

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 three 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.

A REMINDER - BEFORE THE COURSE STARTS

YOU ARE ASKED TO WORK ON YOUR OWN AND COMPLETE ALL OF THE EXERCISES.

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
- b) the following meaning for the purpose of this Code and, where indicated, for the purposes of the Act:

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)(b) 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)(b) 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

sources. Consequently, information on topics related to building design are more appropriately obtained from professional sources rather than from the Building and Development Branch. Ontario's 2012 building code is organized in three Divisions.

Division A defines the scope of each Division and the application of the 12 Parts of Division B. Division A contains the objectives, functional statements and the conditions necessary to achieve compliance.

Division B contains the acceptable solutions in Parts 1 to 12. The acceptable solutions satisfy the objectives and functional statements of the 2012 Code.

Division C contains mostly administrative requirements.

To complete this exercise, you will need to consult Subsection 1(1) of the Act and pages i to vi of the Preface of Volume I of the 2012 Building Code Compendium.

EXERCISE # 3 - DIVISIONS, PARTS, NUMBERING SYSTEM AND EFFECTIVE DATE OF THE 2012 OBJECTIVE-BASED BUILDING CODE

1. Within the building regulatory system of Ontario, the Code is a:
 - a) set of guidelines
 - b) regulation
 - c) set of policies
 - d) statute

BCA References: _____

2. For each Part of each Division, write in the title; and, in the space provided, write any comment, question or concern. During the course, the facilitator will respond to any comment, question or concern you may have.

REFERENCING THE PROVISIONS OF THE 2012 CODE

Since the 2012 Building Code has three Divisions, **it is now necessary to specify the Division of the reference.**

In the interest of clarity, Code users need to add the word “Division” or the short form “Div.” and the Divisions alphabetical designation in front of a Code reference. Consequently, Code references could be written as follows:

- Division A, Sentence 1.3.1.1.(1)
[Identifies Designated Structures, also see Clauses 1.1.2.2.(2) (c) to (j)]
- Div. B, Sentence 1.3.1.1.(1)
[which deals with the effective dates of documents referenced in Table 1.3.1.2. of Division B]
- Div. C, 1.3.1.1.(1)
[which deals with exemptions from the requirement for a permit under Section 8 of the BCA]

Appendix A is organized under three headings as follows:

Explanatory Material for Division A

Explanatory Material for Division B

Explanatory Material for Division C

Reference to an Appendix Note could be written as follows:

- Division A, A-1.1.2.
[Limit of Application]
- Div. B, Appendix Note A-1.1.2.1.(2)
[Winter Design Temperatures]
- Appendix A, Div. C, A-1.3.6.1.
[As Constructed Plans]

CROSS-REFERENCES WITHIN A DIVISION

Div. A, Sentence 1.1.1.4.(1) states:

“If a provision of this Code contains a reference to another provision of this Code but no Division is specified, both provisions are in the same Division of this Code”.

In other words, if a Division is not specified, the reference is in the same Division. For example, Div. B, Sentence 3.4.6.9.(6) states:

"If a *horizontal exit* utilizes bridges between *buildings* or outside balconies, the bridges or balconies shall conform to Article 3.2.3.19."

The Division is not specified for Article 3.2.3.19., which means that this Article is in the same Division as Sentence 3.4.6.9.(6), that is in Division B.

The same convention applies to Appendix A. For example, at the end of Div. B, Sentence 3.1.2.1.(1) appears the following Note: (See Appendix A.). This means that you may consult Appendix A, Explanatory Material for Division B at A-3.1.2.1.(1) Major Occupancy Classification.

CROSS REFERENCES ACROSS DIVISIONS

When a provision to another Division is referenced in the 2012 Code, the name of the other Division is stated with the reference. For example, Div. B, Sentence 9.1.1.1.(1) States:

"The scope of this Part shall be as described in Subsection 1.1.2. of Division A."

LAYOUT OF THE 2012 BUILDING CODE COMPENDIUM

The 2012 Building Code Compendium comes in two volumes.

Volume I includes the *Building Code Act*, an Index, a preface which contains an Introduction, an Overview of the objective-based format of the Code and a Synopsis of its development. The preface also contains a "Guideline for Requesting Changes to the Building Code" and a "2012 Building Code Change Request Form".

Volume II contains an Index, Appendix A, (Explanatory Material for Divisions A, B and C), Appendix B, (Imperial Conversions of Metric Values and SI (metric) Units and their Multiples), Supplementary Standards SA-1, SB-1 to SB-11 and SC-1. The Supplementary Standards with the prefix SA are referenced in Division A, those with the SB prefix in Division B and those with the SC prefix in Division C. The Supplementary Standards are listed in Table 1.3.1.2. of Division B under MAH as the Issuing Agency

3. A person associated with Div. C, Clause 3.2.5.1.(1)(a) is:
 - a) an Inspector
 - b) a Person authorized by a Registered Code Agency
 - c) a Designer engaged in the business of providing design activities to the public who is not an architect or a professional engineer
 - d) an Other Designer not engaged in the business of providing design activities to the public or exempted from registration by Div. C, Sentences 3.2.4.1.(3) and (4) and who is not an architect or a professional engineer

Code reference: _____

4. Consider Column 2 of Div. C, Table 3.5.2.2., the Building Code Act and the Building Code Examination Syllabi 2012. The person referred to in Div. C, Clause 3.4.3.2.(1)(a) would need to successfully complete the:
 - a) General Legal/Process Examination
 - b) Legal/Process Examination on Powers and Duties of a Registered Code Agency
 - c) Legal/Process Examination on Powers and Duties of a Chief Building Official
 - d) Designer Legal/Process Examination
5. Consider Column 2 of Div. C, Table 3.5.2.2., the Building Code Act and the Building Code Examination Syllabi 2012. The person referred to in Div. C, Clauses 3.4.3.2.(1)(b) and (c) who has successfully completed the examination program of the Ministry of Municipal Affairs and Housing would be entitled to carry out plans review and inspection activities on behalf of:
 - a) a Principal Authority
 - b) the Council of a Municipality
 - c) a Designer
 - d) a Registered Code Agency

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.(2) |
|---|--|--|
| 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: _____

To help overcome unreasonable delays, **Subsection 8(3) of the BCA, in tandem with Div. C, Article 1.3.1.5.** empowers the CBO to issue a Conditional Building Permit for the completion of any stage of construction, such as the foundation stage, prior to obtaining all the required approvals from other authorities having jurisdiction or having all of the plans ready. As a first step, the CBO must give consideration to Subsection 8(4) of the BCA:

In considering whether a Conditional Building Permit should be granted, the CBO shall, amongst other matters, have regard to the potential difficulty in restoring the site to its original state and use if required approvals are not obtained.

Processing of the application for the issuance of a Conditional Building Permit can then proceed if the plans, specifications, documents and other information for the portion of the building related to the Conditional Building Permit are complete.

According to Subsection 8(3) of the BCA, the CBO is empowered to issue a Conditional Building Permit **if**:

1. the proposed construction complies with the applicable law listed in Clause 8(3)(a) of the BCA and Div. C, Article 1.3.1.5.,
2. the CBO is of the opinion that unreasonable delays in the construction would occur if the Conditional Building Permit is not granted,
3. the applicant and such other person as determined by the CBO agree in writing with the Principal Authority to:
 - d) assume all risk in commencing the construction,
 - e) obtain all necessary approvals in the time set out in the agreement or, if none, as soon as practicable,
 - f) file plans and specifications of the complete building in the time set out in the agreement,
 - g) at the applicant's own expense, remove the building and restore the site in the manner specified in the agreement if approvals are not obtained or plans filed in the time set out in the agreement, and
 - h) comply with such other conditions as the CBO considers necessary, including the provision of security for complying with d) above.

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. applies.
[Sentence 1.3.3.1.(2)]
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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)]
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-
-

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 Article 1.3.3.4. applies.

[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**
- Subclause 1.3.3.2.(1)(b)(iv)
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-
-

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)]
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6. Where radon is known to be a problem the Part 9 building of residential occupancy can be occupied without an "Occupancy Permit" being issued by the CBO or the CBO's designate, provided the building complies with Sentence 9.1.1.7.(1).
[Clause 1.3.3.4.(4)(i)]
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-
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7. Where a person has occupied or permitted the occupancy of a building under Article 1.3.3.2., such person shall notify the CBO forthwith upon completion of the building.
[Sentence 1.3.3.3.(1)]
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EXERCISE # 1 - OCCUPANCY OF AN UNFINISHED BUILDING UNDER THE EXCEPTIONS OF SUBSECTION 1.3.3. OF DIVISION C

When prompted, provide references to support your answer. As you go along, you are reminded to INSERT CROSS-REFERENCES in your copy of the Table of Contents to BCA and the Index of the Code.

1. Who may permit the occupancy of an unfinished building after an "Occupancy Permit" has been issued by the CBO or his/her designate?
- a) the owner
 - b) the contractor
 - c) the designer
 - d) a person

Code Reference: _____

THE EXCEPTIONS OF THE CODE FOR THE ISSUANCE OF AN OCCUPANCY PERMIT ON SUBSTANTIAL COMPLETION OF CERTAIN PART 9 BUILDINGS OF RESIDENTIAL OCCUPANCY

1. No person is permitted to occupy a building described in Sentence 1.3.3.4.(3), or part of it, unless the CBO or the CBO's designate has issued an "Occupancy Permit" authorizing the occupation of the building or part of it in accordance with Sentence 1.3.3.4.(4).
[Sentence 1.3.3.4.(1)]

2. As a general rule, the "Occupancy Permit" authorizing the occupation of the building or part of it in accordance with Sentence 1.3.3.4.(4) applies:

when the building

□ is intended for residential occupancy,
[Sentence 1.3.3.4.(3)]

and

□ has three or fewer storeys in building height and a building area not exceeding 600 m²,
[Clause 1.3.3.4.(3)(a)]

and

□ has no accommodation for tourists,
[Clause 1.3.3.4.(3)(b)]

and

□ does not have a dwelling unit above another dwelling unit,
[Clause 1.3.3.4.(3)(c)]

and

□ does not have any dwelling units sharing a common means of egress.
[Clause 1.3.3.4.(3)(d)]

- required exits, floor access and egress systems, handrails, guards, smoke alarms, carbon monoxide detectors, fire separations and fire stopping, [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) 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 a 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), (5.1) and (7)]
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-
-

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: _____



GENERAL LEGAL / PROCESS
FOR INSPECTORS AND DESIGNERS, POWERS AND
DUTIES FOR CBO'S, AND RCA'S

MODULE 12

COMPLYING WITH DIVISION B

| | TOOL | ELEMENTS TO CHECK | ADVANTAGES | DISADVANTAGES |
|----|---|--|---|---|
| 6 | Manufacturer's Information | <ul style="list-style-type: none"> • Publishing date • Jurisdictions for which the information was written • Date of tests (has product changed since then?) | <ul style="list-style-type: none"> • Information may be specific to the product | <ul style="list-style-type: none"> • Information may not relate to the areas of performance to be evaluated • Information may have a marketing focus • Information may not be technically accurate |
| 7 | Published Standards Not Referenced in the Code | <ul style="list-style-type: none"> • Application and scope of standard • Date of publication • Intent of standard • Applicability to proposed alternative solution | <ul style="list-style-type: none"> • Standard recognized in other jurisdictions | <ul style="list-style-type: none"> • May be based on different performance levels than Division B of 2012 Code • May be based on different areas of performance |
| 8 | Research Papers | <ul style="list-style-type: none"> • Assumptions and limitations of research • Qualifications of author(s) | <ul style="list-style-type: none"> • May be the only technical information available for innovative technologies | <ul style="list-style-type: none"> • Peer review of conclusions may be necessary |
| 9 | Risk Analysis | <ul style="list-style-type: none"> • Assumptions and limitations of analysis • Basis for input data | <ul style="list-style-type: none"> • Can give a reasonable prediction of risk if accurate data is available | <ul style="list-style-type: none"> • Input data may be difficult to verify |
| 10 | Performance Assessment Methods <ul style="list-style-type: none"> • Peer review • Delphi Method* • Panel of experts | <ul style="list-style-type: none"> • Qualifications of persons involved • Methodology of assessment | <ul style="list-style-type: none"> • May be the only option available where technical information is not available or testing is not possible • May be most suitable for large, complex alternative solutions | <ul style="list-style-type: none"> • May be costly and may require extended time period for consensus to be reached |

* 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* and *functional statements* attributed to the applicable Div. B provisions (*acceptable solutions*).

Ultimately, the decision on the acceptability of the proof will be the responsibility of the Inspector having jurisdiction.

If the proof is acceptable and the level of performance of the proposed *alternative solution* is determined to be satisfactory, then the applicant has succeeded in satisfying the Inspector having jurisdiction.

If the proof is determined to be unacceptable, or if the proof is not sufficient to confirm that the level of performance of the *alternative solution* performs at least as well as the *acceptable solution* in the “areas of performance”, then applicant has failed to satisfy the Inspector having jurisdiction.

In such cases the applicant must provide additional documentation to attempt to satisfy the Inspector having jurisdiction or alternatively, the decision may be appealed to the Building Code Commission or the Ontario Superior Court of Justice under Sections 24 or 25 of the *Building Code Act*, as the case may be.

EXAMPLES OF CONDITIONS FOR THE ACCEPTANCE OF ALTERNATIVE SOLUTIONS

Conditions of acceptance could include, but are not limited to the following examples:

- limitation on occupant load,
- restriction on occupancy classification,
- maximum amount of combustible content,
- maximum live loads due to use and occupancy,

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 three 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.

9.

| Role of every Person who causes construction* is to: | BCA reference | Role of Builder* is to: | BCA reference |
|--|---------------|--|---------------|
| cause the building to be constructed in accordance with the BCA, the Code and the Permit issued under the BCA | 1.1(1)(a) | construct the building in accordance with the permit | 1.1(3)(b) |
| | | use appropriate building techniques to achieve compliance with the BCA and the Code | 1.1(3)(c) |
| | | notify the designer and an Inspector or RCA, as appropriate, when site conditions affect compliance with the Code, | 1.1(3)(d) |
| ensure that <u>construction does not proceed unless</u> any permit required by the BCA has been issued by the CBO | 1.1(1)(b) | ensure that <u>construction does not proceed unless</u> any permit required by the BCA has been issued by the CBO | 1.1(3)(a) |
| ensure that construction is carried out only by persons with qualifications and insurance, <u>if any</u> ⁽¹⁾ , required by the BCA and the Code | 1.1(1)(c) | (2) | |

10. d) the products comply with the standards established under the BCA and the Code

BCA Reference: Subsection 1.1(4)

EXERCISE # 3 - DIVISIONS, PARTS, NUMBERING SYSTEM AND EFFECTIVE DATE OF THE 2012 OBJECTIVE-BASED BUILDING CODE

1. b) regulation

BCA References: Subsection 1(1) definition of building code or Subsection 34(1) authority to enact a building code

7. No. The demolition of a building located on farm is exempt from the requirement of a permit under Section 8 of the BCA.

Code Reference: Div C, Clause 1.3.1.1.(1)(a)

8. No. This is entirely within the federal jurisdiction.

9. No. This is entirely within the federal jurisdiction.

EXERCISE # 2 - THE APPLICATION TIME PERIOD CLOCK BEGINS TO TICK WHEN ...

1. a) after the day on which an application meeting the requirements of Sentence 1.3.1.3.(5) is made

Code Reference: Div. C, Sentence 1.3.1.3.(7)

2. d) Saturdays, holidays and all other days when the offices of the Principal Authority are not open for the transaction of business with the public

Code Reference: Div. C, Sentence 1.3.1.3.(8)

3. a) on the day after the day on which an application meeting the requirements of Sentence 1.3.1.3.(5) is made

Code References: Div. C, Sentence 1.3.1.3.(7) and Clause 1.3.1.3.(9)(a)

4. 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 permit for the sewage system is issued

Code References: Div. C, Sentences 1.3.1.3.(7) and (8) and Clauses 1.3.1.3.(10)(a) and (b)

5. True or False.

✓ a) True

Code References: Div. C, Clauses 1.3.1.3.(6)(a) and (b)

ANS

12. (c)

| A Designer is EXEMPT from the requirement to have the <u>QUALIFICATIONS</u> of Other Designer when the design activities relate only to: | | Other Designer Qualifications Exemption 3.2.5.1.(2) |
|---|--|--|
| 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 | (a) |
| 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 | (b)(i) |
| 2(b) | an ancillary building that serves a building described in 2(a) above. | (b)(ii) |
| 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 | (j)(i) |
| 3(b) | the ancillary building does not exceed 55 m ² in building area | (j)(ii) |

13. d) inform the applicant in writing of all the reasons for the refusal

BCA & Code References: BCA Subsection 8(2.3) and Div. C, Clause 1.3.1.3.(1)(b)

14. 1. the building exceeds 3 storeys in building height or 600 m² in building area,

2. the building includes pre/post-tensioned structural members,

3. the demolition will extend within the angle of repose of the soil below the footings of an adjacent building, **or**

4. explosives or a laser will be used during the demolition.

Code References: Div. C, Clauses 1.2.2.3.(1)(a) to (d)

15. structural design characteristics of the building, and the method of demolition.

Code Reference: Div. C, Sentence 1.3.1.1.(3)

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5. The Building Official needs to obtain the informed and voluntary consent of the occupier by identifying him/herself, informing the occupant the he/she (occupant) has a right to refuse entry and to terminate the consent, if granted, at anytime during the inspection, stating the reason why entry is required and asking the permission to enter or by obtaining a warrant or the delay necessary to obtain a warrant or the consent of the would result in an immediate danger to the health or safety of any person

BCA References: Subsections 15.9(1) and 15.10.1(1) and Clause 16(1)(a), (a.1) or (b)

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

1. a) They may enter upon the land and into the building governed by the agreement at any reasonable time without a warrant.

BCA Reference: Subsection 8(6)

b) (i) Entry with the informed and voluntary consent of the occupier is always legal

BCA References: Subsection 8(6) & Clause 16(1)(a)

b) (ii) Entry, without a warrant nor consent is legal, if a notice of the intention to enter has been served on the occupier, within a reasonable time before entry is made is legal

BCA References: Subsection 8(6) and Clause 16(1)(d)

c) They may enter upon the land and into the building governed by Order to Remedy an Unsafe Building that has not been complied with at any reasonable time without a warrant

BCA Reference: Subsection 15.9(7)

d) (i) Entry with the informed and voluntary consent of the occupier is always legal

BCA References: Subsection 15.9(7) and Clause 16(1)(a)

d) (ii) Entry without a warrant nor consent is legal if a notice of the intention to enter has been served on the occupier, within a reasonable time before entry is made is legal

BCA References: Subsection 15.9(7) and Clause 16(1)(d)

2. a) To terminate the immediate danger, Building Officials and agents (contractors) have a right of entry, at any time, without a warrant nor the consent of the occupier.

BCA Reference: Subsection 15.10(3)

b) To terminate the immediate danger, Building Officials and agents (contractors) have a right of entry, at any time, without a warrant nor the consent of the occupier.

BCA References: Subsection 15.10(3) & Clause 16(1)(c) Note Subsection 16(1) does not say despite Section 15.10

EXERCISE # 3 - ENTRY WITH A WARRANT UNDER THE BCA

1. No. A warrant to enter and search can never be applied for in this situation. It is not an offence against the BCA to own or use a building that is unsafe as defined in Subsection 15.9-(2) of the BCA. This situation fails to establish reasonable grounds to believe that an offence against the BCA has been committed

BCA Reference: Clause 21(1)(a)

2. To obtain evidence for the offence of construction or changing the use of a building without a permit.

BCA References: Subsections 8(1) and 10(1)

3. Yes. A warrant to enter and search may authorize the seizure of things where there is reasonable grounds to believe that such things will afford evidence relevant to the commission of the offence

BCA Reference: Subsection 21(2)

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