewed by the engineer, without requiring another document that simply repeats or validates it.

- New submission requirements can be introduced during the permit review process without clear advance notice. For example, hydraulic-load calculations may be requested after an application has already been submitted, even though they were not identified as a submission requirement and were not previously requested for comparable permit applications. This results in delays and additional consultant costs.

- Certified-model programs are not applied consistently between municipalities. For example, one municipality may allow multiple elevations or minor options under a certified model, while another requires a separate certified-model application for each elevation or option. This reduces the time and cost savings that certified-model programs are intended to provide.

- Municipal permit portals and digital-upload requirements are not standardized. For example, municipalities use different portals, file-naming conventions, document

categories, and upload formats. Some require complete drawing sets, while others require title pages or individual drawing sheets to be separated and uploaded as standalone files. Preparing the same permit package differently for each municipality creates additional administrative work without changing the technical content of the application.

- Some permit comments appear to reflect municipal preferences rather than a clearly identified Ontario Building Code requirement. For example, a reviewer may request a design or documentation change without identifying the applicable Building Code article. This makes it difficult to determine whether the comment is a Code requirement or the municipality's preferred practice.

- Review timelines and the issuance of deficiency comments are not always consistent. For example, new comments may be introduced during later review rounds instead of all issues reasonably identifiable from the original submission being provided together. Each additional request can significantly delay an application because information may need to be obtained from consultants, resubmitted, and reviewed through another municipal review cycle. Even a minor administrative omission, such as a missing portal upload or an incorrectly separated drawing sheet, can delay an entire permit or certified-model application by weeks. The consequence is often disproportionate to the nature of the omission and can affect construction schedules, consultant costs and housing delivery.

I recommend establishing consistent province-wide submission requirements, digital-upload standards, and interpretations for Ontario Building Code applications. Municipalities should identify the specific Building Code article supporting each deficiency and avoid requesting duplicate documentation where identical designs, engineering or certified models have already been reviewed and accepted.

<u>Appendix B</u>) – Builder Feedback & Recommendations
The OBC should continue to establish clear outcomes for health, safety, accessibility, durability, and energy performance. At the same time, builders should be able to meet those outcomes through the most practical and cost-effective compliant method, with consistent interpretation and administration across Ontario

The areas that we believe deserve the strongest attention from the perspective of builders and developers who work with the OBC and municipal approval systems on a regular basis.
It is not to suggest that requirements should be removed simply because they are difficult or costly to satisfy. The concern is with provisions and administrative practices that create duplicate work, prescribe a single method when equivalent performance can be demonstrated, produce inconsistent results between municipalities, or add cost without a clearly measurable benefit.

Priority Areas
Consistent interpretation across municipalities
Concern: A design that is accepted as compliant in one municipality may be challenged in another. Builders and consultants can be required to redesign or resubmit work even though the building-performance outcome has not changed. This adds delay and makes costs difficult to predict.
Suggestion: Binding provincial interpretations, standardized plan review, and inspection guidance. Once a recurring question has been resolved, it should not have to be argued again municipality by municipality.

A practical choice between prescriptive and performance-based compliance
Concern: Prescriptive requirements provide certainty, but they can also force a particular construction method when an engineered, modelled, or tested design can achieve an equivalent or better result. The current alternative solution process can be expensive, discretionary, and limited to one project.
Suggestion: More recognized performance-based paths within the OBC. SB-12 demonstrates the basic principle: a prescriptive package can remain available as an option, while a defined performance path allows reasonable trade-offs where the required outcome can be verified.

Less duplication in submissions and professional review
Concern: The same information is often repeated in architectural drawings, engineering documents, energy forms, HVAC submissions, and municipal checklists. Consultants may also be asked to reconfirm information that is already contained in sealed drawings or reports.
Suggestion: Standard provincial submission requirements, clearer responsibility for each discipline and a submit-once approach to information. Municipalities should be able to place reasonable reliance on qualified professional design and certification without creating parallel reviews or repeated confirmations.

Affordability and cumulative cost analysis
Concern: Individual Code changes may appear manageable when considered in isolation, but their combined effect includes construction cost, consultant fees, redesign, approval time, maintenance, and long-term replacement costs. That cumulative impact is not always made clear.
Suggestion: A published cost-benefit assessment for major amendments, including the direct cost per home, expected operating savings, payback period, approval implications, and measurable public benefit. Groups of concurrent amendments should also be evaluated for their combined effect on housing affordability.

Requirements that are proportionate to the actual risk
Concern: Some provisions (i.e., Radon R/I) apply uniformly even though the underlying risk may vary significantly by geography, site condition, building type, occupancy, or construction method. A universal requirement can be unnecessarily costly where the identified risk is low or can be addressed in a simpler way.
Suggestion: Evidence-based triggers, reasonable exemptions, and simplified compliance paths where appropriate. Province-wide application should still be available where the evidence shows that a risk-based approach would not adequately protect the intended outcome.

Energy-efficiency measures that remain practical and affordable
Concern: We support energy-efficient construction, but each increase in required performance should be considered against actual energy savings, constructability, durability, and homeowner payback. Increasingly complex assemblies can produce diminishing returns and may introduce unintended moisture or maintenance concerns.
Suggestion: Continued access to the SB-12 whole-building performance path, meaningful trade-offs between envelope and mechanical systems, and consideration of measured results. Higher efficiency should be supported by field evidence, lifecycle analysis, and a realistic assessment of their effect on the cost of a new home.

Clearer separation of OBC review from other municipal requirements
Concern: Building-permit review can become intertwined with planning approvals, site-plan obligations or confirmation of requirements administered under other legislation. The same status or supporting information may be requested through several approval streams.
Suggestion: Clear evidence requirements for applicable law, coordinated status tracking and a defined boundary between technical OBC review and unrelated planning matters wherever the legislation allows. Information should not be repeatedly reviewed by different departments.

Predictable Code changes, transition periods, and training
Concern: Frequent amendments, supplementary standards, and complex transition rules make it harder for builders, designers, and building officials to determine which requirements apply.
Suggestion: Predictable amendment cycles, consolidated Code editions, clear redlined changes, plain-language implementation guidance, reasonable transition periods, and province-wide training before new requirements are enforced.

Accountability for approval time, resubmission, and rework
Concern: There is limited province-wide information showing where OBC administration creates the greatest delay, repeated submission, redesign, or inspection dispute. Without this information, it is difficult to determine whether reforms are producing practical improvement.
Suggestion: Consistent tracking of permit-review times, resubmissions, alternative-solution processing, interpretation disputes, and municipal variations. Future reforms should be evaluated against measurable reductions in time, cost, and repeated work.

Closing View
MMAH should retain clear and enforceable minimum outcomes, while giving builders a predictable choice between prescriptive and recognized performance-based compliance. The OBC should be administered consistently throughout the province, supported by evidence, and disciplined about the cumulative cost, delay and duplication created by new requirements.

<u>Appendix C</u>) – Builder Recommendations to Expedite Permit Approvals
Consider Staged Permits - An issue identified in one discipline, whether it's HVAC calculations, SB-12 compliance or energy modelling should not result in an entire permit application being deemed incomplete. Zoning, grading, engineering, architectural and structural reviews should continue while that specific issue is being addressed.

The high-rise industry has been using staged and phased permits for years, allowing excavation, shoring and below-grade construction to proceed while the balance of the drawings are still under review. There is no reason the same approach cannot be applied to Part 9 low-rise housing, which is far less complex.

Although the Ontario Building Code already gives Chief Building Officials the authority to issue foundation permits, municipalities rarely use that authority as intended. In reality, many municipalities still require a near-complete review of the entire drawing package before issuing a foundation permit, which defeats the purpose altogether.

To help reduce permit timelines and accelerate housing starts, I think the following measures should be considered:

• Require municipalities to issue or refuse foundation permits within ten (10) business days of receiving a complete submission.

• Limit foundation permit reviews to matters directly related to foundation construction, such as zoning compliance, setbacks, geotechnical recommendations, grading, servicing and municipal engineering requirements.

• Introduce a certified builder program that allows builders with a proven track record to obtain expedited foundation permits based on an architect's and engineer's certification that the balance of the design complies with the OBC.

• Require municipal departments to review applications **concurrently** rather than **sequentially**.

• Allow items unrelated to foundation construction, such as HVAC design, energy modelling and interior layouts to continue through the regular review process without delaying construction.

• Require municipalities to identify all deficiencies in a single review cycle instead of issuing comments in multiple rounds.

Beyond the Building Code review itself, builders are also dealing with an increasing administrative burden created by municipal intake procedures and online submission systems.

Every municipality has developed its own portal, file-naming convention, application forms and upload requirements. Builders are constantly manipulating the exact same drawing package multiple times just to satisfy different municipal standards.

What's even more frustrating is that permit applications are often rejected for issues that have absolutely nothing to do with public safety or Building Code compliance, such as:

• not leaving enough blank space in the corner of a drawing for a municipal stamp;

• municipality-specific file-naming requirements;

• documents uploaded in the wrong order;

• minor formatting discrepancies; or

• inconsistent digital submission requirements.

It's difficult to explain to the leadership team of a home building company why a permit application can be delayed by five to ten business days because a drawing didn't have the prescribed "empty" space in the top corner or because a file name didn't match a municipality's preferred format. These are administrative matters that should be addressed while the technical review continues, not reasons to reject an application and send the builder back to the end of the queue.

Administrative comments should never stop or restart the permit process. Municipalities should be required to accept technically complete submissions and allow minor administrative issues to be corrected concurrently.

The province should also consider implementing a standardized digital permitting framework that includes:

• uniform file-naming conventions;

• standardized application forms and declarations;

• common drawing standards;

• a universal intake checklist; and

• consistent online submission requirements across all municipalities.

Finally, municipalities repeatedly review identical Part 9 house models across Ontario. The focus should be on site-specific matters, such as zoning, grading and servicing, rather than spending time re-reviewing the same floor plans, elevations and structural details that have already been approved countless times elsewhere.

Ontario's housing challenges require a permitting system that prioritizes getting homes built rather than administrative formalities. The authority to issue phased permits already exists and has been successfully used in the high-rise industry for years. Extending those same principles to low-rise construction, while standardizing municipal requirements and eliminating unnecessary administrative hurdles, would go a long way toward reducing delays without compromising public safety or Building Code compliance.

Appendix D) – Town of Oakville Checklist

OAKVILLE

Completeness of Application for Residential Permit Applications

We have reviewed your application package and it is deemed incomplete. The following checked items are missing from your submission and we are unable to currently accept it. To avoid delays, please review the list carefully and resubmit your package of materials including the identified missing items.

- ☐ Complete all applicable fields on the ministry prescribed Application for a Permit to Construct or Demolish, with required Schedules.
- ☐ Missing permit fee breakdown (Refer to fee schedule for further pricing information).
- ☐ Town of Oakville Building Permit Application Additional Information Form and/or Applicable Law Checklist is incomplete, requires signature and/or date.
- ☐ Missing one or more of the following documents:
  - ☐ *Copy of Site Plan – showing all buildings (garages, sheds, gazebos, porches, etc.) incl. Setbacks, easements, etc.
  - ☐ *Copy of zoning checklist or provide site statistics on Site Plan
  - ☐ *Copy of Architectural Drawings:
    - ☐ Foundation plan, floor plan(s), roof plan
    - ☐ Elevations, building cross-section(s) & details
  - ☐ *Copy of truss and floor joist diagrams and calculations (if applicable), stamped by a Professional Engineer
  - ☐ *Copy of Structural Drawings stamped by a Professional Engineer if the design does not meet OBC Part 9 prescriptive requirements
  - ☐ *Copy of Mechanical Drawings and Calculations:
    - ☐ Room by room heat loss/gain calculations.
    - ☐ EEDS form, and all applicable design materials (BOP form, Part 6 design, energy modelling reports, etc…)
    - ☐ Detailed duct design calculations (ensuring both heating and cooling are used for duct sizing)
    - ☐ Duct layout, furnace/equipment specifications, design air flow rates, external static pressure.
  - ☐ *Copy of Sizing of Water Service form
- ☐ *Copy of Commitment to General Review by Architect and Engineer
- ☐ Site Plan Approval (if applicable) – contact the Planning Department for requirements
- ☐ DENG or DESP – contact the Development Engineering Department for requirements
- ☐ Halton Region Conservation Authority Approval (if in a regulated area)
- ☐ Heritage Approval (if applicable) – contact the Planning Services Department Issued
- ☐ Issued Regional Services Upgrade Permit – contact Halton Region for requirements
- ☐ Issued Demolition Permit
- ☐ Payment of Development Charges – contact the Finance Department for requirements
- ☐ Cash-in-lieu of Park Land Dedication –contact the Legal Department for requirements
- ☐ New Home Warranty Owner Declaration Form or registration number, if applicable
- ☐ Other _____

- All Drawings must be stamped, dated and signed.
- Drawings marked "Not for construction" will not be accepted.

* Digital copies are preferred. If resubmitting via paper, 2 copies are required.

Pursuant to Article 1.3.1.3 of Division C of the Ontario Building Code, the purpose of this document is to advise the applicant and provide written notice of an incomplete application determination. Incomplete applications are not subject to a full review within the timeframes set out in the Ontario Building Code.

ADDRESS:

<u>Appendix E</u>) – Concrete Basement Floor Slab Issues and Concerns with Radon Provisions

Ontario Concrete & Drain Contractors Association

November 15, 2024

Syed Mansoor Mahmood, Ph.D., P.Eng.
Director, Building and Development Branch
Ontario Ministry of Municipal Affairs and Housing
777 Bay Street
Toronto, Ontario, M7A 2J3

Dear Dr. Mahmood:

The Ontario Concrete & Drain Contractors Association (OCDCA) was officially formed in 1979 and is recognized as an Accredited Association by the Ontario Labour Relations Board (OLRB), and is in contractual Collective Agreements with Liuna Local 183 and Operating Engineers Local 793.

OCDCA Members have been responsible for the professional installation of drainage systems and the placement of concrete basement slabs, garage floors, and porches in Southwestern Ontario for decades, even prior to the official inception of the OCDCA.

As well, OCDCA Members are able to perform infrastructure sewer and watermain scope of work within 1.5 hectares in property area, which is also recognized by the OLRB.

This letter is intended to assist in understanding the implications of the recent Ontario Building Code changes in relation to our work. Code references are 9.1.1.7., 9.13.2.6., 9.13.4.2., 9.13.4.3., 9.25.3.3., and SB-9.

To restrict the entry of soil gases into the basement, the new Code provisions require the installation of an air barrier at the basement slab either under or over the slab (provided it is protected by a floor finish). For most Southern Ontario builders, the soil gas control will take the form of polyethylene installed under the slab. We have concerns about the polyethylene air barrier being damaged during construction. Of more concern to our members, is that the polyethylene will prevent the excess concrete bleed water from soaking into the soil beneath the slab preventing proper drying of the concrete, since concrete needs to expel excess bleed water and moisture below and above the concrete slab to dry evenly and properly.

We support the installation of under slab rough-in piping system (as shown in SB-9) to facilitate the removal of radon gas from below the slab.

The OCDCA suggests that the use of sub-slab polyethylene will adversely impact slab performance, the time it takes for construction, and the overall cost of housing.

400 Creditstone Road, Unit 6, Concord, Ontario L4K 3Z3
Website: www.ocdca.ca **E-mail:** office@ocdca.ca **Tel:** (905) 660-7676

Performance

Our members believe that placing concrete over polyethylene could increase the incidence of slab curling, blistering, shrinkage cracking, and dusting. The view of our members is corroborated by recommendations from Concrete Ontario.[1] These performance issues could result in additional warranty claims against builders, and in turn, against our members. **We believe that the mandated use of under-slab polyethylene will result in an increase in housing defects.**

Schedule

Restricting the ability of bleed water in the concrete from soaking into the soil beneath the slab substantially increases the time required to finish the slab in many cases by up to 3 hours. Labour will need to remain on site well into the evening, which will disrupt our industry's typical scheduling of tasks. In addition, this infringes upon defined hours of work as per our collective agreement. Hiring additional workers is constrained by the chronic labour shortage in our industry, so this additional time required will imply overtime costs and unrealistic scheduling for our industry. **This Code change will reduce our ability to install basement slabs and meet production requirements, particularly if the anticipated number of housing starts increases as per the Province's ambitious production plan of building 1.5 million homes in 10 years.**

Cost

The remedial work required to deal with customer complaints and the additional labour costs will inevitably affect costs. **We estimate the additional cost of this Code change, as it pertains to the OCDCA scope of work, to be about $1800-$2000 per average size of new home built.**

We recommend the following:

1. allowing 25 MPa concrete to be used without sub-slab polyethylene dampproofing.
2. including an appendix note that states that the concrete slab is an acceptable air barrier to restrict soil gas entry, provided it is properly sealed and that any cracks through the slab are caulked by the builder as part of the builder's warranty obligations or as an alternative a radon test is performed.
3. integrating the requirements of SB-9 into the body of the Code since these are largely redundant to the requirements in the body of the Code.

[1] Concrete Construction Troubleshooting Tips, by Ready Mix Concrete Association of Ontario, 2015

The OCDCA Technical Advisory Committee is available to you as a technical resource upon request. We would be happy to provide you with feedback on new draft Code language in the preparation of any future proposals pertaining to the Concrete & Drain Industry.

We look forward to hearing from you and your feedback of our recommendations.

Sincerely,

Robert Celsi
Executive Director

cc Peter Balasubramanian, CEO, Tarion Warranty
Thomas Ferguson, Chair, Canadian Board for Harmonized Construction Codes
Scott Addison, CEO, Ontario Home Builders Association
David Wilkes, CEO, BILD
Richard Lyall, CEO, RESCON
Douglas Lapp, President and CEO, Ontario Regional Common Ground Alliance,
Lawrence Wagner, Ontario Building Officials Association
Fabrizio Piazza, President, Ontario Plumbing Inspectors Association