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This course is based on the *Building Code Act*, S.O. 1992, C. 23 as amended to July 23, 2014 and the Ontario Building Code 2012 (O. Reg. 332/12 as amended by O. Reg. 151/13, O. Reg. 360/13, O. Reg. 361/13, O. Reg. 368/13 and O. Reg. 191/14).

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READ ME FIRST INSTRUCTIONS

BEFORE THE COURSE STARTS, WORK ON YOUR OWN AND COMPLETE ALL OF THE EXERCISES. If you come unprepared, you will have a difficult time to keep up with the pace of instruction. To be ready for this course, you will need to schedule and dedicate 35 to 40 hours of your time as preparation time.

It is recommended that you familiarize yourself with the **TABLE OF CONTENTS** of the *Building Code Act* (BCA or Act) and those of Divisions A and C of the 2012 Building Code (Code or building code). As you consult the text of the BCA and the associated text of the Code, you are strongly encouraged to customize your copy of each document by inserting cross-references in the margins to establish concordance between the requirements of the BCA and the prescribed provisions of the building code. For example, in your copy of the BCA underline the term “any other applicable law” at Clause 8(2)(a) and in the margin, write “Div. A, 1.4.1.3.”.

COURSE OBJECTIVE

The objective of the course, “General Legal/Process for Inspectors and Designers, Powers and Duties for Chief Building Officials and Registered Code Agencies” is to help you understand how the BCA works and its relationship with both the building code made by the Lieutenant Governor in Council under Section 34 of the BCA and the instrument (Building By-law, Building Regulation or Building Resolution) enacted by a Principal Authority under Section 7 of the Act.

Consequently, the course is based on the Act and the Code as they read on January 1, 2012.

COURSE FORMAT

This course has thirteen Modules. Modules One to Twelve are intended for all BCA practitioners who are required by Subsections 15.11(1) to (5) of the BCA to have the qualifications set out in Part 3 of Division C of the building code. The two parts of Module Thirteen are intended for Chief Building Officials (CBO), Inspectors who have the same powers and duties as the Chief Building Official in relation to sewage systems or plumbing, Inspectors who are Supervisors and Managers of Inspectors and Registered Code Agencies.

Performance when occasion requires

- (79) Powers that are conferred on a person may be exercised, and duties that are imposed on a person shall be performed, whenever the occasion requires.

Therefore, under the power of the Legislation Act a municipality can appoint a Deputy Chief Building Official. A Deputy Chief Building Official would have the same powers as the Chief Building Official in their absence.

OVERVIEW OF THE STRUCTURE OF THE CODE

The following synopsis on the structure of the building code is provided as a guide to reading and understanding “legalese”. The composition of Ontario's 2012 Objective-Based Building Code will be dealt with in greater detail in Module Three.

DEFINED TERMS

Div. A, Sentence 1.4.1.2.(1) of the building code informs us as follows:

Each of the words and terms in *italics* in this Code has,

- a) the same meaning as in Subsection 1(1) of the Act, if not defined in Clause (b), or (c),
- b) the same meaning as in each of the following provisions for the purposes described in the provision:
 - i) Sentence 1.4.1.3.(1) and (2) of Division A, and
 - ii) Sentences 3.13.1.2.(1), 7.1.3.1.(1), 8.1.1.2.(1) and 11.1.1.2.(1) of Division B, or
- c) the following meaning for the purposes of this code:

NOTE: These definitions always apply unless a term has a special purpose definition inserted elsewhere than in Subsection 1(1) of the Act or Div. A, Clause 1.4.1.2.(1)(c) of the Code.

For example, in the BCA, a definition of “owner” is introduced at Subsection 15.1(1) of the BCA because it has a special meaning for Property Standards matters under Sections 15.1 to 15.8 only.

Similarly, a definition of “owner” is inserted in Sentence 1.3.1.2.(1) of Division C to deal specifically with applications for permits under Section 8 of the *Building Code Act*.

The different definitions of “owner” were not included in Subsection 1(1) of the Act nor Div. A, Clause 1.4.1.2.(1)(c) of the Code in order not to interfere with each other because each definition has a special meaning. This concept of general and unique definitions is reinforced by the definition of *soil*. The word “soil” has a general meaning in Clause 1.4.1.2.(1)(b) of Division A and a unique meaning for on-site sewage systems in Sentence 8.1.1.2.(1) of Division B.

NON-DEFINED TERMS

According to Sentence 1.4.1.1.(1) of Division A:

Definitions of words and phrases used in this Code that are not included in the list of definitions in Articles 1.4.1.2. and 1.4.1.3. and are not defined in another provision of this Code shall have the meanings that are commonly assigned to them in the context in which they are used, taking into account the specialized use of terms by the various trades and professions to which the terminology applies.

ABBREVIATIONS OF PROPER NAMES

Div A, Sentence 1.5.2.1.(1) informs us that:

The abbreviations of proper names in this Code shall have the meaning assigned to them in Article 1.3.2.1. of Division B.

The Code makes use of abbreviations instead of the full proper names of referenced agencies. For example, Div. B, Sentence 9.19.1.2.(5) makes reference to **CAN3** and Div. B, Sentence 9.3.1.2.(1) makes reference to **CAN/CSA**. A review of Div. B, Sentence 1.3.2.1.(1) and associated Table 1.3.2.1. reveal that both are abbreviations of the proper name “Canadian Standards Association”.

NOTE: Contact information for organizations referenced in Section 1.3. of Division B can be found on pages A-11 to A-14 of Appendix A, Volume 2, 2012 Building Code Compendium.

SYMBOLS AND OTHER ABBREVIATIONS

Div. A, Sentence 1.4.2.1.(1) references Table 1.4.2.1., a list of symbols and abbreviations that are used throughout the text of the Code. As examples, the letter “h” means “hour” in Div. B, Sentence 9.10.9.11.(1) and “hours” in Div. B, Sentence 9.10.9.11.(2). The expression 1:2 (1 in 2) means a slope of 1 vertical unit to 2 horizontal units where

the units of measurement are the same whether the units are feet, inches, millimetres or metres.

BASIC RULES FOR READING THE CODE – SCOPE AND APPLICATION OF CODE REQUIREMENTS

There are 12 Parts to Division B of the building code. Each Part does not apply to every building. Guidance in the application of each of the 12 Parts of Division B to a particular building is found in Div. A, Subsection 1.1.2., "Application of Division B".

For instance, Div. A, Sentence 1.1.2.1.(1) informs us that Parts 1, 7 and 12 of Division B apply to all buildings. In turn, buildings are then primarily regulated by either Parts 3, 4, 5 and 6 or Part 9. A review of Div. A, Articles 1.1.2.2. and 1.1.2.4. reveals that the decision is based on three variables:

- occupancy classification,
- building area, and
- building height.

When considering the construction of a building regulated by Div. B, Part 9; not all of the requirements of Part 9 apply to every building. As an example, Div. B, Sentence 9.35.1.1.(1) informs us that the Section on Garages and Carports applies to garages and carports serving a single dwelling unit.

In considering and applying the provisions of Division B to a building, one does not jump from Part 9 to Part 3 or from Part 3 to Part 9 unless the Code provides direction to do so. Consider Articles 9.10.3.1. and 3.1.7.1. as one example and Articles 3.1.4.2. and 9.10.1.3. as a second example. In the first instance, Sentence 9.10.3.1.(1) informs us that a fire-resistance rating can be determined in conformance with the test methods described in Part 3. Hence, the requirements of Article 3.1.7.1. may be applied to a building regulated by Part 9.

In the second instance, Clause 3.1.4.2.(1)(a) informs us that foamed plastic insulation in a wall or ceiling assembly in a building permitted to be of combustible construction by any of the Articles from 3.2.2.20. to 3.2.2.83., may be protected by one of the interior finishes described in Subsections 9.29.4. to 9.29.9. In this second instance, a provision of Part 9 is deemed to satisfy the requirements for the construction of a Part 3 building.

3. the total of the building areas of any number or group of buildings.

In this case, the word “or” is disjunctive. Only one of them applies to the exclusion of the other two.

As an exception to the general rule, the word “or” can be inclusive and cover all items.

e.g., In part, Subsection 8(9) of the BCA informs us that upon reasonable ground, the chief building official may refer drawings, plans **or** specifications accompanying applications for permits ...

Here, the word “or” is inclusive. The chief building official may refer any one of them. It is clear that the CBO is entitled to refer all three types of documents in any combination and not only one of the three types of documents.

RULES (PROVISIONS) OF THE CODE

The Code is structured into a number of rules that apply without exception. For example, Div. B, Sentences 9.10.1.3.(1) to (10) inform us that the identified items are dealt with exclusively, without exception, by Part 3 of Division B. Similarly, Sentences 9.10.1.4.(1) and (2) tell us that certain other items are dealt with exclusively by Part 6 of Division B.

GENERAL RULES OF THE CODE AND EXCEPTIONS

At other times, the user of the Code has to consider a general rule and exceptions to the general rule. Consider the requirements for concrete in Article 9.3.1.1. of Division B:

(1) Except as provided in Sentence (2), unreinforced and nominally reinforced concrete shall be designed, mixed, placed, cured and tested in accordance with the requirements for “R” class concrete stated in Clause 8.13 of CSA A23.1, “Concrete materials and Methods of Concrete Construction”.

(2) Unreinforced and nominally reinforced site-batched concrete shall be designed, mixed, placed and cured in accordance with Articles 9.3.1.2. to 9.3.1.9.

The general rule of Div. B, Sentence 9.3.1.1.(1) informs us that nominally unreinforced concrete in a Part 9 building can be designed, mixed, placed, cured and tested in accordance with

the requirements for “R” class concrete stated in Clause 8.13 of CSA A23.1, “Concrete materials and Methods of Concrete Construction”.

OR

As an exception to the general rule of Div. B, Sentence 9.3.1.1.(1), Sentence (2) informs us that unreinforced and nominally reinforced concrete in a Part 9 building can be site-batched, designed, mixed, placed and cured in accordance with Articles 9.3.1.2. to 9.3.1.9.

VERY IMPORTANT:

When the Code spells out a general rule and exceptions thereto, conformity with the Code is obtained by complying with either the general rule or the exception thereto.

REFERENCED DOCUMENTS AND SUPPLEMENTARY STANDARDS

By virtue of Paragraph 34(1) 9. of the BCA, Supplementary Standards SA-1, SB-1 to SB-12 and SC-1 to Ontario's 2012 Building Code and the Referenced Documents (standards) listed in Div. B, Table 1.3.1.2. form an integral part of the text of the provisions of Division B of the building code. Consult Div. A, Articles 1.5.1.1., “Application of Referenced Documents”, 1.5.1.2. “Conflicting Requirements”, 1.5.1.3. “Applicable Editions” and 1.5.2.1. “Abbreviations of Proper Names”.

APPENDICES AND GUIDES

On the other hand, Appendix A, which contains “Explanatory Material for Division A”, “Explanatory Material for Division B” and “Explanatory Material for Division C”; Appendix B, “Imperial Conversions of Metric Values”; and, the various “Guides” have all been prepared for convenience only and as such are explanations that do **not** form part of the legal document which is Ontario's 2012 Building Code and are **not** intended to limit the ways by which compliance can be achieved.

TABLES, TEXT AND FOOTNOTES

Whenever you are called upon to use a Table in the Code, you have to **consider the text** associated with **the Table** and **the footnotes**.

For example, the provisions of Div. B, Table 9.8.4.1., “Rise, Run and Tread Depth for Rectangular Treads” form part of Sentences

3. According to the BCA, the authority and duty of the council of a *municipality* to appoint such *inspectors* as are necessary, in addition to a chief building official, for the enforcement of the BCA is found in Subsection:
- a) 3(2)
 - b) 3.1(2)
 - c) 6.1(4)
 - d) 6.2(3)

BCA Reference for the definition of Inspector and municipality: _____

4. The term *smoke alarm* is defined in;
- a) Subsection 1(1) of the BCA for purposes of the BCA and of the Code
 - b) Clause 1.4.1.2.(1)(c) of Division A for purposes of the Code
 - c) Clause 1.4.1.2.(1)(b) of Division B for purposes of the Code
 - d) Clause 1.4.1.2.(1)(b) of Division C for purposes of the Code
5. In the Code, the abbreviation "g" means;
- a) gram or grams
 - b) gauge or gauges
 - c) ground floor of a building
 - d) the 7th letter of the alphabet

Code References: _____

6. The construction of a new building of residential occupancy that has three storeys in building height and a building area of 600 m² is for the most part regulated by:
- a) Part 9 of Division B
 - b) Part 3 of Division B
 - c) Part 10 of Division B
 - d) Part 11 of Division B

Code References: _____

7. The construction of a new building of residential occupancy that is one storey in building height and has a building area of 610 m² is for the most part regulated by:
- a) Part 9 of Division B
 - b) Part 3 of Division B
 - c) Part 10 of Division B
 - d) Part 11 of Division B

Code Reference: _____

8. The construction of a self-service storage building, (a special Group F Division 2 occupancy), of one storey in building height with a building area of 300 m² is regulated by:
- a) Part 9 of Division B
 - b) Section 3.10. of Division B and the applicable requirements of Part 3
 - c) Part 3 of Division B
 - d) Section 3.10. of Division B and the applicable requirements of Part 9

Code References: _____

9. The area of windows (a health requirement) for dwelling units in a 10 storey Group C residential building is calculated from the values found in Division B,
- a) Sentence 3.7.2.1.(1)
 - b) Part 9 by way of Sentence 3.7.2.1.(1)
 - c) Table 9.7.2.3. by way of Sentence 3.7.2.1.(1)
 - d) Table 9.7.1.2. by way of Article A-3.7.2.1.

Code References: _____

10. As a general rule, the requirements of Div. B, Section 9.5. "Design of Areas and Spaces" apply to a Part 9;
- a) hotel/motel occupancy
 - b) cottage built as a dwelling unit and used at various times throughout the year as a seasonal recreational building
 - c) all occupancies
 - d) dwelling unit that is intended for use on a continuing or year round basis as a principal residence

Code Reference: _____

11. Subsection 1(1.3) and Section 6.1 of the BCA inform us that an Inspector who has the same powers and duties as the CBO in relation to plumbing;
- a) does not have the authority to issue a conditional permit
 - b) has the authority to issue a conditional permit
 - c) has the authority to issue a conditional permit if the appointment By-law extends that authority to him or her
 - d) does not have the authority to issue a conditional permit unless the authority is given to him or her by the appointment By-law

BCA References: _____

12. Subsection 1(1.3) and Section 6.2 of the BCA inform us that an Inspector who has the same powers and duties as the CBO in relation to sewage systems;
- a) does not have to authority to issue a conditional permit
 - b) has the authority to issue a conditional permit
 - c) has the authority to issue a conditional permit if the appointment By-law extended that authority to him or her
 - d) does not have the authority to issue a conditional permit unless the authority is given to him or her by the Principal Authority

BCA References: _____

13. Subject to confirmation by the plans review activity, the method of calculating the building area of a self-service storage building, for purposes of Article 3.10.4.2. is to be decided by:
 - a) the qualified designer who will review and take responsibility for design activities
 - b) the Chief Building Official or the Inspector who has the same powers and duties as the CBO, as the case may be
 - c) the Chief Building Official because the Inspectors who have the same powers and duties as the CBO in relation to plumbing or on-site sewage systems do not need to deal with building area
 - d) council who is given the responsibility for enforcement under Subsection 3(2) of the BCA

STOP

EXERCISE # 3 - REVIEW OF MODULE ONE

This is a discussion exercise intended to recap the subject matter contained in this module. In the space provided under each heading, note any comment, concern or question and when the Facilitator leads the class discussion, it will be time to make your comment, raise your concern or ask your question.

OVERVIEW OF THE STRUCTURE OF THE CODE

Defined Terms

The definitions provide consistent meaning within the BCA, the Code and the Building By-laws, Regulations and Resolutions enacted under Section 7 of the BCA. See BCA Subsection 1(1) and Div. A, Clause 1.4.1.2.(1)(b)

Some defined Terms have a limited application within the text of the BCA and the Code and are found elsewhere than Subsection 1(1) of the BCA and Div. A, Clause 1.4.1.2.(1)(b) of the Code. For example, see Subsections 15.11(5) and (6) of the BCA [design] and from Div. B, Sentences 8.1.1.2.(1) [soil] and 11.1.1.2.(1) [building system].

Builders

[BCA Subsection 1.1 (3)]

Manufacturers, Suppliers and Retailers of building products

[BCA Subsection 1.1 (4)]

Registered Code Agencies

[BCA Subsection 1.1 (5)]

Chief Building Officials

[BCA Subsection 1.1 (6)]

Inspectors

[BCA Subsection 1.1 (7)]

LIMITATION

Nothing in Section 1.1 of the BCA relieves any person from the duty to comply with any part of the Act or the Code or affects the rights or duties of a person not mentioned in Section 1.1 in respect of the construction of a building.

[BCA Subsection 1.1 (8)]

THE BUILDING CODE

Its purpose is found in Subsection 34(5) of the BCA. You have investigated the organization of the Code in three Divisions, its decimal numbering system and the effective date the regulation and amendments thereto become effective in consideration of the Rules for Transition, Revocation and Commencement and as stated in the text of some of the provisions of the Code. We have also examined the way of referencing and cross-referencing the provisions of the 2012 Objective-Based Code.

HISTORY OF AMENDMENTS TO THE CODE

[see Building Code Website under Publications or page xv of the Preface of the 2012 Building Code Compendium]

By-laws, Resolutions and Regulations (instruments) under Section 7 of the Building Code Act

Its purpose is to establish legal requirements that are specific to the area under the jurisdiction of the Principal Authority as empowered and limited by Section 7 of the BCA.

INTRODUCTION

As a general rule, Div. C, Sentence 3.1.1.1.(1), by way of Subsections 15.11(1) to (3) of the BCA, provides that, **unqualified** CBOs and **unqualified** Inspectors who have the same powers and duties as a CBO in relation to plumbing or sewage systems and **unqualified** Inspectors are not eligible for appointment and are not to remain appointed.

As exceptions to the general rule:

- Intern Inspectors, with partial qualifications, may be appointed if enrolled in an internship program approved by the Minister, under Div. C, Article 3.1.4.3.

and

- **unqualified** persons may be appointed as Maintenance Program Inspectors, under Div. C, Article 3.1.4.4.

The scope of authority and conditions placed on the appointment of Intern Inspectors and Unqualified Maintenance Program Inspectors will be dealt with in more details later in this module.

As a rule, Div. C, Sentence 3.4.3.1.(1), by way of Subsection 15.11(4) of the BCA, informs us that a person is not eligible to be appointed as a RCA under the BCA unless he, she or it is registered with the Director.

In the case of a Designer who is not an architect or a professional engineer, Div. C, Sentence 3.2.1.1.(1), by way of Subsection 15.11(5) of the Act, goes on to say that a person is not eligible to prepare a design or give other information or opinion concerning whether a building or part of a building complies with the Code, if the design, information or opinion is to be submitted to a CBO in connection with,

- a) an application for a permit,
- b) a request for change to permit information under Subsection 8(12) or (13) of the BCA,

unless the Designer has the qualifications and meets the requirements set out in Div. C, Section 3.2.

According to Subsection 15.11(6) of the BCA, design includes:

a plan, specification, sketch, drawing or graphic representation respecting the construction of a building.

OBJECTIVES

In this module, you will:

- identify Types of Buildings associated with registration and qualifications of Building Code Act practitioners,
- review the process of registration of categories of qualification for BCA practitioners,
- determine Classes of Registration and requirements for liability insurance for Designers engaged in the business of providing design activities to the public, and Registered Code Agencies,
- determine the category of qualifications for Other Designers
- differentiate Designers engaged in the business of providing design activities to the public from Other Designers,
- identify the provisions of the Act and the Code that the Divisional Court of the Ontario Superior Court of Justice has declared invalid and consequently **do not apply to** professional engineers and architects,
- identify the Categories of Qualifications for:
 - Chief Building Officials,
 - Inspectors who have the same powers and duties as CBOs in relation sewage systems or plumbing,
 - Inspectors whose duties include the supervision or management of other Inspectors
 - All types of Inspectors including Fire Chiefs as Inspectors under Subsection 1.3.4. of Division C, Intern Inspectors and Sewage Systems Maintenance Program Inspectors,
 - Designers engaged in the business of providing design activities to the public,
 - Other Designers,
 - Registered Code Agencies, and
 - Persons authorized by a Registered Code Agency,
- review the registration requirements of persons engaged in the business of constructing on-site, installing, repairing, servicing, cleaning or emptying sewage systems and the qualifications of their Installation Supervisors.

CLASSES OF REGISTRATION (FOR PERSONS AND FIRMS), CATEGORIES OF QUALIFICATIONS AND TYPE OF BUILDING

In the Introduction you saw that Building Officials and Designers are required under Section 15.11 of the BCA to have the qualifications and meet the requirements set out in the Code for the position.

Similarly, a Registered Code Agency (RCA) may be appointed provided that the persons authorized by the RCA, pursuant to Section 15.17 of the BCA, have the qualifications and meet the requirements set out in the Code for the position.

The twelve Classes of Registration for persons and firms engaged in the business of providing design activities to the public, (see Div. C, 3.2.2.1.(1) → 3.2.4.1. and 3.2.4.2.) are identified in Rows 1 to 12, Column 2 of Table 3.5.2.1. and are associated with the Type of Building shown in Column 4 of the same Row.

The five Classes of Registration for Registered Code Agencies (persons and firms), (see Div. C, 3.4.3.1. and 3.4.3.2.,) are identified in Rows 1 to 5 of Column 1 of Table 3.5.2.2. and are associated with the Type of Building referenced in Rows 1 to 10 of Table 3.5.2.1. by way of Column 3 of Table 3.5.2.2.

As of January 1, 2015 the Building Code requires all persons who are subject to Building Code qualification requirements to be registered annually with the Director of the Building and Development Branch of the Ministry of Municipal Affairs and Housing, including Building Officials, certain classes of Designers, On-Site sewage system installers and Registered Code Agencies. Registration applies to all building practitioners regulated under the Building Code (O. Reg. 332/12) as detailed in Div. C, Part 3.

Registered Code Agencies and Designers engaged in the business of providing design activities to the public must be registered and are required to carry insurance.

Other Designers, such as those that work for a design firm that provides design activities to the public, must be individually registered with the Director under specific categories of qualifications but are not required to be registered as a design firm and not required to carry insurance.

The technical qualifications of all Designers and Inspectors are identified in Rows 1 to 12 of Column 2 of Div. C, Table 3.5.2.1. The technical qualifications are associated with the Type of Building shown in Column 3 of the same Row.

By way of Columns 2 and 3 of Table 3.5.2.2., Registered Code Agencies and persons authorized by a RCA to carry out plans

review or inspection activities must have the qualifications set out in Column 2 of Table 3.5.2.2. for the RCA's Class of Registration shown in Column 1.

Column 3 of Table 3.5.2.2. sends you back to Table 3.5.2.1. Take note that Qualifications under Row 11 "Detection, Lighting and Power" and Row 12 "Fire Protection" are not available to RCAs and Persons authorized by a Registered Code Agency.

The Classes of Registration, Categories of Qualifications and Type of Building shown in Table 3.5.2.1. are:

- Row 1- House
- Row 2- Small Buildings
- Row 3- Large Buildings
- Row 4- Complex Buildings
- Row 5- Plumbing - House
- Row 6- Plumbing - All Buildings
- Row 7- HVAC - House
- Row 8- Building Services
- Row 9- Building Structural,
- Row 10- On-site Sewage Systems,
- Row 11- Detection, Lighting and Power, and
- Row 12- Fire Protection.

A person engaged in the business of providing design activities to the public would need to satisfy the "Qualification Requirements" of Div. C, Article 3.2.4.1. and the "Registration Requirements" of Article 3.2.4.2.

Other Designers (those not engaged in the business of providing design activity to the public) would need to satisfy "Qualification Requirements" of Div. C, Article 3.2.5.1. and the "Registration Requirements" of Article 3.2.5.2.

A Registered Code Agency would need to satisfy the "Qualification Requirements" of Div. C, Article 3.4.3.1. and the "Registration Requirements" of Article 3.4.3.2.

To register with the Director, Designers engaged in the business of providing design activities to the public and Registered Code

Agencies must complete the “Designer Firm Application for Registration” or the “Registered Code Agency Application for Registration” which will attest of the firms insurance coverage and qualification of their respective staff.

To become qualified, chief building officials, inspectors, both types of designers as individual persons, RCAs and persons authorized by RCAs must:

1. successfully complete a Legal/Process examination associated with the position of the BCA practitioner, attesting the person’s knowledge of the BCA and the Code,

and

2. successfully complete one or more of the twelve technical examinations identified in Rows 1 to 12 of Div. C, Table 3.5.2.1., attesting the person’s knowledge of the Code,

and as the case may be

3. a) register their qualifications with the Director using the Chief Building Official Annual Registration form, the Supervisors’ and Managers’ Annual Registration form, the Inspectors’ Annual Registration form or the Other Designers’ Annual Registration form as the case may be,

or

b) in the case of Designers engaged in the business of providing design activities to the public and Registered Code Agencies, the qualification of their respective staff is shown on “Schedule B: Qualified Persons” which is attached to the Application for Registration.

ANNUALIZED REGISTRATION

Effective January 1, 2015 building officials (Chief Building Officials, Inspectors, Supervisors and Managers of Inspectors), Designers engaged in the business of providing design services to the public, Other Designers, On-site sewage installers and Registered Code Agencies that are subject to Building Code qualification requirements will have to register annually and pay a fee.

Registration of qualifications an annual renewal of registrations can be made on-line on the Ministry’s website using QuARTS. Registrations made before January 1, 2015 will be valid from January 1, 2015 to January 1, 2016.

Building officials and other Designers who previously filed information with and are qualified by the Ministry in accordance with previous code requirements will have until March 31, 2015 to register for the first time. Failing to register with the ministry by March 31, 2015 will result in the Building Official's termination of previous qualifications under the Building Official Cide Act, 1992. Registration and annual renewal fees are subject to annual increases beginning Jan 1, 2016 based on the Consumer Price Index.

The following fees will come into effect January 1, 2015. Annual Registration fees, outlined throughout Div. C are summarized below.

| Practitioner Type | Transaction | Fee |
|---|--------------------------------|-------|
| Building Officials (including chief building officials and inspectors) | Registration | \$105 |
| | Renewal | \$105 |
| Design Firms (designers registered under Subsection 3.2.4. of Division C of the Building Code) | Registration | \$165 |
| | Renewal | \$125 |
| | Updating class of registration | \$35 |
| 'Other' Designers (designers registered under Subsection 3.2.5. of Division C of the Building Code) | Registration | \$105 |
| | Renewal | \$105 |
| Registered Code Agencies | Registration | \$395 |
| | Renewal | \$290 |
| | Updating class of registration | \$65 |
| On-Site Sewage System Installer Firms | Registration | \$105 |
| | Renewal | \$105 |



SYLLABI OF QUALIFICATION EXAMINATIONS FOR BUILDING CODE ACT PRACTITIONERS

To assist you in preparing to write the associated Legal/Process Examination and the Technical Examination(s) associated with your position as a BCA practitioner, the Ministry of Municipal Affairs and Housing has prepared the Building Code Examination Syllabi 2012. The document is available on the Building Code Website at www.ontario.ca/buildingcode under "Qualifications and Registration" and "Syllabi".

EXERCISE # 1 - CATEGORIES OF QUALIFICATIONS AND TYPE OF BUILDING

To complete this exercise, you will need to consult Div. C, Tables 3.5.2.1. and 3.5.2.2. and the Syllabi. Provide references as requested.

1. In Div. C, Rows 1, 2, 3, 5, 7, 8, 11 and 12 of Column 3 of Table 3.5.2.1., the word "appurtenant" means;
 - a) belonging to the type of building
 - b) alien to the type of building

2. Considering Div. C, Table 3.5.2.1. and for purposes of exceptions to Designer qualifications under Clause 3.2.4.1.(4)(c), Subclause 3.2.5.1.(2)(b)(ii) and Clause 3.2.5.1.(2)(j), an ancillary building is **only** associated with the following Type of Building:
 - a) House
 - b) Small Building
 - c) Large Building
 - d) Complex Building

Code reference: _____

3. Consider a Designer who is required to provide designs of plumbing systems under the "House" Category of Qualification. He/she would need to successfully complete the technical examination associated with Div. C:
 - a) Row 1 of Table 3.5.2.1.
 - b) Row 5 and 6 of Table 3.5.2.1.
 - c) Row 5 or 6 of Table 3.5.2.1.
 - d) Row 8 of Table 3.5.2.1.

4. Consider the appointment of a Plumbing Inspector. To review plans and inspect plumbing in the "Small Buildings" Category of Qualifications. He/she would need to successfully complete the examination associated with Div. C:
 - a) Row 2 of Table 3.5.2.1.
 - b) Row 5 and 6 of Table 3.5.2.1.
 - c) Row 5 or 6 of Table 3.5.2.1.
 - d) Row 6 of Table 3.5.2.1.

qualifications under “Building Services” and “Houses”, “Small Buildings”, Large Buildings” or “Complex Buildings”, as the case may be.

Note (1) to Div. C, Table 3.5.2.1.:

“An Inspector qualified in one category of qualification may carry out plans review and inspection in another category where to do so does not constitute a substantial part of the plans review or inspection on any project.”

Note (2) to Div. C, Table 3.5.2.1.:

“A person registered in one class of registration or a person qualified in one category of qualification may carry out design activities in another class or category where to do so does not constitute a substantial part of the design activities on any project.”

For example, consider the design of a renovation where the Designer is only qualified under Row 1 “House” and has specified the replacement of a bath room exhaust fan. The design and installation would need to comply with Div. B, Subsection 9.32.3. By virtue of Note (2) to Table 3.5.2.1., the Code affords some flexibility and such designer would not need to be qualified under either Row 7 “HVAC - House” or Row 8 “Building Services” to specify the bathroom exhaust fan.

A CONSIDERATION OF CATEGORIES OF QUALIFICATIONS UNDER DIV. C, TABLE 3.5.2.1.

Consider the CBO of a small rural municipality, a one-person Building Department. The CBO needs to qualify for all aspects of the “House” Category of Qualification. To satisfy the requirements of Section 15.11 of the BCA, he/she would have to successfully complete;

1. the Legal/Process Examination on the powers and duties of a CBO as prescribed in Div. C, Clause 3.1.2.2.(1)(a), and
2. to satisfy the requirements of Div. C, Clause 3.1.2.2.(1)(b), four technical examinations, namely the ones identified in;
 - Row 1, “House”,
 - Row 5, “Plumbing - House”,

- Row 7, “HVAC - House”, and
- Row 10, “On-site Sewage Systems”.

On the other hand, if the CBO wanted to qualify for all aspects of “House” and “Small Buildings”, he/she would have to successfully complete;

1. the Legal/Process Examination on the powers and duties of a CBO as prescribed in Div. C, Clause 3.1.2.2.(1)(a), and
2. to satisfy the requirements of Div. C, Clause 3.1.2.2.(1)(b), five technical examinations, namely the ones identified in:
 - Row 2, “Small Buildings”,
 - Row 6, “Plumbing - All Buildings”,
 - Row 8, “Building Services”,
 - Row 9, “Building Structural”, and
 - Row 10, “On-site Sewage Systems”.

EXPLANATORY NOTE: for Div. C, TABLE 3.5.2.1.

Column 1 is entitled “*Classes of Registration for Persons Engaged in the Business of Providing Design Activities to the Public*”. Here, the word “person” means the “firm” or “business entity” if you prefer. Consequently, Column 1 of Div. C, Table 3.5.2.1. sets out the Classes of Registration for designer firms engaged in the business of providing design activities to the public.

Column 2 is entitled “*Categories of Qualifications for Inspectors and Persons Described in Div. C, Clauses 3.2.4.2.(1)(a) and (b) and 3.2.5.1.(1)(a)*”. Consequently, Column 2 of Div. C, Table 3.5.2.1. sets out the *Categories of Qualifications* for Inspectors appointed by municipalities, real live persons (individuals) employed by designer firms engaged in the business of providing design activities to the public [Div. C, 3.2.4.2.(1)(a) and (b)] and other designers [Div. C, 3.2.5.1.(1)(a)] not engaged in the business of providing design activities to the public or exempted from registration under Div. C, Sentences 3.2.4.1.(3) and (4).

EXPLANATORY NOTE for Div. C, TABLE 3.5.2.2.

Column 1 is entitled “*Classes of Registration for Registered Code Agencies*”. Here, it is quite clear that we are talking about the “firm” or “business entity” if you prefer.

7. The Practitioner is required to pay registration and renewal fees.
8. The Practitioner's information is maintained in a Public Register.

QUALIFICATIONS OF BUILDING OFFICIALS

The term "Building Official" includes;

- Chief Building Officials (§ CBO),
- Chief Building Officials as Inspectors (‡ CBO/I),
- Plumbing Inspectors and Senior Plumbing Inspectors who have the same powers and duties as a CBO in relation to plumbing (_ I/CBO-P),
- Inspectors and Designated Inspectors who have the same powers and duties as a CBO in relation to sewage systems (_ I/CBO-SS),
- Inspectors as Supervisors and Managers of Inspectors, and
- Inspectors, all other types, including Fire Chiefs as Building Code Inspectors under Subsection 1.3.4. of Division C, Intern Inspectors and Sewage Systems Maintenance Program Inspectors.

QUALIFICATIONS OF INTERN INSPECTORS

As an exception to the general rule of Article 3.1.4.1., the Principal Authority may appoint an Intern Inspector whose duties include supervised plans review or supervised inspection activities **if the Intern Inspector** is:

- enrolled in an internship program that is approved by the Minister,
[Clause 3.1.4.3.(1)]
- and**
- supervised by an Inspector or CBO who meets the Category of Qualifications of Table 3.2.5.1. in respect of which the Intern will exercise powers and perform duties under the *Building Code Act*.
[Clause 3.1.4.3.(2)]

An Intern Inspector is only empowered to make and serve:

- an Order to Comply under Subsection 12(2) of the Act

and

- an Order Not to Cover or Enclose under Subsection 13(1).
[Sentence 3.1.4.3.(3)]
-
-
-

An Intern Inspector must not undertake a site inspection related to a notice in respect of:

- the substantial completion of footings and foundations prior to the commencement of backfilling,

and

- the completion of construction and the installation of components required to permit the issuance of an occupancy permit under Sentence 1.3.3.1.(3) or Sentence 1.3.3.2.(1), if the building or part of the building to be occupied is not fully completed.
-
-
-

QUALIFICATIONS FOR MAINTENANCE PROGRAM INSPECTORS

As an exception to the general rule of Article 3.1.4.1., the Principal Authority may appoint an inspector whose duties include maintenance inspections of sewage systems even if the person does not have qualifications under the building code.

The maintenance program inspector that does not have the qualifications set out in Articles 3.1.4.1. and 3.1.5.1:

- must be supervised by a CBO or Inspector who has the on-site sewage systems qualifications set out in Row 10 of Table 3.5.2.1. of Division C,

and

- is not empowered to issue orders under the BCA.

We will now look at the qualifications that a building official must have to be appointed or to remain appointed.

In Module Three, we acquired knowledge on the Role of a CBO and that of an Inspector as spelled out in Subsections 1.1(6) and (7) of the BCA. From experience, we can conclude that, depending on the structure of the Building Department, Inspectors may need to be qualified in one or more of the *Categories of Qualifications* described in Div. C, Rows 1 to 12 of Table 3.5.2.1. As evidenced by Div. C, Clause 3.1.2.1.(1)(b), Chief Building Officials who do not perform any of the duties of an Inspector, do not require any qualification under Div. C, Table 3.5.2.1.

Not including the exceptions under Sentence 3.1.1.1.(2) and Articles 3.1.4.3. and 3.1.4.4., all CBOs and Inspectors require qualifications to be appointed or to remain appointed. Div. C, Sentence 3.1.1.1.(1) informs us that Section 3.1. prescribes the qualifications of:

- CBO's to satisfy Subsection 15.11(1) of the BCA,
- Inspectors who have the same powers and duties as a Chief Building Official in relation to plumbing or sewage systems to satisfy Subsection 15.11(2) of the BCA, and
- all types of Inspectors, including Fire Chiefs as Building Code Inspectors under Div. C, Subsection 1.3.4., Intern Inspectors under Article 3.1.4.3. and Maintenance Program Inspectors under Article 3.1.4.4. to satisfy Subsection 15.11(3) of the BCA.

There are variants for Sewage Systems Inspectors. They have been required to have technical qualifications since April of 1998.

- Their existing qualifications are continued as qualifications associated with Div. C, Row 10 of Table 3.5.2.1. provided the information was filed with the Director prior to December 31, 2014. [Div. C, Sentence 3.1.2.2.(2) and Sentence 3.1.4.2.(2)]
- The Inspectors with the powers and duties of a CBO must successfully complete the Legal/Process Examination on the powers and duties of a CBO and the other on-site sewage system Inspectors must successfully complete the General Legal/Process Examination or the Legal/Process Examination on the powers and duties of a CBO.
- Maintenance Program Inspectors need not have qualifications.

EXERCISE # 3 - CATEGORIES OF QUALIFICATIONS FOR CBOS AND INSPECTORS

Answer the following questions and support your answers with references.

1. The *Categories of Qualifications* for Chief Building Officials whose duties include plans review or inspection activities, can be found in:
 - a) Div. A, Rows 1 to 12 of Table 3.5.2.2.
 - b) Div. B, Rows 1 to 12 of Table 3.5.2.1.
 - c) Div. C, Rows 1 to 12 of Table 3.5.2.1.
 - d) Div. C, Rows 1 to 12 of Table 3.5.2.2.

Code References: _____

2. True or false? A Sewage Systems Maintenance Program Inspector may be appointed even if the person does not satisfy the requirements in Article 3.1.4.1. of Division C and Clause 15.11(3) of the Act, provided that such unqualified Sewage Systems Maintenance Program Inspector does not issue orders under the *Building Code Act*, and is supervised by an Inspector or CBO who is qualified under the On-site Sewage Systems Category of Qualification of Table 3.5.2.1.
 - a) True
 - b) False

Code References: _____

3. For each type of Building Official identified in Row 1 of the Table on the next page, insert the appropriate reference from Section 15.11 of the BCA and Div. C, Section 3.1. These are the qualifications that Chief Building Officials and Inspectors, other than Intern Inspectors and Maintenance Program Inspectors must have to be appointed **OR** to remain appointed if they were appointed before December 31, 2014.

| Qualifications of Building Officials to be appointed and to remain appointed after December 31, 2005 | CBO § | CBO/ Inspector ‡ | Inspector/ CBO- Plumbing - | Inspector/ CBO-Sewage Systems - | Supervisors and Managers of Inspectors | Inspectors(1), including Fire Chiefs as Code Inspectors under Div. C, Subsection 1.3.4. |
|---|-------|------------------|----------------------------|---------------------------------|--|---|
| BCA REQUIREMENTS FOR QUALIFICATIONS OF BUILDING OFFICIALS | | | | | | |
| Requirement to have the qualifications as set out in the Code | | | | | | |
| Prohibition to misrepresent qualifications | | | | | | |
| QUALIFICATIONS PRESCRIBED IN DIVISION C FOR BUILDING OFFICIALS | | | | | | |
| Successful completion of MAH Legal/Process Examination on Powers and Duties of a CBO | | | | | | |
| Successful completion of MAH General Legal/Process Examination | | | | | | |
| Successful completion of MAH examinations related to category of qualifications in Div. C, Column 3 of Table 3.5.2.1. | | | | note (2) | | note (2) |
| File information set out in Div. C, Sentence 3.1.6.1.(1) with the Director | | | | | | |

(1) A Sewage Systems Maintenance Program Inspector is exempted from qualifications under Sentence 3.1.4.3.(1) of Division C, subject to the conditions of Sentence 3.1.4.3.(2). For Intern Inspectors, see Article 3.1.4.3 and Clause 3.1.4.3.(3)(a) and (b).

(2) Technical qualification under Row 10 of Division C, Table 3.5.2.1., for I/CBO-SS and Inspectors of on-site sewage systems are continued provided they were filed with the Director, prior to December 2014.

4. Make a list of the plans review and inspection activities that may be carried out by Chief Building Officials and Inspectors without qualifications under the Code.

The Building Code requirements for the qualifications of Chief Building Officials and Inspectors do not apply to plans review and inspections related to:

a) _____

b) _____

i) _____

ii) _____

iii) _____

c) _____

Code references: _____

NOTE: The Minister of Municipal Affairs and Housing has approved an Internship Program for building officials to be administered by the Ontario Building Officials Association. Further information and application forms can be found on OBOA's website at: <http://www.oboa.on.ca> . To obtain information on establishing an internship program that is independent of OBOA, in your municipality, contact the Qualifications and Registration Section at 416.585.6666 and press #2.

STOP

PROFESSIONAL ENGINEERS AS DESIGNERS AND THE DECISION OF THE DIVISIONAL COURT

On May 17, 2007 the Divisional Court of the Ontario Superior Court of Justice released its decision in the case of the "Association of Professional Engineers of Ontario v. Ontario (Municipal Affairs and Housing), that it had heard on October 26-27, 2006.

In short, the court decision held that

- the Building Code qualifications for designers did not apply to professional engineers and architects, and
- the Building Code's professional design requirements were not authorized by the Building Code Act, 1992.

The lack of requirements for professional design in the Building Code Act and Building Code made municipal enforcement of building permits difficult in some circumstances. These concerns were brought to the attention of the MMAH by the Ontario Buildin Officials Association. As a result in 2014 the Building Code Act 1992 was amended to set out requirements for professional design as follows:

- Established that professional engineers and architects are not subject to the Building Code's qualification requirements for designers;
- Require professional design of buildings consistent with design responsibilities under the Architects Act and the Professional Engineers Act as a condition for the insurance of building permits; and
- Authorize the Building Code to require professional design of other buildings or systems (i.e., those buildings not requiring professional design under the Architects Act and the Professional Engineers Act).

Building Code Amendment O. Reg. 191/14 established the requirement for professional design of these other buildings or systems, such as shelf and rack storage systems or certain tents or signs. These Design and General Review requirements for Architects and Professional Engineers are detailed Division C, Section 1.2.

QUALIFICATIONS FOR DESIGNERS WHO ARE NOT ARCHITECTS OR PROFESSIONAL ENGINEERS

In Exercise #2 of Module Three, you reviewed the role of Designers as outlined in Subsection 1.1(2) of the BCA. In this exercise, you will differentiate the qualifications for registration of Designers engaged in the business of providing design activities to the public and the qualifications of Other Designers who are not engaged in the

business of providing design activities to the public or are exempt from registration.

We will not look at the Application for Registration or Renewal of a Registration of the Designer engaged in the business of providing design activities to the public in Div. C, Article 3.2.4.3.

The Other Designer who is not engaged in the business of providing design activities to the public or not is also exempt from registration, just like the CBO and Inspector. [Div. C, Clause 3.2.5.1(1)(a)]

Div. C, Sentence 3.2.1.1.(1) informs us that Section 3.2. of the Code prescribes the qualifications of Designers for the purposes of Clause 8(2)(c) and Subsection 15.11(5) of the BCA. Consequently, in the next exercise, we will deal with the General Rule of the BCA which requires a Designer to have the qualifications and meet the requirements set out in the Code.

In the next module we will deal with the exception to the general rule and identify the design activities which are exempted from the need to have the qualification of a Designer engaged in the business of providing design activities to the public or have the qualifications of an Other Designer or are exempted from both registration and qualification.

EXERCISE #5 - QUALIFICATIONS FOR DESIGNERS WHO ARE NOT ARCHITECTS OR PROFESSIONAL ENGINEERS

To complete this exercise, you will need to consult Subsections 15.11(5) and 15.11(7) and Section 15.13 of the BCA and from Div. C, Subsection 3.2.2. and Articles 3.2.4.2. and 3.2.5.1.

1. In your own words, complete the following statement. Support you answer with the BCA references.

NOTE: The provisions of Subclause 15.11(5) 1. iii. and Paragraph 15.11(5) 2. were declared invalid by the Divisional Court on May 17, 2007. The architect or professional engineer that provides a General Review Report does not require the qualifications prescribed in the Code.

A designer who is not a licensee or certificate holder under the *Architects Act* or the *Professional Engineers Act* must have the qualifications and meet the requirements set out in the Code when

he/she prepares a design, gives information, or an opinion, whether a building or part thereof complies with the Code in connection with;

a) _____

or

b) _____

BCA References: _____

2. Insert the appropriate BCA references for the stated qualification for Designers and the Code references for the prescribed qualifications for the registration of Designers engaged in the business of providing design activities to the public and the qualifications of Other Designers prescribed by the Code.

| Qualifications for Designers | |
|---|--------------------------|
| <u>BCA</u> REQUIREMENTS for QUALIFICATIONS OF DESIGNERS | BCA REFERENCES |
| Requirement for Designer to have qualifications and meet the requirements set out in the Code | |
| Prohibition to misrepresent Designer's qualifications | |
| Requirement for Designer to have the insurance coverage specified in the Code | |
| A builder or vendor registered with Tarion (ONHWPA) is exempt from Designer's duty to have insurance coverage | |
| Prohibition to misrepresent Designer's insurance coverage | |
| <u>Qualifications Prescribed in the Code for Registration of Designers providing design activities to the public</u> | Div. C REFERENCES |
| to have qualifications set out in Sentence 3.2.4.1.(1) | |
| Subject to Article 3.2.4.9. and 3.2.4.10. the Director may register a person (business entity) in each Class of Registration in Column 2 of Table 3.5.2.1. if: | |

| | |
|--|--|
| the applicant must successfully complete the MAH examination relating to the person's knowledge of the BCA [Designer Legal/Process Examination as a minimum] and the Code in relation to the Category of Qualifications in Column 2 of Table 3.5.2.1. that correspond to the Class of Registration of the business entity in Column 1 | |
| all persons who on behalf of the registered business entity will review and take responsibility for providing design activities to the public have successfully completed the MAH examinations relating to the person's knowledge of the BCA [Designer Legal/Process Examination as a minimum] and the Code in the Category of Qualifications set out in Column 2 of Table 3.5.2.1. for the Class of Registration of the business entity in Column 1 | |
| the business entity providing design activities to the public has the insurance required by Subsection 3.6.2. | |
| the application is complete, and | |
| the fees required under Article 3.2.4.5. are paid | |

NOTE: The provisions of the BCA and of the Code for designer qualifications do not apply to architects and professional engineers.

| Qualifications Prescribed in the Code for <u>Other Designers</u> not engaged in the business of providing design activities to the public or exempt from registration | Div. C REFERENCES |
|---|--------------------------|
| Other Designers to have the qualifications set out in Sentence 3.2.5.1.(1) | |
| Other Designers who undertake design activities need to successfully complete the MAH examination relating to the person's knowledge of the BCA [Designer Legal/Process Examination as a minimum] and the Code in relation to the Category of Qualifications in Column 2 of Table 3.5.2.1. that corresponds to the type of building in Column 3 | |
| Other Designers to register with the Director | |

EXERCISE # 6 - QUALIFICATIONS OF SEWAGE SYSTEMS INSTALLERS

Div. C, Sentence 3.3.1.1.(1) informs us that Section 3.3. of the Code prescribes the qualifications of Sewage Systems Installers for the purposes of Subsection 15.12(1) of the BCA.

To complete this exercise you will need to consult Section 15.12, of the BCA and 3.3. of Division C.

1. Insert the appropriate BCA or Code reference for the stated qualifications requirement.

| Qualifications for Registration of Sewage Systems Installers | |
|---|--------------------------|
| BCA REQUIREMENTS FOR QUALIFICATIONS OF SEWAGE SYSTEMS INSTALLERS | BCA references |
| requirement for Sewage Systems Installers to have the qualifications and meet the requirements set out in the Code | |
| Prohibition to misrepresent Sewage Systems Installer qualifications | |
| Qualifications Prescribed in the Code for Registration of Sewage Systems Installers (in this case it is registration without insurance coverage) | Div. C references |
| Subject to 3.3.3.9. the Director may register a Sewage System Installer if: | |
| the Sewage Systems Installer has on staff Installer Supervisor(s) that has successfully completed the MAH examination relating to the person's knowledge of the BCA, the Code and the construction, maintenance and operation of sewage systems | |
| the application is complete, and | |
| the fees required under Article 3.3.3.5. are paid | |

In the previous exercises you saw that Designers engaged in the business of providing design activities to the public, Registered Code Agencies and persons engaged in the business of constructing on site, installing, repairing, servicing, cleaning or emptying Sewage Systems are required to register with the Director. The registration process includes the personal information and qualification of their staff.

In addition, recent amendments to the 2012 Code, Div. C. Part 3 tell us that by March 31, 2015, building officials and Other Designers must also be registered as Qualified for specific types of Buildings with the Minister.

Consequently, the provisions of the Code associated with the suspension, revocation, refusal to register or refusal to renew a registration apply to Designers engaged in the business of providing design activities to the public and who are not architects or professional engineers, Registered Code Agencies including architects and professional engineers and persons or entities including architects and professional engineers who are engaged in the business of constructing on site, installing, repairing, servicing, cleaning or emptying sewage systems, as well as building officials and Other Designers.

STOP

EXERCISE # 7 - SUSPENSION, REVOCATION, REFUSAL TO REGISTER OR RENEW A REGISTRATION

To complete this exercise you will need to consider the "Suspension, Revocation, Refusal to Register or Renew a Registration" provisions of Division C. Article 3.2.4.9. in the case of Designers engaged in the business of providing design activities to the public; 3.3.3.9. for Sewage Systems Installers and 3.4.3.9. for Registered Code Agencies.

You will also need to consult the "Mandatory Suspension or Revocation of Registration or Refusal to Register or renew Registration" provisions of Division C. Article 3.2.4.10. in the case of designers engaged in the business of providing design activities to the public and 3.4.3.10. in the case of Registered Code Agencies.

EXERCISE # 8 - PUBLIC REGISTER INFORMATION

To complete this exercise you will need to consult Division C, Subsections 3.1.8. in the case of Building Officials, 3.2.6. in the case of Designers engaged in the business of providing design activities to the public and other designers who are not engaged in the business of providing design activities to the public, 3.3.4. in the case of persons (business entities/firms) engaged in the business of constructing on site, installing, repairing, servicing, cleaning or emptying sewage systems and 3.4.4. in the case of Registered Code Agencies.

1. For Chief Building Officials, Inspectors who have the same powers as a CBO in relation to Sewage Systems or Plumbing and Inspectors, complete the following Table by inserting the Division C reference for the stated requirement.

| Public Register Information for: | Div. C REFERENCE |
|---|-------------------------|
| <ul style="list-style-type: none"> • Chief Building Officials • I/CBO-P and I/CBO-SS • Inspectors | |
| The name of the Building Official | |
| The Building Official's Building Code Identification Number (BCIN) | |
| The name of each Principal Authority that has appointed the Building Official | |
| The qualifications of the Building Official | |

2. For Designers engaged in the business of providing design activities to the public complete the following Table by inserting the Division C reference for the stated requirement. (Registered Person=Firm=Business Entity*)

| Public Register Information for: | Div. C REFERENCE |
|---|-------------------------|
| <ul style="list-style-type: none"> • Designers engaged in the business of providing design activities to the public | |
| The name of the registered person* | |
| The registered person's* Building Code Identification Number (BCIN) | |
| The business address of the registered person* | |
| The Classes of Registration of the registered person* under Column 2 of Table 3.5.2.1. of Division C | |

| | |
|---|--|
| The names of the persons who will review and take responsibility for design activities on behalf of the registered person* in each class of registration | |
| The Building Code Identification Number (BCIN) of each person who will review and take responsibility for design activities on behalf of the registered person* | |

3. For Other Designers not engaged in the business of providing design activities to the public, complete the following Table by inserting the Division C reference for the stated requirement.

| Public Register Information for: | Div. C REFERENCE |
|--|-------------------------|
| <ul style="list-style-type: none"> Other Designers not engaged in the business of providing design activities to the public, or exempt from registration | |
| The name of the Other Designer | |
| The Other Designer's Building Code Identification Number (BCIN) | |
| The qualifications of the Other Designer who will review and take responsibility for design activities | |

4. For persons engaged in the business of constructing on site, installing, repairing, servicing, cleaning or emptying sewage systems complete the following Table by inserting the Division C reference for the stated requirement. (Registered Person=Firm=Business Entity*)

| Public Register Information for: | Div. C REFERENCE |
|--|-------------------------|
| <ul style="list-style-type: none"> Persons* engaged in the business of constructing on site, installing, repairing, servicing, cleaning or emptying sewage systems | |
| The name of the registered person* | |
| The registered person's* Building Code Identification Number (BCIN) | |
| The business address of the registered person* | |

It is not recommended that you bookmark QuARTS as one of your favourites. If you bookmark QuARTS, when technical difficulties are experienced with the building code website, you will by-pass any posted message on the availability or use of QuARTS.

The "Search Public Register" option is available on the building code website at <http://www.ontario.ca/buildingcode> . To get to the Public Register, left click on "Qualification & Registration", scroll down the menu and select "QuARTS - Online Application and Public Register"

The first time that you access QuARTS, it is recommended that you read:

- QuARTS Upgrade
- What is QuARTS?
- Who should use QuARTS?
- What are Building Code Qualification Requirements?

To get to the Public Register, you may left click on:

- QuARTS, or
- <https://cscroute.mah.gov.on.ca/quarts/>

Then, left click on "English" and left click Search Public Register. If you know the surname of the person, the name of the organization or the organization's/person's Building Code Identification Number (BCIN) type it in the appropriate query box and left click on search. At the "Organization Name:" query box, you may enter the name of a Principal Authority to view the qualifications of their appointed staff.

Users who have been assigned a User ID and Password can log on to QuARTS to:

1. Apply to write an exam
2. Look up your scheduled exams
3. Look up your exam results
4. File qualifications, register or renew registration with the Director and pay the associated fee
5. Update the personal information of qualified and registered persons

CLASSES OF REGISTRATION FOR:

Designers, who are not architects or professional engineers, and are engaged in the business of providing design activities to the public - Division C Column 2, Table 3.5.2.1.

Qualifications for Registration - Exercise # 5

Registration = Liability Insurance + Qualified Staff. Qualified Staff are the persons who will review and take responsibility for design activities.

Registered Code Agencies, including architects and professional engineers - Division C, Column 1, Table 3.5.2.2.

Qualifications for Registration - Exercise # 4

Registration = Liability Insurance + Qualified Staff. Qualified Staff is the RCA and all persons authorized by the RCA who will carry out the duties and powers of a RCA and the plans review and inspection activities on behalf of the RCA, including Architects and Professional Engineers.

Sewage System Installer Firms, including architects and professional engineers - Division C, Section 3.3.

Qualifications for registration - Exercise # 6

Registration = Qualified Staff. Here we have **registration without the need for liability insurance**. Qualified Staff, including Architects and Professional Engineers are Installer Supervisors who have successfully completed the examination associated with Row 10 of Table 3.5.2.1. or for those who on December 31, 2013, were registered under Sentence 3.3.3.2.(1) of Div. C. of O. Reg. 350/06 (Building Code) and complies with the conditions of registration of that regulation is deemed to be registered under the 2012 Code. The person's registration is deemed to continue until its term expires.

REGISTRATION AND QUALIFICATIONS FOR PROFESSIONAL ENGINEERS AS DESIGNERS AND THE DECISION OF THE DIVISIONAL COURT

On May 17, 2007 the Divisional Court of the Ontario Superior Court of Justice decided as follows in the case of the "Association of Professional Engineers of Ontario v. Ontario (Municipal Affairs and Housing), that it had heard on October 26-27, 2006.

CATEGORIES OF QUALIFICATIONS: for individuals

Consult BCA and the BUILDING CODE EXAMINATION SYLLABI 2012 for the Various CATEGORIES of QUALIFICATIONS

CBO, including architects and professional engineers – Division C, Clause 3.1.2.2.(1)(a)

Legal/Process Examination on powers and duties of a CBO.

CBO/I, including architects and professional engineers – Division C, 3.1.2.2.(1)(b)→3.1.4.2.(1)(a)→Column 2 – Table 3.5.2.1. As above + whatever Technical Examination(s) for the CBO to act as an Inspector.

I/CBO-P, including architects and professional engineers – Division C, 3.1.2.2.(1)(a) and (b)→3.1.4.2.(1)(a)→Row 5 or 6 – Table 3.5.2.1.

Legal/Process Examination on powers and duties of a CBO +, if performing plans examination and inspection activities, Row 5 Plumbing - House or Row 7 Plumbing - All Buildings as the case may be.

I/CBO-SS, including architects and professional engineers – Division C, 3.1.2.2.(1)(a) and (b)→3.1.4.2.(1)(a)→Row 10 – Table 3.5.2.1.

Technical qualifications of I/CBO-SS acquired prior to August 31, 2003 are continued.

I/CBO-SS appointed prior to January 1, 2006 with the technical qualifications acquired prior to August 31, 2003 must successfully complete the Legal/Process Examination on the powers and duties of a Chief Building Official

I/CBO-SS appointed after August 31, 2003 must successfully complete the Legal/Process Examination on the powers and duties of a CBO +, if performing plans examination and inspection activities, the examination associated with Row 10 - Table 3.5.2.1.

Inspectors as Supervisors and Managers of Inspectors, including architects and professional engineers – Division C, 3.1.3.2.(1)(a) and (b)→Column 2 – Table 3.5.2.1. Legal/Process Examination on the powers and duties of a CBO + any **one** category of technical qualification from Table 3.5.2.1.

All types of Inspectors including Fire Chiefs as Building Code Inspectors under Division C, Subsection 1.3.4., including architects and professional engineers – 3.1.4.2.(1)(a) → Column 2 – Table 3.5.2.1.

For Sewage System Inspectors, technical qualifications acquired prior to December 31, 2014 are continued.

Sewage System Inspectors must successfully complete the General Legal/Process Examination or the Legal/Process Examination on the powers and duties of a CBO + Row 10 - Table 3.5.2.1.

Inspectors, other than Sewage System Inspectors, qualify by successfully completing the General Legal/Process Examination or the Legal/Process Examination on the powers and duties of a CBO plus whatever Technical Examination(s) from Table 3.5.2.1.

Sewage Systems Maintenance Inspectors may be appointed even if the person does not satisfy the requirements of Article 3.1.4.1. [Division C, Sentence 3.1.4.4.(1)]

Designers, other than architects and professional engineers, who are engaged in the business of providing design activities to the public and Other Designers who are not engaged in the business of providing design activities to the public – Division C, Column 2 of Table 3.5.2.1.

Designers must successfully complete any of the four Legal/Process Examinations plus whatever Technical Examination(s) from Table 3.5.2.1.

where these

- f) *have a design capacity of 10 000 litres per day or less,*
- g) *have, in total, a design capacity of 10 000 litres per day or less where more than one of these are located on a lot or parcel of land, and*
- h) *are located wholly within the boundaries of the lot or parcel of land on which is located the building or buildings which they serve.*

3. (c) What is a DESIGNATED STRUCTURE?

Subsection 1(1) of the *Building Code Act* informs us that structures designated in the building code are buildings. Designated structures are listed in Div. A, Clauses 1.3.1.1.(1)(a) to (k).

4. Is there a BCA exception from the requirement for a permit under Section 8 of the BCA?

Subsection 1(2) of the BCA specifically excludes structures used directly in the extraction of ore from a mine.

5. Is there a Building Code exception from the requirement for a permit under Section 8 of the BCA?

A review of Sentence 1.3.1.1.(1) of Division C, informs us that a person is exempt from the requirement to obtain a permit under Section 8 of the BCA for the following activities:

1. for the demolition of a farm building located on a farm
2. for the construction of a Class 1 sewage system, **or**
3. not including the construction of a sewage system, for the construction or demolition of a building in territory without municipal organization.

NOTE: While persons are exempt from the requirement to obtain a permit, they are not exempt from complying with the technical provisions of Division B of the Code. Compliance is on an "honour system" because plans review and inspection activities are not prescribed.

3. By way of Subsection 8(1.1) of the BCA, Clause 1.3.1.2.(1)(b) of Division C informs us that the application for a permit under Section 8 may be made by the authorized agent of the owner. Consequently, when considering an application submitted by the “authorized agent of the owner”, the CBO:
 - a) may request a written authorization from the owner
 - b) may not request a written authorization from the owner and must accept the application at face value
 - c) must request a written authorization from the owner
 - d) must not request a written authorization from the owner and must accept the application at face value

4. In the case when a Registered Code Agency is NOT involved, identify the circumstances when a Chief Building Official may refuse to issue the permit under the authority of the BCA.

Where a RCA is not involved, a Chief Building Official is empowered by the BCA to refuse to issue a permit to construct or demolish when:

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____

BCA References: _____

8. For purposes of Subsection 8(2.2) of the BCA, state the prescribed circumstances that enable a CBO to nullify the time period prescribed in Sentence 1.3.1.3.(1) of Div. C.

As an exception to the general rule, the CBO is not required to decide whether to issue a permit under Subsection 8(1) of the BCA or to refuse to issue it within the time prescribed in Sentence 1.3.1.3.(1) of Division C with respect to an application that meets the requirements of Sentence 1.3.1.3.(5) when the CBO:

a) _____

i) _____

or

ii) _____

and

b) _____

9. When the CBO decides to nullify the time period prescribed by Sentence 1.3.1.3.(1) of Division C for the purposes of considering an application for a permit under Subsection 8(1) of the BCA, the time period within which the CBO must advise the applicant begins:

- a) on the day after the day on which an application meeting the requirements of Sentence 1.3.1.3.(5) is made
- b) on the day after the day on which the payment of fees required to be paid on application is made
- c) the day on which an application meeting the requirements of Sentence 1.3.1.3.(5) is made and the day on which the payment of fees required to be paid on application is made
- d) on the day on which an application meeting the requirements of Sentence 1.3.1.3.(5) is made

Code Reference: _____

12. (b) Consider Clause 8(2)(c) and Subsection 15.11(5) of the BCA and Div. C, Sentences 3.2.2.1.(1), 3.2.2.2.(1), 3.3.4.1.(3) and (4) and complete the following Tables by inserting the appropriate reference for the design activities that are exempt from **REGISTRATION AS A DESIGNER ENGAGED IN THE BUSINESS OF PROVIDING DESIGN ACTIVITIES TO THE PUBLIC.**

| A Designer is EXEMPT from the requirement to register as a designer engaged in the business of providing design activities to the public when the person's design activities relate only to: | | Designer that provides design activities to the public Registration Exemption 3.2.4.1.(3) |
|---|--|---|
| 1 | construction of a home as defined in the ONHWPA that will be constructed or sold by a builder or vendor that is registered under the ONHWPA and the designer is the builder or vendor or is an employee of the builder or vendor | |
| 2 | construction of a building that is owned by that person | |
| 3 | the extension, material alteration or repair of a detached house, semi-detached house, townhouse or row house containing not more than 2 dwelling units in each house | |
| 4 | construction of a factory-built house certified to CSA-A277, "Procedure for Factory Certification of Buildings" | |
| 5 | construction of a mobile home conforming to CSA-Z240 MH Series for mobile homes, structural and plumbing requirements, site preparation, foundation and anchorage | |
| 6 | construction of a park model trailer conforming to CAN/CSA-Z241 Series, "Park Model Trailers" | |

| A Designer is EXEMPT from the requirement to register as a designer engaged in the business of providing design activities to the public when the person's design activities are with respect to a detached house, semidetached house, townhouse or row house containing not more than two dwelling units in each house and the design activities relate only to: | | Designer that provides design activities to the public Registration Exemption 3.2.4.1.(4) |
|--|--|---|
| 1 | a plumbing system | |
| 2 | a heating, ventilation and air-conditioning system | |
| 3 | ancillary buildings such as garages | |



12. (c) Consider Clause 8(2)(c) and Subsection 15.11(5) of the BCA and Div. C, Sentences 3.2.2.2.(1) and 3.2.5.1.(2) and complete the following Table by inserting the appropriate reference for the design activities that are exempted from the **QUALIFICATIONS** of Other Designers.

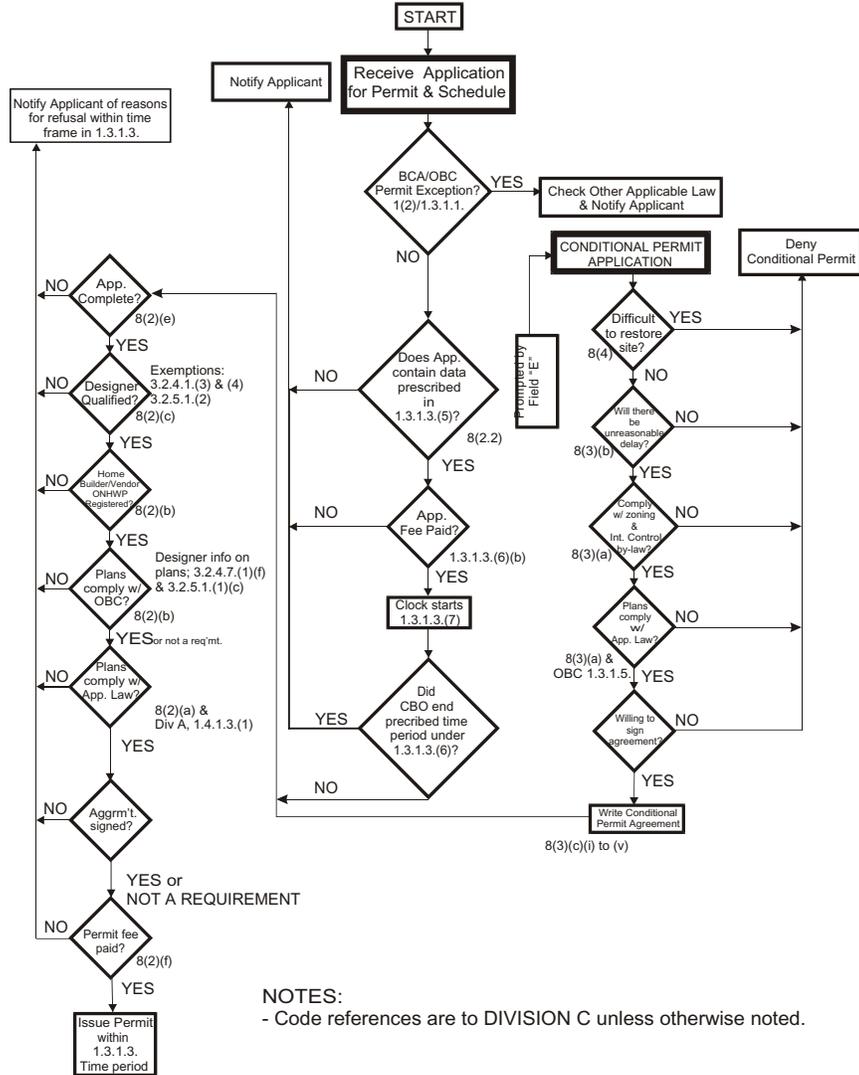
| A Designer is EXEMPT from the requirement to have the QUALIFICATIONS of Other Designer <u>when</u> the design activities relate only to: | | Other Designer Qualifications Exemption |
|---|--|---|
| | | 3.2.5.1.(3) |
| 1 | design activities for which a Registered Designer engaged in the business of providing design activities to the public or a qualified Other Designer reviews and takes responsibility for the design activities | |
| 2 | construction of a building that is owned by that person when the building is a: | |
| 2(a) | detached house, semi-detached house, townhouse or row house containing not more than 2 dwelling units in each house | |
| 2(b) | an ancillary building that serves a building described in 2(a) above. | |
| 3 | construction of an ancillary building (not owned by that person) that: | |
| 3(a) | serves a detached house, semi-detached house, townhouse or row house if such house contains not more than two dwelling units, and | |
| 3(b) | the ancillary building does not exceed 55 m ² in building area | |

13. When the CBO decides to refuse to issue a Building or Demolition Permit applied for under Subsection 8(1) of the BCA, he/she will have to,
- refund the permit application fee to the applicant
 - refund the design activities fee to the applicant
 - inform in writing the Director of the Building and Development Branch of the Ministry of Municipal Affairs and Housing of the main reasons for the refusal
 - inform the applicant in writing of all the reasons for the refusal

BCA & Code References: _____

BUILDING/DEMOLITION PERMIT ISSUANCE NO REGISTERED CODE AGENCY

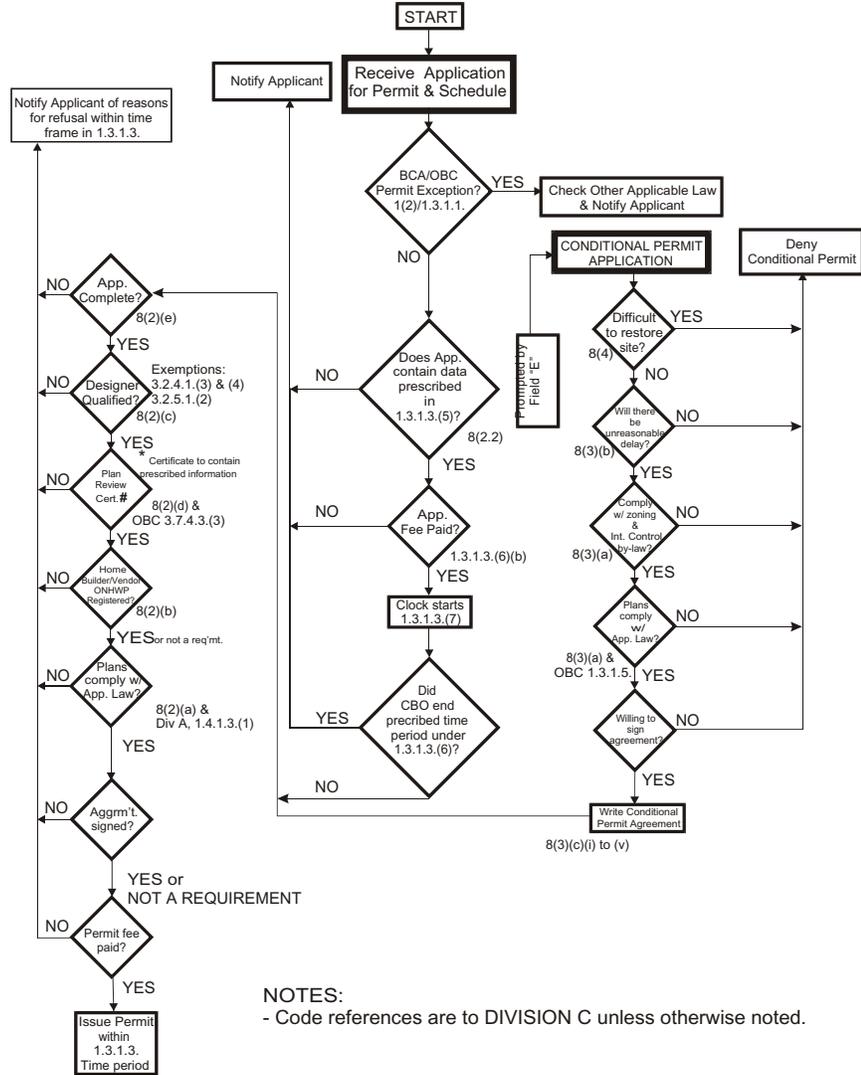
(Section 8. of the BCA)



NOTES:
- Code references are to DIVISION C unless otherwise noted.

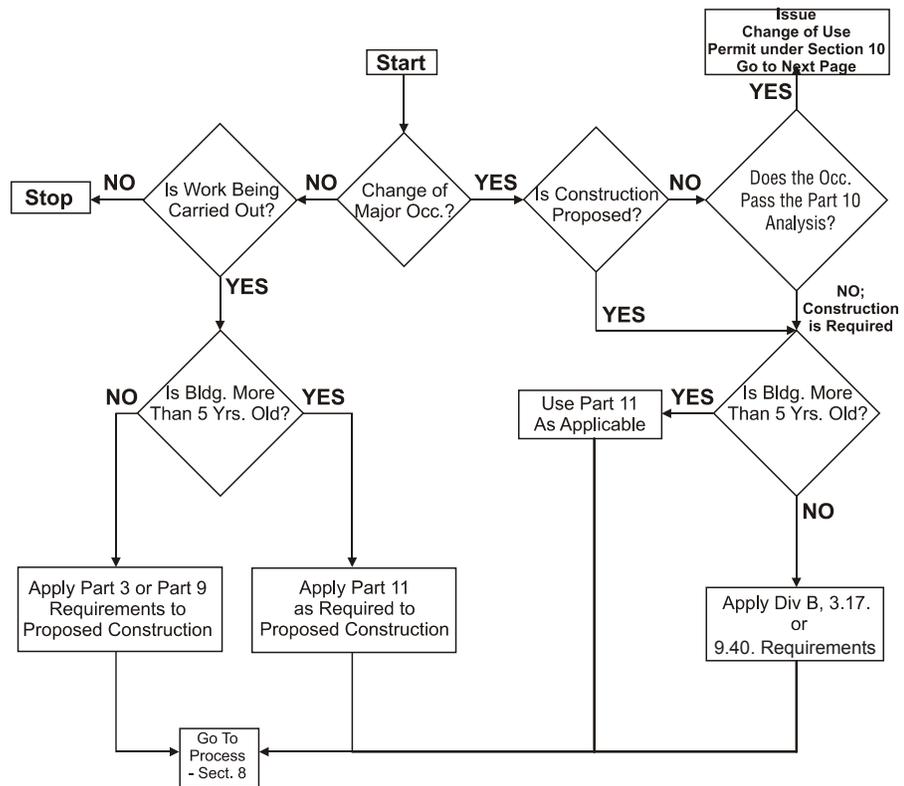
**BUILDING PERMIT ISSUANCE
WITH A REGISTERED CODE AGENCY**

(Section 8. of the BCA)



NOTES:
- Code references are to DIVISION C unless otherwise noted.

Part 10/11 Flow Chart Change of Use



AUTHORIZING INNOVATIVE MATERIALS, SYSTEMS AND BUILDING DESIGNS

An innovative material, system or building design that is not authorized by the provisions of Division B may be incorporated in the construction of a building by:

1. using an alternative solution, **or**
2. an Authorization of the Building Materials Evaluation Commission (BMEC), **or**
3. a Ruling made by the Minister of Municipal Affairs and Housing,

if

THE INNOVATIVE MATERIAL, SYSTEM OR BUILDING DESIGN WILL, IN THE OPINION OF THE PERSON HAVING JURISDICTION, ACHIEVE THE LEVEL OF PERFORMANCE REQUIRED BY THE PROVISIONS OF DIVISION B OF ONTARIO'S 2012 OBJECTIVE-BASED CODE.

ALTERNATIVE SOLUTIONS FOR USING INNOVATIVE MATERIALS, SYSTEMS AND BUILDING DESIGNS

A sample process for the submission and assessment of alternative solutions for innovative materials, systems and building designs will be dealt with at Module Twelve, "Complying with Division B".

STOP

AUTHORIZATIONS OF THE BMEC

Clause 28(4)(b) of the BCA informs us that upon application:

the BMEC is empowered to authorize, subject to any conditions that may be set out, the use of any innovative material, system or building design in respect of any building or part thereof.

Subsection 28(5) of the Act goes on to inform us that:

*the use of any innovative material, system or building design in the manner approved by the BMEC **is not** a contravention of the building code.*

The BMEC is NOT a testing or certification agency for new materials, systems or building designs. It draws upon test results and data from others to evaluate the appropriateness of a material, system or building design, not recognized by the provisions of Division B. **A BMEC authorization is not site-specific to a single building, it applies to any building located in Ontario, subject to the stated conditions**

Is the proposed building, construction or demolition under municipal jurisdiction? Considering matters under Federal jurisdiction and according to Section 71 of the *Legislation Act, 2006* the BCA does not bind the Crown and Crown Agencies. [see *Crown Agency Act*]

Who can apply for a permit to construct or demolish?
Division C Sentences 1.3.1.2.(1) and (3)

What constitutes a complete application for a permit to construct or demolish? Division C Sentence 1.3.1.3.(5).

What is the prescribed time period to issue or refuse an application for a permit to construct or demolish?
BCA Subsection 8(2.2) and Division C Article 1.3.1.3.

When does the prescribed time period to issue or refuse a permit to construct or demolish begins?

Division C Sentence 1.3.1.3.(7)

The CBO is empowered to nullify the prescribed time period to issue or refuse an application for a permit to construct or demolish.

BCA Subsection 8(2.2) and Division C Sentence 1.3.1.3.(6)

The Application for a Conditional Building Permit

NOTE: The prescribed periods of Article 1.3.1.3. of Division C, within which a permit must be issued or refused **DO NOT APPLY** when permit application is for a conditional permit. BCA Subsections 8(3) to (8) and Div. C, Article 1.3.1.5.

Building/Demolition Permit Issuance Process- No RCA
BCA Subsection 8(2), Decision Making Flow Chart

Building Permit Issuance Process - With RCA
BCA Subsection 8(2), Decision Making Flow Chart

Effect of Plans Review Certificate of RCA
BCA 8(2.1) and Div. C, Sentences 3.7.4.3.(1), (2) and (3)

Design Activities That Are Exempt from the Requirement to register as
a Designer engaged in the business of providing design activities to
the public
Div. C, Sentences 3.2.4.1.(3) and (4)

Design Activities That Are Exempt from the Requirement to have the
Qualifications of Other Designer
Div. C, Sentence 3.2.5.1.(3)

The Application for a Change-of-Use Permit
BCA Section 10 and Clause 7(1)(f) on application prescribed in the
instrument, being a By-law, Resolution or Regulation

Change-of-Use Permit Issuance Process
BCA Section 10, Decision Making Flow Charts pages page 5.34 and
page 5.35

Duty to Comply with BCA and Code
BCA 8(11)

A sample process for the submission and assessment of alternative
solutions for innovative materials, systems and building designs will be
dealt with at Module Twelve, "Complying with Division B".

EXERCISE # 2 - ENTRY TO DO REMEDIAL WORK UNDER THE BCA

Refer to the BCA, consider the circumstances and identify the provisions that authorize entry for the Chief Building Official, the Inspectors and their agents, to do remedial work.

1. Entry to remove a building and restore the site upon default of a conditional permit agreement under Clause 8(3)(c), involving:
 - a) a building other than a room or place actually used as a dwelling.

BCA Reference: _____

- b) a building or room or place actually used as a dwelling after the notice required by Subsection 16(2) is given;
 - i) with the consent of the occupier.

BCA References: _____

ii)

BCA References: _____

- c) When the Order to Remedy an Unsafe Building under 15.9(4) has not been complied with, entry to renovate, repair or demolish the building or part thereof to remove the unsafe condition or take whatever action is required to protect the public at:
 - i) a building other than a room or place actually used as a dwelling.

BCA Reference: _____

- d) a building or room or place actually used as a dwelling after the notice required under Subsection 16(2) is given;
 - i) with the consent of the occupier.

BCA References: _____

- ii) without the consent of the occupier nor a warrant.

BCA References: _____

7. _____

a) _____

b) _____

c) _____

d) _____

e) _____

8. _____

9. _____

Code References: _____

3. After the holder of the Building Permit has notified the CBO or the RCA, having jurisdiction, of the substantial completion of structural framing, the inspection must be undertaken not later than:

- a) two days after the receipt of the notice
- b) three days after the receipt of the notice
- c) four days after the receipt of the notice
- d) five days after the receipt of the notice

Code Reference: _____

4. After the holder of the Building Permit has notified the CBO or the RCA, having jurisdiction, of the substantial completion of the installation of the on-site sewage system, the inspection must be undertaken not later than:

- a) two days after the receipt of the notice
- b) three days after the receipt of the notice
- c) four days after the receipt of the notice
- d) five days after the receipt of the notice

Code Reference: _____



Verbal persuasion

Depending upon the severity of the matter, persuasion in person or by telephone should be used before an order is made and served. However, any verbal communication of substance regarding the possible issuance of an order should be documented.

Inspection report given to the builder

An inspection report is an excellent means of providing the owner/contractor, CBO, RCA and the Principal Authority with a record of the inspection as completed. This eliminates any disparity or disagreement over the results of an inspection. Although the "inspection report" does not have the legal status of an order, it is less threatening to a builder than an order and its use may resolve the contravention.

Correspondence

A letter could be forwarded to the offender, encouraging and requesting compliance and demanding a written reply and compliance before a given date.

Networking

Liaison with local builders' and designers' associations enables all parties to communicate concerns and procedures, and to receive feedback. This method is used to deal with issues that have broad implications. An example would be for Building Officials to inform their client group of the effects of the recent amendments to the BCA and the Code.

If the situation does not resolve itself by a given date, the Inspector having jurisdiction must use the formal process to obtain compliance. The failure or neglect to obtain compliance could result in an action against the Inspector having jurisdiction and the Principal Authority or RCA, as the case may be.

THE FORMAL REQUEST TO COMPLY

First, making and serving an order is a definite and legal means of communicating to an offender that a matter is serious. Before you serve an order, especially to a first time offender, you are encouraged to **use your powers of persuasion to gain compliance**.

The **second** thing that you should bear in mind when considering whether to issue an order is to **determine if correction of the contravention is within the authority of the BCA**. For example, the

- Form and Contents of OTC,
[BCA Ss. 12(4) and Div. C, Sentence 1.3.5.5.(1)]
- Posting of OTC is optional,
[BCA Ss. 12(5)]
- **Order Not to Cover or Enclose (ONTCOE)**
 - Authority of CBO and Inspector to make ONTCOE,
[BCA Ss. 13(1) and 22(2)]
 - Authority of RCA and Person authorized by RCA to make ONTCOE,
[BCA Paragraph 15.17(3) 2., Ss. 13(1) and Div. C, Sentence 3.7.4.4.(2)]
 - Form of ONTCOE,
[BCA Ss. 13(1.1) and Div. C, Sentence 1.3.5.5.(1)]
 - Service of ONTCOE,
[BCA Ss. 13(2) and S. 27]
 - Posting of ONTCOE is optional,
[BCA Ss. 13(3)]
 - Duty of recipient of ONTCOE to arrange for a re-inspection with Inspector having jurisdiction,
[BCA Ss. 13(4) and (5)]
- **Order to Uncover (OTU)**
 - Authority of CBO to make OTU,
[BCA Ss. 13(6)]
 - Authority of RCA and Person authorized by RCA with Div. C, Clause 3.4.3.2.(1)(a) qualifications to make OTU,
[BCA Ss. 13(6) and Div. C, Sentence 3.7.4.4.(1)]
 - BCA reasons for making OTU,
[BCA Clauses 13(6)(a) to (e)]
 - Form of OTU,
[BCA Ss. 13(1.1) and Div. C, Sentence 1.3.5.5.(1)]
 - Service of OTU on person responsible for construction,
[BCA Ss. 13(6) and S. 27]
- **Stop Work Order (SWO)**
 - Authority of CBO to make SWO
[BCA Ss. 14(1)]
 - Authority of RCA or Person authorized by RCA with Div. C, Clause 3.4.3.2.(1)(a) qualifications to make SWO,
[BCA Ss. 14(1) and Div. C, Sentence 3.7.4.4.(1)]
 - Form of SWO,
[BCA S. 14(1.1) and Div. C, Sentence 1.3.5.5.(1)]

- Service of SWO,
[BCA Ss. 14(2) and S. 27]
- Timing of SWO,
[BCA Ss. 14(3)]
- Effect of SWO,
[BCA Ss. 14(4)]
- Referral of SWO made by RCA or Person authorized by
RCA to CBO for enforcement,
[BCA Ss. 14(5) and (6) and Div. C, Subsection 3.7.7.]
- Effect of referral of SWO to CBO by RCA,
[BCA S. 14(7)]
- Powers of CBO to amend or rescind any order made by
an RCA or a Person authorized by a RCA in respect of
the matter, [BCA Ss. 14(8)]
- **Order to Comply (OTC)** [MAINTENANCE INSPECTION
PROGRAM ONLY]
 - Authority of CBO and Inspector to make OTC/MIP,
[BCA Ss. 15.10.1(2) and 22(2), see Div. C, Clause
3.1.4.4.(2)(b)]
 - Form and Contents of OTC/MIP,
[BCA Ss. 15.10.1(4) and Div. C, Sentence 1.3.5.5.(1)]
 - Service of OTC/MIP,
[BCA Ss. 15.10.1(3) & S. 27]
- **Order Requiring Tests and Samples (ORTAS)**
 - Authority of CBO and Inspector to make ORTAS,
[BCA Clause 18(1)(f) and Ss. 22(2)]
 - Authority of RCA or Person authorized by RCA to make
ORTAS,
[BCA Paragraph 15.17(3) 4., Clause 18(1)(f) and Div. C,
Sentence 3.7.4.4.(2)]
 - Form of ORTAS,
[BCA Ss. 18(6) and Div. C, Sentence 1.3.5.5.(1)]
 - Service of ORTAS, [BCA S. 27]

BMEC Authorizations are listed on Building Code Website, <http://www.ontario.ca/buildingcode>, look under "Appeals and Approvals"

Rulings by the Minister of Municipal Affairs and Housing are listed on the Building Code Website, <http://www.ontario.ca/buildingcode>, look under "Appeals and Approvals"

| ORDERS UNDER THE BCA | | | | |
|---|-------------------------------------|---|--|--|
| Situation | CBO CBO/I I/CBO-P I/CBO-SS | Supervisors and Managers of Inspectors and all types of Inspectors | RCA & Persons with Div. C, 3.4.3.2.(1)(a) qualifications | Persons authorized by RCA to carry out plans review and inspections |
| ORDER TO COMPLY - Form of OTC, BCA Subsection 12(4) and Div. C, Sentence 1.3.5.5.(1) | | | | |
| Authority to make OTC | 22(2) → 12(2) | 12(2) | 15.17(3) 1 → 12(2) and Div. C, 3.7.4.4.(2) | 15.17(3) 1 → 12(2) and Div. C, 3.7.4.4.(2) |
| OTC to be served on contravener or agent | 12(3) & 27(1) | 12(3) & 27(1) | 12(3) & 27(1) | 12(3) & 27(1) |
| OTC served personally or by registered mail | 27 | 27 | 27 | 27 |
| OTC to specify nature of contravention, its location and nature of required compliance | 12(4) | 12(4) | 12(4) | 12(4) |
| Posting of OTC is optional | 12(5) | 12(5) | 12(5) | 12(5) |



| ORDER NOT TO COVER OR ENCLOSE - Form of ONTCOE, BCA Ss. 13(1.1) & Div. C, Sentence 1.3.5.5.(1) | | | | |
|---|---------------|---------------|---|---|
| Authority to make ONTCOE pending a re-inspection | 22(2) → 13(1) | 13(1) | 15.17(3) 2 → 13(1) and Div. C 3.7.4.4.(2) | 15.17(3) 2 → 13(1) and Div. C 3.7.4.4.(2) |
| ONTCOE served on permit holder/agent and others/agent as determined by Inspector | 13(2) & 27(1) | 13(2) & 27(1) | 13(2) & 27(1) | 13(2) & 27(1) |
| ONTCOE served personally or by registered mail | 27 | 27 | 27 | 27 |
| Posting of ONTCOE is optional | 13(3) | 13(3) | 13(3) | 13(3) |
| ORDER TO UNCOVER - Form of OTU, BCA Subsection 13(1.1) and Div. C, Sentence 1.3.5.5.(1) | | | | |
| Authority to make OTU | 13(6) | | 13(6) and Div. C 3.7.4.4.(1) | |
| OTU served on persons responsible for the construction or their agent(s) | 13(6) & 27(1) | | 13(6) & 27(1) | |
| OTU served personally or by registered mail | 27 | | 27 | |
| Posting of OTU is: | unregulated | | unregulated | |

| ORDERS UNDER THE BCA | | | | |
|---|-------------------------------------|---|---|---|
| Situation | CBO CBO/I I/CBO-P I/CBO-SS | Supervisors and Managers of Inspectors and all types of Inspectors | RCA & Persons with Div. C 3.4.3.2.(1)(a) qualifications | Persons authorized by RCA to carry out plans review and inspections |
| STOP WORK ORDER - Form of SWO, BCA Subsection 14(1.1) and Div. C, Sentence 1.3.5.5.(1) | | | | |
| Authority to make SWO | 14(1) | | 14(1) and Div. C 3.7.4.4.(1) | |
| SWO served on persons / agents affected thereby as determined by the CBO or RCA having jurisdiction | 14(2) & 27(1) | | 14(2) & 27(1) | |

| | | | | |
|---|---------------------|-------------|--------------------------|------------------------|
| SWO served personally or by registered mail | 14(2) & 27 | | 14(2) & 27 | |
| Posting of SWO is compulsory | 14(2) | | 14(2) | |
| SWO is effective from the time it is posted | 14(3) | | 14(3) | |
| After the SWO is posted, only work that is necessary to comply with the outstanding order under Section 12 or 13 can proceed | 14(4) | | 14(4) | |
| ORDER Requiring Tests and Samples - Form of ORTAS, BCA Clause 18(6) & Div. C, Sentence 1.3.5.5.(1) | | | | |
| Authority to make order requiring a person to take and supply at that person's expense such tests and samples as specified in the ORTAS | 22(2) → 18(1)(f) | 18(1)(f) | 15.17(3) 4 → 18(1)(f) | 15.17(3) → 18(1)(f) |
| ORTAS served on persons / agents affected thereby as determined by Inspector having authority making the ORTAS | 27(1) | 27(1) | 27(1) | 27(1) |
| ORTAS served personally or by registered mail | 27 | 27 | 27 | 27 |
| Posting of ORTAS is | unregulated | unregulated | unregulated | unregulated |

| ORDERS UNDER THE BCA | | | | |
|-----------------------------|-------------------------------------|---|---|---|
| Situation | CBO CBO/I I/CBO-P I/CBO-SS | Supervisors and Managers of Inspectors and all types of Inspectors | RCA & Persons with Div. C 3.4.3.2.(1)(a) qualifications | Persons authorized by RCA to carry out plans review and inspections |

| ORDER TO COMPLY - Form of OTC/MIP, BCA Subsection 15.10.1(4) and Div. C, Sentence 1.3.5.5.(1) | | | | |
|---|-----------------------|-----------------------|--|--|
| Authority to make OTC/MIP, see Div. C, Clause 3.1.4.3.(2)(b) | 22(2) → 15.10.1(2) | 15.10.1(2) | | |
| OTC/MIP to be served on contravener or agent | 15.10.1(3) & 27(1) | 15.10.1(3) & 27(1) | | |
| OTC/MIP served personally or by registered mail | 27 | 27 | | |
| OTC/MIP to specify nature of contravention, its location and nature of required compliance | 15.10.1(4) | 15.10.1(4) | | |
| Posting of OTC/MIP | unregulated | unregulated | | |
| ORDER TO REMEDY UNSAFE BUILDING - Form per instrument of Principal Authority | | | | |
| Authority to make OTRUB | 22(2) → 15.9(4) | 15.9(4) | | |
| OTRUB served on owner / agent, each occupier / agent and other persons affected thereby / agent as determined by the CBO | 15.9(5) & 27(1) | 15.9(5) & 27(1) | | |
| OTRUB is served personally or by registered mail | 27 | 27 | | |
| Posting of OTRUB is optional | 15.9(5) | 15.9(5) | | |
| ORDER TO PROHIBIT THE USE OR OCCUPANCY OF AN UNSAFE BUILDING - Form per Instrument of Principal Authority | | | | |
| Authority to make OPUOUB when the OTRUB is not complied with | 15.9(6)(a) | | | |
| OPUOUB served on owner / agent, each occupier / agent and other persons affected thereby / agent as determined by the CBO | 15.9(8) | | | |
| OPUOUB is served personally or by registered mail | 27 | | | |
| Posting of OPUOUB is compulsory | 15.9(8) | | | |
| OPUOUB is effective from the time it is posted | 15.9(9) | | | |

THE EXCEPTIONS OF THE CODE FOR THE ISSUANCE OF AN OCCUPANCY PERMIT FOR AN UNFINISHED BUILDING

1. As a rule, Sentence 1.3.3.1.(1) does not apply in respect of the occupancy of a building to which Article 1.3.3.4. or Article 1.3.3.5. applies.
[Sentence 1.3.3.1.(2)]
-
-
-

2. As a general rule, a person may occupy or permit to be occupied any building or part of it that has not been fully completed at the date of occupation where the CBO, or the CBO's designate, has issued an "Occupancy Permit" authorizing occupation of the building or part thereof prior to its completion in accordance with Sentence 1.3.3.1.(3).
[Sentence 1.3.3.1.(1)]
-
-
-

- a) The elements described in Clauses 1.3.3.1.(3)(a) to (q), MUST be completed before the CBO or the CBO's designate can issue an "Occupancy Permit" authorizing the occupation of a building or part thereof prior to its completion.
[Sentence 1.3.3.1.(3)]
-
-
-

3. Where a RCA has been appointed to perform the inspections, in respect of the building, the CBO or the CBO's designate must issue the "Occupancy Permit" after receiving the RCA's "Certificate for the occupancy of a building not fully completed".

[Sentence 1.3.3.1.(4), see Sentences 3.7.4.3.(1), (2), (5) and (7)]

4. Where a person has occupied or permitted the occupancy of a building after an "Occupancy Permit" was issued under Article 1.3.3.1., such person shall notify the CBO forthwith upon completion of the building.

[Sentence 1.3.3.3.(1)]

THE EXCEPTIONS OF THE CODE FOR THE OCCUPANCY OF CERTAIN UNFINISHED PART 9 BUILDINGS OF RESIDENTIAL OCCUPANCY

1. As a rule, the exception under Sentence 1.3.3.2.(1) does not apply in respect of the occupancy of a building to which Articles 1.3.3.4. or 1.3.3.5. apply.

[Sentence 1.3.3.2.(2)]

4. The Part 9 building of residential occupancy that can be occupied without an "Occupancy Permit" being issued by the CBO or the CBO's designate must have the following building components and systems, completed, operational and inspected:
- required exits, handrails and guards, fire alarm and detection systems, and fire separations, [Subclause 1.3.3.2.(1)(b)(i)]
- and**
- required exhaust fume barriers and self-closing devices on doors between an attached or built-in garage and a dwelling unit, [Subclause 1.3.3.2.(1)(b)(ii)]
- and**
- water supply, sewage disposal, lighting and heating systems. [Subclause 1.3.3.2.(1)(b)(iii)]
- and**
- Protection of foamed plastics required by Div. B, 9.10.17.10. [Subclause 1.3.3.2.(1)(b)(iv)]
-
-
-

5. The Part 9 building of residential occupancy that can be occupied without an "Occupancy Permit" being issued by the CBO or the CBO's designate must have the following building components and systems, completed, operational, inspected and tested:
- water systems, [Subclause 1.3.3.2.(1)(c)(i)]
- and**
- building drains and building sewers, [Subclause 1.3.3.2.(1)(c)(ii)]
- and**
- drainage systems and venting systems. [Subclause 1.3.3.2.(1)(c)(iii)]
-
-

- required exits, floor access and egress systems, handrails, guards, smoke alarms, carbon monoxide detectors, fire separations and fire stops, [Subclause 1.3.3.4.(4)(f)(i)]

and

- required exhaust fume barriers and self-closing devices on doors between an attached or built-in garage and the dwelling unit, [Subclause 1.3.3.4.(4)(f)(ii)]

and

- water supply, sewage disposal, lighting and heating systems, [Subclause 1.3.3.4.(4)(f)(iii)]

and

- Subclause 1.3.3.4.(4)(f)(iv) protection of refoamed plastics etc.

and

- the following building components and systems are complete, operational and tested for the dwelling unit to be occupied:

- water systems, [Subclause 1.3.3.4.(4)(g)(i)]

and

- building drains and building sewers, [Subclause 1.3.3.4.(4)(g)(ii)]

and

- drainage system and venting system, [Subclause 1.3.3.4.(4)(g)(iii)]

and

- required plumbing fixtures in the dwelling unit to be occupied are substantially complete and operational, [Clause 1.3.3.4.(4)(h)]

and

- where radon is known to be a problem the dwelling unit to be occupied complies with Sentence 9.1.1.7.(1). [Clause 1.3.3.4.(4)(i)]

5. Where an RCA has been appointed to perform the inspections, in respect of the dwelling unit, the CBO or the CBO's designate must issue the "Occupancy Permit" after receiving the RCA's "Certificate for the occupancy of a building described in Sentence 1.3.3.4.(3)".
[Sentence 1.3.3.4.(5), see Sentences 3.7.4.3.(1), (2), (5) and (6)]
-
-
-

EXERCISE # 2 - THE OCCUPANCY PERMIT FOR CERTAIN BUILDINGS OF RESIDENTIAL OCCUPANCY

To complete this exercise, you will need to consult Article 1.3.3.4.. Standard procedures apply. When prompted, provide references to support your answer.

1. Where a dwelling unit has been occupied at its substantial completion under the provisions of Article 1.3.3.4., forthwith upon the completion of construction, the person who has permitted the building to be occupied must notify the:
 - a) mortgagor
 - b) there is no requirement to notify anyone
 - c) CBO or RCA having jurisdiction
 - d) Fire Department building code Inspector under Subsection 1.3.4.

Code Reference: _____

2. True or False. After the CBO or the CBO's designate has issued an "Occupancy Permit" under Sentence 1.3.3.4.(4), the permit Clerk may close the file because the inspection under Clause 1.3.5.1.(2)(p) is the last inspection for that dwelling unit.
 - a) True
 - b) False

Code reference: _____

3. Which of the following describes a Part 9 building of residential occupancy which may be occupied under Article 1.3.3.4.?
- a) the middle unit of a 2 storey townhouse building with 5 units
 - b) a two storey apartment building with six dwelling units per floor sharing a public corridor
 - c) a duplex
 - d) a one-storey motel

Code reference: _____

4. Which of the following describes a Part 9 residential building which may **NOT** be occupied under Article 1.3.3.4.?
- a) a detached dwelling with an in-law suite in the basement that shares part of the means of egress
 - b) a detached dwelling that serves as a bed and breakfast
 - c) a duplex where each dwelling unit has a separate exit
 - d) all of the above

Code reference: _____

5. True or False. During the inspection described in Clause 1.3.5.1.(2)(p), the site grading would only need to be considered when the Principal Authority has incorporated the provisions of Clause 1.3.5.2.(1)(g) in its by-law, resolution or regulation enacted under the authority of Clause 7(1)(e) of the BCA.
- a) True
 - b) False

Code Reference: _____

STOP

THE BUILDING CODE ACT AND THE OCCUPANCY OF COMPLETED BUILDINGS

The occupancy of a building which has been completed is an obviously simpler process than that under Subsection 1.3.3.

All the conditions and requirements for the occupancy of a completed building are found in Section 11 of the BCA.

2. “Do the provisions of Section 11 of the BCA, for the occupancy of a completed building, apply to a building of residential occupancy which was occupied upon its substantial completion under the provisions of Division C, Article 1.3.3.4.?”

The answer is NO. There are no provisions under Article 1.3.3.4. of Division C which require the CBO to be notified. The building is deemed to be substantially completed.

EXERCISE # 3 - OCCUPANCY OF A COMPLETED BUILDING UNDER THE BCA

To complete this exercise, you will need to consult Section 11 of the BCA and Div. C, Sentences 3.7.4.3.(1), (2), (6), (7) and (8).

1. Consider the conditions and requirements dealing with the occupancy of a newly completed building and in the space provided insert the appropriate BCA references.

| Conditions / requirements to be fulfilled for the occupancy of a newly completed building | BCA reference |
|--|---------------|
| requirements as set out in the BCA must be satisfied prior to permitting the occupancy of the building | |
| notice of the date of completion of the building must be given to the CBO or the RCA having jurisdiction | |
| if an RCA has been performing the inspections through an appointment under Section 4.1 of the BCA, the RCA must issue a Final Certificate containing the information prescribed in the Code | |
| if the inspections have been carried out by the Principal Authority, the building MUST be inspected, or 10 days must lapse from the date of the notification before the building can be occupied | |
| if the inspections have been carried out by the Principal Authority, ALL orders under Section 12 of the BCA must be complied with before the occupancy of the building can occur | |

NOTES:

Exceptions of the Code for the occupancy of certain unfinished Part 9 buildings of residential occupancy

Div. C, Sentence 1.3.3.1.(1) → Article 1.3.3.2.

The required notification to the CBO on completion of a building that was occupied prior to its completion under Article 1.3.3.1. or 1.3.3.2.

Div. C, Sentence 1.3.3.3.(1)

The exceptions of the Code for the issuance of an “Occupancy Permit” on substantial completion of certain Part 9 buildings of residential occupancy.

Div. C, Article 1.3.3.4.

The exceptions of the Code for the Issuance of an Occupancy Permit on completion of buildings within the scope of Article 3.2.2.43A. or 3.2.2.50A. of Division B.

Div. C, Article 1.3.3.5.

Rules of the BCA for the occupancy of completed buildings

BCA Subsection 11(1)

STOP

- explain Compensating Construction and differentiate between Compliance Alternative and Alternative Compliance.

WHEN DOES PART 10 OF DIV. B “CHANGE OF USE” APPLY?

When a change of use is proposed without construction, the application of Part 10 of the building code requires two verifications.

Firstly, determine if the proposed change of use will result in an increase in hazard under Article 1.3.1.4. and Table 1.3.1.4. of Division C. [“Y” for Yes and “N” for No in Table 1.3.1.4. or in Clauses 1.3.1.4.(1)(a),(b),(c),(d),(e) or (f)]

If the proposed change of use does not constitute an increase in hazard, a change of use permit under Section 10 of the BCA is not required.

[BCA Subsection 10(1) and Div. C, Sentence 1.3.1.4.(1)]

Secondly, an increase in hazard as determined by Article 1.3.1.4. of Division C triggers the need to evaluate the building under Part 10 of Division B to determine if the proposed change of use will in turn result in a reduction in the performance level of the building.

When the evaluation concludes that there is no reduction in performance level, the CBO would issue the Change of Use Permit when the provisions of BCA Clauses 10(2)(a) to (c) have been satisfied.

When the evaluation determines that there is a reduction in the performance level of the building, this means one of two things.

In the first instance, when the reduction in performance level can be restored without construction by the means available in Div. B, Article 10.3.2.2. or Section 10.4. “Compliance Alternatives” the CBO would issue the Change of Use Permit when the provisions of BCA Clauses 10(2)(a) to (c) have been satisfied.

In the second instance, when construction is required to restore the performance level of the building, the CBO would not issue a Change of Use Permit under Section 10. The provisions of Div. B, Part 11 “Renovation” would apply and the CBO would issue a Building Permit referenced in Subsection 8(1), when the provisions of Clauses 8(2)(a) to (f) of the BCA have been satisfied.

proposed change of use, you must classify the new use, determine compliance with the minimum requirements for the new occupancy as if it were new construction and evaluate **if** the performance level of the building is reduced by the change of use.

CHANGE OF USE AND CLASSIFICATION OF EXISTING BUILDINGS

The major occupancy classification is done exactly as it would be for a new building; that is, in accordance with Div. B, Subsection 3.1.2. (Occupancies under 9.10.2. are replicated in Table 3.1.2.1.) [Div. B, Sentence 10.2.1.1.(1), see Table 3.1.2.1. of Division B]

Firstly, from Part 11 the Construction Index (**CI**) of the existing building must be determined from Table 11.2.1.1.A. Secondly, the Hazard Index (**HI**) of the new proposed major occupancy must be determined from Tables 11.2.1.1.B to 11.2.1.1.N for the new occupancy type. [Div. B, Sentence 10.2.1.2.(1) → Sentence 11.2.1.1.(1)]

Where the Construction Index is less than the Hazard Index then there is a reduction in the performance level of the building for the new proposed major occupancy. [Div. B, Sentence 10.3.2.2.(5)]

CHANGE OF USE AND CODE REQUIREMENTS AS IF NEW CONSTRUCTION WAS INVOLVED

Considering that Compliance Alternatives and Alternative Solutions may be used to achieve compliance without construction, a building or part of a building that is subject to a change of major occupancy must conform to the following **as if** the change of use in the building or part thereof were new construction: [Div. B, Sentence 10.3.1.1.(1)]

- t) Plumbing Facilities,
[Section 9.31.]
- u) Ventilation,
[Section 9.32.]
- v) Electrical Facilities,
[Subsection 9.34.1.]
- w) Lighting Outlets,
[Subsection 9.34.2.]
- x) Emergency Lighting, and
[Subsection 9.34.3.]
- y) Return-Air System
[Subsection 6.2.4.7.]

CHANGE OF USE AND PERFORMANCE LEVEL OF BUILDING WITH NEW OCCUPANCY

The Performance Level of the building after the change of use must NOT be less than the Performance Level of the building prior to the proposed Change of Use.

[Div. B, Sentence 10.3.2.1.(1)]

To determine if there is a reduction in the Performance Level, an evaluation under Div. B, Sentences 10.3.2.2.(1) to (11) must be performed.

[Div. B, Sentence 10.3.2.1.(2)]

The proposed change of use is not permitted when the change of major occupancy will not comply with Div. B, Article 3.1.3.2 **Prohibition of Occupancy Combination**, and Article 9.10.9.12. **Residential Suites, Live/Work Units and Industrial Buildings**. Certain occupancy combinations are simply prohibited in new construction, a change of use and a renovation.

[Div. B, Sentences 10.3.2.2.(10) and 11.2.1.3.(1)]

EXERCISE # 2 - DETERMINATION OF STATUS OF THE PERFORMANCE LEVEL

Consult Div. B, Sentences 10.3.2.2.(1) to (5) and complete the following Table.

| | CONDITION | REDUCTION IN PERFORMANCE UNDER ARTICLE 10.3.2.2 OF Div. B? | | DIV. B REFERENCE |
|---|--|--|----|------------------|
| | | YES | NO | |
| 1 | The New Hazard Index is greater than the existing Hazard Index but less than the Construction Index of the building. | | | |
| 2 | Early Warning/Evac. requirements for new occupancy do not comply with Div. B, Table 10.3.2.2.A. | | | |
| 3 | The new live load is less than the existing live load. | | | |
| 4 | The new major occupancy has a higher Hazard Index than the original area. | | | |
| 5 | The new live load is greater than the area was designed for but the maximum live load is posted. | | | |

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CHANGE OF USE AND PERFORMANCE LEVEL OF BUILDING WITH NEW OCCUPANCY CONTINUED

The Hazard Index from Div. B, Tables 11.2.1.1.B. to 11.2.1.1.N. may be reduced by 1 **if** the building:

faces multiple streets,

and

is small or medium sized,

and

does not contain a Group B Division 1, a Group C or a Group F Division 1 occupancy,

and

fire fighting access from all streets complies with the Code. [Div. B, Clauses 10.3.2.2.(6)(a) and (b)]

The Performance Level of a building or part of a building is reduced if the existing building is of combustible construction when:

the new occupancy is classified as residential,

and

the building, if it were new construction, would be required to be of noncombustible construction.

[Div. B, Sentence 10.3.2.2.(7)]

The Change of Use in paragraph 7- above does NOT result in a reduction in performance **if**:

the new occupancy is residential,

and

the building is sprinklered,

and

the building is 6 storeys or less in building height.

[Div. B, Sentence 10.3.2.2.(8)]

The Performance Level of a building or part of a building is reduced if the new major occupancy is not separated from the adjoining major occupancies by the fire separations required by Div. B, Article 3.1.3.1., Subsection 9.10.9. or Table 10.3.2.2.B. It is important to note that Table 10.3.2.2.B. allows some reductions from the required fire separations between adjoining major occupancies in new construction. [Div. B, Sentence 10.3.2.2.(9)]

The Performance Level of a building is reduced when, after the change of use, the building would contain a combination of occupancy prohibited by either Article 3.1.3.2. or 9.10.9.12. of Division B. Such reduction in the performance level of a building cannot be restored by construction nor a compliance alternative nor an alternative solution as the combination of occupancy is prohibited in the case of new construction, a change of use and a renovation. [Div. B, Sentence 10.3.2.2.(10) and 11.2.1.3.(1)]

The Performance Level of a building or part of a building is reduced **if:**

the new total daily design sanitary sewage flow exceeds the design capacity of any component of the sewage system serving the building,

or

the new type or quantity of sewage produced would be prohibited by Div. B, Article 8.1.3.1.
[Div. B, Clauses 10.3.2.2.(11)(a) and (b)]

If any of the conditions in above paragraphs yield a reduction in the Performance Level that cannot be addressed under Div. B, Part 10 without construction, then a Section 10 Change of Use Permit is **NOT** issued. When upgrading is required by construction, a Permit under Section 8 of the BCA is required.

[Div. C, Sentence 1.3.1.4.(2)]

A Compliance Alternative (C.A.) under Div. B, Section 10.4. or an accepted Alternative Solution under Division A, Clause 1.2.1.1.(1)(b) may be used in connection with an analysis under Part 10 of Division B to avoid construction and proceed with a Change of Use Permit under Section 10 of the BCA.

When the building has been in existence for less than five years, a C.A. may only be used in respect to the requirements for Early Warning and Evacuation evaluated under Div. B, Sentence 10.3.2.2.(3), the comparison of Hazard and Construction Indices under Sentence 10.3.2.2.(5) and the separation of adjoining major occupancies in Table 10.3.2.2.B.

[Div. B, Sentences 10.4.1.1.(3)]

EXERCISE # 3 - DETERMINATION OF STATUS OF THE PERFORMANCE LEVEL CONTINUED

Consult Div. B, Sentences 10.3.2.2.(7) to (12) and complete the following Table.

| | CONDITION | REDUCTION IN PERFORMANCE UNDER PART 10 OF DIV. B? | | DIV. B REFERENCE |
|---|---|---|----|------------------|
| | | YES | NO | |
| 1 | A new mercantile occupancy [Group E] is to be located adjacent to a restaurant [Group A-2]. There is a 45 minute fire separation between the occupancies. [Div. B, Table 3.1.3.1. requires a fire separation with 2 h of fire-resistance rating and C.A. of Table 10.3.2.2.B. would allow 1.5 h or 1 h in sprinklered buildings.] | | | |
| 2 | A 5 storey high sprinklered office building [Group D] is changed into an apartment building [Group C]. | | | |
| 3 | New construction would require a 1h fire separation between major occupancies but 30 min is provided and the building is not sprinklered. | | | |
| 4 | A building of combustible construction will be converted to a residential occupancy [Group C] and if this was new construction it would be required to be of noncombustible construction. | | | |
| 5 | The new total daily design sanitary sewage flow can be accommodated by the existing plumbing system but not by the components of the on-site sewage system. | | | |
| 6 | The type or amount of sanitary sewage to be generated by the new occupancy is prohibited in Div. B, Article 8.1.3.1. | | | |
| 7 | The use of a building is changed to a retirement home regulated under the <i>Retirement Home Act, 2010</i> , and the home is not sprinklered. | | | |

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either Section 3.17. or 9.40. of Division B, as the case may be.
[Div. A, Sentence 1.1.2.7.(1)]

DETERMINATION OF THE CONSTRUCTION INDEX AND HAZARD INDEX

When the building is more than five years old, the requirements of change of major occupancy under Div. B, Part 11 apply. Basically, where proposed construction will result in the change of major occupancy of all or part of an existing building, the building must be classified as to its:

- construction index [Div. B, Clause 11.2.1.1.(1)(a)]
- and**
- hazard index. [Div. B, Clause 11.2.1.1.(1)(b)]

DETERMINATION OF THE CONSTRUCTION INDEX

Table 11.2.1.1.A. of Division B is used to establish the Construction Index of an existing building when a change of major occupancy of a building or part thereof requires construction.
[Div. B, Clause 11.2.1.1.(1)(a)]

According to Div. A, Clause 1.4.1.2.(1)(b) Construction Index means a level on a scale of 1 (lowest) to 8 (highest) determined in accordance with Table 11.2.1.1.A. of Division B designating the expected performance level of the building structure with respect to the type of construction and fire protection of an existing building and “C.I.” has a corresponding meaning.

Similarly to Part 10, the requirements of Articles 3.2.2.20. to 3.2.2.83., that are used to determine the construction of a new building relative to its size and occupancy, do not apply to a Part 11 Renovation.
[Div. B, Sentence 11.2.1.1.(3)]

EXERCISE # 4 - DETERMINATION OF THE CONSTRUCTION INDEX OF EXISTING BUILDINGS

Consult Div. B, Sentence 11.2.1.1.(1) and Table 11.2.1.1.A. and determine the Construction Index (C.I.) of the following buildings.

or

- ii) a normally occupied floor area which is accessible by a passenger type elevator or other platform equipped passenger elevating device from an entrance storey where the existing difference in elevation between the adjacent ground level and the entrance storey level is not more than 200 mm.

[Div. B, Clauses 11.3.3.2.(2)(a) to (d)]

In addition, proposed construction within an existing suite other as described above also may require certain specific barrier-free design features such as ambulatory washroom facilities.

[Div. B, Sentence 11.3.3.2.(3)]

EXISTING PLUMBING SYSTEMS AND EXTENSIONS

Where an existing plumbing system is extended or subject to a material alteration or repair in a Basic or Extensive Renovation, the construction of plumbing must comply with Part 7.

[Div. B, Clauses 11.3.4.1.(1)(a) and (b)]

PERFORMANCE LEVEL EVALUATION AND COMPENSATING CONSTRUCTION

EVALUATION OF THE PERFORMANCE LEVEL UNDER DIVISION B, SUBSECTION 11.4.2.

Similarly to a Div. B, Part 10 Change-of-Use, the performance level of a building after construction under Div. B, Part 11, must not be less than the performance level of the building prior to construction.

[Div. B, Sentence 11.4.1.1.(1)]

The reduction in Performance Level of a building subject to renovation construction is assessed from Div. B, Subsection 11.4.2.

[Div. B, Sentence 11.4.1.1.(2)]

Where there is a reduction in the Performance Level, that reduction must be offset by compensating construction as provided by Div. B, Subsection 11.4.3.

[Div. B, Sentence 11.4.1.1.(3)]

or

- c) suite or part of a suite of Group A, Division 2 or Division 4 major occupancy being converted to a gaming premises, [Div. B, Clause 11.4.2.3.(1)(c) and Sentence 11.4.2.3.(2)]

or

- d) farm building or part thereof being changed to a major occupancy, [Div. B, Clause 11.4.2.3.(1)(d) and Sentence 11.4.2.3.(2)]

or

- e) building or part of a building being changed to a post-disaster building, [Div. B, Clause 11.4.2.3.(1)(e) and Sentence 11.4.2.3.(2)]

or

- f) change a building or part of a building to a retirement home regulated under the *Retirement Home Act, 2010*, [Div. B, Clause 11.4.2.3.(1)(f) and Sentence 11.4.2.3.(2)]

or

- g) change in use of a building or part thereof and the previous major occupancy is not known. [Div. B, Clause 11.4.2.3.(1)(f) and Sentence 11.4.2.3.(2)]

- 4. Under the **CHANGE OF MAJOR OCCUPANCY** provisions, a reduction in the Performance Level of the existing building will also occur where:
 - a) the existing early warning and evacuation system required by other Parts of the Code is inadequate for the new major occupancy, [Div. B, Sentence 11.4.2.3.(3)]
- or**
- b) the fire separation between the existing and proposed major occupancy does not comply with Div. B, Table 3.1.3.1., Subsection 9.10.9. and Table 11.4.3.4.B., [Div. B, Sentence 11.4.2.3.(4)]
- or**
- c) the existing building is of combustible construction and the new major occupancy would require the building to be of noncombustible construction if it were a new building. [Div. B, Sentence 11.4.2.3.(5)]

7. Under the Extension of Buildings of Combustible Construction provision, a reduction in the Performance Level of an existing building of combustible construction where the existing building is extended by adding a storey or storeys such that the extended building will be more than four storeys in building height.

EXERCISE #6 - DETERMINATION OF REDUCTION IN PERFORMANCE LEVEL OF AN EXISTING BUILDING

Consult Div. B, Subsection 11.4.2. and complete the following Table. For each condition stated, determine if there will be a reduction in the performance level of the building. Support your answer with a Code reference.

| Reduction in the Performance Level of the Building under: | Corresponding Compensating Construction Required to restore the performance level of the building |
|---|---|
| <p>CHANGE OF MAJOR OCCUPANCY [11.4.2.3.]</p> | <ol style="list-style-type: none"> 1. additional upgrading required as per Table 11.4.3.4.A. so that the C.I. of the building is increased to be at least equal to the H.I. of the new occupancy. [Sentence 11.4.3.4.(1)] 2. additional construction is required in order for the building or part subject to the new major occupancy comply with: 3.2.6., 3.7., 3.11., 3.12., 6.2.2.1.(2), 6.2.3.9.(1), 6.2.4.7.(10), 9.5.1., 9.5.3. to 9.5.10., 9.7., 9.10.17., 9.31., 9.32., 9.34.1. to 9.34.3. as applicable to the new major occupancy in the building or part thereof. [Sentence 11.4.3.4.(2)] 3. the early warning and evacuation systems are to be evaluated and upgraded as per Table 11.4.3.3. [Sentences 11.4.3.4.(3), 11.4.3.3.(1)] 4. if the fire separations between adjoining major occupancies are not adequate, upgrading in accordance with Article 3.1.3.1. and Table 11.4.3.4.B. is required. [Table 3.1.3.1. and Sentences 11.4.3.4.(4), 11.4.2.3.(4)] 5. if the building was new construction and would be required to be of noncombustible construction but the existing building is of combustible construction, the entire building must be sprinklered. [Sentence 11.4.3.4.(5)] 6. in a storey over three storeys in building height, where the Performance Level was reduced under 11.4.2.3.(6), the storey with the new residential occupancy must be sprinklered. [11.4.3.4.(6)] 7. in a building changed to a retirement home under 11.4.2.3.(1)(f), the retirement home must be sprinklered, if it is a high building, a voice communication system is required doors to suites must have self-closing devices. [Sentence 11.4.3.4.(7)] |
| <p>PLUMBING [11.4.2.4.]</p> | <ol style="list-style-type: none"> 1. upgrading of the plumbing system to comply with Part 7 is required if the renovation adversely affects the existing plumbing system. [Sentence 11.4.3.5.(1)] |
| <p>SEWAGE SYSTEM [11.4.2.5.]</p> | <ol style="list-style-type: none"> 1. upgrading of the existing sewage system under Part 8 is required if the existing system is adversely affected. [Sentence 11.4.3.6.(1)] |

The sample review process will not conclude whether the proposed *alternative solution* complies with Division B, under Division A, Clause 1.2.1.1.(1)(b).

Consequently, the course material will remain neutral and not conclude whether to accept or refuse the proposed *alternative solution*. Only the Inspector/CBO having jurisdiction can come to such a conclusion.

INSPECTOR HAVING JURISDICTION CAN AUTHORIZE THE USE OF AN ALTERNATIVE SOLUTION

It is recognized that a CBO under the provisions of Subsection 1.1(6) of the BCA is required to establish a system to receive and review an application to use an *alternative solution* and then authorize or refuse its use. In the case of a Registered Code Agency the process would be found in its Quality Management Plan as provided by Sentence 3.4.3.3.(3) of Division C. In this module we will simply refer to the Inspector having jurisdiction.

THE OBJECTIVES OF ONTARIO'S 2012 CODE

Every technical provision of Division B achieves one or more of the objectives of the 2012 Code. The seven categories of objectives are found in Division A, Table 2.2.1.1.:

| | |
|----|---|
| OS | Safety, |
| OH | Health, |
| OA | Accessibility, |
| OP | Fire, Structural, Water and Sewage Protection of Buildings, |
| OR | Resource Conservation, |
| OE | Environmental Integrity, and |
| OC | Conservation of Buildings |

OBJECTIVES OF THIS MODULE

In this Module you will:

- learn the terminology of the 2012 Objective-Based Code associated with *acceptable solutions* and *alternative solutions*
- review how the provisions of the 2012 Code are applied
- be introduced to a sample process and sample forms for the submission and assessment of *alternative solutions*, using a case study

Commission or the Ontario Superior Court of Justice under Sections 24 and 25 respectively of the *Building Code Act*.

EXERCISE # 6 - TOOLS FOR THE DETERMINATION OF THE LEVEL OF PERFORMANCE

The determination of the level of performance of the proposed *alternative solution* is achieved by using the same tools that are used to determine the level of performance of *acceptable solutions*. Consult the ten recognized tools that can be used to determine the level of performance of a prescriptive Code requirement and that of an *alternative solution* and the facilitator will deal with your questions, comments and concerns during the class.

STOP

| | TOOL | ELEMENTS TO CHECK | ADVANTAGES | DISADVANTAGES |
|---|---|--------------------------|-------------------|----------------------|
| 1 | Results of Tests | | | |
| 2 | Evaluation of Scenarios (hazard analysis) | | | |
| 3 | Engineering Analysis and Mathematical Modelling <ul style="list-style-type: none"> •Structural calculations •Egress analysis •Environmental analysis for building envelope •Radiation exposure calculations for limiting distance •Design fire analysis | | | |

| | TOOL | ELEMENTS TO CHECK | ADVANTAGES | DISADVANTAGES |
|---|--|--------------------------|-------------------|----------------------|
| 4 | Computer Modelling | | | |
| 5 | Previous Approvals by Other Persons Having Jurisdiction | | | |
| 6 | Manufacturer's Information | | | |
| 7 | Published Standards Not Referenced in the Code | | | |

| | TOOL | ELEMENTS TO CHECK | ADVANTAGES | DISADVANTAGES |
|----|---|-------------------|------------|---------------|
| 8 | Research Papers | | | |
| 9 | Risk Analysis | | | |
| 10 | Performance Assessment Methods <ul style="list-style-type: none"> • Peer review • Delphi Method* • Panel of experts | | | |

* The Delphi Method is a coordinated review of a complex issue by a number of experts in the field.

WHAT IS ACCEPTABLE PROOF TO CONFIRM THE LEVEL OF PERFORMANCE OF THE ALTERNATIVE SOLUTION?

The Code Analysis of a proposed *alternative solution* can range from the simple to the complex. Judgment will be required by the Inspector having jurisdiction to determine if the supporting documentation is sufficient.

The documentation must demonstrate that the level of performance of the *alternative solution* is sufficient against that of the applicable "areas of performance" established by the linked pairs of *objectives*

INTRODUCTION

In Module Three, you were introduced to Subsections 1.1(5) and (6), of the BCA, which define what the RCA and CBO must do to fulfill their respective role under the BCA and the Code. In the next two Modules, we will look at the powers and duties of the CBO, those of the RCA along with those powers and duties of a CBO that are to be exercised by the RCA having jurisdiction. You will recall that the enforcement of the BCA and the provisions of the Code is triggered by one of the following five activities:

1. construction of a building or part thereof,
2. demolition of a building or part thereof,
3. change of use of a building or part thereof,
4. remedy of an unsafe building, and
5. administration of standards for the maintenance and occupancy of property.

In this course, we do not deal with the administration of standards for the maintenance and occupancy of property.

Module Thirteen is in two parts.

Module Thirteen -A- will deal with the powers and duties of the Chief Building Official.

NOTA BENE: As evidenced by Subsection 1(1.3) of the *Building Code Act*, a reference to the CBO includes an Inspector who has the same powers and duties as the CBO in relation to sewage systems by virtue of Subsection 3.1(3) or 6.2(4) and plumbing by virtue of Subsection 6.1(5).

Module Thirteen -B- will deal with the powers and duties of the RCA and the transfer of information from the RCA to the CBO or the Director of the Building and Development Branch.

POWERS AND DUTIES OF THE CBO UNDER THE BCA

Take note that the powers and duties that can be exercised by either the CBO or RCA having jurisdiction will be reviewed in Module Thirteen -B-. We will now look at the powers and duties of a CBO under the BCA.

- **authority of CBO to issue permits**

The CBO has the authority to issue a:

- permit to construct or demolish a building or part thereof. [BCA Subsection 8(2)]
 - conditional permit for any stage of construction. [BCA Subsection 8(3)]
 - permit to change the use of a building or part of a building if the change would result in an increase in hazard. [BCA Subsection 10(2)]
- **duty of CBO to decide on application for a permit to construct or demolish under Subsection 8(1) of BCA**

In the case of an application for a permit to construct or demolish under Subsection 8(1) of the BCA, the CBO has the duty to:

- determine if the application contains the prescribed information to start the period within which he/she must decide to issue or refuse the permit, [BCA Subsection 8(1.1) and Div. C, Sentence 1.3.1.3.(5)]
 - review the application in accordance with the requirements of Clauses 8(2)(a) to (f) of the BCA and the provisions of the Building By-law and in the case of an application for a demolition permit, Division C, Clauses 1.2.2.3.(1)(a) to (d) and 1.3.1.1.(1)(a) and Sentences 1.3.1.1.(3) and (4), and
 - decide within the prescribed period, whether to issue or refuse the permit. [BCA Subsection 8(2.2) and Div. C, Sentences 1.3.1.3.(1) to (4) and (7) to (10)]
- **authority of CBO to nullify the prescribed time period within which an application for a permit to construct or demolish under Ss. 8(1) of BCA must be considered**

In the case of an application for a permit to construct or demolish under Subsection 8(1) of the BCA, the CBO has the authority to:

- nullify the prescribed time period within which he/she must decide whether to issue the permit or to refuse to issue it and to so notify the applicant. [BCA Subsection 8(2.2) and Division C Sentence 1.3.1.3.(6)]
- **duty of CBO to provide reasons for refusing permit**

or

both before and after a permit is issued under Section 8 of the BCA.

[BCA Clauses 4.1(4)(a), (b) and (c)]

DUTY OF RCA TO HAVE A QUALITY MANAGEMENT PLAN

To register with the Director of the Building and Development Branch or to renew a registration a RCA must have a Quality Management Plan (QMP) under Sentence 3.4.3.3.(3) of Div. C.

A Guide to Preparing a QMP for RCAs is available on the Building Code Website at www.ontario.ca/buildingcode. Left click on Publications, scroll down the menu and left click Guides. Scroll down the menu and left click on Guide to Preparing a Quality Management Plan for Registered Code Agencies.

The Quality Management Plan is essentially a set of standard operating procedures outlining how the RCA will carry out its duties under the BCA and the Code.

There is no requirement for a Principal Authority to have a QMP. Nonetheless, the Principal Authority must have a system in place to exercise powers and perform its duties under the BCA and the Guide would provide assistance to a CBO in the review of the operational policies of a Principal Authority.

INFORMATION EXERCISE # 1 - QUALITY MANAGEMENT PLAN

To complete this exercise, you will need to consult Div. C, Clauses 3.4.3.3.(3)(a) to (k) and the Guide to Preparing a Quality Management Plan for Registered Code Agencies.

Sentence 3.4.3.3.(3) of Division C informs us that the RCA's application for registration must include a QMP. The QMP must include, as a minimum, the topics of Div. C, Clauses 3.4.3.3.(3)(a) to (k).

1. What are the requirements of each Clause?

The requirement of each Clause has been reproduced below.

- a) procedures relating to the commencement of activities as a RCA including procedures to verify:

- the qualifications of those persons who will carry out the activities of the RCA,
- and
- that those persons do not have a conflict of interest within the meaning of Sentence 3.7.3.1.(4) of Div. C,
- b) identification of the responsibilities of persons who will carry out plans review and inspection activities on behalf of the RCA and procedures for the supervision of those persons,
 - c) procedures for assessing plans and specifications for conformity with the Code, including procedures for the assessment of alternative solutions,
 - d) procedures for inspecting the construction of buildings,
 - e) procedures for receipt of notices that construction is ready for inspection and receipt of written general review reports of Architects and Professional Engineers arising from Subsection 1.2.2. of Division C,
 - f) procedures for the issuance of certificates and orders under the BCA, including the responsibility of the persons with the qualifications set out in Sentences 3.7.4.3.(1) and (2) of Division C to be an architect or professional or both,
 - g) procedures for referral of matters of Stop Work Orders to the Chief Building Official, under Subsection 14(5) of the BCA, see Div. C, Subsection 3.7.7.,
 - h) procedures for the participation of the RCA in proceedings before the:
 - Building Code Commission under Section 24 of the BCA,

and

 - Ontario Superior Court of Justice under Section 25 of the BCA,
 - i) procedures for documenting the activities of the RCA, including data control, records retention and the maintenance of security and confidentiality of records and transferring records to the Principal Authority,
 - j) procedures for training and supervision of the staff of the RCA, and
 - k) procedures for the review and up-dating of the QMP.

NOTE: As stated in Module Four, the Divisional Court did not consider the qualification requirements of the BCA and Code relating to registered code agencies and building officials.

STOP

3. **duty of RCA to maintain records of plans review**

- a) The RCA must maintain records of all plans review activities and Plans Review Certificates issued in accordance with the QMP described in Clause 3.4.3.2.(1)(d) of Division C and accepted by the Director for registration.
[Div. C, Sentence 3.7.4.7.(1)]

STOP

INFORMATION EXERCISE # 6 - INSPECTIONS ACTIVITIES BY A REGISTERED CODE AGENCY

The requirements of the BCA and the Code have been paraphrased.

1. **duty of RCA to have qualified inspection staff**

The RCA must ensure that the inspections are carried out by a person who has the qualifications set out in Clause 3.4.3.2.(1)(b) or (c) in respect of the type of building set out in Column 3 of Table 3.5.2.2. of Division C.

[BCA Subsections 15.11(4) and 15.17(1) and Div. C, Sentence 3.7.4.2.(1)]

2. **duty of RCA to prepare written record of inspection**

- a) The RCA shall prepare a written record of every inspection.
[Div. C, Sentence 3.7.4.2.(3)]
- b) The written record of inspection must include:
 - i) the date of receipt of the notice of readiness for inspection, if any,
and
 - ii) the date of the inspection,
and
 - iii) the reason for the inspection,
and
 - iv) details of any non-compliance with the Code that was observed.
[Div. C, Clauses 3.7.4.2.(4)(a) to (d)]
- c) The RCA must maintain records of all inspection activities in accordance with the QMP described in Clause 3.4.3.2.(1)(d) of Division C and accepted by the Director for registration.
[Div. C, Sentence 3.7.4.7.(1)]

INFORMATION EXERCISE # 7 - ORDERS MADE BY A REGISTERED CODE AGENCY

According to Subsection 15.18(1) of the BCA, when a RCA makes an Order, the RCA is required to give to the CBO a copy of the Order within the period prescribed in the Code.

The requirements of the Code have been paraphrased.

1. When a RCA issues an OTC, ONTCOE or an OTU, the RCA must prepare a written record consisting of:
 - a) a copy of the Order,
and
 - b) the names of the persons on whom the Order was served and the date and manner of service,
and
 - c) when and how the Order was complied with,
and
 - d) **if** the Order has not been complied with, the efforts made by the RCA to achieve compliance by the persons responsible for compliance.
[Div. C, Clauses 3.7.4.2.(5)(a) to (d)]

2. When the RCA makes a SWO, the RCA shall refer the matter to the CBO as soon as practicable.
[BCA Subsection 14(5)]
 - a) The referral must be made in the manner prescribed in the Code.
[BCA Subsection 14(6)]
 - b) As soon as possible, the RCA must give to the CBO, a report that contains the following information:
 - i) a copy of the SWO accompanied by a copy of the OTC, ONTCOE or OTU that was not complied with,
and
 - ii) the names of the persons on whom the Orders were served along with the date and manner of service,
and
 - iii) a statement that the Orders have not been complied with,

and

- iv) such other information as the CBO may request from the RCA of the matter that has been referred.
[Div. C, Clauses 3.7.7.1.(1)(a) and (b)]
- c) The report referring the SWO to the CBO, in accordance with the QMP described in Clause 3.4.3.2.(1)(d) of Division C and accepted by the Director for registration, must be signed by a person who has successfully completed the Legal/Process Examination on the powers and duties of a RCA.
[Div. C, Sentence 3.7.7.1.(2)]

STOP

INFORMATION EXERCISE # 8 - ISSUANCE OF CERTIFICATES BY A REGISTERED CODE AGENCY

You will recall that when the project falls under the *Professional Engineers Act*, R.S.O. 1990, c. P.28 or the *Architects Act*, R.S.O. 1990, c. A.26, the certificates of the RCA must be signed by an Architect, Professional Engineer or both, as the case may be, who also have the qualifications set out in Clause 3.4.3.2.(1)(a) of Division C and in accordance with the Quality Management Plan described in Clause 3.4.3.2.(1)(d) and accepted by the Director for registration. According to Subsection 15.18(2) of the BCA, an RCA is required to issue such Certificates and use such forms as required by the Code. For purposes of Subsection 15.18(3) of the BCA, the four Certificates that are prescribed in Div. C, Article 3.7.4.3. and that a RCA is empowered to issue are the:

- Plans Review Certificate ,
- Change Certificate
- Certificate for the Occupancy of a Building not Fully Completed , and
- Final Certificate .

The requirements of the Code have been paraphrased. In the space provided write any question, note, comment or concern to be discussed in class.

1. Authority of RCA to issue Plans Review Certificates

- a) A duly appointed RCA may, in accordance with the QMP described in Clause 3.4.3.2.(1)(d) of Division C and accepted by the Director for registration, issue a Plans Review Certificate, **if the RCA** is satisfied on reasonable grounds that on the date the Plans Review Certificate is issued, the proposed construction of the said building is in compliance with the current Code.
[Div. C, Sentence 3.7.4.3.(3)]

2. Authority of RCA to issue Change Certificates

- a) A duly appointed RCA may, in accordance with the QMP described in Clause 3.4.3.2.(1)(d) of Division C and accepted by the Director for registration, issue a Change Certificate, **if the RCA** is satisfied on reasonable grounds that on the date the Change Certificate is issued, the proposed construction of the said building to which the Change Certificate relates is in compliance with the current Code.
[Div. C, Sentence 3.7.4.3.(4)]

3. Authority of RCA to issue Certificates for the Occupancy of Buildings not Fully Completed

- a) A duly appointed RCA may, in accordance with the QMP described in Clause 3.4.3.2.(1)(d) of Division C and accepted by the Director for registration, issue a Certificate for the Occupancy of a Building not Fully Completed, **if the RCA** is satisfied on reasonable grounds that on the date the Certificate for the Occupancy of a Building not Fully Completed is issued, the construction of the said building is in compliance with Clauses 1.3.3.1.(2)(a) to (q) of Division C.
[Div. C, Sentence 3.7.4.3.(5)]

4. Authority of RCA to issue Final Certificates

- a) A duly appointed RCA may, in accordance with the Quality Management Plan described in Clause 3.4.3.2.(1)(d) of Division C and accepted by the Director for registration, issue a Final Certificate, **if the RCA** is satisfied on reasonable grounds that on the date the Final Certificate is issued, the construction of the said building is in compliance with the current Code.
[BCA Subsection 11(3) and Div. C, Sentence 3.7.4.3.(8)]

STOP