



Submission to the Ontario Building Code Short-Term Advisory Body Consultation on Reducing Regulatory Burden in Ontario's Building Code

Submitted by

**Canadians for Properly Built Homes (CPBH)
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Founded in 2004, Canadians for Properly Built Homes (CPBH) is a national, independent, not for profit advocacy 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.

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About Canadians for Properly Built Homes

Canadians for Properly Built Homes (CPBH) is a national, independent, volunteer-led, volunteer-operated, not-for-profit organization that has been advocating for healthy, safe, durable and energy-efficient residential construction for more than 22 years.

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CPBH's work is informed by the experiences of homeowners across Canada, as well as engagement with governments, regulators, municipalities, building officials, builders, other industry participants and consumer organizations. Throughout this submission, when CPBH refers to "homes," it means all forms of residential housing, including single-family homes, semi-detached homes, townhomes and condominiums.

CPBH welcomes the opportunity to provide input to Ontario's review of the building code.

CPBH's central message

CPBH supports efforts to make Ontario's Building Code clearer, easier to use and less unnecessarily complex. However, reducing regulatory burden must not come at the expense of the people who ultimately live in the homes constructed under the code.

Ontario's Building Code establishes minimum requirements. The starting point for this review should therefore be straightforward: **Every new home in Ontario should, at a minimum, meet the Ontario Building Code before ownership is transferred to the purchaser and the home is occupied.**

This distinction is important. Homeowners should not take possession of a newly built home only to discover afterwards that it contains building code violations that should have been identified and corrected during construction.

The government has indicated that this review is intended to identify ways to reduce unnecessary costs, delays, complexity and administrative burden while maintaining health, safety, accessibility and performance outcomes (Government of Ontario, 2026). CPBH supports those objectives.

Requirements that are genuinely outdated, duplicative, unnecessarily prescriptive or confusing should be reviewed. But requirements that protect homeowners and the public should not be characterized as unnecessary regulatory burden simply because they impose obligations on those who design and construct homes. There is an important distinction between unnecessary regulatory burden and the requirements necessary to ensure that homes at least meet code.

Housing affordability must include the cost of non-compliance

Housing affordability cannot be measured only by what it costs to build a home.

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The cost of not ensuring that it meets code in the first place must also be considered.

Code violations are often challenging and very expensive to properly repair once the home is occupied. Builders have told CPBH that once a home is occupied, it can cost approximately seven times more to correct a construction deficiency than it would have cost to address the problem during construction.

That is directly relevant to a consultation concerned with reducing construction costs and supporting housing supply.

A requirement or inspection that adds some time or cost during construction may ultimately save substantially more by preventing a deficiency, identifying it before it is concealed, or ensuring that it is corrected before ownership is transferred and the home is occupied.

For homeowners, serious construction deficiencies can result in major repair costs, engineering and other professional fees, temporary accommodation, legal expenses, lost property value and loss of the use of their homes. Code violations can also threaten the health and safety of occupants.

These costs do not disappear because they occur after construction. They are simply shifted — often to homeowners.

Preventing problems during construction is generally far more efficient and affordable than trying to resolve them after a family has moved in.

Ontario has real-world examples of what can go wrong

The Advisory Body should consider not only the experience of those who construct homes, but also what has happened when serious construction deficiencies were not identified and corrected during construction.

There are troubling Ontario examples.

Ottawa

The experience of homeowners in Cardinal Creek Village in Ottawa provides an important example.

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In August 2018, CBC News reported on homeowners concerned about the safety of their recently built homes after discovering significant construction deficiencies. Reported problems included cracked foundations, leaking walls, mould and mice. The City of Ottawa confirmed that building code violations had been identified in at least nine homes after homeowners had moved in (Osman, 2018).

The problems continued. In August 2019, CityNews Ottawa reported that the City of Ottawa was investigating 15 Cardinal Creek homes for suspected building violations after mould was found in several basements. Some residents were unable to live in their newly purchased homes while the problems were being addressed (Slack, 2019).

Cardinal Creek raises a basic question that is directly relevant to this review:

Why were building code violations in newly built homes being discovered after homeowners had taken possession rather than during construction?

The experience illustrates why effective inspections matter. Building code requirements provide limited protection if violations are not identified until construction is complete and homeowners have moved in.

Welland and Niagara Falls

In Welland, a five-storey residential development under construction partially collapsed in February 2023. Part of the building collapsed again days later (CBC News, 2023).

CBC subsequently reported that the developer behind the Welland project was facing a \$10-million lawsuit from residents of another development in Niagara Falls. Allegations included incomplete and inadequate work, serious construction defects, flooding and sanitary backups, fire-protection issues, heating and air-conditioning problems, and numerous alleged building code violations (Hristova, 2023).

These reports again raise questions about whether serious deficiencies are being identified early enough in the construction and inspection process.

Hamilton

CBC reported in 2024 on a homeowner in Hamilton whose newly built home had inadequate heating and cooling equipment.

During cold weather, the homeowner reported having to wear layers of clothing while the furnace ran continuously. The furnace and air-conditioning equipment originally installed in the home were too small (CBC News, 2024).

This example illustrates why building code requirements relating to building performance are not simply technical requirements. Problems can directly affect the health, comfort, finances and daily lives of the people occupying the home.

Fort Erie

In Fort Erie, CBC reported in September 2024 on Carolyn Mayers and James Durban, who purchased a recently built home in 2021.

They subsequently experienced leaking windows and roof, extensive water damage and persistent mould. Engineering investigations identified significant construction and structural concerns, and an engineering firm ultimately recommended demolition and rebuilding of the home (Beattie, 2024).

The homeowners sued the builder, designer and Town of Fort Erie. The allegations included issues related to building code compliance and permits. The allegations had not been proven in court, and the defendants denied liability (Beattie, 2024).

Whatever the eventual outcome of the litigation, a recently built Ontario home reaching the point where engineers recommend demolition should concern everyone involved in the building code system.

Other Ontario homeowners

The *Toronto Star* reported in 2024 on seven Ontario homeowners dealing with serious problems in newly built homes and their prolonged efforts to have those problems addressed. One case involved an engineering inspection that identified Ontario Building Code violations associated with construction of the roof (Feinstein, 2024).

These examples involve different municipalities, builders, types of homes and circumstances. They should not be interpreted as suggesting that all new construction is deficient.

They do, however, demonstrate the consequences when serious deficiencies are not prevented or identified and corrected during construction.

They also demonstrate why the objective cannot simply be to get homes built faster.

Ontario needs more homes.

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But those homes need to at least meet code before ownership is transferred to the purchaser and the home is occupied.

The City of Toronto audit: Code requirements are only effective if they are enforced

There is also important independent evidence from Ontario's municipal inspection system.

In 2023, the City of Toronto Auditor General released *Building Better Outcomes: Audit of Toronto Building's Inspection Function*. The audit found examples where construction proceeded without prescribed inspections because permit holders had not notified Toronto Building that work was ready to be inspected. It also found that deficiencies were not consistently documented, communicated and followed up, and identified weaknesses in the use and follow-up of enforcement orders (City of Toronto Auditor General, 2023). The Auditor General made 20 recommendations intended to improve inspection and enforcement processes (City of Toronto Auditor General, 2023).

These findings matter to the current review because they demonstrate that the effectiveness of the building code depends on more than the wording of the code.

A strong code provides limited protection if required inspections do not occur or identified deficiencies are not followed through to correction.

CPBH's response to the Toronto audit

CPBH reviewed the Toronto Auditor General's findings when they were released and issued both a statement and a detailed analysis in March 2023 (Canadians for Properly Built Homes, 2023a, 2023b).

CPBH noted that the findings were consistent with what the organization had heard from purchasers of newly built homes in Ontario: homeowners discovering code violations after

taking possession despite reasonably expecting that such violations would have been identified through the municipal inspection process.

CPBH's analysis also noted that many of the problems identified in the 2023 Toronto audit had been identified in an earlier 2013 audit.

That is particularly concerning.

Audits can identify problems and recommend improvements. But when significant weaknesses continue to be identified years later, the issue becomes not simply what needs to change, but whether corrective action is being effectively implemented and sustained.

If Ontario is considering removing, consolidating or simplifying building code requirements, it should simultaneously consider whether the inspection and enforcement system is sufficiently robust to ensure that the requirements that remain are actually followed.

Remote inspections are not the answer

CPBH remains concerned about the use of remote inspections as a substitute for in-person municipal building code inspections.

In October 2021, CPBH made a submission to the Ontario government opposing remote inspections during construction (Canadians for Properly Built Homes, 2021).

CPBH remains opposed to remote inspections.

When an inspection is intended to determine whether construction meets minimum building code requirements, CPBH's position is that an inspector should be physically present to inspect the work.

With a remote inspection, the building official is dependent on the camera, the person operating it and what is — or is not — shown. An inspector who is physically present can independently look beyond the particular area being presented, change perspective, examine surrounding conditions and identify issues that may not have been anticipated before the inspection began.

This is particularly important because construction is sequential. Once work is concealed by insulation, drywall, finishes, concrete or other materials, deficiencies may become difficult or impossible to identify without destructive investigation.

In its 2021 submission, CPBH warned that remote inspections could result in lower-quality inspections and increase the risk that building code violations would not be identified during construction (Canadians for Properly Built Homes, 2021).

CPBH also called for greater provincial oversight of municipal building code enforcement, including meaningful performance indicators, monitoring of municipal performance and action where municipalities are not meeting their responsibilities.

The subsequent Toronto Auditor General findings reinforce the importance of strengthening inspection and enforcement rather than weakening it.

Technology can certainly assist building officials. Photographs, video, electronic records and other digital tools may complement inspections and improve efficiency.

But technology should support in-person inspections, not replace them.

If municipalities are experiencing shortages of qualified building inspectors, that capacity issue should be addressed directly. It should not be addressed by lowering the level of inspection provided to Ontario homeowners.

Municipal capacity also matters

Cornwall Mayor Justin Towndale addressed municipal capacity when appearing before an Ontario legislative committee in January 2024.

He spoke about difficulties recruiting and retaining people with specialized skills, including building inspectors. He described turnover within Cornwall's building department, the resulting need for training, and the challenge of maintaining consistency among multiple inspectors (Legislative Assembly of Ontario, 2024).

Mayor Towndale also discussed what the municipality had heard from the construction industry about regulatory changes. While recognizing the need to update the building code, he noted that the timing and volume of changes can create confusion and inconsistencies and that grey areas can be subject to differing interpretations. He also identified significant issues related to resources, high turnover, staffing and training of municipal inspectors. Mayor Towndale indicated that it was not only his municipality facing these challenges, but that they are issues **“for municipalities across the board”** (Legislative Assembly of Ontario, 2024).

The Toronto audit, CPBH's response to that audit, CPBH's concerns about remote inspections, mainstream media reporting and Mayor Towndale's evidence all point to an issue that should be central to this review:

The effectiveness of the building code depends on clear requirements and an inspection and enforcement system capable of ensuring that those requirements are followed.

A clearer and more usable code could reduce unnecessary complexity for builders, designers and building officials.

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But simplifying the code cannot compensate for weaknesses in inspection or enforcement.

Clarity and consistency should be priorities

CPBH supports efforts to make the code clearer and easier to apply. Ambiguity does not help homeowners, municipalities or responsible builders. Where requirements are genuinely unclear, unnecessarily complicated, duplicative or open to significantly different interpretations, there is value in simplifying and clarifying them.

Greater consistency can reduce disputes and make compliance easier. But there is an important distinction between simplifying a requirement and weakening it.

Modular/factory-built housing

Modular/factory-built housing is increasing, particularly given the Government of Canada's interest in this type of housing.

The Ministry's website says: "When building a modular house, you or your builder must apply for a building permit from the municipality where the house will be located" <https://www.ontario.ca/page/building-modular-house#section-4>) retrieved Aug. 13, 2026.

But in the case of a modular/factory-built home, **who** is the builder? This must be clarified. CPBH has been informed by home purchasers of situations in which this has caused great challenges for them in relation to the home meeting the requirements of the Ontario Building Code. CPBH's position is that it is not reasonable or appropriate for the homeowner to take on the role of builder, sign for the building permit, etc.

Further, the role and responsibility concerning municipal inspections for modular/factory-built homes must be clarified. CPBH has been informed by home purchasers of situations in which municipalities allegedly were confused about their role for this type of housing.

The objective should be to make it easier for everyone involved to understand what is required — not to have the home purchaser assume the role of builder or lower the minimum standard that a completed home must meet.

Consider the homeowner when evaluating “burden”

CPBH encourages the Advisory Body to ask an additional question whenever it considers removing, simplifying or changing a requirement:

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If this requirement is removed, weakened or changed, who assumes the resulting risk?

If the answer is the homeowner, that risk needs to be part of the analysis.

People purchasing newly built homes generally do not participate in decisions about construction methods, materials, sequencing, inspections or code interpretation. They reasonably expect that those responsible for constructing and approving the home have ensured that it meets the applicable minimum requirements before ownership is transferred and people move in.

Most homeowners also do not have the technical expertise to identify code violations, particularly those concealed within the building.

Once construction is complete, deficiencies may be hidden behind walls, ceilings, foundations and finishes. Discovering and correcting them later can be extraordinarily difficult and expensive.

The building code system therefore plays an important preventive role.

Build faster — but do not transfer the risk to homeowners

CPBH recognizes Ontario’s urgent need for more housing and supports practical measures that allow responsible builders to construct homes efficiently.

But speed and code compliance should not be treated as competing objectives.

A home that is completed quickly but contains serious code violations does not solve the housing affordability problem. It can create another one.

Poor construction can result in repairs, displacement, litigation, health and safety concerns and substantial financial losses. It can also consume municipal, regulatory and court resources long after construction has ended.

The objective should be simple: **Build efficiently. Build consistently. And ensure that homes at least meet code before ownership is transferred to the purchaser and the home is occupied.**

A broader context

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The consequences of poorly constructed new homes, the experiences of homeowners and the systemic issues that can allow serious deficiencies to occur are examined in the forthcoming book *Canada's Other Housing Crisis*, researched and written by CPBH President and co-founder Dr. Karen Somerville and scheduled for publication in September 2026 (Somerville, forthcoming).

The book draws extensively on issues CPBH has encountered during more than two decades of advocacy, as well as homeowner experiences from across Canada. It examines what can happen when serious code violations are not prevented, detected or corrected early. The book reveals that the negative human impact for families is devastating and go far beyond just the financial implications. The experiences documented through this work reinforce a consistent lesson from CPBH's more than 22 years of advocacy: prevention and early detection are far preferable to trying to resolve serious construction problems after homeowners have taken possession.

Recommendations

CPBH recommends that the Advisory Body:

1. **Maintain health and safety protections.** Do not remove or weaken requirements necessary to protect health, safety, accessibility, durability or building performance.
2. **Distinguish unnecessary burden from necessary protection.** A requirement should not be considered unnecessary simply because compliance takes time or costs money.
3. **Prioritize clarity and consistency.** Simplify requirements that are genuinely confusing, duplicative or unnecessarily complex without lowering the minimum performance expected of completed homes. Modular/factory-built homes must be a priority including making it clear who the builder is for building permit application purposes, and municipal inspection responsibilities.
4. **Consider the full cost of non-compliance.** Assess not only construction costs, but also the potentially much greater cost of correcting deficiencies after occupancy.

5. **Strengthen inspection and enforcement.** Ensure that prescribed inspections actually occur at the appropriate stages of construction, that identified code deficiencies are corrected, and that homes meet the Ontario Building Code before ownership is transferred to the purchaser and the home is occupied.
6. **Retain in-person inspections.** Do not expand remote inspections as a substitute for required in-person municipal building code inspections. Technology can supplement inspections but should not replace an inspector's physical presence.
7. **Consider municipal capacity.** Ensure municipalities have the people, training, resources and implementation time required to consistently administer and enforce the code.
8. **Increase provincial oversight and accountability.** Establish meaningful performance measures and oversight mechanisms to assess whether municipalities are effectively carrying out their building code inspection and enforcement responsibilities.
9. **Include homeowner risk in the analysis.** Before removing or weakening a requirement, determine whether doing so transfers additional financial, health, safety or performance risk to homeowners.
10. **Support prevention and early detection.** Give particular consideration to requirements and inspection processes that identify deficiencies while construction is underway, when they are generally easier and less costly to correct.

Conclusion

CPBH supports the government's objective of making Ontario's Building Code clearer, more efficient and easier to use.

There may be requirements that can be simplified, consolidated or removed without compromising health, safety, accessibility or performance outcomes. Those opportunities should be pursued.

But the evidence also demonstrates that Ontario needs to look beyond what is written in the code.

The experiences at Ottawa, Welland, Niagara Falls, Hamilton and Fort Erie, the Toronto Auditor General's findings, CPBH's analysis of those findings, CPBH's longstanding concerns about remote inspections and the challenges identified by municipal leaders all point to a larger issue:

A building code is only effective if homes are actually built to meet it.

For more than 20 years, CPBH has heard from homeowners dealing with the consequences of serious construction deficiencies. Their experiences demonstrate how costly and difficult it can be to address problems after a home has been completed and occupied.

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The best consumer protection is prevention.

The best time to identify and correct a construction deficiency is while the home is being built.

Ontario can reduce unnecessary regulatory burden without reducing the protections that help ensure homes are healthy and safe.

And as Ontario works to address the housing crisis, there should be one expectation on which homeowners, builders, municipalities and government can agree:

New homes in Ontario should, at the very least, meet the Ontario Building Code before ownership is transferred to the purchaser and the home is occupied.

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