



This submission relates to the proposed changes for the
Next Edition of Ontario's Building Code (OBC)
By the Ontario Ministry of Municipal Affairs and Housing (MMAH)
+ the Relationship of:
- Ongoing OBC Enforcement Issues
- Housing Affordability
- Occupants' Health and Safety

Nov. 28, 2021

Please submit questions/comments to: info@canadiansforproperlybuilthomes.com.

Founded in 2004, Canadians for Properly Built Homes (CPBH) is a national, independent, 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. CPBH earned "partner" status with the Canadian Consumer Information Gateway (Industry Canada).

Website: www.canadiansforproperlybuilthomes.com

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Introduction:

Canadians for Properly Built Homes (CPBH) welcomes the opportunity to contribute to this proposal. In this document we will address serious issues concerning excessive radon and the lack of enforcement generally by MMAH. These issues are directly connected to housing affordability and health and safety.

CPBH response re Proposal related to “Soil gas/Radon (e.g., adopting a proactive approach to address radon)”

CPBH is pleased that Ontario is proposing to adopt a proactive approach through the Ontario Building Code (OBC) to address radon. This is long overdue. But Ontario also needs to start ensuring consistent enforcement of the OBC and other MMAH directives.

CPBH hears from Ontario homeowners about excessive radon issues regularly. Radon is the second highest leading cause of lung cancer in Canada, responsible for 3,000 deaths each year (Health Canada) and the leading cause of lung cancer in non-smokers (Lung Cancer Canada).

The results of a recent study concerning radon found that:

“...Modern construction methods have created the unintended consequence of trapping the gas inside. A recent Canadian study shows young people and families moving into new homes in suburban areas where real estate is more affordable are among the most vulnerable...”
(Toronto Star, May 2, 2021). Here is the link to the Toronto Star article:

<https://www.thestar.com/news/investigations/2021/05/02/the-invisible-threat-inside-your-home-dangerous-levels-of-radon-gas-are-being-found-in-more-houses-across-canada-than-ever-before.html> .

While we are pleased that some Ontario municipalities such as Guelph already have been proactive on the radon front, other municipalities with recognized excessive radon problems, such as the City of Ottawa, refuse to follow the direction already given by MMAH. Despite numerous communications from CPBH with the City of Ottawa’s Building Branch, Ottawa City Council, and Ottawa Public Health, Ottawa still has not taken sufficient steps to determine if radon is known to be a problem in some or all of their municipality (as MMAH advised it is supposed to do).

“...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...” (Source: Oct. 29, 2020 email to CPBH from MMAH).

One Ottawa homeowner recently reported to CPBH that their radon tests results showed more than 2,000 bq, when the Health Canada information says that anything over 200 bq is excessive. Appendix 1 provides some specific examples concerning Ottawa, including a recent presentation made by MPP Blais in the Ontario Legislature regarding excessive radon Orleans, a suburb of the City of Ottawa.

It is also important to note that in 2017, the Canadian Association of Radon Scientists and Technologists (CARST) provided a legal opinion to all Ontario municipalities related to radon, that includes references to the Ontario Building Code. Here are related links:

<http://canadiansforproperlybulthomes.com/wp-content/uploads/2020/11/2017-CARST-liability-letter-to-municipalities-final-may-30-no-fields.pdf>

<http://canadiansforproperlybulthomes.com/wp-content/uploads/2020/11/2016-Radon-Letter-to-CARST-from-Fasken-Martineau-1-1.pdf>

The City of Ottawa recently confirmed to CPBH that it received the legal opinion sent by CARST in 2017. It is very troubling that the City of Ottawa still has not taken appropriate action. This brings us to the matter of ongoing enforcement issues not only in Ottawa, but also in different parts of Ontario.

Ongoing enforcement issues + the relationship to housing affordability & health and safety

What's the point of MMAH providing direction to municipalities and investing in amending the Ontario Building Code when the Province of Ontario is not ensuring that these important requirements are properly enforced? **Lack of enforcement of the OBC continues to be a serious problem in Ontario.**

Ontario Minister Clark/MMAH and Federal Housing Minister Hussen are focused on housing affordability, and CPBH agrees that this is important. But for houses to be affordable, they must meet the minimum Code at the outset. **Builders have said that once the home is occupied, it costs about seven times more to fix the construction defects.**

CPBH hears regularly from Ontarians who are suffering as a result of excessive radon and OBC violations in their newly built homes. Examples of suffering include financial hardship (up to and including bankruptcy), physical health issues from mould and excessive radon, and mental health issues including anxiety, stress and depression. Tragically, in extreme cases, some consider suicide.

As noted in many previous submissions by CPBH to MMAH, sadly far too many municipal inspections are not safeguarding public health and safety. While MMAH continues to say "the province does not oversee how municipalities conduct their enforcement practices" (e.g., Mahmood email dated Sept. 30, 2021), CPBH continues to maintain that the Province of Ontario, at a minimum, needs to ensure that

municipalities are accountable when they do not catch OBC violations and then make sure these homes are properly repaired before the occupants move into the home.

Further, clearly oversight is needed. Here are some examples of ways the Province of Ontario can do that:

- Develop a meaningful set of performance indicators for all municipalities, e.g., sufficient, qualified building inspectors, spot inspections to check on municipalities' performance, etc.;
- Monitor those performance indicators regularly to ensure that the municipalities are all performing satisfactorily; and
- Take swift appropriate steps to ensure that municipalities are adhering to what is required of them and ensure accountability. These could include serious financial penalties levied to the municipality itself, publication of publication of offences to inform the public of a municipality's history of non-compliance, etc.

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Returning to the City of Ottawa specifically, on Nov. 25, 2021, media reported: "City urged to hire more inspectors to catch 'construction horror stories'", but the City of Ottawa says it can't find any qualified inspectors. We have reported this ongoing excuse regarding a critical shortage of qualified inspectors to Minister Clark and MMAH many times previously in the last few years. Here is the link to the Nov. 25, 2021 article: <https://www.cbc.ca/news/canada/ottawa/planning-committee-budget-building-inspector-shortage-1.6262282> . The reality is that the lack of inspectors has been an excuse put forth by the City of Ottawa for more than 20 years now – everything from "building booms" to the "grey tsunami" (i.e., retiring inspectors) have previously been cited over the years by the City of Ottawa as reasons why it is not conducting proper inspections. As one person responded on Twitter to this CBC article:

"City hasn't had enough inspectors for 20+years. Maybe that's the way their developer friends want it. You wld fire someone before it took 20 years to fix a problem! Pay the inspectors enough to make it attractive/This is a manufactured problem"

Again, we continue to strongly urge MMAH to take swift, meaningful steps to address this shortage of qualified inspectors and to provide the necessary oversight to municipalities as part of its overall program regarding housing in Ontario.

Thank you for the opportunity to provide input.

Cc: Minister A.Hussen, Federal Minister of Housing
Minister S. Clark, MMAH, Ontario
Premier D. Ford, Premier of Ontario
ON NDP Critics J. Burch and T. Kernaghan
ON Liberal Critic S. Blais
Senator P. Ringuette
Senator R. Galvez

Prepared by  Canadians for Properly Built Homes

Nov. 2021 Input re MMAH proposal concerning proposed changes to the Ontario Building Code

Appendix 1 – Five examples of excessive radon problems in Ottawa that have been made public

- a) Here is Janet’s story. Janet, a non-smoker, lived in Rockcliffe and in 2010 was also diagnosed with lung cancer. She and her family have gone public:
<https://www.youtube.com/watch?v=7GD48B6Cvow>
- b) Kanata has been recognized as having problems for more than a decade. Here is a CBC video from 2012: <https://www.cbc.ca/news/canada/ottawa/kanata-residents-share-radon-gas-concerns-1.1289888>
- c) Here is a video of MPP Stephen Blais (former City of Ottawa Councillor) in the Ontario Legislature in 2021 specifically identifying Orleans as having radon issues
<https://www.facebook.com/watch/?v=127142175995685>
- d) The May 2, 2021 Toronto Star report identifies Nizar Abbas, who lives in Cardinal Creek Village, Orleans: “...It upset me because it puts my wife and my children in direct danger, said the 43-year-old engineer. They are playing with people’s lives... (p. 7).
<https://www.thestar.com/news/investigations/2021/05/02/the-invisible-threat-inside-your-home-dangerous-levels-of-radon-gas-are-being-found-in-more-houses-across-canada-than-ever-before.html>

- e) Here is the 2020 story by Paleah Moher that references Ottawa resident Randy Jost:

“...Randy Jost of Ottawa wants more people to know about the dangers of radon gas in our homes. A year ago, 62-year-old Jost was shocked to be diagnosed with stage 4 metastatic lung cancer. As a non-smoker, neither he nor his healthcare team were expecting metastatic lung cancer to be the cause of his failing eyesight.

“It took them six months to figure it out,” he says. His healthcare team didn’t tell him that his cancer may have been caused by radon, but Jost searched online for answers and discovered the link himself.

Then he had his home tested. When we saw the report, our eyes kind of popped out of our heads,” he says. Jost hired a specialist to fix the high radon levels, which cost him \$3,000....”.
(Source: [Should we be testing our homes for radon? | Healthing.ca](#))