

Open Letter to Ottawa City Council – Oct. 30, 2020

Sent via E-mail and Registered Mail to Mayor Jim Watson

Subject: Budget 2021 requests – Health and Safety Issues

Dear City of Ottawa Councillors:

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For more than 16 years, Canadians for Properly Built Homes (CPBH) has been asking the City of Ottawa to properly address its responsibilities concerning newly built homes. We regret to inform you that largely this has been met with silence, denial, excuses, and/or finger-pointing. It's time for that to change and we are requesting your support.

We hope that you are aware that main stream media has reported on a number of these issues over the decades. Here are two recent examples:

2018 – Ottawa Citizen – shortage of building inspectors

<https://ottawacitizen.com/news/local-news/reevely-ottawas-desperately-short-of-building-inspectors-after-deciding-to-cut-fees-rather-than-hire-building-inspectors>

2019 – CBC – Cardinal Creek Village

<https://www.cbc.ca/news/canada/ottawa/cardinal-creek-tarion-1.5252272?fbclid=IwAR17OXAPobgM3sTVyVC4JtV9PjBS1f5YsJ3xrlbkyle-mbtEwgksxOh7oa4>

We are raising two specific health and safety related requests regarding the 2021 budget:

1. Ensure that all newly built homes are properly inspected and meet the Ontario Building Code (OBC) before the homeowners take possession.
2. Ensure that the City of Ottawa determines if radon is known to be a problem in some or all of the municipality.

The following is a brief explanation regarding these two specific requests. If you have questions and/or would like additional information, please let me know.

1. Ensure that all newly built homes are properly inspected and meet the Ontario Building Code (OBC) before the homeowners take possession.

In 2002, former City of Ottawa Councillor Wendy Stewart initiated a Task Force regarding all of the OBC violations in a major housing development in her constituency, and one of her key findings for Code violations was a “building boom” and a lag time in the City being able to ensure it had sufficient inspectors on hand. In more recent years, City of Ottawa officials have raised issues regarding the “grey tsunami” (i.e., retiring inspectors) and challenges in hiring qualified replacement inspectors. While the excuses from the City of Ottawa have changed

somewhat over the years, the fact remains that the City of Ottawa continues not to consistently properly inspect during construction. It is unacceptable that the City of Ottawa continues to sign off on homes that have not been properly inspected.

In a recent discussion with John Buck, Acting Chief Building Official, in relation to sufficient qualified inspectors, I again raised the need for the City of Ottawa to conduct appropriate succession planning, rather than simply raising the same sorts of excuses year after year, while continuing to deliver newly built homes that do not meet the OBC. He seemed to agree that the City has options to ensure sufficient, qualified inspectors. With \$15.5 million in the Building Code Services Branch revenue stabilization fund as of Dec. 31, 2019, it appears that there are ample resources to do proper succession planning and ensure that qualified inspectors are in place to properly inspect homes during construction.

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In 2005, former City of Ottawa Chief Building Official, Arlene Gregoire, said:

"...the Building Code's purpose... is to establish minimum standards for people to be able to survive in their homes...It's basic minimum standards...bare minimum...all building code deficiencies are considered serious..."

Further, there is the fact that new home buyers are paying for the required inspections through the cost of the building permit, passed on to them by the builder. The City of Ottawa is in effect selling the services to home buyers and not providing them. Some call this practice fraudulent, given that the City has not put enough qualified inspectors in place.

Given this situation, we are requesting that Ottawa City Council ensure that the City of Ottawa immediately takes steps to ensure that all newly built homes are properly inspected and ensure that the builder resolves any OBC violations before the closing of the home occurs.

2. Ensure that the City of Ottawa determines if radon is known to be a problem in some or all of the municipality and act promptly on that information.

According to Health Canada:

- Radon is the second leading cause of lung cancer in Canada and
- More than 3,000 people die from radon-induced lung cancer each year.

For your information, here is a link to a recent study from the University of Ottawa entitled "*How Ottawa-Gatineau Residents Perceive Radon Health Risks*"

<https://telfer.uottawa.ca/en/research/innovative-thinking/how-ottawa-gatineau-residents-perceive-radon-health-risks/>

Excessive radon has been recognized as an issue in a part of Kanata for some time now, and recently questions/issues have been raised by homeowners in a new community being developed in the east end of Ottawa.

I have had numerous communications with Mr. Buck, your Acting Chief Building Official, about what his department is doing about these radon issues. His main response has been to the effect that Ottawa is not one of the three municipalities identified in the Ontario Building Code related to excessive radon.

On Oct. 29, 2020, CPBH received written confirmation from the Ministry of Municipal Affairs and Housing that:

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"...It is a role of municipal building departments to determine if radon is known to be a problem in some or all of their municipality..."

Further, we are in receipt of a copy of a 2016 legal opinion from Fasken Martineau that was provided to the Canadian Association of Radon Scientists and Technologists (CARST) concerning its request for a legal opinion about some Ontario municipalities that may be issuing building permits in contravention of the Ontario Building Code Act. That legal opinion concluded:

"...In summary, municipalities and municipal officials bear a risk of liability for misapplying or not applying the Building Code. The most obvious way to limit the risk is for municipalities to comply with the Building Code's requirement that all wall, roof and floor assemblies in contact with the ground are constructed to resist the ingress of soil through the installation of a soil gas barrier, unless a permit applicant can "demonstrate that soil does not constitute a hazard.""

CARST advised that it forwarded this legal opinion via email to all municipalities in May 2017.

Given this situation, we are requesting that Ottawa City Council ensure that the City of Ottawa immediately take steps to ensure that it is fulfilling its responsibilities related to radon.

Mayor Watson: We are requesting that you respond on behalf of Ottawa City Council to these two health and safety requests and the 2021 budget. We look forward to your response.

Yours truly,



Dr. Karen Somerville, PhD, C.Dir.
President

Founded in 2004, Canadians for Properly Built Homes (CPBH) is an independent, national, not for profit corporation dedicated to healthy, safe, durable, energy efficient residential housing for Canadians, and is the only organization of its kind in Canada. Working for consumer awareness and protection, CPBH is run by a volunteer Board of Directors and is supported by a volunteer Advisory Council of industry experts and other key stakeholders.