



MMAH Official: “Has anyone died?”

This submission relates to

Bill 185

Cutting Red Tape to Build More Homes Act, 2024

May 14, 2024

Please submit response, questions/comments to: info@canadiansforproperlybulthomes.com .

Founded in 2004, Canadians for Properly Built Homes (CPBH) is a national, not for profit, consumer 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. CPBH earned "partner" status with the Canadian Consumer Information Gateway (Industry Canada).

Website: www.canadiansforproperlybulthomes.com

X/Twitter: @cpbh01 Instagram: cpbh01

Facebook: <https://www.facebook.com/pages/Canadians-for-Properly-Built-Homes/1613240682226191>

MMAH Official: “Has anyone died?”

Canadians for Properly Built Homes (CPBH) is seeing signs that Canada’s and Ontario’s recent “build faster” movement is resulting in more newly built homes¹ not meeting the minimal Ontario Building Code. CPBH made a related presentation on January 25, 2024 to Ontario’s Standing Committee on Finance and Economic Affairs, and after that presentation, the Mayor of Cornwall, Justin Towndale, advised that same Committee - that same day - that Ontario municipalities “across the board” are having trouble enforcing the Code during construction. (That was all recorded in Hansard.)

CPBH wrote to the Ministry of Municipal Affairs and Housing’s (MMAH) Minister, Minister Calandra, about this very serious situation. Please see Appendix 1 for a copy of that February 14, 2024 letter.

Minister Calandra responded but he did not directly address the issues that CPBH raised. Please see Appendix 2 for a copy of Minister Calandra’s March 20, 2024 response.

CPBH wrote to Minister Calandra again requesting further information. Please see Appendix 3 for a copy of that April 2, 2024 letter. CPBH has not yet received a response.

CPBH understands that there is an urgent need to build more homes. **But the quantity of homes and the quality of homes must be balanced.** As a minimum, the Government of Ontario must take steps immediately to ensure that all newly built homes at least meet the Ontario Building Code, which has not been the case for more than 20 years – if ever.

When the Ontario Building Code is not met, this threatens the health and safety of the occupants. Typically municipalities slough off Code violations to Tarion. It usually takes years for Tarion to reach an assessment of a homeowner’s claim involving Code violations. CPBH hears regularly from homeowners whose claims have been denied by Tarion.

In situations that involve Code violations, it is not unusual for homeowners to spend five to seven years (or more):

- fighting with the builder,
- then fighting with Tarion, and
- then finding a way to try to get the Code violations properly repaired.

Until the Code violations are properly repaired, the occupants are living in unsafe homes.

Then there is the issue of the costs to repair the Code violations. Builders have told CPBH that once the home is occupied, it costs about seven times more to conduct the repair. This obviously negatively impacts housing affordability.

Ontario must take immediate steps to ensure that all Code violations are caught by municipal inspectors, and properly addressed, before the home is sold. The current system has not worked adequately for more than 20 years – if ever.

CPBH has provided recommendations to MMAH over the years, but none have been implemented. In one meeting, an MMAH official asked CPBH: “Has anyone died?”

Clearly Ontarians need – and deserve – much better than this. The time is now.

¹ When CPBH refers to “homes”, it refers to all types, such as single family, semi-detached, townhomes and condos.

Appendix 1

February 14, 2024

Minister Paul Calandra
Ministry of Municipal Affairs and Housing
777 Bay Street, 17th floor
Toronto, Ontario M7A 2J3
By email minister.mah@ontario.ca and Registered Mail

Subject: Worsening Situation: Newly built homes in Ontario not meeting the minimum building code, threatening the health and safety of the occupants

Dear Minister Calandra:

Over the past two decades, Canadians for Properly Built Homes (CPBH) has written to your ministry regularly about the lack of enforcement of the Ontario Building Code during construction. When the PC Party of Ontario was in Opposition, we met with many of your colleagues who were supportive of the need for change, including the former PC Critic, MPP Hardeman. But since the PC Party of Ontario formed government, nothing has been done to address these concerns. Indeed, regressive steps like remote inspections have been sanctioned by your government.

On January 25, 2024, I presented to the Ontario Standing Committee on Finance and Economic Affairs in Cornwall, Ontario and raised a number of concerns, including the lack of enforcement of the Ontario Building Code (OBC) during construction. MPP Bresee then asked a related question of the Cornwall Mayor, Justin Towndale, who responded that Ontario municipalities "across the board" are having trouble enforcing the Code during construction. A short video of MPP Bresee's question and Mr. Towndale's response is attached.

On February 12, 2024, CBC's "Go Public" reported on an investigation concerning purchasers of newly built homes in Hamilton freezing in their homes this past winter due to Heating, Ventilation and Air Conditioning (HVAC) Code violations. According to CBC:

"....The City of Hamilton says it was always aware of the problems with the undersized units, but let it slide temporarily while it worked with the builder since July to address the issues...."

Thanks to CBC's investigation, some of these homes have now been repaired.

The CBC article also referenced the 2023 audit of the City of Toronto's Building Inspection Function that found very serious issues with its performance, including many of the same issues that had been found in an audit 10 years before.

Here is a link to the CBC article:

https://www.cbc.ca/news/canada/hamilton/hvac-units-new-homes-1.7096920?cmp=newsletter_CBC%20News%20Morning%20Brief_10962_1398224

Here is a link to CPBH's two-page statement related to the 2023 City of Toronto Audit:

<https://canadiansforproperlybuilt homes.com/wp-content/uploads/2023/03/Mar.-15-2023-CPBH-statement-related-to-the-Audit-of-Toronto-Buildings-Inspection-Function.pdf> .

As CPBH noted in our statement concerning that City of Toronto audit report,

"The picture that emerges...is one of a fundamentally important public function that is in chaos and not working."

This brings us to concerns being raised about proposed changes to the OBC. As noted on the social media platform, LinkedIn, by an Ontario architect who was responding to the Jan. 25, 2024 video clip of MPP Bresee and Mayor Towndale:

"....This situation will be made worse by the proposed 2,700+ changes coming to the OBC in about a month's time, where MMAH has failed to incorporate comments and advisements from stakeholders. The changes have to do with harmonization across Canada and wrt USMCA - our new fair trade agreement with the USA. But rather than a coordinated Federal update, we have Provinces adopting bits and pieces, continuing the fragmented approach we have currently. I am all for changes that streamline and simplify the codes, such as introducing tiers for energy efficiency the way BC has. However by our analysis, the tiered code approach taken by Ontario will set us backwards from SB10 and SB12 (what we have now) in terms of performance, just when we are trying to decarbonize buildings. The timing and the unilateralism of the process, together with the opaque nature of the changes, complete lack of training and preparation from MMAH to the OBOA and other stakeholders appears to be completely beyond repair. We need digital tools for submission, compliance, and review. Every municipality is on their own to find ways to deal with this. It's an absolute gong show and it will get worse before it gets better...."

- Andy Thomson, Director at Thomson Architecture, Inc., Feb. 13, 2024

As you should know, Minister Calandra, violations of the Ontario Building Code threaten the health and safety of the occupants. For 20 years now, CPBH has heard regularly from Ontarians who are left to deal with OBC violations. Code violations typically result

in a multi-year battle, that threatens not only their physical health, but also their mental health, not to mention their financial security. In extreme cases, some declare bankruptcy, and some consider suicide.

We have provided a number of recommendations over the decades to your ministry, but none have been implemented. In one meeting, one of your ministry's officials asked: "Has anyone died?".

With the "build faster" movement underway, many agree that this situation is getting worse. Please address this, Minister Calandra. Please take immediate steps to ensure that all newly built homes in Ontario meet the Ontario Building Code.

We look forward to your response.

Yours truly,



Karen Somerville, PhD, C.Dir.
President

Cc: Minister Sean Fraser, Federal Minister of Housing
Premier Doug Ford
MPP Marit Stiles, Leader, Ontario NDP
Ms. Bonnie Crombie, Leader, Ontario Liberal Party
MPP Mike Schreiner, Leader, Ontario Green Party

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Ministry of
Municipal Affairs
and Housing

Office of the Minister

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234-2024-645

March 20, 2024

Karen Somerville
Director
Canadians for Properly Built Homes
info@canadiansforproperlybuilt homes.com

Dear Karen Somerville:

Thank you for your letter dated February 14, 2024 regarding your concerns about Ontario's Building Code enforcement and for forwarding the informative links and discussions. I appreciate the time you have taken to write.

I am in full support of municipalities that undertake audits of their operational processes and service standards. This allows for challenges to be identified and for improvements to occur. Audits are one way that municipalities demonstrate that they are operating at mature levels of government because the process helps to ensure accountability and transparency.

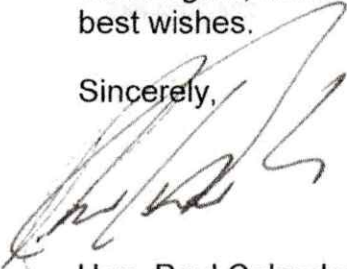
The next edition of Ontario's Building Code will highlight our commitment to increase housing supply while improving public safety. We are also reducing barriers to innovation without compromising the quality of construction. The updated Code will bring greater mobility for trades, building officials and other professionals in the sector to keep up with demand.

We will be working with builders, designers and building officials to transition to the next edition of the Building Code so that there is time for the sector to prepare for the changes. We are also developing, in concert with the sector, training and other capacity building tools so that everyone is ready by the time the next edition of the Building Code comes into effect.

Your constructive input to the ongoing development and enhancement of the Ontario Building Code is appreciated. Your valuable insights are fundamental to our continuous efforts to improve the Building Code, ensuring its resilience, adaptability, and alignment with the needs of our communities.

Once again, thank you for bringing your concerns to my attention. Please accept my best wishes.

Sincerely,



Hon. Paul Calandra
Minister of Municipal Affairs and Housing

March 20, 2024

Karen Somerville
Director

Canadian for the People
info@canadianforthepeople.org

Dear Karen Somerville,

Thank you for your letter dated February 14, 2024, regarding the Ontario Building Code. I appreciate the time you have taken to provide feedback on the code and the ongoing work to enhance it.

I am in full support of the Ontario Building Code's commitment to safety, health, and the well-being of all Ontarians. The code is a critical tool for ensuring that our buildings are safe and sound. I am committed to working with all stakeholders to ensure the code remains relevant and effective in the face of changing circumstances.

The next edition of the Ontario Building Code will include a number of changes to address the challenges of the 21st century. These changes will focus on improving the code's resilience, adaptability, and alignment with the needs of our communities. I am committed to ensuring that the code remains a strong foundation for our built environment.

We will be working with all stakeholders, including the public, to ensure that the code remains a strong foundation for our built environment. I am committed to ensuring that the code remains a strong foundation for our built environment. I am committed to ensuring that the code remains a strong foundation for our built environment.

April 2, 2024

Minister Paul Calandra
Ministry of Municipal Affairs and Housing
777 Bay Street, 17th floor
Toronto, Ontario M7A 2J3
By email minister.mah@ontario.ca

Subject: Your Mar. 20, 2024 letter – follow-up questions

Dear Minister Calandra:

Thank you for your letter dated March 20, 2024, that responded to our Feb. 14, 2024 letter. We are encouraged by your response, and we are writing to request additional information.

Municipal Audits – You said “...I am in full support of municipalities that undertake audits of their operational processes and service standards...”. We agree that audits undertaken by qualified auditors with the appropriate audit scope/objectives and timely follow-up can be very helpful. However, the only municipality that we are aware of that has been undertaking audits of its inspection branch is the City of Toronto. CPBH has heard about problems with Code violations in newly built homes across the province, in large municipalities and in small rural municipalities.

- Will the Province of Ontario require all 444 municipalities to have a periodic audit (say at least every 10 years)? As you probably know, larger municipalities like Toronto and Ottawa have internal audit functions. Smaller municipalities that do not have internal audit functions could be required to contract with qualified auditors.
- Will the Province of Ontario prescribe minimum criteria to be addressed in municipal audits?
- Will the Province of Ontario require timely follow-up, for example related to the accepted audit recommendations at least two years after the audit was conducted? As noted in the 2023 City of Toronto audit report related to the audit 10 years earlier, many of those recommendations were not addressed.

Improving public safety – You said “...The next edition of Ontario’s Building Code will highlight our commitment to increase housing supply while improving public safety..”

- How will public safety be improved?
- How will the Province of Ontario ensure that the Ontario Building Code (OBC) is adequately enforced? As you know, violations of the OBC threaten the health and safety of the occupants.

Training – You said "...We are also developing in concert with the sector, training and other capacity building tools so that everyone is ready for by the time the next edition of the Building Code comes into effect..."

- Will this include training for municipal inspectors who inspect during construction? For decades now, some Ontario municipalities have been saying that they are unable to recruit and/or retain sufficient qualified municipal inspectors.
- Will this training be a one-time event, or will it be ongoing to address future needs?

We look forward to your response, Minister Calandra.

Yours truly,



Karen Somerville, PhD, C.Dir.
President

Cc: Minister Sean Fraser, Federal Minister of Housing
Premier Doug Ford
MPP Marit Stiles, Leader, Ontario NDP
Ms. Bonnie Crombie, Leader, Ontario Liberal Party
MPP Mike Schreiner, Leader, Ontario Green Party

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