

January 2, 2018

TO: BUILDING CODE USERS


The enclosed replacement pages to the 2012 Building Code Compendium Edition¹ reflect recent amendments to the Building Code (O. Reg. 332/12), Supplementary Standard SA-1 and Appendix A which came into effect January 1, 2018. In particular, the 2012 Building Code Compendium is amended by:

- O. Reg. 462/17 where the definition of “applicable law” is expanded to include a reference to the new requirements for residential condominium conversion projects under the Ontario New Home Warranties Plan Act.
- O. Reg. 563/17 which provides an extended transition period for implementing electric vehicle charging requirements in the Building Code for projects that can demonstrate prior electrical infrastructure approvals.
- Minister’s Ruling MR-S-17-28 revising Supplementary Standard SA-1 for electric vehicle charging.
- Changes to Appendix A to include explanatory material for electric vehicle charging provisions.

Changes to the Code are identified on the amendment pages by a unique symbol and a corresponding effective date. These pages should be inserted in your Code now.

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Hannah Evans
Director

Encl.

¹ The Compendium is not an official copy of the Act and Code. Official copies of the legislation can be accessed from www.e-laws.gov.on.ca.

2012 Building Code Compendium

Volume 1

**January 1, 2018 update
(Containing O. Reg. 462/17, O. Reg. 563/17 and
MR-17-S-28)**

COMMENCEMENT

Ontario Regulation 332/12 comes into force on the 1st day of January, 2014.

- r₁** Amending Ontario Regulation 151/13 comes into force on the 1st day of January, 2014.
 - r₂** Amending Ontario Regulation 360/13 comes into force on the 1st day of January, 2014.
 - r_{2.1}** Amending Ontario Regulation 360/13 comes into force on the 1st day of January, 2015.
 - r₃** Amending Ontario Regulation 361/13 comes into force on the 1st day of January, 2014.
 - r_{3.1}** Amending Ontario Regulation 361/13 comes into force on the 1st day of January, 2015.
 - r₄** Amending Ontario Regulation 368/13 comes into force on the 1st day of January, 2015.
 - r₅** Amending Ontario Regulation 191/14 comes into force on the 1st day of January, 2015.
 - r₆** Amending Ontario Regulation 139/17 comes into force on the 1st day of July, 2017.
 - r_{6.1}** Amending Ontario Regulation 139/17 comes into force on the 1st day of January, 2018.
 - r₇** Amending Ontario Regulation 462/17 comes into force on the 1st day of January, 2018.
 - r₈** Amending Ontario Regulation 563/17 comes into force on the 1st day of January, 2018.
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- m₁** Ruling of the Minister of Municipal Affairs and Housing (Minister's Ruling) MR-13-S-24 comes into force on the 1st day of January 2014.
 - m₂** Ruling of the Minister of Municipal Affairs (Minister's Ruling) MR-16-S-25 comes into force on the 7th day of July 2016.
 - m₃** Ruling of the Minister of Municipal Affairs (Minister's Ruling) MR-16-S-26 comes into force on the 7th day of July 2016.
 - m₄** Ruling of the Minister of Municipal Affairs (Minister's Ruling) MR-16-S-27 comes into force on the 1st day of January 2017.
 - m₅** Ruling of the Minister of Municipal Affairs (Minister's Ruling) MR-17-S-28 comes into force on the 1st day of January 2018.

EDITORIAL

- e₁** Editorial correction issued for January 1st, 2014.
- e₂** Editorial correction issued for January 1st, 2014.
- e_{2.1}** Editorial correction issued for January 1st, 2015.
- e₃** Editorial correction issued for January 1st, 2015.
- e₄** Editorial correction issued for July 7th, 2016.
- e₅** Editorial correction issued for January 1st, 2017.
- e₆** Editorial correction issued for July 1st, 2017.
- e_{6.1}** Editorial correction issued for January 1st, 2018.
- e₇** Editorial correction issued for January 1st, 2018.

COVER PHOTO CREDITS

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Code Amendment History

The first Ontario Building Code was issued in 1975. The 1975 and subsequent editions of the Building Code have been issued as follows:

Building Code Edition	Date Filed	Effective Date
O. Reg. 925/75 (1975 Building Code)	November 24, 1975	December 31, 1975
O. Reg. 583/83 (1983 Building Code)	September 15, 1983	November 30, 1983
O. Reg. 419/86 (1986 Building Code)	July 18, 1986	October 20, 1986
O. Reg. 413/90 (1990 Building Code)	July 30, 1990	October 1, 1990
O. Reg. 403/97 (1997 Building Code)	November 3, 1997	April 6, 1998
O. Reg. 350/06 (2006 Building Code)	June 28, 2006	December 31, 2006
O. Reg. 332/12 (2012 Building Code)	November 2, 2012	January 1, 2014

The following Table lists the amendments to the 2012 Building Code made since the filing of O. Reg. 332/12.

Regulatory Amendments to the 2012 Building Code – Ontario Regulation 332/12			
Amendment	Date Filed	Effective Date	Nature of Amendment
O. Reg. 151/13	May 9, 2013	January 1, 2014	Sprinklering of retirement homes
O. Reg. 360/13	December 20, 2013	January 1, 2014	Fees
		January 1, 2015	
O. Reg. 361/13	December 20, 2013	January 1, 2014	Housekeeping changes, fireplace emission limits Revise Supplementary Standard SA-1
		January 1, 2015	EIFS
O. Reg. 368/13	December 27, 2013	January 1, 2015	Accessibility
O. Reg. 191/14	September 23, 2014	January 1, 2015	Midrise wood construction, accessibility, housekeeping changes Revise Supplementary Standards SA-1, SB-1, SB-2, SB-3, SB-12
O. Reg. 139/17	May 17, 2017	July 1, 2017	Retirement homes, 2 unit houses Revise Supplementary Standard SA-1
		January 1, 2018	Electric vehicle charging, pipe sizing, sewage systems Revise Supplementary Standard SA-1
O. Reg. 462/17	December 7, 2017	January 1, 2018	Applicable law
O. Reg. 563/17	December 19, 2017	January 1, 2018	Electric vehicle charging

The following Table lists Minister's Rulings that have been made to adopt amendments to codes, formulae, standards, guidelines or procedures referenced in the 2012 Building Code.

Minister's Rulings to adopt amendments to codes, formulae, standards, guidelines or procedures referenced in the 2012 Building Code			
Ruling Number	Date of Ruling	Effective Date	Nature of Amendment
MR-13-S-24	September 1, 2013	January 1, 2014	Revise Table 1.3.1.2. of Division B Revise Supplementary Standards SA-1, SB-5 and SB-12
MR-16-S-25	July 7, 2016	July 7, 2016	Revise Table 1.3.1.2. of Division B Revise Supplementary Standard SB-5
MR-16-S-26	July 7, 2016	July 7, 2016	Revise Table 1.3.1.2. of Division B Revise Supplementary Standard SB-12
MR-16-S-27	December 22, 2016	January 1, 2017	Revise Table 1.3.1.2. of Division B Revise Supplementary Standard SB-10
MR-17-S-28	December 29, 2017	January 1, 2018	Revise Table 1.3.1.2. of Division B Revise Supplementary Standard SA-1

Building Code Act, 1992

S.O. 1992, Chapter 23

as amended by:	S.O. 1997	c. 24, s. 224 except s. 224(17) in force June 17, 1998
	S.O. 1997	c. 30, Schedule B, s. 1-20 in force April 6, 1998
	S.O. 1999	c. 12, Schedule M, s. 1-11 in force December 22, 1999
	S.O. 2000	c. 5, s. 7 in force January 1, 2001
	S.O. 2000	c. 26, Schedule K, s. 1 in force December 6, 2000
	S.O. 2002	c. 9, s. 5, 6(1), (2), 16, 24, 25, 27, 31(1), 34, 40(1), 41(1), 43, 51(6), (9), (11)-(15), 53(3), 54, 55 in force September 1, 2003
	S.O. 2002	c. 9, s. 1-4, 6(3), 7-15, 17-19, 20(1), (2), 21-23, 26, 28-30, 31(2), 32, 33, 35-39, 40(2), (3), 41(2), 42, 44-50, 51(1), (2), (4), (5), (7), (8), (10), 52, 53(1), (2) in force July 1, 2005
	S.O. 2002	c. 17, Schedule C, s. 1-6 in force July 1, 2005
	S.O. 2002	c. 17, Schedule F, Table in force January 1, 2003
	S.O. 2005	c. 33, s. 1 in force December 15, 2005
	S.O. 2006	c. 19, Schedule O, s. 1 in force June 22, 2006
	S.O. 2006	c. 21, Schedule F, s. 104, 136(1) in force July 25, 2007
	S.O. 2006	c. 22, s. 112 in force July 3, 2007
	S.O. 2006	c. 32, Schedule C, s. 3 in force January 1, 2007
	S.O. 2006	c. 33, Schedule Z.3, s. 4 in force January 1, 2009
	S.O. 2006	c. 35, Schedule C, s. 8 in force August 20, 2007
	S.O. 2009	c. 12, Schedule J in force May 14, 2009
	S.O. 2009	c. 33, Schedule 6, s. 43 in force June 1, 2011
	S.O. 2009	c. 33, Schedule 21, s. 2(1) in force December 15, 2009
	S.O. 2009	c. 33, Schedule 21, s. 2(4), (7), (8) and (9) in force July 1, 2010
	S.O. 2009	c. 33, Schedule 21, s. 2(2), (3), (5) and (6) in force January 1, 2011
	S.O. 2010	c. 19, Schedule 2, s. 1, s. 2(1), (2) in force April 1, 2011
	S.O. 2014	c. 7, Schedule 3, s. 1 in force July 23, 2014
	S.O. 2015	c. 28, Schedule 1, s. 147 in force January 1, 2018
	S.O. 2017	c. 10, Schedule 4, s. 1 in force May 30, 2017
	S.O. 2017	c. 34, Sched. 2, s. 1, 2(1)-(3), 3, 4(1), (2), 5, 6(1), (2), 7, 8(1), (2), 9, 10, 11, 12(1)-(3), 13(1)-(3), 14, 15, 16(1), (2), 17(1), (2), 18 (1), 20, 21(1)-(3), 22, 24(1), (5), (6), 25(1), (2) in force January 1, 2018

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Interpretation

Definitions

1(1) In this Act,

“building” means,

- (a) a structure occupying an area greater than ten square metres consisting of a wall, roof and floor or any of them or a structural system serving the function thereof including all plumbing, works, fixtures and service systems appurtenant thereto,
- (b) a structure occupying an area of ten square metres or less that contains plumbing, including the plumbing appurtenant thereto,
- (c) plumbing not located in a structure,
- (c.1) a sewage system, or
- (d) structures designated in the building code; (“bâtiment”)

“building code” means regulations made under section 34; (“code du bâtiment”)

“building condition evaluation” means an evaluation conducted under a building condition evaluation program; (“évaluation de l’état du bâtiment”)

“building condition evaluation program” means a program established under subsection 34(2.3); (“programme d’évaluation de l’état des bâtiments”)

“building owner” means, in respect of a building,

- (a) the registered owner of the land on which the building is located or, if the building is owned separately from the land on which the building is located, the owner of the building, unless the person is a person prescribed in the building code,
- (b) the person that is responsible for maintaining the building or part of the building subject to a building condition evaluation program, unless the person is a person prescribed in the building code, and
- (c) such other persons as may be prescribed; (“propriétaire du bâtiment”)

“change certificate” means a certificate prescribed under the building code or approved by the Minister as a change certificate; (“certificat de modification”)

“chief building official” means a chief building official appointed or constituted under section 3 or 4; (“chef du service du bâtiment”)

“code of conduct” means a code of conduct described in section 7.1; (“code de conduite”)

“construct” means to do anything in the erection, installation, extension or material alteration or repair of a building and includes the installation of a building unit fabricated or moved from elsewhere and “construction” has a corresponding meaning; (“construire”, “construction”, “travaux de construction”)

“demolish” means to do anything in the removal of a building or any material part thereof and “demolition” has a corresponding meaning; (“démolir”, “démolition”, “travaux de démolition”)

“director” means the person appointed as director under section 2; (“directeur”)

“final certificate” means a certificate prescribed under the building code or approved by the Minister as a final certificate; (“certificat définitif”)

“inspector” means an inspector appointed under section 3, 3.1, 4, 6.1 or 6.2; (“inspecteur”)

“maintenance inspection” means an inspection conducted under a maintenance inspection program; (“inspection d’entretien”)

“maintenance inspection program” means a program established under clause 7(1)(b.1) or subsection 34(2.2); (“programme d’inspections d’entretien”)

“Minister” means the Minister of Municipal Affairs and Housing; (“ministre”)

“municipality” means a local municipality; (“municipalité”)

“officer” means a property standards officer who has been assigned the responsibility of administering and enforcing by-laws passed under section 15.1; (“agent”)

“planning board” means a planning board established under section 9 or 10 of the *Planning Act*; (“conseil d’aménagement”)

“plans review certificate” means a certificate prescribed under the building code or approved by the Minister as a plans review certificate; (“certificat d’examen des plans”)

“plumbing” means a drainage system, a venting system and a water system or parts thereof; (“installation de plomberie”)

“principal authority” means,

- (a) the Crown,
- (b) the council of a municipality,
- (c) an upper-tier municipality that has entered into an agreement under subsection 3(5), 6.1(1) or 6.2(1),
- (d) a board of health that has been prescribed for the purposes of subsection 3.1(1) or has entered into an agreement under subsection 6.1(2) or (3) or 6.2(2),
- (e) a planning board that has been prescribed for the purposes of subsection 3.1(1), or
- (f) a conservation authority that has been prescribed for the purposes of subsection 3.1(1) or has entered into an agreement under subsection 6.2(2); (“autorité principale”)

“registered code agency” means a person that has the qualifications and meets the requirements described in subsection 15.11(4); (“organisme inscrit d’exécution du code”)

“regulations” means regulations made under this Act. (“règlements”) 1992, c. 23, s. 1(1); 1997, c. 24, s. 224(1, 2); 1997, c. 30, Sched. B, s. 1; 1999, c. 12, Sched. M, s. 1; 2002, c. 9, s. 2(1-3); 2002, c. 17, Sched. C, s. 1(1); 2002, c. 17, Sched. F, Table; 2006, c. 19, Sched. O, s. 1(1); 2006, c. 21, Sched. F, s. 104(1-3); 2006, c. 22, s. 112(1); 2017, c. 34, Sched. 2, s. 1.

Interpretation

(1.1) Except as provided in subsection (1.2), a reference to “this Act” in any provision of this Act shall be deemed to be a reference to this Act excluding sections 15.1 to 15.8. 1997, c. 24, s. 224(3).

Same

(1.2) A reference to “this Act” in subsection 1(1) and sections 2, 16, 19, 20, 21, 27, 31, 36 and 37 includes a reference to sections 15.1 to 15.8. 1997, c. 24, s. 224(3).

Chief Building Official

(1.3) A reference to the “chief building official” in this Act, other than in subsections 1(1), 3(2), (3) and (6) and section 4, includes an inspector who has the same powers and duties as the chief building official,

- (a) in relation to sewage systems by virtue of subsections 3.1(3) or 6.2(4); and
- (b) in relation to plumbing by virtue of subsection 6.1(5). 2002, c. 9, s. 2(4).

Exclusion

(2) This Act does not apply to structures used directly in the extraction of ore from a mine. 1992, c. 23, s. 1(2).

Role of Various Persons

1.1(1) It is the role of every person who causes a building to be constructed,

- (a) to cause the building to be constructed in accordance with this Act and the building code and with any permit issued under this Act for the building;
- (b) to ensure that construction does not proceed unless any permit required under this Act has been issued by the chief building official; and
- (c) to ensure that construction is carried out only by persons with the qualifications and insurance, if any, required by this Act and the building code. 2002, c. 9, s. 3.

Role of Designers

(2) It is the role of a designer,

- (a) if the designer’s designs are to be submitted in support of an application for a permit under this Act, to provide designs which are in accordance with this Act and the building code and to provide documentation that is sufficiently detailed to permit the design to be assessed for compliance with this Act and the building code and to allow a builder to carry out the work in accordance with the design, this Act and the building code;
- (b) to perform the role described in clause (a) in respect of only those matters for which the designer has the qualifications, if any, required by this Act and the building code; and
- (c) if the building code requires that all or part of the design or construction of a building be under general review, to perform the general review in respect of only those matters for which the designer has the qualifications, if any, required by this Act and the building code. 2002, c. 9, s. 3.

Role of Builders

(3) It is the role of a builder,

- (a) to ensure that construction does not proceed unless any permit required under this Act has been issued by the chief building official;
- (b) to construct the building in accordance with the permit;
- (c) to use appropriate building techniques to achieve compliance with this Act and the building code; and
- (d) when site conditions affect compliance with the building code, to notify the designer and an inspector or the registered code agency, as appropriate. 2002, c. 9, s. 3.

Role of Manufacturers, etc.

(4) It is the role of manufacturers, suppliers and retailers of products that are intended for use in Ontario in the construction of a building for a purpose that is regulated by this Act or the building code to ensure that the products comply with the standards established under this Act and the building code. 2002, c. 9, s. 3.

Role of Building Owners

(4.1) It is the role of a building owner,

- (a) to ensure that the building or part of the building is maintained, repaired and evaluated in accordance with this Act and the building code; and
- (b) to ensure documents, records and other information about the building are kept and provided in accordance with this Act and the building code. 2017, c. 34, Sched. 2, s. 2(1).

Role of Persons Conducting Building Condition Evaluations

(4.2) It is the role of a person who conducts a building condition evaluation,

- (a) to carry out the responsibilities of that person under a building condition evaluation program in accordance with this Act and the building code; and
- (b) to perform the role described in clause (a) in respect of only those matters for which the person has the qualifications, if any, required by this Act and the building code. 2017, c. 34, Sched. 2, s. 2(1).

Role of Registered Code Agencies

(5) It is the role of a registered code agency,

- (a) to exercise powers and perform duties under this Act and the building code in connection with reviewing plans, issuing certificates, inspecting construction and performing other functions in accordance with this Act and the building code; and
- (b) to carry out the duties of a registered code agency under this Act and the building code in respect of only those matters for which the registered code agency is qualified under this Act and the building code. 2002, c. 9, s. 3.

Role of Chief Building Officials

(6) It is the role of a chief building official,

- (a) to establish operational policies for the enforcement of this Act and the building code within the applicable jurisdiction;
- (b) to co-ordinate and oversee the enforcement of this Act and the building code within the applicable jurisdiction;

- (c) to exercise powers and perform the other duties assigned to him or her under this Act and the building code; and
- (d) to exercise powers and perform duties in an independent manner and in accordance with the standards established by the applicable code of conduct. 2002, c. 9, s. 3; 2017, c. 34, Sched. 2, s. 2(2).

Role of Inspectors

(7) It is the role of an inspector,

- (a) to exercise powers and perform duties under this Act and the building code in connection with reviewing plans, inspecting construction, conducting maintenance inspections and issuing orders in accordance with this Act and the building code;
- (b) to exercise powers and perform duties in respect of only those matters for which he or she has the qualifications required by this Act and the building code; and
- (c) to exercise powers and perform duties in an independent manner and in accordance with the standards established by the applicable code of conduct. 2002, c. 9, s. 3; 2006, c. 22, s. 112(2); 2017, c. 34, Sched. 2, s. 2(3).

Limitation

(8) Nothing in this section relieves any person from the duty to comply with any part of this Act or the building code or affects the rights or duties of a person not mentioned in this section in respect of the construction of a building. 2002, c. 9, s. 3; 2006, c. 19, Sched. O, s. 1(2).

Enforcement Authorities**Administration**

2(1) The Minister is responsible for the administration of this Act. 1992, c. 23, s. 2(1).

Director

(2) There shall be a director of the Building and Development Branch of the Ministry of Municipal Affairs and Housing who is appointed by the Lieutenant Governor in Council for the purposes of this Act. 2002, c. 9, s. 5.

Acting Director

(3) The director may designate in writing a public servant employed under Part III of the *Public Service of Ontario Act, 2006* who works in the Ministry of Municipal Affairs and Housing to exercise the powers and perform the duties of the director in his or her absence or if he or she is unable to act. 2009, c. 33, Sched. 21, s. 2(1).

Delegation

(4) The director may delegate in writing any of his or her powers or duties to one or more public servants employed under Part III of the *Public Service of Ontario Act, 2006* who work in the Ministry of Municipal Affairs and Housing, and may impose conditions or restrictions with respect to the delegation. 2009, c. 33, Sched. 21, s. 2(1).

Enforcement by Municipalities

3(1) The council of each municipality is responsible for the enforcement of this Act in the municipality, except where otherwise provided by this Act. 2002, c. 9, s. 6(1).

Chief Building Official, Inspectors

(2) The council of each municipality shall appoint a chief building official and such inspectors as are necessary for the enforcement of this Act in the areas in which the municipality has jurisdiction. 1992, c. 23, s. 3(2).

(2.1) REPEALED: 2002, c. 9, s. 6(2).

Joint Enforcement

(3) The councils of two or more municipalities may enter into an agreement,

- (a) providing for the joint enforcement of this Act within their respective municipalities;
- (b) providing for the sharing of costs incurred in the enforcement of this Act within their respective municipalities; and
- (c) providing for the appointment of a chief building official and inspectors. 1992, c. 23, s. 3(3).

Joint Jurisdiction

(4) If an agreement under subsection (3) is in effect, the municipalities have joint jurisdiction in the area comprising the municipalities. 1992, c. 23, s. 3(4).

Enforcement by Upper-Tier

(5) The council of an upper-tier municipality and of one or more municipalities in the upper-tier municipality may enter into an agreement for the enforcement by the upper-tier municipality of this Act in the municipalities and for charging the municipalities the whole or part of the cost. 2002, c. 17, Sched. F, Table.

Power of Upper-Tier

(6) If an agreement under subsection (5) is in effect, the upper-tier municipality has jurisdiction for the enforcement of this Act in the municipalities that are parties to the agreement and shall appoint a chief building official and such inspectors as are necessary for that purpose. 2002, c. 17, Sched. F, Table.

(7) REPEALED: 2002, c. 17, Sched. F, Table.

Certificate

(8) The clerk of the municipality or upper-tier municipality shall issue a certificate of appointment bearing the clerk's signature or a facsimile of it to the chief building official and each inspector appointed by the municipality or upper-tier municipality. 1992, c. 23, s. 3(8); 2002, c. 17, Sched. F, Table.

Records

(9) Every municipality and every upper-tier municipality that has jurisdiction for the enforcement of this Act shall retain such records as may be prescribed by regulation for the prescribed period of time. 2002, c. 9, s. 6(3); 2002, c. 17, Sched. C, s. 2(1).

Enforcement, Boards of Health

3.1(1) A board of health, a planning board or a conservation authority prescribed in the building code is responsible for the enforcement of the provisions of this Act and the building code related to sewage systems in the municipalities and territory without municipal organization prescribed in the building code. 1997, c. 30, Sched. B, s. 3; 1999, c. 12, Sched. M, s. 2(1).

Inspectors

(2) The board of health, planning board or conservation authority shall appoint such sewage system inspectors as are necessary for the enforcement of this Act in the areas in which the board of health, planning board or conservation authority has jurisdiction under subsection (1). 1997, c. 30, Sched. B, s. 3; 1999, c. 12, Sched. M, s. 2(2).

Powers

(3) A sewage system inspector appointed under this section in an area of jurisdiction or, if there is more than one inspector in the area of jurisdiction, the inspector designated by the board of health, planning board or conservation authority has the same powers and duties in relation to sewage systems as does the chief building official in respect of buildings. 1997, c. 30, Sched. B, s. 3; 1999, c. 12, Sched. M, s. 2(3).

Jurisdiction

(4) A board of health, planning board or conservation authority prescribed for the purposes of subsection (1) has jurisdiction for the enforcement of this Act in the prescribed municipalities and territory without municipal organization. 1997, c. 30, Sched. B, s. 3; 1999, c. 12, Sched. M, s. 2(4).

Responsibility

(5) If sewage system inspectors have been appointed under this section, the chief building official and inspectors appointed under section 3 or 4 shall not exercise their powers under this Act in respect of sewage systems. 1997, c. 30, Sched. B, s. 3.

Certificate

(6) The medical officer of health or the secretary-treasurer of a planning board or conservation authority shall issue a certificate of appointment bearing his or her signature, or a facsimile of it, to each sewage system inspector appointed by the board of health, planning board or conservation authority. 1997, c. 30, Sched. B, s. 3; 1999, c. 12, Sched. M, s. 2(5).

Records

(7) Every board of health, planning board and conservation authority prescribed for the purposes of subsection (1) shall retain such records as may be prescribed by regulation for the prescribed period of time. 2002, c. 9, s. 7.

Provincial Enforcement

4(1) Subject to section 3.1, Ontario is responsible for the enforcement of this Act in a territory without municipal organization. 1992, c. 23, s. 4(1); 1997, c. 30, Sched. B, s. 4.

Agreements

(2) The council of a municipality and the Crown in right of Ontario represented by the Minister may enter into an agreement providing for the enforcement of this Act in the municipality by Ontario subject to such payment in respect of costs as is set out in the agreement. 1992, c. 23, s. 4(2).

Idem

(3) If an agreement under subsection (2) is in effect, Ontario has jurisdiction for the enforcement of this Act in the municipality. 1992, c. 23, s. 4(3).

Inspectors

(4) Inspectors necessary for the enforcement of this Act in the areas in which Ontario has jurisdiction shall be appointed under Part III of the *Public Service of Ontario Act, 2006*. 1992, c. 23, s. 4(4); 2006, c. 35, Sched. C, s. 8(1).

Chief Building Official

(5) The director is the chief building official for the areas in which Ontario has jurisdiction. 1992, c. 23, s. 4(5).

Certificate

(6) The Deputy Minister of Municipal Affairs and Housing shall issue a certificate of appointment bearing his or her signature or a facsimile of it to the director and each inspector appointed under subsection (4). 1992, c. 23, s. 4(6); 1997, c. 24, s. 224(5).

**Enforcement by Registered Code Agency
Appointed by a Principal Authority**

4.1(1) Subject to this Act and the building code, a principal authority may enter into agreements with registered code agencies authorizing the agency to perform the functions specified in the agreement in respect of the construction of any building or class of building specified in the agreement. 2002, c. 9, s. 8.

Appointment

(2) After entering into the agreement with the registered code agency, the principal authority may appoint the agency to perform specified functions in respect of the construction of a building or class of buildings. 2002, c. 9, s. 8.

Delegation of Power to Appoint

(3) The principal authority may delegate, in writing, to the chief building official the authority to make appointments described in subsection (2), and may impose conditions or restrictions with respect to the delegation. 2002, c. 9, s. 8.

Same

(4) Unless otherwise provided in the building code, an appointment of a registered code agency may authorize the agency to perform all of the applicable functions described in section 15.15,

- (a) before a permit is issued under section 8;
- (b) after a permit is issued under section 8; or
- (c) both before and after a permit is issued under section 8. 2002, c. 9, s. 8.

Conflicts

(5) A registered code agency shall not accept an appointment in the circumstances set out in the building code or if it would have a conflict of interest as determined in accordance with the building code. 2002, c. 9, s. 8.

Effect of Appointment

(6) A registered code agency shall perform the functions specified in the appointment for the construction of a specified building or class of buildings and subject to the restrictions set out in this Act and the building code, and shall do so in the manner and subject to the restrictions, if any, set out in the building code. 2002, c. 9, s. 8.

Same

(7) The duty of the registered code agency to perform those functions begins when the appointment is made and ends when the appointment expires as described in section 15.19 or is terminated in accordance with section 15.20. 2002, c. 9, s. 8.

Notice to the Director

(8) A principal authority that appoints a registered code agency shall give the director such information as may be prescribed by regulation. 2002, c. 9, s. 8.

Enforcement by Registered Code Agency Appointed by an Applicant

4.2(1) This section applies only if a principal authority authorizes it, by regulation, by-law or resolution, as the case may be, to apply within the jurisdiction of the principal authority. 2002, c. 9, s. 8.

Appointment

(2) Subject to this Act and the building code, a prescribed person who is entitled to apply for a permit under section 8 of this Act may appoint a registered code agency to perform all of the functions described in section 15.15 in respect of the construction of a building. 2002, c. 9, s. 8.

Exception

- (3) Subsection (2) does not apply,
- (a) if a registered code agency has been appointed by a principal authority to perform any function in respect of the construction; or
 - (b) if an inspector has begun to perform any function in respect of the construction. 2002, c. 9, s. 8.

Manner of Appointment

(4) The appointment must be made in writing in the prescribed manner and is subject to the prescribed conditions and restrictions. 2002, c. 9, s. 8.

Conflicts

(5) A registered code agency shall not accept an appointment in the circumstances set out in the building code or if it would have a conflict of interest as determined in accordance with the building code. 2002, c. 9, s. 8.

Effect of Appointment

(6) A registered code agency shall perform its functions for the specified building subject to the restrictions set out in this Act and the building code and shall do so in the manner and subject to the restrictions, if any, set out in the building code. 2002, c. 9, s. 8.

Same

(7) The duty of the registered code agency to perform those functions begins when the appointment is made and ends when the appointment expires as described in section 15.19 or is terminated in accordance with section 15.20. 2002, c. 9, s. 8.

Replacement Agency

(8) A person who has appointed a registered code agency under subsection (2) in respect of the construction of a building cannot replace the agency after it has begun to perform any function in respect of the construction unless the appointment of that agency has expired as described in section 15.19 or has been terminated in accordance with section 15.20. 2002, c. 9, s. 8.

Notice to Director

(9) The person who appoints a registered code agency under this section shall give the director such information as may be prescribed by regulation. 2002, c. 9, s. 8.

Notice to Chief Building Official

(10) The person who appoints a registered code agency under this section shall give the chief building official such information as may be prescribed by regulation. 2002, c. 9, s. 8.

Agreements re Enforcement

5(1) The council of a municipality and the Crown in right of Ontario represented by the Minister may enter into an agreement providing for the enforcement of this Act by the municipality in such part of the territory without municipal organization and subject to such payment in respect of costs as is set out in the agreement. 1992, c. 23, s. 5 (1); 2017, c. 34, Sched. 2, s. 3.

Area of Municipal Jurisdiction

(2) The municipality has jurisdiction for the enforcement of this Act in the area designated in the agreement. 1992, c. 23, s. 5(2).

Application

(3) An agreement under this section may apply to the enforcement of all or any part of this Act or the building code. 1997, c. 30, Sched. B, s. 5.

Agreement re Review of Plans

- 6(1) Two or more principal authorities may enter into an agreement providing for,
- (a) the review by a principal authority for compliance with the building code of plans and specifications for the construction of a building within its area of jurisdiction;

- (b) an expedited review by another principal authority for compliance with the building code of plans and specifications for the construction of substantially similar buildings;
- (c) the allocation of responsibility for reviews for compliance with the building code of plans and specifications for the construction of buildings;
- (d) the resolution of disagreements about whether plans and specifications comply with the building code;
- (e) indemnification; and
- (f) such other matters as may be necessary to give effect to the agreement. 2002, c. 9, s. 9.

Delegation

(2) A principal authority may delegate to the chief building official the authority to make such decisions under an agreement as may be necessary for its implementation. 2002, c. 9, s. 9.

Agreement re Plumbing

6.1(1) Despite any other provision of this Act, the council of an upper-tier municipality and of one or more municipalities in the upper-tier municipality may enter into an agreement for the enforcement by the upper-tier municipality of the provisions of this Act and the building code related to plumbing in the municipalities and for charging the municipalities the whole or part of the cost. 2002, c. 17, Sched. C, s. 3(1).

Delegation to Health Unit

(2) If an agreement under subsection (1) is in effect, the council of an upper-tier municipality may by agreement delegate its powers under subsection (1) to a board of health having jurisdiction in the municipalities that are parties to the agreement. 2002, c. 9, s. 10; 2002, c. 17, Sched. C, s. 3(2).

Delegation by Municipality

(3) A municipality that is not a party to an agreement under subsection (1) may enter into an agreement with the board of health having jurisdiction in the municipality for the enforcement of the provisions of this Act and the building code relating to plumbing. 2002, c. 9, s. 10.

Plumbing Inspectors

(4) The council of an upper-tier municipality or the board of health may appoint plumbing inspectors for the purpose of this section. 2002, c. 9, s. 10; 2002, c. 17, Sched. C, s. 3(3).

Powers

(5) A plumbing inspector appointed under this section or, if there is more than one inspector in the area of jurisdiction, the senior plumbing inspector has the same powers and duties in relation to plumbing as does the chief building official in respect of buildings other than the issuance of conditional permits. 2002, c. 9, s. 10.

Responsibility

(6) If plumbing inspectors have been appointed under this section, the chief building official and inspectors appointed under section 3 or 4 shall not exercise their powers under this Act in respect of plumbing. 2002, c. 9, s. 10.

Application

(7) Subsections 3(8) and (9) and section 7 apply with necessary modifications to the council of an upper-tier municipality or a board of health that has assumed responsibility for plumbing under this section. 2002, c. 9, s. 10; 2002, c. 17, Sched. C, s. 3(4).

Transition, Plumbing

(8) If, on July 1, 1993, an upper-tier municipality was carrying out plumbing inspections under the *Ontario Water Resources Act* in the municipalities that formed part of the upper-tier municipality, the upper-tier municipality shall enforce the provisions of this Act and the building code related to plumbing in all of the municipalities forming part of the upper-tier municipality until the council of the upper-tier municipality by by-law determines otherwise, whereupon section 3 applies. 2002, c. 17, Sched. C, s. 3(5).

Same

(9) Subsections (4) to (7) apply with necessary modifications to an upper-tier municipality that has assumed responsibility for plumbing under subsection (8). 2002, c. 9, s. 10; 2002, c. 17, Sched. C, s. 3(6).

Interpretation

(10) For the purpose of subsection (8), an upper-tier municipality that has been deemed to be a county by any general or special Act for the purposes of section 76 of the *Ontario Water Resources Act*, as it read on June 30, 1993, shall be deemed to be an upper-tier municipality that was carrying out plumbing inspections under the *Ontario Water Resources Act* in the municipalities that formed part of the upper-tier municipality for municipal purposes on July 1, 1993. 2002, c. 17, Sched. C, s. 3(7).

Agreement re Sewage Systems

6.2(1) Despite any other provision of this Act, the council of an upper-tier municipality and of one or more municipalities in the upper-tier municipality may enter into an agreement for the enforcement by the upper-tier

municipality of the provisions of this Act and the building code related to sewage systems in the municipalities and for charging the municipalities the whole or part of the cost. 2002, c. 17, Sched. C, s. 3(8).

Delegation

(2) A municipality that is not a party to an agreement under subsection (1) may enter into an agreement with a board of health or a conservation authority having jurisdiction in the municipality for the enforcement of the provisions of this Act and the building code related to sewage systems. 2002, c. 9, s. 10.

Inspectors

(3) The council of an upper-tier municipality, board of health or conservation authority may appoint sewage system inspectors for the purposes of this section. 2002, c. 9, s. 10; 2002, c. 17, Sched. C, s. 3(9).

Powers

(4) A sewage system inspector appointed under this section in an area of jurisdiction or, if there is more than one inspector in the area of jurisdiction, the inspector designated by the council of an upper-tier municipality, board of health or conservation authority has the same powers and duties in relation to sewage systems as does the chief building official in respect of buildings. 2002, c. 9, s. 10; 2002, c. 17, Sched. C, s. 3(10).

Responsibility

(5) If sewage system inspectors have been appointed under this section, the chief building official and inspectors appointed under section 3 or 4 shall not exercise their powers under this Act in respect of sewage systems. 2002, c. 9, s. 10.

Application

(6) Subsections 3(8) and (9) and section 7 apply with necessary modifications to the council of an upper-tier municipality, board of health or conservation authority that has assumed responsibility for sewage systems under this section. 2002, c. 9, s. 10; 2002, c. 17, Sched. C, s. 3(11).

By-Laws, Resolutions, Regulations

(7) The council of a municipality or of an upper-tier municipality that has entered into an agreement under subsection 3(5) or a board of health prescribed for the purposes of section 3.1 may pass by-laws, a planning board prescribed for the purposes of section 3.1 may pass resolutions and a conservation authority prescribed for the purposes of section 3.1 or the Lieutenant Governor in Council may make regulations, applicable to the matters for which and in the area in which the municipality, upper-tier municipality, board of health, planning board, conservation

authority or the Province of Ontario, respectively, has jurisdiction for the enforcement of this Act,

- (a) prescribing classes of permits under this Act, including permits in respect of any stage of construction or demolition;
- (b) providing for applications for permits and requiring the applications to be accompanied by such plans, specifications, documents and other information as is prescribed;
- (b.1) subject to the regulations made under subsection 34(2.1), establishing and governing a program to enforce standards prescribed under clause 34(2)(b), in addition to any programs established under subsection 34(2.2);
- (b.2) subject to the regulations made under subsection 34(2.2), governing a program established under subsection 34(2.2);
- (c) requiring the payment of fees and prescribing the amounts of the fees,
 - (i) on application for and on issuance of permits,
 - (ii) for maintenance inspections,
 - (iii) for providing documentation, records or other information under section 15.10.4, and
 - (iv) for providing information under subsection 15.10.6(2);
- (c.1) requiring the payment of interest and other penalties, including payment of collection costs, when fees are unpaid or are paid after the due date;
- (d) providing for refunds of fees under such circumstances as are prescribed;
- (e) requiring a person specified in the building code to give notice to the chief building official or an inspector or to a registered code agency if one is appointed, of any of the stages of construction specified in the building code, in addition to the stages of construction prescribed under subsection 10.2(1) and prescribing the period of time after such notice is given during which an inspection may be carried out;
- (f) prescribing forms respecting permits and applications for permits and providing for their use;
- (g) enabling the chief building official to require that a set of plans of a building or any class of buildings as constructed be filed with the chief building official on completion of the construction under such conditions as may be prescribed in the building code;
- (h) providing for the transfer of permits when land changes ownership;

- (i) requiring the person to whom a permit is issued to erect and maintain fences to enclose the site of the construction or demolition within such areas of the municipality as may be prescribed;
- (j) prescribing the height and description of the fences required under clause (i). 1992, c. 23, s. 7; 1997, c. 30, Sched. B, s. 6; 1999, c. 12, Sched. M, s. 3; 2002, c. 9, s. 11(1); 2002, c. 17, Sched. F, Table; 2006, c. 19, Sched. O, s. 1(5); 2006, c. 22, s. 112(3-5); 2017, c. 34, Sched. 2, s. 4(1).

Fees

(2) The total amount of the fees authorized under clause (1)(c) must not exceed the anticipated reasonable costs of the principal authority to administer and enforce this Act in its area of jurisdiction. 2002, c. 9, s. 11(2).

Reduction in Fees

(3) A regulation, by-law or resolution establishing fees under subclause (1)(c)(i) must provide for reduced fees to be payable in respect of the construction of a building for which a registered code agency is appointed under section 4.2. 2002, c. 9, s. 11(2); 2017, c. 34, Sched. 2, s. 4(2).

Report on Fees

(4) Every 12 months, each principal authority shall prepare a report that contains such information as may be prescribed about any fees authorized under clause (1)(c) and costs of the principal authority to administer and enforce this Act in its area of jurisdiction. 2002, c. 9, s. 11(2).

Same

(5) The principal authority shall make its report available to the public in the manner required by regulation. 2002, c. 9, s. 11(2).

Change in Fees

- (6) If a principal authority proposes to change any fee imposed under clause (1)(c), the principal authority shall,
 - (a) give notice of the proposed changes in fees to such persons as may be prescribed; and
 - (b) hold a public meeting concerning the proposed changes. 2002, c. 9, s. 11(2); 2006, c. 22, s. 112(6).

Same, Notice

(7) The notice of proposed changes in fees must contain the prescribed information, including information about the public meeting, and must be given in the prescribed manner. 2002, c. 9, s. 11(2).

Same, Public Meeting

(8) The public meeting concerning proposed changes in fees must be held within the period specified by regulation before the regulation, by-law or resolution to implement the proposed changes is made. 2002, c. 9, s. 11(2).

Fees May be Added to Tax Roll

(8.1) Section 398 of the *Municipal Act, 2001* or section 264 of the *City of Toronto Act, 2006*, as the case may be, applies, with necessary modifications, to fees established by a municipality or local board under clause (1)(c) and, with the approval of the treasurer of a local municipality, to fees established under clause (1)(c) by a conservation authority whose area of jurisdiction includes any part of the local municipality. 2006, c. 22, s. 112(7).

Forms

(9) The power to prescribe forms under clause (1)(f) does not include the power to prescribe a form for a particular purpose where there is a form for that purpose prescribed in the building code or approved by the Minister. 2002, c. 9, s. 11(2); 2006, c. 21, Sched. F, s. 104(4).

Code of Conduct

7.1(1) A principal authority shall establish and enforce a code of conduct for the chief building official and inspectors. 2002, c. 9, s. 12.

Purposes

- (2) The following are the purposes of a code of conduct:
 1. To promote appropriate standards of behaviour and enforcement actions by the chief building official and inspectors in the exercise of a power or the performance of a duty under this Act or the building code.
 2. To prevent practices which may constitute an abuse of power, including unethical or illegal practices, by the chief building official and inspectors in the exercise of a power or the performance of a duty under this Act or the building code.
 3. To promote appropriate standards of honesty and integrity in the exercise of a power or the performance of a duty under this Act or the building code by the chief building official and inspectors. 2002, c. 9, s. 12.

Contents

(3) A code of conduct must provide for its enforcement and include policies or guidelines to be used when responding to allegations that the code has been breached and disciplinary actions that may be taken if the code is breached. 2002, c. 9, s. 12.

Public Notice

(4) The principal authority shall ensure that the code of conduct is brought to the attention of the public. 2002, c. 9, s. 12.

Construction and Demolition

Building Permits

8(1) No person shall construct or demolish a building or cause a building to be constructed or demolished unless a permit has been issued therefor by the chief building official. 1992, c. 23, s. 8(1); 1997, c. 30, Sched. B, s. 7(1).

Application for Permit

(1.1) An application for a permit to construct or demolish a building may be made by a person specified by regulation and the prescribed form or the form approved by the Minister must be used and be accompanied by the documents and information specified by regulation. 2002, c. 9, s. 14(1); 2006, c. 21, Sched. F, s. 104(5).

Issuance of Permits

(2) The chief building official shall issue a permit referred to in subsection (1) unless,

- (a) the proposed building, construction or demolition will contravene this Act, the building code or any other applicable law;
- (b) the applicant is a builder or a vendor, as defined in clause (a) of the definition of “builder” or “vendor”, as the case may be, in section 1 of the Ontario New Home Warranties Plan Act, and is not registered under that Act;
- (b.1) the *Architects Act* or the *Professional Engineers Act* requires that the proposed construction of the building be designed by an architect or a professional engineer or a combination of both and the proposed construction is not so designed;
- (c) a person who prepared drawings, plans, specifications or other documents or gave an opinion concerning the compliance of the proposed building or construction with the building code does not have the applicable qualifications, if any, set out in the building code or does not have the insurance, if any, required by the building code;
- (d) the plans review certificate, if any, required for the application does not contain the prescribed information;
- (e) the application for the permit is not complete; or
- (f) any fees due have not been paid. 2002, c. 9, s. 14(2); 2014, c. 7, Sched. 3, s. 1; 2015, c. 28, Sched. 1, s. 147.

Restriction

(2.1) If the application includes a plans review certificate that contains the prescribed information, the chief building official is not entitled to refuse to issue the permit on the grounds that the proposed construction of the building to which the certificate relates does not comply with the building code. 2002, c. 9, s. 14(2).

Decision

(2.2) If an application for a permit meets the requirements prescribed by regulation, the chief building official shall, unless the circumstances prescribed by regulation apply, decide within the period prescribed by regulation whether to issue the permit or to refuse to issue it. 2009, c. 33, Sched. 21, s. 2(2).

Same, Reasons for Refusal

(2.3) If the chief building official refuses to issue the permit, he or she shall inform the applicant of all of the reasons for the refusal of the permit and shall do so within the period prescribed by regulation. 2002, c. 9, s. 14(2).

Conditional Permit

(3) Even though all requirements have not been met to obtain a permit under subsection (2), the chief building official may issue a conditional permit for any stage of construction if,

- (a) compliance with by-laws passed under sections 34 and 38 of the *Planning Act* and with such other applicable law as may be set out in the building code has been achieved in respect of the proposed building or construction;
- (b) the chief building official is of the opinion that unreasonable delays in the construction would occur if a conditional permit is not granted; and
- (c) the applicant and such other person as the chief building official determines agree in writing with the municipality, upper-tier municipality, board of health, planning board, conservation authority or the Crown in right of Ontario to,
 - (i) assume all risk in commencing the construction,
 - (ii) obtain all necessary approvals in the time set out in the agreement or, if none, as soon as practicable,
 - (iii) file plans and specifications of the complete building in the time set out in the agreement,
 - (iv) 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

- (v) comply with such other conditions as the chief building official considers necessary, including the provision of security for compliance with subclause (iv). 1992, c. 23, s. 8(3); 1997, c. 30, Sched. B, s. 7(2); 1999, c. 12, Sched. M, s. 5(1); 2002, c. 17, Sched. F, Table.

Delegation re Conditional Permits

(3.1) A principal authority may, in writing, delegate to the chief building official the power to enter into agreements described in clause (3)(c) and may impose conditions or restrictions with respect to the delegation. 2002, c. 9, s. 14(3).

Criteria

(4) In considering whether a conditional permit should be granted, the chief building official shall, among other matters, have regard to the potential difficulty in restoring the site to its original state and use if required approvals are not obtained. 1992, c. 23, s. 8(4).

Registration

(5) Any agreement entered into under clause (3)(c) may be registered against the land to which it applies and the municipality, upper-tier municipality, board of health, planning board, conservation authority or the Province of Ontario, as the case may be, is entitled to enforce its provisions against the registered owner and, subject to the Registry Act and the Land Titles Act, any person acquiring any interest in the land subsequent to the registration of the agreement. 1999, c. 12, Sched. M, s. 5(2); 2002, c. 17, Sched. F, Table; 2017, c. 34, Sched. 2, s. 5.

Enforcement of Agreement

(6) If the chief building official determines that a building has not been removed or a site restored as required by an agreement under clause (3)(c), the chief building official may cause the building to be removed and the site restored and for this purpose the chief building official, an inspector and their agents may enter upon the land and into the building governed by the agreement at any reasonable time without a warrant. 1992, c. 23, s. 8(6).

Lien

(7) If the building is in a municipality, the municipality shall have a lien on the land for the amount spent on the removal of the building and restoration of the site under subsection (6) and the amount shall have priority lien status as described in section 1 of the *Municipal Act, 2001* or section 3 of the *City of Toronto Act, 2006*, as the case may be. 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 3(1).

Deemed Taxes

(8) If the building is in territory without municipal organization, the amount spent on the removal of the building and restoration of the site under subsection (6) is a debt owing to the Crown and may be collected under the *Provincial Land Tax Act, 2006* as if it was tax imposed under that Act. 1992, c. 23, s. 8(8); 2006, c. 33, Sched. Z.3, s. 4(1).

Disclosure of Prescribed Information

(8.1) The chief building official shall, within the period and in the manner prescribed by regulation, give to the corporation designated under section 2 of the *Ontario New Home Warranties Plan Act* the information prescribed by regulation relating to permits issued under this section and the applications for those permits. 2009, c. 33, Sched. 21, s. 2(3).

Referral of Plans, etc.

(9) Upon reasonable grounds, the chief building official or registered code agency may refer drawings, plans or specifications accompanying applications for permits or the reports arising out of the general review of the construction of a building to the Association of Professional Engineers of Ontario or the Ontario Association of Architects for the purpose of determining if the *Professional Engineers Act* or the *Architects Act* is being contravened. 2002, c. 9, s. 14(4).

Same

(9.1) At the request of the Association of Professional Engineers of Ontario or the Ontario Association of Architects, the chief building official shall refer documents and information described in subsection (9) to those associations for the purpose of determining if the *Professional Engineers Act* or the *Architects Act* is being contravened. 2002, c. 9, s. 14(4).

Revocation of Permits

- (10) Subject to section 25, the chief building official may revoke a permit issued under this Act,
- (a) if it was issued on mistaken, false or incorrect information;
 - (b) if, after six months after its issuance, the construction or demolition in respect of which it was issued has not, in the opinion of the chief building official, been seriously commenced;
 - (c) if the construction or demolition of the building is, in the opinion of the chief building official, substantially suspended or discontinued for a period of more than one year;
 - (d) if it was issued in error;

- (e) if the holder requests in writing that it be revoked; or
- (f) if a term of the agreement under clause (3)(c) has not been complied with. 1992, c. 23, s. 8(10).

Prohibition

(11) No person shall construct or demolish a building or cause a building to be constructed or demolished except in accordance with this Act and the building code. 1992, c. 23, s. 8(11).

Notice of Change

(12) No person shall make a material change or cause a material change to be made to a plan, specification, document or other information on the basis of which a permit was issued without notifying, filing details with and obtaining the authorization of the chief building official. 1992, c. 23, s. 8(12).

Prohibition

(13) No person shall construct or demolish a building or cause a building to be constructed or demolished except in accordance with the plans, specifications, documents and any other information on the basis of which a permit was issued or any changes to them authorized by the chief building official. 1992, c. 23, s. 8(13).

Restriction

(14) If a request for authorization referred to in subsection (12) or (13) is accompanied by a change certificate that contains the prescribed information, the chief building official is not entitled to refuse to authorize the change on the grounds that the construction of the building to which the certificate relates does not comply with the building code. 2002, c. 9, s. 14(5).

9 REPEALED: 2009, c. 33, Sched. 21, s. 2(4).

Change of Use

10(1) Even though no construction is proposed, no person shall change the use of a building or part of a building or permit the use to be changed if the change would result in an increase in hazard, as determined in accordance with the building code, unless a permit has been issued by the chief building official. 2002, c. 9, s. 16.

Permit

- (2) The chief building official shall issue a permit under subsection (1), unless,
 - (a) the building if used as proposed would result in a contravention of this Act or the building code or any other applicable law;

- (b) the application for it is incomplete; or
- (c) any fees due are unpaid. 1992, c. 23, s. 10(2).

Prohibition re Sewage Systems

10.1 No person shall operate or maintain a sewage system or permit a sewage system to be operated or maintained except in accordance with this Act and the building code. 1997, c. 30, Sched. B, s. 9.

Notice of Readiness for Inspection

10.2(1) At each stage of construction specified in the building code, the prescribed person shall notify the chief building official or the registered code agency, if any, that the construction is ready to be inspected. 2002, c. 9, s. 17.

Inspection

(2) After the notice is received, an inspector or the registered code agency, as the case may be, shall carry out the inspection required by the building code within the prescribed period. 2002, c. 9, s. 17.

Occupancy or Use After Completion

11(1) Except as authorized by the building code, a person shall not occupy or use a building or part of a building that is newly erected or installed or permit it to be occupied or used until the requirements set out in this section are met. 2002, c. 9, s. 18.

Notice of Date of Completion

(2) Notice of the date of completion of the building or part must be given to the chief building official or the registered code agency, if any. 2002, c. 9, s. 18.

Final Certificate

(3) If a registered code agency has been appointed for the building or part of the building by a principal authority to perform the functions described in clause 4.1(4)(b) or (c) or has been appointed under section 4.2, a final certificate that contains the prescribed information must be issued. 2002, c. 9, s. 18.

Inspection, etc.

- (4) If subsection (3) does not apply,
 - (a) either the building or part must be inspected or 10 days must elapse after notice of the date of completion is served on the chief building official; and
 - (b) any order made under section 12 must be complied with. 2002, c. 9, s. 18.

Inspection of Buildings and Building Sites

12(1) An inspector may enter upon land and into buildings at any reasonable time without a warrant for the purpose of inspecting the building or site to determine whether or not the following are being complied with:

1. This Act.
2. The building code.
3. An order made under this Act. 2017, c. 34, Sched. 2, s. 6(1).

Order

(2) An inspector who finds a contravention of this Act or the building code may make an order directing compliance with this Act or the building code and may require the order to be carried out immediately or within such time as is specified in the order. 1992, c. 23, s. 12(2).

Service

(3) The order shall be served on the person whom the inspector believes is contravening this Act or the building code. 1992, c. 23, s. 12(3).

Form and Contents

(4) The prescribed form or the form approved by the Minister must be used for the order and it must contain sufficient information to specify the nature of the contravention and its location and the nature of the compliance that is required. 2002, c. 9, s. 19; 2006, c. 21, Sched. F, s. 104(6).

Posting and Making Information Available

- (5)** A copy of an order made under subsection (2) may be,
- (a) posted on the site of the construction or demolition in a location visible to the public;
 - (b) made available to the public by,
 - (i) posting the copy of the order on the website of the principal authority, or
 - (ii) allowing members of the public, during normal business hours, to inspect and copy the order at their own expense; and
 - (c) registered in the proper land registry office. 2017, c. 34, Sched. 2, s. 6(2).

Registration

(6) If an order made under subsection (2) is registered in the proper land registry office, any person acquiring any interest in the land subsequent to the registration of the order shall be deemed to have been served with the order on the day on which the order was served. 2017, c. 34, Sched. 2, s. 6(2).

Discharge

(7) When the requirements of an order described in subsection (6) have been satisfied, the chief building official shall register in the proper land registry office a certificate that such requirements have been satisfied, which shall operate as a discharge of the order. 2017, c. 34, Sched. 2, s. 6(2).

Same

(8) In the case of an order that has been made available to the public in accordance with clause (5)(b), when the requirements of the order have been satisfied, an inspector shall indicate on the copy of the order, or by such other means as may be prescribed by regulation, that the requirements of the order have been satisfied. 2017, c. 34, Sched. 2, s. 6(2).

Order Not to Cover

13(1) An inspector may make an order prohibiting the covering or enclosing of any part of a building pending inspection. 1992, c. 23, s. 13(1).

Form of Order

(1.1) The prescribed form or the form approved by the Minister must be used for an order made under this section. 2002, c. 9, s. 20(1); 2006, c. 21, Sched. F, s. 104(7).

Service

(2) The order shall be served on the person to whom the permit is issued, if any, and on such other persons affected thereby as the inspector determines. 1992, c. 23, s. 13(2).

Posting and Making Information Available

- (3)** A copy of an order made under this section may be,
- (a) posted on the site of the construction or demolition in a location visible to the public;
 - (b) made available to the public by,
 - (i) posting the copy of the order on the website of the principal authority, or
 - (ii) allowing members of the public, during normal business hours, to inspect and copy the order at their own expense; and
 - (c) registered in the proper land registry office. 2017, c. 34, Sched. 2, s. 7.

Registration

(3.1) If an order made under this section is registered in the proper land registry office, any person acquiring any interest in the land subsequent to the registration of the order shall be deemed to have been served with the order on the day on which the order was served. 2017, c. 34, Sched. 2, s. 7.

Discharge

(3.2) When the requirements of an order described in subsection (3.1) have been satisfied, the chief building official shall register in the proper land registry office a certificate that such requirements have been satisfied, which shall operate as a discharge of the order. 2017, c. 34, Sched. 2, s. 7.

Same

(3.3) In the case of an order that has been made available to the public in accordance with clause (3)(b), when the requirements of the order have been satisfied, an inspector shall indicate on the copy of the order, or by such other means as may be prescribed by regulation, that the requirements of the order have been satisfied. 2017, c. 34, Sched. 2, s. 7.

Inspection

(4) An inspection shall be made within a reasonable time after the person to whom the order is made has given notice that the part of the building is ready for inspection. 1992, c. 23, s. 13(4).

Service

(5) Section 27 does not apply to a notice under subsection (4). 1992, c. 23, s. 13(5).

Order to Uncover

(6) A chief building official or registered code agency who has reason to believe that part of a building that is covered or enclosed has not been constructed in compliance with this Act or the building code may order the persons responsible for the construction to uncover the part at their own expense for the purpose of an inspection if,

- (a) the part was covered or enclosed contrary to an order made under subsection (1);
- (b) a notice required to be given to the chief building official, registered code agency or inspector before the part was covered or enclosed under a by-law, resolution or regulation made under clause 7(e) was not given, or a notice required under section 10.2 was not received;
- (c) in cases where a notice required under section 10.2 is received, the period prescribed under subsection 10.2(2) did not elapse before the part was covered or enclosed;
- (d) in cases where a notice required by a by-law, resolution or regulation made under clause 7(e) is given,
 - (i) the inspection period prescribed under clause 7(e) did not elapse before the part was covered or enclosed, or

- (ii) if an inspection period is not prescribed under clause 7(e), a reasonable period of time after the notice was given did not elapse before the part was covered or enclosed; or

- (e) the part has been constructed without a permit being issued. 2006, c. 19, Sched. O, s. 1(6).

Stop Work Order

14(1) If an order made under section 12 or 13 is not complied with within the time specified in it, or where no time is specified, within a reasonable time, the chief building official or registered code agency, as the case may be, may order that all or any part of the construction or demolition cease. 1992, c. 23, s. 14(1); 2002, c. 9, s. 21(1).

Form of Order

(1.1) The prescribed form or the form approved by the Minister must be used for the order. 2002, c. 9, s. 21(2); 2006, c. 21, Sched. F, s. 104(8).

Service

(2) The order shall be served on such persons affected thereby as the chief building official or registered code agency determines and a copy shall be posted on the site of the construction or demolition in a location visible to the public. 1992, c. 23, s. 14(2); 2002, c. 9, s. 21(3); 2017, c. 34, Sched. 2, s. 8(1).

Timing

(3) The order is effective from the time it is posted under subsection (2). 1992, c. 23, s. 14(3).

Making Information Available

(3.1) A copy of an order made under subsection (1) may be,

- (a) made available to the public by,
 - (i) posting the copy of the order on the website of the principal authority, or
 - (ii) allowing members of the public, during normal business hours, to inspect and copy the order at their own expense; and
- (b) registered in the proper land registry office. 2017, c. 34, Sched. 2, s. 8(2).

Registration

(3.2) If an order made under subsection (1) is registered in the proper land registry office, any person acquiring any interest in the land subsequent to the registration of the order shall be deemed to have been served with the order on the day on which the order was served. 2017, c. 34, Sched. 2, s. 8(2).

Discharge

(3.3) When the requirements of an order described in subsection (3.2) have been satisfied, the chief building official shall register in the proper land registry office a certificate that such requirements have been satisfied, which shall operate as a discharge of the order. 2017, c. 34, Sched. 2, s. 8(2).

Same

(3.4) In the case of an order that has been made available to the public in accordance with clause (3.1)(a), when the requirements of the order have been satisfied, an inspector shall indicate on the copy of the order, or by such other means as may be prescribed by regulation, that the requirements of the order have been satisfied. 2017, c. 34, Sched. 2, s. 8(2).

Effect of Order

(4) If an order to cease construction or demolition is made, no person shall perform any act in the construction or demolition of the building in respect of which the order is made other than work necessary to carry out the order made under section 12 or 13. 1992, c. 23, s. 14(4).

Referral to Chief Building Official

(5) When a registered code agency makes an order under this section, the agency shall refer the matter to the chief building official as soon as practicable. 2002, c. 9, s. 21(4).

Same

(6) The referral must be made in the prescribed manner. 2002, c. 9, s. 21(4).

Effect of Referral

(7) After making the referral, the registered code agency shall take no further steps in respect of the matter to which the order refers and the principal authority that issued the permit is responsible for the enforcement of this Act in respect of the matter. 2002, c. 9, s. 21(4).

Powers of Chief Building Official

(8) The chief building official may amend or rescind any order made by the registered code agency in respect of the matter. 2002, c. 9, s. 21(4).

15 REPEALED: 2002, c. 9, s. 22.

Property Standards**Municipal Property Standards**

15.1(1) In sections 15.1 to 15.8 inclusive,

“committee” means a property standards committee established under section 15.6; (“comité”)

“occupant” means any person or persons over the age of 18 years in possession of the property; (“occupant”)

“owner” includes,

- (a) the person for the time being managing or receiving the rent of the land or premises in connection with which the word is used, whether on the person’s own account or as agent or trustee of any other person, or who would receive the rent if the land and premises were let, and
- (b) a lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property; (“propriétaire”)

“property” means a building or structure or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections thereon whether heretofore or hereafter erected, and includes vacant property; (“bien”)

“repair” includes the provision of facilities, the making of additions or alterations or the taking of any other action that may be required to ensure that a property conforms with the standards established in a by-law passed under this section. (“réparation”) 1997, c. 24, s. 224(8).

Adoption of Policy

(2) Where there is no official plan in effect in a municipality, the council of a municipality may, by by-law approved by the Minister, adopt a policy statement containing provisions relating to property conditions. 1997, c. 24, s. 224(8).

Standards for Maintenance and Occupancy

(3) The council of a municipality may pass a by-law to do the following things if an official plan that includes provisions relating to property conditions is in effect in the municipality or if the council of the municipality has adopted a policy statement as mentioned in subsection (2):

1. Prescribing standards for the maintenance and occupancy of property within the municipality or within any defined area or areas and for prohibiting the occupancy or use of such property that does not conform with the standards.

2. Requiring property that does not conform with the standards to be repaired and maintained to conform with the standards or the site to be cleared of all buildings, structures, debris or refuse and left in graded and levelled condition. 1997, c. 24, s. 224(8).

No Distinction on the Basis of Relationship

(4) The authority to pass a by-law under subsection (3) does not include the authority to pass a by-law that sets out requirements, standards or prohibitions that have the effect of distinguishing between persons who are related and persons who are unrelated in respect of the occupancy or use of a property, including the occupancy or use as a single housekeeping unit. 1997, c. 24, s. 224(8).

Provision of No Effect

(5) A provision in a by-law is of no effect to the extent that it contravenes the restrictions described in subsection (4). 1997, c. 24, s. 224(8).

Inspection of Property Without Warrant

15.2(1) Where a by-law under section 15.1 is in effect, an officer may, upon producing proper identification, enter upon any property at any reasonable time without a warrant for the purpose of inspecting the property to determine,

- (a) whether the property conforms with the standards prescribed in the by-law; or
- (b) whether an order made under subsection (2) has been complied with. 1997, c. 24, s. 224(8).

Contents of Order

(2) An officer who finds that a property does not conform with any of the standards prescribed in a by-law passed under section 15.1 may make an order,

- (a) stating the municipal address or the legal description of the property;
- (b) giving reasonable particulars of the repairs to be made or stating that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition;
- (c) indicating the time for complying with the terms and conditions of the order and giving notice that, if the repair or clearance is not carried out within that time, the municipality may carry out the repair or clearance at the owner's expense; and
- (d) indicating the final date for giving notice of appeal from the order. 1997, c. 24, s. 224(8).

Service and Posting of Order

(3) The order shall be served on the owner of the property and such other persons affected by it as the officer determines and a copy of the order may be posted on the property in a location visible to the public. 1997, c. 24, s. 224(8); 2017, c. 34, Sched. 2, s. 9.

Registration of Order

(4) The order may be registered in the proper land registry office and, upon such registration, any person acquiring any interest in the land subsequent to the registration of the order shall be deemed to have been served with the order on the day on which the order was served under subsection (3) and, when the requirements of the order have been satisfied, the clerk of the municipality shall forthwith register in the proper land registry office a certificate that such requirements have been satisfied, which shall operate as a discharge of the order. 1997, c. 24, s. 224(8).

Appeal of Order

15.3(1) An owner or occupant who has been served with an order made under subsection 15.2(2) and who is not satisfied with the terms or conditions of the order may appeal to the committee by sending a notice of appeal by registered mail to the secretary of the committee within 14 days after being served with the order. 1997, c. 24, s. 224(8).

Confirmation of Order

(2) An order that is not appealed within the time referred to in subsection (1) shall be deemed to be confirmed. 1997, c. 24, s. 224(8).

Duty of Committee

(3) The committee shall hear the appeal. 2002, c. 9, s. 24.

Powers of Committee

(3.1) On an appeal, the committee has all the powers and functions of the officer who made the order and the committee may do any of the following things if, in the committee's opinion, doing so would maintain the general intent and purpose of the by-law and of the official plan or policy statement:

1. Confirm, modify or rescind the order to demolish or repair.
2. Extend the time for complying with the order. 2002, c. 9, s. 24.

Appeal to Court

(4) The municipality in which the property is situated or any owner or occupant or person affected by a decision under subsection (3.1) may appeal to the Superior Court of Justice by notifying the clerk of the municipality in writing and by applying to the court within 14 days after a copy of the decision is sent. 2002, c. 9, s. 24.

Appointment

(5) The Superior Court of Justice shall appoint, in writing, a time and place for the hearing of the appeal and may direct in the appointment the manner in which and the persons upon whom the appointment is to be served. 2002, c. 9, s. 24.

Judge's Powers

(6) On the appeal, the judge has the same powers and functions as the committee. 1997, c. 24, s. 224(8).

Effect of Decisions

(7) An order that is deemed to be confirmed under subsection (2) or that is confirmed or modified by the committee under subsection (3) or a judge under subsection (6), as the case may be, shall be final and binding upon the owner and occupant who shall carry out the repair or demolition within the time and in the manner specified in the order. 1997, c. 24, s. 224(8).

Power of Municipality if Order Not Complied With

15.4(1) If an order of an officer under section 15.2(2) is not complied with in accordance with the order as deemed confirmed or as confirmed or modified by the committee or a judge, the municipality may cause the property to be repaired or demolished accordingly. 1997, c. 24, s. 224(8).

Warrantless Entry

(2) For the purpose of subsection (1), employees or agents of the municipality may enter the property at any reasonable time without a warrant in order to repair or demolish the property. 1997, c. 24, s. 224(8).

No Liability

(3) Despite subsection 31(2), a municipal corporation or a person acting on its behalf is not liable to compensate the owner, occupant or any other person by reason of anything done by or on behalf of the municipality in the reasonable exercise of its powers under subsection (1). 1997, c. 24, s. 224(8).

Lien

(4) The municipality shall have a lien on the land for the amount spent on the repair or demolition under

subsection (1) and the amount shall have priority lien status as described in section 1 of the *Municipal Act, 2001* or section 3 of the *City of Toronto Act, 2006*, as the case may be. 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 3(2).

Administrative Penalties

15.4.1(1) A municipality may require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with,

- (a) a by-law of the municipality passed under section 15.1; or
- (b) an order of an officer under subsection 15.2(2) as deemed confirmed or as confirmed or modified by the committee or a judge under section 15.3. 2017, c. 34, Sched. 2, s. 10.

Purpose of Administrative Penalties

(2) The purpose of a system of administrative penalties established by a municipality under this section shall be to assist the municipality in promoting compliance with a by-law under section 15.1 or an order under subsection 15.2(2). 2017, c. 34, Sched. 2, s. 10.

Monetary Limit

(3) The amount of an administrative penalty established by a municipality,

- (a) shall not be punitive in nature; and
- (b) shall not exceed the amount reasonably required to promote compliance with a by-law under section 15.1 or an order under subsection 15.2(2). 2017, c. 34, Sched. 2, s. 10.

Effect on Offences

(4) If a person is required by a municipality to pay an administrative penalty under subsection (1) in respect of a contravention, the person shall not be charged with an offence in respect of the same contravention. 2017, c. 34, Sched. 2, s. 10.

Regulations

(5) The Lieutenant Governor in Council may make regulations providing for any matters which, in the opinion of the Lieutenant Governor in Council, are necessary or desirable for the purposes of this section, including,

- (a) granting a municipality powers with respect to requiring that persons pay administrative penalties and with respect to other matters necessary for a system of administrative penalties;
- (b) imposing conditions and limitations on a municipality's powers with respect to administrative penalties. 2017, c. 34, Sched. 2, s. 10.

Debt

15.4.2(1) An administrative penalty imposed by a municipality on a person under section 15.4.1 constitutes a debt of the person to the municipality. 1997, c. 34, Sched. 2, s. 10.

Amount Owing Added to Tax Roll

(2) If an administrative penalty imposed under section 15.4.1 is not paid within 15 days after the day that it becomes due and payable, the treasurer of the municipality may add the administrative penalty to the tax roll for any property in the municipality for which all of the registered owners are responsible for paying the administrative penalty, and collect it in the same manner as municipal taxes. 1997, c. 34, Sched. 2, s. 10.

Certificate of Compliance

15.5(1) An officer who, after inspecting a property, is of the opinion that the property is in compliance with the standards established in a by-law passed under section 15.1 may issue a certificate of compliance to the owner. 1997, c. 24, s. 224(8).

Request for Certificate

(2) An officer shall issue a certificate to an owner who requests one and who pays the fee set by the council of the municipality in which the property is located. 1997, c. 24, s. 224(8).

Fee for Certificate

(3) A council of a municipality may set a fee for the issuance of a certificate. 1997, c. 24, s. 224(8).

Property Standards Committee

15.6(1) A by-law passed under section 15.1 shall provide for the establishment of a committee composed of such persons, not fewer than three, as the council considers advisable to hold office for such term and on such conditions as the by-law may establish. 1997, c. 24, s. 224(8).

Filling of Vacancies

(2) The council of the municipality shall forthwith fill any vacancy that occurs in the membership of the committee. 1997, c. 24, s. 224(8).

Compensation

(3) The members of the committee shall be paid such compensation as the council may provide. 1997, c. 24, s. 224(8).

Chair

(4) The members shall elect a chair from among themselves; when the chair is absent through illness or otherwise, the committee may appoint another member as acting chair. 1997, c. 24, s. 224(8).

Quorum

(5) A majority of the members constitutes a quorum for transacting the committee's business. 1997, c. 24, s. 224(8).

Secretary

(6) The members shall provide for a secretary for the committee. 1997, c. 24, s. 224(8).

Duty of Secretary

(7) The secretary shall keep on file the records of all official business of the committee, including records of all applications and minutes of all decisions respecting those applications, and section 253 of the *Municipal Act, 2001* or section 199 of the *City of Toronto Act, 2006*, as the case may be, applies with necessary modifications to the minutes and records. 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 3(3).

Rules of Procedure and Oaths

(8) The committee may, subject to subsection (9), adopt its own rules of procedure and any member may administer oaths. 1997, c. 24, s. 224(8).

Where Committee Required to Give Notice

(9) The committee shall give notice or direct that notice be given of the hearing of an appeal to such persons as the committee considers advisable. 1997, c. 24, s. 224(8).

Emergency Order re Dangerous Non-Conformity With Standards

15.7(1) If upon inspection of a property the officer is satisfied that there is non-conformity with the standards in a by-law passed under section 15.1 to such extent as to pose an immediate danger to the health or safety of any person, the officer may make an order containing particulars of the non-conformity and requiring remedial repairs or other work to be carried out immediately to terminate the danger. 1997, c. 24, s. 224(8).

Service

(2) The order shall be served on the owner of the property and such other persons affected thereby as the officer determines and a copy shall be posted on the property. 1997, c. 24, s. 224(8).

Emergency Powers

(3) After making an order under subsection (1), the officer may, either before or after the order is served, take any measures necessary to terminate the danger and, for this purpose, the municipality may, through its employees and agents, at any time enter upon the property in respect of which the order was made without a warrant. 1997, c. 24, s. 224(8).

No Liability

(4) Despite subsection 31(2), a municipal corporation or a person acting on its behalf is not liable to compensate the owner, occupant or any other person by reason of anything done by or on behalf of the municipality in the reasonable exercise of its powers under subsection (3). 1997, c. 24, s. 224(8).

Service

(5) If the order was not served before measures were taken to terminate the danger, the officer shall serve copies of the order in accordance with subsection (2) as soon as practicable after the measures have been taken, and each copy of the order shall have attached to it a statement by the officer describing the measures taken by the municipality and providing details of the amount expended in taking the measures. 1997, c. 24, s. 224(8).

Service of Statement

(6) If the order was served before the measures were taken, the officer shall serve a copy of the statement mentioned in subsection (5) in accordance with subsection (2) as soon as practicable after the measures have been taken. 1997, c. 24, s. 224(8).

Application to Court

(7) As soon as practicable after the requirements of subsection (5) or (6) have been complied with, the officer shall apply to a judge of the Superior Court of Justice for an order confirming the order made under subsection (1) and the judge shall hold a hearing for that purpose. 1997, c. 24, s. 224(8); 2002, c. 9, s. 25.

Powers of Judge

(8) The judge in disposing of an application under subsection (7) shall,

- (a) confirm, modify or rescind the order; and
- (b) determine whether the amount spent on measures to terminate the danger may be recovered in whole, in part or not at all. 1997, c. 24, s. 224(8).

Order Final

(9) The disposition under subsection (8) is final. 1997, c. 24, s. 224(8).

Lien

(10) The amount determined by the judge to be recoverable shall be a lien on the land and shall have priority lien status as described in section 1 of the *Municipal Act, 2001* or section 3 of the *City of Toronto Act, 2006*, as the case may be. 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 3(4).

Inspection Powers of Officer

15.8(1) For the purposes of an inspection under section 15.2, an officer may,

- (a) require the production for inspection of documents or things, including drawings or specifications, that may be relevant to the property or any part thereof;
- (b) inspect and remove documents or things relevant to the property or part thereof for the purpose of making copies or extracts;
- (c) require information from any person concerning a matter related to a property or part thereof;
- (d) be accompanied by a person who has special or expert knowledge in relation to a property or part thereof;
- (e) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection; and
- (f) order the owner of the property to take and supply at the owner's expense such tests and samples as are specified in the order. 1997, c. 24, s. 224(8).

Samples

(2) A sample taken under clause (1)(e) shall be divided into two parts, and one part shall be delivered to the person from whom the sample is taken, if,

- (a) the person requests that the sample be divided at the time it is taken and provides the necessary facilities; and
- (b) it is technically feasible to divide the sample. 2017, c. 34, Sched. 2, s. 11.

Same

(3) If an officer takes a sample under clause (1)(e) and has not divided the sample into two parts, a copy of any report on the sample shall be given to the person from whom the sample was taken. 1997, c. 24, s. 224(8).

Receipt

(4) An officer shall provide a receipt for any document or thing removed under clause (1)(b) and shall promptly return them after the copies or extracts are made. 1997, c. 24, s. 224(8).

Evidence

(5) Copies of or extracts from documents and things removed under this section and certified as being true copies of or extracts from the originals by the person who made them are admissible in evidence to the same extent as and have the same evidentiary value as the originals. 1997, c. 24, s. 224(8).

Unsafe Buildings

Inspection of Unsafe Buildings

15.9(1) An inspector may enter upon land and into buildings at any reasonable time without a warrant for the purpose of inspecting a building to determine,

- (a) whether the building is unsafe; or
- (b) whether an order made under subsection (4) has been complied with. 2002, c. 9, s. 26.

Interpretation

- (2) A building is unsafe if the building is,
 - (a) structurally inadequate or faulty for the purpose for which it is used; or
 - (b) in a condition that could be hazardous to the health or safety of persons in the normal use of the building, persons outside the building or persons whose access to the building has not been reasonably prevented. 2002, c. 9, s. 26.

Sewage Systems

(3) In addition to the criteria set out in subsection (2), a sewage system is unsafe if it is not maintained or operated in accordance with this Act and the building code. 2002, c. 9, s. 26.

Order

(4) An inspector who finds that a building is unsafe may make an order setting out the reasons why the building is unsafe and the remedial steps necessary to render the building safe and may require the order to be carried out within the time specified in the order. 2002, c. 9, s. 26.

Service and Posting

(5) The order under subsection (4) shall be served on the registered owner and each person apparently in possession of the building and such other persons affected by the order as the chief building official determines and a copy of the order may be posted on the site of the building in a location visible to the public. 2017, c. 34, Sched. 2, s. 12(1).

Form of Order

(5.1) The prescribed form or the form approved by the Minister must be used for an order made under this section. 2017, c. 34, Sched. 2, s. 12(1).

Making Information Available

- (5.2) A copy of an order made under this section may be,
 - (a) made available to the public by,
 - (i) posting the copy of the order on the website of the principal authority, or
 - (ii) allowing members of the public, during normal business hours, to inspect and copy the order at their own expense; and
 - (b) registered in the proper land registry office. 2017, c. 34, Sched. 2, s. 12(1).

Registration

(5.3) If an order made under this section is registered in the proper land registry office, any person acquiring any interest in the land subsequent to the registration of the order shall be deemed to have been served with the order on the day on which the order was served. 2017, c. 34, Sched. 2, s. 12(1).

Discharge

(5.4) When the requirements of an order described in subsection (5.2) have been satisfied, the chief building official shall register in the proper land registry office a certificate that such requirements have been satisfied, which shall operate as a discharge of the order. 2017, c. 34, Sched. 2, s. 12(1).

Same

(5.5) In the case of an order that has been made available to the public in accordance with clause (5.2)(a), when the requirements of the order have been satisfied, an inspector shall indicate on the copy of the order, or by such other means as may be prescribed by regulation, that the requirements of the order have been satisfied. 2017, c. 34, Sched. 2, s. 12(1).

Order Respecting Occupancy

(6) If an order of an inspector under subsection (4) is not complied with within the time specified in it, or where no time is specified, within a reasonable time, the chief building official,

- (a) may by order prohibit the use or occupancy of the building; and
- (b) may cause the building to be renovated, repaired or demolished to remove the unsafe condition or take such other action as he or she considers necessary for the protection of the public. 2002, c. 9, s. 26.

Power of Entry

(7) For the purpose of clause (6)(b), the chief building official, an inspector and their agents may enter upon land and into buildings at any reasonable time without a warrant. 2002, c. 9, s. 26.

Service

(8) The order under clause (6) (a) shall be served on the registered owner and each person apparently in possession of the building and such other persons affected thereby as the chief building official determines and a copy of the order shall be posted on the site of the building in a location visible to the public. 2002, c. 9, s. 26; 2017, c. 34, Sched. 2, s. 12(2).

Timing

(9) The order under clause (6)(a) is effective from the time it is posted. 2002, c. 9, s. 26.

Lien

(10) If the building is in a municipality, the municipality shall have a lien on the land for the amount spent on the renovation, repair, demolition or other action under clause (6)(b) and the amount shall have priority lien status as described in section 1 of the *Municipal Act, 2001* or section 3 of the *City of Toronto Act, 2006*, as the case may be. 2002, c. 17, Sched. C, s. 4(1); 2006, c. 32, Sched. C, s. 3(5).

Deemed Taxes

(11) If the building is in territory without municipal organization, the amount spent on the renovation, repair, demolition or other action under clause (6)(b) is a debt owing to the Crown and may be collected under the *Provincial Land Tax Act, 2006* as if it was tax imposed under that Act. 2002, c. 9, s. 26; 2006, c. 33, Sched. Z.3, s. 4(2).

Where Matters Addressed Under Building Condition Evaluation Programs

(12) No order may be made under this section if an order may be made under subsection 15.10.3(2) respecting the same building or part of a building and the same subject matter. 2017, c. 34, Sched. 2, s. 12(3).

Emergency Order Where Immediate Danger

15.10(1) If upon inspection of a building an inspector is satisfied that the building poses an immediate danger to the health or safety of any person, the chief building official may make an order containing particulars of the dangerous conditions and requiring remedial repairs or other work to be carried out immediately to terminate the danger. 2002, c. 9, s. 26.

Service

(2) The order shall be served on the registered owner and each person apparently in possession of the building and such other persons affected thereby as the chief building official determines and a copy shall be posted on the site of the building in a location visible to the public. 2002, c. 9, s. 26; 2017, c. 34, Sched. 2, s. 13(1).

Making Information Available

(2.1) A copy of an order made under subsection (1) may be,

- (a) made available to the public by,
 - (i) posting the copy of the order on the website of the principal authority, or
 - (ii) allowing members of the public, during normal business hours, to inspect and copy the order at their own expense; and
- (b) registered in the proper land registry office. 2017, c. 34, Sched. 2, s. 13 (2).

Registration

(2.2) If an order made under subsection (1) is registered in the proper land registry office, any person acquiring any interest in the land subsequent to the registration of the order shall be deemed to have been served with the order on the day on which the order was served. 2017, c. 34, Sched. 2, s. 13(2).

Discharge

(2.3) When the requirements of an order described in subsection (2.2) have been satisfied, the chief building official shall register in the proper land registry office a certificate that such requirements have been satisfied, which shall operate as a discharge of the order. 2017, c. 34, Sched. 2, s. 13(2).

Same

(2.4) In the case of an order that has been made available to the public in accordance with clause (2.1)(a), when the requirements of the order have been satisfied, an inspector shall indicate on the copy of the order, or by such other means as may be prescribed by regulation, that the requirements of the order have been satisfied. 2017, c. 34, Sched. 2, s. 13(2).

Emergency Powers

(3) After making an order under subsection (1), the chief building official may, either before or after the order is served, take any measures necessary to terminate the danger and, for this purpose, the chief building official, an inspector and their agents may at any time enter upon the land and into the building in respect of which the order was made without a warrant. 2002, c. 9, s. 26.

No Liability

(4) Despite subsection 31(2), the Crown, a municipality, an upper-tier municipality, a board of health, a planning board or a conservation authority or a person acting on behalf of any of them is not liable to compensate the registered owner, occupant or any other person by reason of anything done by or on behalf of the chief building official or an inspector in the reasonable exercise of his or her powers under subsection (3). 2002, c. 9, s. 26; 2002, c. 17, Sched. C, s. 5(1); 2017, c. 34, Sched. 2, s. 13(3).

Service

(5) If the order was not served before measures were taken to terminate the danger, the chief building official shall serve copies of the order in accordance with subsection (2) as soon as practicable after the measures have been taken and each copy of the order shall have attached to it a statement by the chief building official describing the measures taken and providing details of the amount spent in taking the measures. 2002, c. 9, s. 26.

Service of Statement

(6) If the order was served before the measures were taken, the chief building official shall serve a copy of the statement mentioned in subsection (5) in accordance with subsection (2) as soon as practicable after the measures have been taken. 2002, c. 9, s. 26.

Application to Court

(7) As soon as practicable after subsections (5) and (6) have been complied with, the chief building official shall apply to the Superior Court of Justice for an order confirming the order made under subsection (1) and the court shall hold a hearing for that purpose. 2002, c. 9, s. 26.

Powers of Court

(8) In disposing of an application under subsection (7), the court shall,

- (a) confirm, modify or rescind the order; and
- (b) determine whether the amount spent on measures to terminate the danger may be recovered in whole, in part or not at all. 2002, c. 9, s. 26.

Order Final

(9) The disposition under subsection (8) is final. 2002, c. 9, s. 26.

Lien

(10) If the building is in a municipality, the amount determined by the judge to be recoverable shall be a lien on the land and shall have priority lien status as described in section 1 of the *Municipal Act, 2001* or section 3 of the *City*

of Toronto Act, 2006, as the case may be. 2002, c. 17, Sched. C, s. 5(2); 2006, c. 32, Sched. C, s. 3(6).

Deemed Taxes

(11) If the building is in territory without municipal organization, the amount determined by the judge to be recoverable is a debt owing to the Crown and may be collected under the *Provincial Land Tax Act, 2006* as if it was tax imposed under that Act. 2002, c. 9, s. 26; 2006, c. 33, Sched. Z.3, s. 4(3).

Maintenance Inspection Programs

Maintenance Inspections

15.10.1(1) An inspector may enter upon land and into buildings at any reasonable time without a warrant for the purpose of conducting a maintenance inspection. 2006, c. 22, s. 112(8).

Order

(2) An inspector who finds a contravention of this Act or the building code may make an order directing compliance with this Act or the building code and may require the order to be carried out immediately or within such time as is specified in the order. 2006, c. 22, s. 112(8).

Service

(3) The order shall be served on the person whom the inspector believes is contravening this Act or the building code. 2006, c. 22, s. 112(8).

Form and Contents

(4) The prescribed form or the form approved by the Minister must be used for the order and it must contain sufficient information to specify the nature of the contravention and its location and the nature of the compliance that is required. 2006, c. 22, s. 112(8).

Posting

(5) The inspector may post a copy of the order on the site of the maintenance inspection. 2006, c. 22, s. 112(8).

Making Information Available

(6) A copy of an order made under subsection (2) may be,

- (a) made available to the public by,
 - (i) posting the copy of the order on the website of the principal authority, or
 - (ii) allowing members of the public, during normal business hours, to inspect and copy the order at their own expense; and
- (b) registered in the proper land registry office. 2017, c. 34, Sched. 2, s. 14.

Registration

(7) If an order made under subsection (2) is registered in the proper land registry office, any person acquiring any interest in the land subsequent to the registration of the order shall be deemed to have been served with the order on the day on which the order was served. 2017, c. 34, Sched. 2, s. 14.

Discharge

(8) When the requirements of an order described in subsection (7) have been satisfied, the chief building official shall register in the proper land registry office a certificate that such requirements have been satisfied, which shall operate as a discharge of the order. 2017, c. 34, Sched. 2, s. 14.

Same

(9) In the case of an order that has been made available to the public in accordance with clause (6)(a), when the requirements of the order have been satisfied, an inspector shall indicate on the copy of the order, or by such other means as may be prescribed by regulation, that the requirements of the order have been satisfied. 2017, c. 34, Sched. 2, s. 14.

Building Condition Evaluation Programs**Application**

15.10.2(1) This section applies in respect of buildings and parts of buildings that are prescribed as subject to a building condition evaluation program under the regulations made under clause 34(2.3)(a). 2017, c. 34, Sched. 2, s. 15.

Maintenance of Buildings

(2) A building owner shall maintain and operate a building or part of a building to which this section applies in accordance with this Act and the building code. 2017, c. 34, Sched. 2, s. 15.

Evaluation

(3) A building owner shall ensure that a building or part of a building to which this section applies is evaluated in accordance with this Act and the building code. 2017, c. 34, Sched. 2, s. 15.

Building Information

(4) The building owner shall, in accordance with this Act and the building code, keep all prescribed documentation, records or other information respecting the building or part of the building to which this section applies. 2017, c. 34, Sched. 2, s. 15.

Same

(5) The building owner shall, in accordance with this Act and the building code, provide a copy of the documentation, records or other information described in subsection (4) to the chief building official upon request and to such other persons as may be prescribed. 2017, c. 34, Sched. 2, s. 15.

Inspection of Buildings Subject to Program

15.10.3(1) An inspector may enter upon land and into buildings at any reasonable time without a warrant for the purpose of,

- (a) inspecting a building or part of a building that is prescribed as subject to a building condition evaluation program;
- (b) determining whether an order made under subsection (2) or clause (8)(a) has been complied with; or
- (c) conducting a building condition evaluation or causing a building condition evaluation to be conducted where the building owner has failed to ensure that an evaluation was conducted in accordance with the regulations. 2017, c. 34, Sched. 2, s. 15.

Order

(2) An inspector who, upon entering upon land or into buildings under subsection (1), finds a contravention of this Act or the building code may make an order directing compliance with this Act or the building code and may require the order to be carried out within such time as is specified in the order. 2017, c. 34, Sched. 2, s. 15.

Form and Contents

(3) The prescribed form or the form approved by the Minister must be used for the order and it must contain sufficient information to specify the nature of the contravention and its location and the nature of the compliance that is required. 2017, c. 34, Sched. 2, s. 15.

Service, Posting And Making Information Available

- (4) An order made under this section shall be,
- (a) served on the registered owner and each person apparently in possession of the building and such other persons affected by the order as the chief building official determines;
 - (b) posted on the site of the building in a location visible to the public;
 - (c) made available to the public by,
 - (i) posting a copy of the order on the website of the principal authority, or

- (ii) allowing members of the public, during normal business hours, to inspect and copy the order at their own expense; and
- (d) registered in the proper land registry office. 2017, c. 34, Sched. 2, s. 15.

Registration

(5) If an order made under this section is registered in the proper land registry office, any person acquiring any interest in the land subsequent to the registration of the order shall be deemed to have been served with the order on the day on which the order was served. 2017, c. 34, Sched. 2, s. 15.

Discharge

(6) When the requirements of an order described in subsection (5) have been satisfied, the chief building official shall register in the proper land registry office a certificate that such requirements have been satisfied, which shall operate as a discharge of the order. 2017, c. 34, Sched. 2, s. 15.

Same

(7) In the case of an order that has been made available to the public in accordance with clause (4)(c), when the requirements of the order have been satisfied, an inspector shall indicate on the copy of the order, or by such other means as may be prescribed by regulation, that the requirements of the order have been satisfied. 2017, c. 34, Sched. 2, s. 15.

Order Respecting Occupancy

(8) If an order made under subsection (2) is not complied with within the time specified in it, or where no time is specified, within a reasonable time, the chief building official,

- (a) may by order prohibit the use or occupancy of the building; and
- (b) may cause the building to be renovated, repaired or demolished to achieve compliance with this Act or the building code or take such other action as he or she considers necessary for the protection of the public. 2017, c. 34, Sched. 2, s. 15.

Power of Entry

(9) For the purpose of clause (8)(b), the chief building official, an inspector and their agents may enter upon land and into buildings at any reasonable time without a warrant. 2017, c. 34, Sched. 2, s. 15.

Timing

(10) The order under clause (8)(a) is effective from the time it is posted. 2017, c. 34, Sched. 2, s. 15.

Lien

(11) If the building is in a municipality, the municipality shall have a lien on the land for the amount spent on the renovation, repair, demolition or other action under clause (8)(b) and the amount shall have priority lien status as described in section 1 of the Municipal Act, 2001 or section 3 of the City of Toronto Act, 2006, as the case may be. 2017, c. 34, Sched. 2, s. 15.

Deemed Taxes

(12) If the building is in territory without municipal organization, the amount spent on the renovation, repair, demolition or other action under clause (8)(b) is a debt owing to the Crown and may be collected under the Provincial Land Tax Act, 2006 as if it was tax imposed under that Act. 2017, c. 34, Sched. 2, s. 15.

Request for Information re Buildings

Subject to Program

15.10.4 Upon receiving a request from a prescribed person, a principal authority shall, in accordance with this Act and the building code, provide prescribed documentation, records or other information respecting a building or part of a building prescribed as subject to a building condition evaluation program. 2017, c. 34, Sched. 2, s. 15.

Complaints Policy re Program

15.10.5(1) A principal authority shall adopt and maintain a written policy with respect to,

- (a) how a person may submit a complaint to the principal authority respecting,
 - (i) the maintenance, operation or evaluation of a building or part of a building prescribed as subject to a building condition evaluation program, and
 - (ii) such other matters as may be prescribed respecting a building or a part of building mentioned in subclause (i);
- (b) the circumstances and manner in which the principal authority will respond to a complaint described in clause (a); and
- (c) how the principal authority will record complaints and other information described in subsection 15.10.6(1). 2017, c. 34, Sched. 2, s. 15.

Purposes

- (2) The following are the purposes of a complaints policy:
 1. To inform persons about how information may be brought to the attention of a chief building official or inspector respecting a matter mentioned in clause (1)(a).
 2. To clarify the types of circumstances in which the principal authority considers it appropriate to submit a complaint. 2017, c. 34, Sched. 2, s. 15.

Contents

(3) A complaints policy shall include the prescribed provisions and provisions respecting the prescribed matters. 2017, c. 34, Sched. 2, s. 15.

Public Notice

- (4) The principal authority shall bring the complaints policy to the attention of the public by,
- (a) posting a copy of the policy on the website of the principal authority; or
 - (b) allowing members of the public, during normal business hours, to inspect and copy the policy at their own expense. 2017, c. 34, Sched. 2, s. 15.

Record of Complaints re Program

15.10.6(1) A principal authority shall, in accordance with this Act and the building code, maintain a record of,

- (a) complaints described in clause 15.10.5(1)(a) that are submitted to the principal authority; and
- (b) any enforcement action taken in response to the complaint or, if no enforcement action is taken, the reasons for not taking action. 2017, c. 34, Sched. 2, s. 15.

Information About Complaints

(2) The principal authority shall provide prescribed information about complaints and enforcement described in subsection (1) in the circumstances and in the manner prescribed. 2017, c. 34, Sched. 2, s. 15.

Qualifications**Qualifications for Various Positions**

15.11(1) A person is not eligible to be appointed as a chief building official unless he or she has the qualifications set out in the building code for the position. 2002, c. 9, s. 27.

Same

(2) Subsection (1) also applies to every inspector who has the same powers and duties as a chief building official in relation to sewage systems or to plumbing, to the extent of those powers and duties. 2002, c. 9, s. 27.

Qualifications for Inspectors

(3) A person is not eligible to be appointed as an inspector under this Act unless he or she has the qualifications set out in the building code for the position. 2002, c. 9, s. 27.

Qualifications for Registered Code Agencies

(4) A person is not eligible to be appointed as a registered code agency under this Act unless the person has the qualifications and meets the requirements set out in the building code. 2002, c. 9, s. 27; 2006, c. 19, Sched. O, s. 1(7).

Qualifications for Designers

(5) A person is not eligible to engage in any of the following activities unless he, she or it has the qualifications and meets the requirements set out in the building code to be a designer:

1. Prepare a design or give other information or opinion concerning whether a building or part of a building complies with the building code, if the design, information or opinion is to be submitted to a chief building official in connection with,
 - i. an application for a permit,
 - ii. a request for the authorization referred to in subsection 8(12) or (13), or
 - iii. a report described in paragraph 2.
2. If a general review of the construction of a building or part of a building is required by the building code, prepare a written report based on the general review. 2002, c. 9, s. 27; 2006, c. 19, Sched. O, s. 1(7).

Same

(6) In subsection (5),

“design” includes a plan, specification, sketch, drawing or graphic representation respecting the construction of a building. 2002, c. 9, s. 27.

Persons Conducting Building Condition Evaluations

(6.1) A person is not eligible to conduct a building condition evaluation under this Act unless the person has the qualifications and meets the requirements set out in the building code. 2017, c. 34, Sched. 2, s. 16(1).

Prohibition

(7) No person shall represent, directly or indirectly, that he, she or it has the qualifications or meets the requirements established under this section if the person does not have those qualifications or does not meet those requirements. 2002, c. 9, s. 27; 2006, c. 19, Sched. O, s. 1(7).

Non Application

(8) Subsections (5) and (6.1) do not apply to a holder of any licence or certificate issued under the Architects Act or the Professional Engineers Act. 2014, c. 7, Sched. 3, s. 2; 2017, c. 34, Sched. 2, s. 16(2).

Qualifications re Sewage Systems

15.12(1) No person shall engage in the business of constructing on site, installing, repairing, servicing, cleaning or emptying sewage systems unless the person has the qualifications set out in the building code and is registered in accordance with the building code. 2002, c. 9, s. 27; 2006, c. 19, Sched. O, s. 1(8); 2017, c. 34, Sched. 2, s. 17(1).

Prohibition

(2) No person shall represent, directly or indirectly, that the person has the qualifications or is registered as specified in this section if the person does not have those qualifications or is not registered as specified. 2017, c. 34, Sched. 2, s. 17(2).

Duty to Notify the Chief Building Official

(3) If any part of the construction of a building will be undertaken by a person described in subsection (1) (a “specified person”), no person shall begin or continue the construction of a sewage system, or cause it to begin or continue, unless the person has given the chief building official the prescribed information about the specified person. 2002, c. 9, s. 27; 2006, c. 19, Sched. O, s. 1(8).

Duty to Have Insurance

15.13(1) Every registered code agency, every person referred to in subsections 15.11 (5) and (6.1) and such other persons as may be specified in the building code who construct buildings are required to have the insurance coverage specified by the building code. 2002, c. 9, s. 27; 2006, c. 19, Sched. O, s. 1(9); 2017, c. 34, Sched. 2, s. 18(1).

Exception

(2) Subsection (1) does not apply to a person who is a builder or vendor within the meaning of the *Ontario New Home Warranties Plan Act* in respect of the construction of a building. 2002, c. 9, s. 27; 2006, c. 19, Sched. O, s. 1(10).

Prohibition

(3) No person shall represent, directly or indirectly, that he, she or it has the insurance coverage required by subsection (1) if the person does not have that insurance coverage. 2002, c. 9, s. 27; 2006, c. 19, Sched. O, s. 1(10).

Qualification or Requirement

(4) If the building code so provides, the insurance coverage constitutes a qualification or requirement for the purposes of a position referred to in section 15.11. 2002, c. 9, s. 27.

Duty to Notify the Chief Building Official

(5) If any part of the construction of a building will be undertaken by a person who is required by subsection (1) to have insurance (a “specified person”), no person shall begin or continue the construction, or cause it to begin or continue, unless the person has given the chief building official the prescribed information about the specified person and the insurance coverage of the specified person. 2002, c. 9, s. 27; 2006, c. 19, Sched. O, s. 1(10).

Powers and Duties of Registered Code Agencies

Notice to Chief Building Official

15.14(1) Every registered code agency shall give the chief building official such information as may be prescribed by regulation. 2002, c. 9, s. 28.

Notice to the Director

(2) Every registered code agency shall give the director such information as may be prescribed by regulation. 2002, c. 9, s. 28.

Functions of Registered Code Agencies

15.15 The following are the functions that a registered code agency may be appointed to perform in respect of the construction of a building:

1. Review designs and other materials to determine whether the proposed construction of a building complies with the building code.
2. Issue plans review certificates.
3. Issue change certificates.
4. Inspect the construction of a building for which a permit has been issued under this Act.
5. Issue final certificates.
6. Perform such other functions as may be authorized under this Act or in the building code. 2002, c. 9, s. 28.

Scope of Agency's Powers

15.16(1) A registered code agency may exercise the powers and perform the duties specified in this Act and the building code in respect only of the functions and the building specified in a particular appointment. 2002, c. 9, s. 28.

Confidentiality

(2) A registered code agency shall not collect, use or disclose information except in accordance with the building code. 2002, c. 9, s. 28.

Persons Acting on Behalf of an Agency

15.17(1) A registered code agency may authorize, in writing, one or more prescribed persons to exercise powers and perform its functions under this Act, subject to such conditions as may be prescribed by regulation. 2002, c. 9, s. 28.

Certificate of Authorization

(2) The registered code agency shall issue a certificate of authorization containing the prescribed information to the authorized person. 2002, c. 9, s. 28.

Powers and Duties of Inspector

(3) The authorized person may exercise the powers and perform the duties of an inspector under any of the following provisions, in respect of the construction of a building for which the agency is appointed under this Act:

1. Section 12 (inspection).
2. Section 13 (order not to cover).
3. Section 16 (entry to dwellings).
4. Section 18 (powers of inspector). 2002, c. 9, s. 28.

Duties re Certificates and Orders

15.18(1) When a registered code agency makes an order under this Act, the agency shall give a copy of the order within the period prescribed by regulation to the chief building official. 2002, c. 9, s. 28.

Certificates

(2) A registered code agency shall issue such certificates and use such forms as may be required by the building code and shall include in them or provide such information as may be prescribed. 2002, c. 9, s. 28.

Same

(3) A certificate issued under this Act by a registered code agency must be in the prescribed form or the form approved by the Minister. 2002, c. 9, s. 28; 2006, c. 21, Sched. F, s. 104(9).

Expiry of an Agency's Appointment

15.19(1) The appointment of a registered code agency expires when the agency has performed the functions for which it was appointed in respect of construction of the specified building. 2002, c. 9, s. 28.

Same, by Virtue of Circumstances

(2) The appointment of a registered code agency that has not performed all of the functions for which it is appointed in respect of the construction expires if either of the following events occurs:

1. The chief building official refuses to issue a permit for construction of the specified building.
2. The permit for construction of the building is revoked. 2002, c. 9, s. 28.

Termination of an Agency's Appointment

15.20(1) The appointment of a registered code agency shall not be terminated except in accordance with this section and the building code. 2002, c. 9, s. 28.

Same

(2) The building code may specify that the consent of the director to the termination of an appointment is required. 2002, c. 9, s. 28.

Effect of Termination, Appointment by Principal Authority

(3) If the registered code agency was appointed by a principal authority, upon the termination of the appointment the principal authority becomes responsible to ensure that the remaining functions of the agency are performed by the principal authority or another registered code agency. 2002, c. 9, s. 28.

Same, Appointment by Applicant

(4) If the registered code agency was appointed under section 4.2, upon the termination of the appointment the person who made the appointment becomes responsible to ensure that the remaining functions of the agency are performed by another registered code agency or, with the prior written agreement of the principal authority, by the principal authority or to ensure that work on the construction is halted. 2002, c. 9, s. 28.

Powers of the Director

(5) When the appointment of a registered code agency is terminated, the director may give directions to anyone described in subsection (6) in order to facilitate the transfer of the agency's functions. 2002, c. 9, s. 28.

Same

(6) Directions may be given to the person who made the appointment that has been terminated, to the registered code agency whose appointment has been terminated and to a transferee registered code agency. 2002, c. 9, s. 28.

Duties

(7) The person to whom directions are given shall comply with them. 2002, c. 9, s. 28.

Order to Suspend Construction

15.21(1) The chief building official may, by order, suspend all or part of the construction of the building to which the appointment of a registered code agency relates,

- (a) if the chief building official has reason to believe that the registered code agency has ceased to perform the functions specified in the appointment; and
- (b) if the appointment of the registered code agency has not expired or been terminated. 2002, c. 9, s. 28.

Same

(2) If the appointment of a registered code agency under section 4.2 is terminated, the chief building official shall, by order, suspend the construction of the applicable building until,

- (a) another registered code agency is appointed to perform the remaining functions of the original registered code agency; or
- (b) the principal authority agrees, in writing, to perform the remaining functions of the original registered code agency. 2002, c. 9, s. 28.

Delegation

(3) A principal authority may delegate to the chief building official the power to agree to perform the remaining functions of a registered code agency appointed under section 4.2 whose appointment is terminated and may impose conditions and restrictions on the delegation. 2002, c. 9, s. 28.

Effect of Order

(4) If an order is issued under this section, no person shall perform any act in the construction of the building in respect of which the order is made, other than work necessary to secure the safety and security of the building and of the construction site. 2002, c. 9, s. 28.

Procedural Matters

(5) Subsections 14(2) and (3) apply with respect to an order under this section. 2002, c. 9, s. 28.

Conflict Between Appointment and Act, etc.

15.22 This Act and the building code prevail over the terms of an appointment of a registered code agency. 2002, c. 9, s. 28.

General Powers of Inspection and Enforcement

Duty to Carry Identification

15.23 The chief building official, inspectors and persons authorized by a registered code agency to exercise powers and perform functions on its behalf shall carry their certificate of appointment or authorization, as the case may be, when performing their duties and shall produce them for inspection upon request. 2002, c. 9, s. 29.

Entry to Dwellings

16(1) Despite sections 8, 12, 15, 15.2, 15.4, 15.9, 15.10.1 and 15.10.3, an inspector or officer shall not enter or remain in any room or place actually being used as a dwelling unless,

- (a) the consent of the occupier is obtained, the occupier first having been informed that the right of entry may be refused and entry made only under the authority of a warrant issued under this Act;
- (a.1) a warrant issued under this Act is obtained;
- (b) the delay necessary to obtain a warrant or the consent of the occupier would result in an immediate danger to the health or safety of any person;
- (c) the entry is necessary to terminate a danger under subsection 15.7(3) or 15.10(3); or
- (d) the requirements of subsection (2) are met and the entry is necessary to remove a building or restore a site under subsection 8(6), to remove an unsafe condition under clause 15.9(6)(b) or to repair or demolish under subsection 15.4(1). 1992, c. 23, s. 16(1); 1997, c. 24, s. 224(9, 10); 2002, c. 9, s. 30; 2006, c. 19, Sched. O, s. 1(11); 2006, c. 22, s. 112(9); 2017, c. 34, Sched. 2, s. 20.

Notice

(2) Within a reasonable time before entering the room or place for a purpose described in clause (1)(d), the inspector or officer shall serve the occupier with notice of his or her intention to enter it. 1992, c. 23, s. 16(2); 1997, c. 24, s. 224(11).

17 REPEALED: 2002, c. 9, s. 31(2).

Recovery of Expenditures for Repairs, etc.

17.1(1) This section applies if money is spent by a board of health, planning board or conservation authority or, in the circumstances described in subsection (2), by the Crown or an upper-tier municipality or, in the circumstances described in subsection (4), by a municipality,

- (a) to carry out a removal and restoration under subsection 8(6);
- (b) to carry out a renovation, repair, demolition or other action under clause 15.9(6)(b) or 15.10.3(8)(b); or
- (c) to perform remedial or other work under subsection 15.10(1) where the amount spent is determined to be recoverable by a judge under subsection 15.10(8). 1999, c. 12, Sched. M, s. 8; 2002, c. 9, s. 32(1); 2002, c. 17, Sched. F, Table; 2017, c. 34, Sched. 2, s. 21(1).

In Municipalities

(2) If the building in respect of which money was spent is in a municipality,

- (a) the upper-tier municipality, board of health, planning board, conservation authority or the Crown may instruct the municipality to recover the amount spent;
- (b) subsection 8(7), 15.9(10), 15.10(10) or 15.10.3(11), as the case may be, applies to the collection of the amount; and
- (c) the money collected, less the costs reasonably attributable to the collection, shall be paid by the municipality to the upper-tier municipality, board of health, planning board, conservation authority or the Crown. 1999, c. 12, Sched. M, s. 8; 2002, c. 9, s. 32(2); 2002, c. 17, Sched. F, Table; 2017, c. 34, Sched. 2, s. 21(2).

Not Interest of the Crown

(3) Where the Crown instructs the municipality under clause (2)(a) to recover the amount spent, the lien referred to in subsection 8(7), 15.9(10), 15.10(10) or 15.10.3(11) is not an estate or interest of the Crown within the meaning of clause 379(7)(b) of the *Municipal Act, 2001* or clause 350(7)(b) of the *City of Toronto Act, 2006*, as the case may be. 1999, c. 12, Sched. M, s. 8; 2002, c. 9, s. 32(3); 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 3(7); 2017, c. 34, Sched. 2, s. 21(3).

In Territory Without Municipal Organization

(4) If the building in respect of which money was spent is located in territory without municipal organization,

- (a) the municipality, board of health, planning board or conservation authority may give the Minister of Finance written notice of the amount that was spent, requesting the collection of the amount under the *Provincial Land Tax Act, 2006*;
- (b) the amount may be collected under that Act as if it was tax imposed under it; and

- (c) the Minister of Finance shall pay the amount collected under that Act, less the costs reasonably attributable to the collection, to the municipality, board of health, planning board or conservation authority. 2006, c. 33, Sched. Z.3, s. 4(4).

Powers of Inspector

18(1) For the purposes of an inspection under this Act, an inspector may,

- (a) require the production for inspection of documents or things, including drawings or specifications, that may be relevant to the building or any part thereof;
- (b) inspect and remove documents or things relevant to the building or part thereof for the purpose of making copies or extracts;
- (c) require information from any person concerning a matter related to a building or part thereof;
- (d) be accompanied by a person who has special or expert knowledge in relation to a building or part thereof;
- (e) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection; and
- (f) order any person to take and supply at that person's expense such tests and samples as are specified in the order. 1992, c. 23, s. 18(1); 1997, c. 30, Sched. B, s. 11.

Samples

(2) A sample taken under clause (1)(e) shall be divided into two parts, and one part shall be delivered to the person from whom the sample is taken, if,

- (a) the person requests that the sample be divided at the time it is taken and provides the necessary facilities; and
- (b) it is technically feasible to divide the sample. 2017, c. 34, Sched. 2, s. 22.

Idem

(3) If an inspector takes a sample under clause (1)(e) and has not divided the sample into two parts, a copy of any report on the sample shall be given to the person from whom the sample was taken. 1992, c. 23, s. 18(3).

Receipt

(4) An inspector shall provide a receipt for any document or thing removed under clause (1)(b) and shall promptly return them after the copies or extracts are made. 1992, c. 23, s. 18(4).

Evidence

(5) Copies of or extracts from documents and things removed under this section and certified as being true copies of or extracts from the originals by the person who made them are admissible in evidence to the same extent as and have the same evidentiary value as the originals. 1992, c. 23, s. 18(5).

Form of Order

(6) The prescribed form or the form approved by the Minister must be used for an order under subsection (1). 2002, c. 9, s. 33; 2006, c. 21, Sched. F, s. 104(10).

18.1 REPEALED: 2002, c. 9, s. 34.

Obstruction of Inspector, etc.

19(1) No person shall hinder or obstruct, or attempt to hinder or obstruct, a chief building official, inspector, officer or a person authorized by a registered code agency in the exercise of a power or the performance of a duty under this Act. 1997, c. 24, s. 224(13); 2002, c. 9, s. 35(1).

Occupied Dwellings

(2) A refusal of consent to enter or remain in a place actually used as a dwelling is not hindering or obstructing within the meaning of subsection (1) unless the inspector, officer or authorized person is acting under a warrant issued under this Act or in the circumstances described in clause 16(1)(b), (c) or (d). 1997, c. 24, s. 224(13); 2002, c. 9, s. 35(2).

Assistance

(3) Every person shall assist any entry, inspection, examination, testing or inquiry by an inspector, chief building official, officer or a person authorized by a registered code agency in the exercise of a power or performance of a duty under this Act. 1997, c. 24, s. 224(13); 2002, c. 9, s. 35(3).

Same

(4) No person shall neglect or refuse,
(a) to produce any documents, drawings, specifications or things required under clause 15.8(1)(a) or (e) by an officer or under clause 18(1)(a) or (e) by an inspector or by a person authorized by a registered code agency; or
(b) to provide any information required under clause 15.8(1)(c) by an officer or under clause 18(1)(c) by an inspector or by a person authorized by a registered code agency. 2002, c. 9, s. 35(4).

Obstruction or Removal of Order

20 No person shall obstruct the visibility of an order and no person shall remove a copy of an order posted under this Act unless authorized to do so by an inspector, officer or registered code agency. 1997, c. 24, s. 224(14); 2002, c. 9, s. 36.

Warrant for Entry and Search

21(1) A provincial judge or justice of the peace may at any time issue a warrant in the prescribed form authorizing a person named in the warrant to enter and search a building, receptacle or place if the provincial judge or justice of the peace is satisfied by information on oath that there is reasonable ground to believe that,

- (a) an offence under this Act has been committed; and
- (b) the entry into and search of the building, receptacle or place will afford evidence relevant to the commission of the offence. 1992, c. 23, s. 21(1).

Seizure

(2) In a search warrant, the provincial judge or justice of the peace may authorize the person named in the warrant to seize anything that there is reasonable ground to believe will afford evidence relevant to the commission of the offence. 1992, c. 23, s. 21(2).

Same

(3) Anyone who seizes something under a search warrant shall,
(a) give a receipt for the thing seized to the person from whom it was seized; and
(b) bring the thing seized before the provincial judge or justice of the peace issuing the warrant or another provincial judge or justice to be dealt with according to law. 1992, c. 23, s. 21(3).

Expiry of Warrant

(4) A search warrant shall state the date on which it expires, which date shall be not later than fifteen days after the warrant is issued. 1992, c. 23, s. 21(4).

Time for Execution

(5) A search warrant may be executed only between 6 a.m. and 9 p.m. unless it provides otherwise. 1992, c. 23, s. 21(5).

Application

(6) Sections 159 and 160 of the *Provincial Offences Act* apply with necessary modifications in respect of any thing seized under this section. 1992, c. 23, s. 21(6).

Dispute Resolution, Reviews and Appeals

Review of Inspector's Order

22(1) The chief building official may review and amend or rescind an order made by an inspector. 1992, c. 23, s. 22(1).

Powers

(2) A chief building official may exercise any of the powers or perform any of the duties of an inspector. 1992, c. 23, s. 22(2).

Building Code Commission

23(1) The Building Code Commission is continued under the name Building Code Commission in English and Commission du code du bâtiment in French and shall be composed of those persons appointed by the Lieutenant Governor in Council. 1992, c. 23, s. 23(1).

Chair

(2) The Lieutenant Governor in Council may designate one of the members as chair and one or more of the members as vice-chair. 1992, c. 23, s. 23(2).

Eligibility

(3) A person is not eligible to be a member of the Commission if the person is,

- (a) a deputy minister of a ministry;
- (b) a public servant employed under Part III of the *Public Service of Ontario Act, 2006*;
- (c) an employee of a municipality; or
- (d) in a prescribed relationship to a registered code agency. 2006, c. 35, Sched. C, s. 8(2).

Remuneration

(4) The members of the Commission shall receive such remuneration and expenses as the Lieutenant Governor in Council may determine. 1992, c. 23, s. 23(4).

Quorum

(5) Three members of the Commission constitute a quorum. 1992, c. 23, s. 23(5).

Dispute Resolution

24(1) This section applies if there is a dispute,

- (a) between an applicant for a permit, a holder of a permit or a person to whom an order is given and the chief building official, a registered code agency or an inspector concerning the sufficiency of compliance with the technical requirements of the building code;

- (b) between an applicant for a permit and the chief building official concerning whether the official complied with subsection 8(2.2) or (2.3); or
- (c) between a holder of a permit and the chief building official, a registered code agency or an inspector concerning whether the requirements of subsection 10.2(2) have been met. 2002, c. 9, s. 39.

Application for Dispute Resolution

(1.1) A party to the dispute may apply to the Building Code Commission to resolve the issue. 2002, c. 9, s. 39.

Hearing

(2) The Building Code Commission shall hold a hearing to decide the dispute and shall give the parties to the dispute notice of the hearing. 2002, c. 9, s. 39.

Same

(2.1) A hearing to decide a dispute described in clause (1)(b) or (c) must be held within the prescribed period. 2002, c. 9, s. 39.

Powers

(3) The Building Code Commission shall, by order, determine a dispute described in clause (1)(a) and, for that purpose, may substitute its opinion for that of the chief building official, registered code agency or inspector. 2002, c. 9, s. 39.

Same

(3.1) The Building Code Commission shall, by order, determine a dispute described in clause (1)(b) or (c) and, for that purpose, may require the chief building official, registered code agency or inspector, as the case may be, to comply with the applicable subsection of the Act. 2002, c. 9, s. 39.

Decision Final

(4) The decision of the Building Code Commission is final. 1992, c. 23, s. 24(4).

Restrictions on Members

(5) Members of the Building Code Commission holding a hearing shall not,

- (a) take part before the hearing in any investigation or consideration of the subject-matter of the hearing; or
- (b) communicate directly or indirectly in relation to the subject-matter of the hearing with any person unless all parties are given notice and allowed to participate. 1992, c. 23, s. 24(5).

Independent Advice

(6) Despite subsection (5), members of the Building Code Commission may seek independent legal or technical advice but the nature of the advice shall be made known to the parties in order that they may make submissions. 1992, c. 23, s. 24(6).

Evidence

(7) The findings of fact at a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of the *Statutory Powers Procedure Act*. 1992, c. 23, s. 24(7).

Restriction

(8) Members of the Building Code Commission shall not participate in a decision of the Commission pursuant to a hearing unless they were present throughout the hearing. 1992, c. 23, s. 24(8).

Idem

(9) Except with the consent of the parties, no decision of the Building Code Commission shall be given unless all members present throughout the hearing participate in the decision. 1992, c. 23, s. 24(9).

Release of Evidence

(10) Documents and things put in evidence at the hearing shall, upon the request of the person who produced them, be released by the Building Code Commission to that person within a reasonable time after the matter in issue has been finally determined. 1992, c. 23, s. 24(10).

Appeal to Court

25(1) A person who considers themselves aggrieved by an order or decision made by the chief building official, a registered code agency or an inspector under this Act (except a decision under subsection 8(3) not to issue a conditional permit) may appeal the order or decision to the Superior Court of Justice within 20 days after the order or decision is made. 2002, c. 9, s. 40(2).

Extension of Time

(2) A judge to whom an appeal is made may, upon such conditions as the judge considers appropriate, extend the time for making the appeal before or after the time set out in subsection (1), if the judge is satisfied that there is reasonable grounds for the appeal and for applying for the extension. 1992, c. 23, s. 25(2).

Effect of Appeal

(3) If an appeal is made under this section in respect of a matter in which a question is pending before the Building Code Commission, the proceeding before the Commission is terminated. 1992, c. 23, s. 25(3).

Powers of Judge

(4) On an appeal, a judge may affirm or rescind the order or decision and take any other action that the judge considers the chief building official, registered code agency or inspector ought to take in accordance with this Act and the regulations and, for those purposes, the judge may substitute his or her opinion for that of the official, agency or inspector. 2002, c. 9, s. 40(3).

Reference to Commission

(5) A judge may refer a question respecting the interpretation of the technical requirements of the building code or the sufficiency of compliance with the technical requirements of the building code to the Building Code Commission for a hearing and report to the judge. 1992, c. 23, s. 25(5).

Procedure

(6) The procedure on the reference shall be the same as on an application under section 24. 1992, c. 23, s. 25(6).

Stay of Order or Decision

(7) An appeal under subsection (1) does not stay the operation of the order or decision appealed from but a judge may, on such terms as are just, stay the operation of the order or decision until the disposition of the appeal. 2000, c. 26, Sched. K, s. 1.

Further Appeal

26(1) A party to the hearing before the Superior Court of Justice under section 25 may appeal from the decision to the Divisional Court. 1992, c. 23, s. 26(1); 2002, c. 9, s. 41(1).

Minister Represented

(2) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section. 1992, c. 23, s. 26(2).

Powers of Divisional Court

(3) An appeal under this section may be made on any question that is not a question of fact alone and the Divisional Court may,

- (a) confirm or alter the decision of the judge;
- (b) direct the chief building official, registered code agency or inspector to take any action that the official, agency or inspector is authorized to take under this Act;
- (c) refer the matter back to the judge for reconsideration; or
- (d) substitute its opinion for that of the chief building official, registered code agency, inspector or judge. 2002, c. 9, s. 41(2).

Service

27(1) A notice or order required by this Act to be served may be served personally or by registered mail sent to the last known address of the person to whom notice is to be given or to that person's agent for service. 1992, c. 23, s. 27(1).

Idem

(2) If a notice or order is served by registered mail, the service shall be deemed to have been made on the fifth day after the day of mailing unless the person to whom the notice or order is given or that person's agent for service establishes that, acting in good faith, through absence, accident, illness or other unintentional cause the notice was not received until a later date. 1992, c. 23, s. 27(2); 1997, c. 24, s. 224(15).

Authorizations and Rulings**Building Materials Evaluation Commission**

28(1) The Building Materials Evaluation Commission is continued under the name Building Materials Evaluation Commission in English and Commission d'évaluation des matériaux de construction in French and shall be composed of those persons appointed by the Lieutenant Governor in Council. 1992, c. 23, s. 28(1).

Chair

(2) The Lieutenant Governor in Council may designate one of the members as chair and one of the members as vice-chair. 1992, c. 23, s. 28(2).

Remuneration

(3) The members of the Commission shall receive such remuneration and expenses as the Lieutenant Governor in Council may determine. 1992, c. 23, s. 28(3).

Powers and Duties

(4) The Building Materials Evaluation Commission may,

- (a) conduct research on, and examine, construction materials, systems and building designs or cause such research to be conducted and examinations to be undertaken;
- (b) upon application therefor, authorize the use, subject to any conditions that may be set out, of any innovative material, system or building design in respect of any building or part thereof; and
- (c) make recommendations to the Minister respecting changes in this Act or the building code. 1992, c. 23, s. 28(4); 2002, c. 9, s. 43.

Innovative Materials

(5) The use of any innovative material, system or building design in the manner approved by the Commission shall be deemed not to be a contravention of the building code. 1992, c. 23, s. 28(5).

Binding Interpretations by the Minister

28.1(1) The Minister may issue a written interpretation of any provision of the building code, and the Minister's interpretation is binding on any person exercising a power or performing a duty under this Act and on any person who is subject to this Act. 2002, c. 9, s. 44.

Public Notice

(2) A statement setting out the Minister's interpretation of a provision of the building code shall be made available to the public in the prescribed manner. 2002, c. 9, s. 44.

Legislation Act, 2006, Part III

(3) The Minister's interpretation of a provision of the building code is not a regulation within the meaning of Part III (Regulations) of the *Legislation Act, 2006*. 2002, c. 9, s. 44; 2006, c. 21, Sched. F, s. 136(1).

Delegation

(4) The Minister may delegate his or her power under subsection (1) to the director. 2002, c. 9, s. 44.

Rulings by Minister

29(1) The Minister may, subject to such conditions as the Minister in his or her discretion considers appropriate, make rulings,

- (a) approving the use of innovative materials, systems or building designs evaluated by a materials evaluation body designated in the building code;
- (b) adopting an amendment to a code, formula, standard, guideline, protocol or procedure that has been adopted by reference in the building code; or
- (c) approving the use of alternative materials, systems and building designs which, in the opinion of the Minister, will achieve the level of performance required by the building code. 1997, c. 30, Sched. B, s. 14(1); 1999, c. 12, Sched. M, s. 9(1); 2002, c. 9, s. 45(1).

Delegation

(2) The Minister may by order delegate the power to make rulings to the director. 1992, c. 23, s. 29(2).

Status

(3) A ruling is not a regulation within the meaning of Part III (Regulations) of the *Legislation Act, 2006*. 1992, c. 23, s. 29(3); 2006, c. 21, Sched. F, s. 136(1).

Publication

(4) Notice of a ruling shall be published at least once in *The Ontario Gazette* and made available, upon request, to members of the public. 1992, c. 23, s. 29(4).

Application

(5) A ruling of the Minister under clause (1)(a) or (c) entitles a person to use the approved material, system or building design in all of Ontario unless the ruling states otherwise. 1999, c. 12, Sched. M, s. 9(2).

Approved Materials

(6) The use of an approved material, system or building design in the manner approved in a ruling under clause (1)(a) or (c) shall be deemed not to be a contravention of the building code. 1999, c. 12, Sched. M, s. 9(2).

Conflicts

(7) In the event of a conflict between an authorization of the Building Materials Evaluation Commission and a ruling of the Minister under clause (1)(a) or (c), the ruling prevails. 1992, c. 23, s. 29(7); 1997, c. 30, Sched. B, s. 14(4); 2002, c. 9, s. 45(2).

Restriction

(8) If a materials evaluation body designated in the building code has examined or has expressed its intention to examine an innovative material, system or building design, the Building Materials Evaluation Commission shall not exercise its power under subsection 28(4) in respect of that material, system or building design. 1992, c. 23, s. 29(8).

Inquiry

30(1) If it appears to the Minister that there is or may be a failure in construction or demolition standards or in the enforcement of this Act or the building code, the Minister may designate a person to conduct an inquiry into the failure. 1992, c. 23, s. 30(1).

Application of *Public Inquiries Act, 2009*

(2) Section 33 of the *Public Inquiries Act, 2009* applies to the inquiry. 2009, c. 33, Sched. 6, s. 43.

General

Immunity From Action

31(1) No action or other proceeding for damages shall be instituted against the director, a member of the Building Code Commission or the Building Materials Evaluation Commission, or anyone acting under their authority, a person conducting an inquiry under section 30, a chief building official, an inspector or an officer for any act done in good faith in the execution or intended execution of any power or duty under this Act or the regulations or for any alleged neglect or default in the execution in good faith of that power or duty. 1992, c. 23, s. 31(1); 1997, c. 24, s. 224(16).

Liability

(2) Subsection (1) does not relieve the Crown, a municipality, an upper-tier municipality, a board of health, a planning board or a conservation authority of liability in respect of a tort committed by their respective chief building official or inspectors to which they would otherwise be subject and the Crown, municipality or upper-tier municipality, board of health, planning board or conservation authority is liable for any such tort as if subsection (1) were not enacted. 2002, c. 17, Sched. F, Table.

Immunity re Registered Code Agencies

(3) The Crown, a municipality, an upper-tier municipality, a board of health, a planning board or a conservation authority is not liable for any harm or damage resulting from any act or omission by a registered code agency or by a person authorized by a registered code agency under subsection 15.17(1) in the performance or intended performance of any function set out in section 15.15. 2002, c. 9, s. 47; 2002, c. 17, Sched. C, s. 6(1).

Same

(4) The Crown, a municipality, an upper-tier municipality, a board of health, a planning board or a conservation authority is not liable for any harm or damage resulting from any act or omission in the execution or intended execution of any power or duty under this Act or the regulations by their respective chief building official or inspectors if the act was done or omitted in reasonable reliance on a certificate issued or other information given under this Act by a registered code agency or by a person authorized by a registered code agency under subsection 15.17(1). 2002, c. 9, s. 47; 2002, c. 17, Sched. C, s. 6(2).

32 REPEALED: 2002, c. 9, s. 48.

32.1 REPEALED: 2002, c. 9, s. 49.

33 REPEALED: 2002, c. 9, s. 50.

Regulations

34(1) The Lieutenant Governor in Council may make regulations governing standards for the construction and demolition of buildings, including,

1. designating structures that are to be defined as buildings under subsection 1(1);
- 1.0.1 prescribing persons for the purposes of the definition of “building owner” in subsection 1(1);
- 1.1 prescribing the functions for which a registered code agency may be appointed under subsection 4.1(4);
- 1.2 prescribing the information that a principal authority is required to give to the director under subsection 4.1(8);
- 1.3 prescribing the persons who may appoint a registered code agency under subsection 4.2(2);
- 1.4 prescribing the manner in which the appointment of a registered code agency under section 4.2 may be made and prescribing conditions and restrictions with respect to each appointment;
- 1.5 prescribing the information that a person who appoints a registered code agency is required to give to the director under subsection 4.2(9) or to the chief building official under subsection 4.2(10);
2. prescribing the conditions under which “as constructed plans” may be required by a chief building official under clause 7(g);
- 2.1 prescribing the information about the fees and costs to be included in a report under subsection 7(4) and the manner in which the report is to be made available to the public;
- 2.2 prescribing the persons to whom notice of proposed changes in fees is to be given under subsection 7(6), the information to be included in the notice and the manner in which the notice is to be given;
- 2.3 prescribing the period within which the public meeting referred to in subsection 7(6) must be held;
- 2.4 prescribing the records to be maintained by a principal authority and the period for which the records must be retained;
3. governing the manner of construction and types and quality of materials used therein;
- 3.1 establishing objectives governing the standards for the construction and demolition of buildings;
- 3.2 prescribing the persons who may apply for a permit under section 8 and the information to be provided with an application for a permit under section 8;
- 3.3 prescribing the information that a plans review certificate must contain for the purposes of clause 8(2)(d);
- 3.4 prescribing requirements and circumstances for the purposes of subsection 8(2.2) and prescribing the period within which the chief building official is required to make a decision under subsection 8(2.2) and the manner of determining when the period begins;
- 3.4.1 prescribing the period within which the chief building official is required to inform an applicant under subsection 8(2.3) and the manner of determining when the period begins;
- 3.5 prescribing the information that a plans review certificate must contain under subsection 8(2.1) and a change certificate must contain under subsection 8(14);
4. setting out the applicable laws with which compliance must be achieved before a conditional permit may be issued under subsection 8(3);
- 4.1 prescribing the information that a chief building official is required to give under subsection 8(8.1) and prescribing the period within which and the manner in which the chief building official shall give the information;
5. governing the design of buildings and the use to which they may be put;
6. REPEALED: 2009, c. 33, Sched. 21, s. 2(7).
7. setting out rules and policies to be observed in the interpretation of the building code by any person exercising a power or discretion conferred under the Act or the building code;
8. determining an increase in hazard for the purposes of section 10;
9. adopting by reference, in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary, any code, formula, standard, guideline, protocol or procedure and requiring compliance with any code, formula, standard, guideline, protocol or procedure that is so adopted;
- 9.1 requiring any part of the construction of a building described in clauses 11(3)(a) and (b) of the *Architects Act* or subsection 12(4) and clause 12(5)(a) of the *Professional Engineers Act* to be designed by an architect or a professional engineer or a combination of both;
10. requiring any part of the design, construction or demolition of a building to be under the general review of an architect or a professional engineer or a combination of both and that copies of reports arising from the general review be provided to the chief building official or to a registered code agency;

11. designating organizations to test prefabricated building units to the standards prescribed by the building code and providing for the placing of their label on units that conform to the standards;
12. requiring the approval of an inspector or a registered code agency in respect of any method, matter or thing;
13. requiring the posting on buildings or sites of construction or demolition of such documents or information as is prescribed;
14. requiring such documents, information, records, drawings or specifications as are prescribed to be kept on the site of construction or demolition;
- 14.1 prescribing the records to be kept by any person and the returns of information and reports to be made by any person and providing for the inspection and examination of the records;
15. requiring notice to be given to the chief building official, an inspector or a registered code agency respecting any matter in the course of construction, including notice of readiness for inspection at the stages of construction of a building, and specifying the person required to give the notices;
- 15.1 prescribing the type and manner of inspections for the purposes of subsection 10.2(2) (readiness for inspection) and prescribing the period within which the inspections must be carried out;
- 15.2 prescribing the information that must be given to the chief building official about a person who is required by subsection 15.12(3) to have certain qualifications or to meet certain requirements or both;
- 15.3 prescribing the information that must be given to the chief building official under subsection 15.13(5) about any person required to have insurance coverage and about the coverage;
- 15.4 prescribing the manner in which a referral to the chief building official under subsection 14(5) must be made;
16. requiring notice to be given to the chief building official respecting the change in prescribed classes of use made of a building;
17. requiring the chief building official to transmit to the director such returns or reports as are prescribed;
- 17.1 prescribing documentation, records or other information for purposes of section 15.10.4, the manner in which the documentation, records or other information is to be provided and the persons to whom the documentation, records or other information is to be given;
- 17.2 prescribing matters for the purpose of subclause 15.10.5(1)(a)(ii);
- 17.3 prescribing provisions and matters relating to policies described in subsection 15.10.5(1);
- 17.4 governing the recording of complaints and enforcement action for the purpose of subsection 15.10.6(1);
- 17.5 prescribing information about complaints and enforcement action to be provided under subsection 15.10.6(2) and the circumstances and the manner in which the information is to be provided;
- 17.6 prescribing other means for indicating that the requirements of an order have been satisfied for the purpose of subsections 12(8), 13(3.3), 14(3.4), 15.9(5.5), 15.10(2.4), 15.10.1(9) and 15.10.3(7);
18. prescribing conditions under which a building or any part of a building may be occupied, including requiring notice to be given to a chief building official or registered code agency and requiring permission to be received from the official or agency before the building or part may be occupied;
19. exempting any building or person or class thereof from compliance with all or any part of this Act and the regulations and prescribing conditions for the exemption;
20. prescribing the form of a warrant and the form in which the information upon oath will be taken under section 21;
21. requiring the alteration of any part of an existing building where construction in relation to the building affects that part;
22. requiring the payment of fees in respect of applications to the Building Materials Evaluation Commission and prescribing the amounts thereof;
- 22.1 prescribing the manner in which the Minister's written interpretations under section 28.1 are to be made available to the public;
23. designating materials evaluation bodies for the purposes of section 29;
24. establishing criteria to be followed by the Minister in respect of a ruling under section 29;
25. prescribing procedures of the Building Code Commission and the Building Materials Evaluation Commission;
26. prescribing the persons to whom notice shall be given of the issuance of a permit, the time for giving the notice and the class of buildings for which notice is required;
27. defining, for the purposes of this Act and the building code, any word or expression not defined in this Act, and in so doing may define a word or expression differently for different provisions;
28. prescribing forms and providing for their use or requiring that forms provided by the Minister or the director be used, and prescribing the information that must be contained in the forms;
29. prescribing boards of health, planning boards and conservation authorities that are responsible for

- the enforcement of the provisions of this Act related to sewage systems and the municipalities and territory without municipal organization in which they will have jurisdiction to carry out the enforcement;
30. permitting chief building officials or registered code agencies, subject to such conditions as are set out in the building code, to allow the use of materials, systems and building designs other than those prescribed in the building code with respect to the construction of buildings;
 31. governing the location of sewage systems;
 32. designating areas in which any class of sewage system may not be established;
 33. prescribing qualifications for chief building officials, inspectors, registered code agencies, designers and other persons referred to in section 15.12 and related matters including,
 - i. requiring different qualifications for different classes of officials, inspectors, agencies, designers and other persons,
 - ii. requiring assessments or examinations in connection with obtaining or maintaining the required qualifications,
 - iii. establishing one or more registers identifying persons with qualifications and such other information as the regulation may require, and
 - iv. requiring fees to be paid in connection with the qualifications;
 34. establishing certification, registration or licensing schemes for chief building officials, inspectors, registered code agencies, designers and other persons referred to in sections 15.11 (qualifications) and 15.12 (qualifications re sewage systems) which may include provision for,
 - i. the eligibility or ineligibility of classes of persons to obtain certification, registration or a licence,
 - ii. categories or classes of certification, registration or licence,
 - iii. application for the issuance, amendment or renewal of a certificate, registration or a licence,
 - iv. the issuance, amendment or renewal of a certificate, registration or a licence or the refusal to do so,
 - v. suspension, revocation or cancellation of a certificate, registration or a licence,
 - vi. the imposition of conditions relating to a certificate, registration or licence, including conditions relating to the qualifications of directors, officers, partners, employees and others associated with the holder of the certificate, registration or licence, conditions relating to the manner in which specified persons carry out activities under this Act and the building code and conditions relating to insurance coverage, including the kinds and amounts of insurance and the circumstances in which a person will be considered to be covered by insurance,
 - vii. the establishment and maintenance of one or more registers containing information about the holders of certificates, registrations or licences and containing such information as may be given to the director under paragraph 35.1, and
 - viii. fees payable in connection with certification, registration or licensing;
 35. prescribing an appeal to a prescribed tribunal from a refusal to issue or renew a certificate, registration or licence or a suspension, revocation or cancellation of a certificate, registration or licence, prescribing the circumstances in which the decision appealed from takes effect immediately despite the appeal, and prescribing the circumstances in which the tribunal may stay the decision pending the outcome of the appeal;
 - 35.1 requiring the Ontario Association of Architects and the Association of Professional Engineers of Ontario to give the prescribed information to the director;
 - 35.2 prescribing fees payable to the Crown by the Ontario Association of Architects and the Association of Professional Engineers of Ontario in connection with the registers referred to in paragraphs 33 and 34 and in respect of the development of training materials for a purpose described in paragraph 33 or 34;
 - 35.3 prescribing the persons who are required under subsection 15.13(1) to have insurance coverage and prescribing the kinds and amounts of insurance that are required and the circumstances in which the person will be considered to be covered by insurance;
 - 35.4 prescribing additional functions that registered code agencies may perform;
 - 35.5 prescribing the manner in which registered code agencies and persons authorized by them under subsection 15.17(1) are required to perform any of their functions;
 - 35.6 prescribing the manner in which a registered code agency is authorized to collect, use and disclose information;
 - 35.7 prescribing circumstances in which a registered code agency may be appointed in respect of a building even though an inspector or another registered code agency has already carried out a function described in section 15.15;
 - 35.8 prescribing circumstances in which a registered code agency cannot be appointed, including

- circumstances that would constitute a conflict of interest for a registered code agency;
- 35.9 prescribing the information that a registered code agency is required to give to the director or to the chief building official;
- 35.10 prescribing the classes of persons that may be authorized by a registered code agency under subsection 15.17(1), the conditions to which the authorization may be subject and the information that must be included in a certificate of authorization;
- 35.11 prescribing certificates and the form of certificates referred to in subsection 15.18(2), the information that the certificates are required to contain and the circumstances and manner in which registered code agencies are permitted to issue them;
- 35.12 prescribing the circumstances in which the appointment of a registered code agency may be terminated and the conditions that must be met before the termination of an appointment, including,
- requiring the consent of the director and authorizing the director to impose conditions and restrictions in connection with the consent, and
 - authorizing an appeal to a person specified in the regulations from a decision of the director or conditions imposed by the director;
36. designating persons, specifying powers of a chief building official or inspector that those designated persons may exercise to enforce this Act and the building code in relation to the qualifications of persons described in sections 15.11 and 15.12 and the requirement in section 15.13 for insurance coverage, and establishing conditions for the exercise of the specified powers;
37. prescribing any transitional matters necessary for the regulation of sewage systems, including matters relating to,
- licensing and certification and the qualifications of inspectors and persons described in subsection 15.12(1),
 - certificates of approval and orders issued under the *Environmental Protection Act*,
 - enforcement issues,
 - matters commenced under the *Environmental Protection Act*, including appeals,
 - records and documents to be kept or transferred and the payment of associated costs,
 - certification of records and their use in courts,
 - the continuation of matters commenced under the *Environmental Protection Act*, and
- the transfer of responsibilities involving any municipality or any board of health, conservation authority or planning board prescribed under section 3.1;
38. permitting the Building Code Commission to sit in one or more divisions simultaneously upon such conditions as may be prescribed in the regulation;
39. authorizing one member of the Building Code Commission, with the approval of the chair or vice-chair, to hear and determine any matter and deeming the member to constitute the commission for that purpose, under such conditions as may be prescribed in the regulation;
- 39.1 prescribing relationships for the purposes of clause 23(3)(d) (eligibility to be a member of the Commission);
- 39.2 prescribing the period within which the Building Code Commission must hold a hearing in respect of a dispute described in clause 24(1)(b) or (c);
- 39.3 providing for transitional provisions relating to the effect of a repeal or re-enactment of any provision of this Act;
- 39.4 prescribing provisions of the building code for the purposes of section 97.1 of the *Municipal Act, 2001* and section 108.1 of the *City of Toronto Act, 2006*;
- 39.5 prescribing conditions and limits for the purposes of section 97.1 of the *Municipal Act, 2001* and section 108.1 of the *City of Toronto Act, 2006*;
- 39.6 providing for the approval of an inspector who is the chief of the fire department of a municipality respecting fire safety matters and prescribing circumstances under which approval of the inspector may be required;
40. prescribing any matter referred to in this Act as prescribed. 1992, c. 23, s. 34(1); 1997, c. 30, Sched. B, s. 17(1-4); 1999, c. 12, Sched. M, s. 11; 2002, c. 9, s. 51(1, 2, 4-14); 2006, c. 19, Sched. O, s. 1(12-17); 2006, c. 35, Sched. C, s. 8(3); 2009, c. 33, Sched. 21, s. 2(5-7); 2014, c. 7, Sched. 3, s. 3; 2017, c. 10, Sched. 4, s. 1; 2017, c. 34, Sched. 2, s. 24(1, 5).

Standards for Existing Buildings

- (2) The Lieutenant Governor in Council may make regulations to establish standards that existing buildings must meet even though no construction is proposed, including regulations,
- prescribing any or all of the matters set out in subsection (1) as applicable to existing buildings;
 - establishing standards for maintenance, retrofit, operation, occupancy and repair;
 - prescribing standards related to resource conservation and environmental protection; and

- (d) prescribing standards, methods and equipment for the inspection, cleaning, disinfecting and emptying of sewage systems. 1992, c. 23, s. 34(2); 1997, c. 30, Sched. B, s. 17(5); 2006, c. 22, s. 112(10).

Discretionary Maintenance Inspection Programs

(2.1) The Lieutenant Governor in Council may make regulations governing programs established under clause 7(1)(b.1), including regulations,

- (a) governing the classes of buildings and area affected by a program;
- (b) governing the type and manner of inspections that are conducted under a program and the frequency of the inspections;
- (c) authorizing the principal authority that establishes a program, as an alternative to conducting an inspection, to accept a certificate, in a form approved by the Minister, that is signed by a person who belongs to a class of persons specified by the regulations and that confirms that the person has conducted an inspection and is of the opinion that the building that was inspected complies with the standards prescribed under clause (2)(b) that are enforced by the program. 2006, c. 22, s. 112(11).

Sewage System Maintenance Inspection Programs

(2.2) The Lieutenant Governor in Council may make regulations establishing and governing programs to enforce standards prescribed under clause (2)(b) in relation to sewage systems, including regulations,

- (a) governing the classes of sewage systems affected by the program;
- (b) requiring a principal authority that has jurisdiction in the area affected by the program to administer the program for that area and to conduct inspections under the program;
- (c) governing the type and manner of inspections that are conducted under the program and the frequency of the inspections;
- (d) authorizing the principal authority that administers the program, as an alternative to conducting an inspection, to accept a certificate, in a form approved by the Minister, that is signed by a person who belongs to a class of persons specified by the regulations and that confirms that the person has conducted an inspection and is of the opinion that the sewage system that was inspected complies with the standards prescribed under clause (2)(b) that are enforced by the program. 2006, c. 22, s. 112(11).

Building Condition Evaluation Programs

(2.3) The Lieutenant Governor in Council may make regulations establishing and governing programs to enforce standards prescribed under clause (2)(b) in relation to buildings other than sewage systems, including regulations,

- (a) governing the classes of buildings and area affected by or subject to the programs;
- (b) requiring a principal authority that has jurisdiction in an area affected by a program to administer the program for that area;
- (c) requiring building condition evaluations to be conducted by persons who belong to a specified class of persons, which may include a holder of any licence or certificate issued under the Architects Act or the Professional Engineers Act or a class of such holders;
- (d) governing the type and manner of building condition evaluations that are conducted under a program, the frequency of the evaluations or the manner for determining when evaluations are required;
- (e) authorizing a chief building official or inspector to require a building condition evaluation be conducted and governing the circumstances in which he or she may do so;
- (f) requiring a person described in clause (c) who conducts a building condition evaluation to prepare a report in a form approved by the Minister, that is signed by that person and that contains and confirms the prescribed information;
- (g) requiring a person described in clause (c) who prepares a report described in clause (f) to, in the prescribed circumstances and within the prescribed period, provide a copy of the report to the building owner, chief building official and other prescribed persons;
- (h) requiring a person described in clause (c) to notify the building owner, chief building official and other prescribed persons within a prescribed period if the person is of the opinion the building is unsafe within the meaning of subsection 15.9(2) or poses an immediate danger to the health or safety of persons;
- (i) requiring such documents, records or other information as may be prescribed to be kept as prescribed by any person and providing for their production to, or inspection and examination by, prescribed persons. 2017, c. 34, Sched. 2, s. 24(6).

Application

(3) A regulation made under this section applies to buildings whether erected before or after the coming into force of this Act. 1992, c. 23, s. 34(3).

Limited Application

(4) Any regulation made under this section may be limited in its application territorially or to any class of activity, matter, person or thing. 1997, c. 30, Sched. B, s. 17(6).

Same

(4.1) A class under this Act may be defined with respect to any attribute, quality or characteristic and may be defined to consist of, include or exclude any specified member whether or not with the same attributes, qualities or characteristics. 1997, c. 30, Sched. B, s. 17(6).

Retroactive

(4.2) A regulation made under paragraph 37 of subsection (1) may be retroactive. 1997, c. 30, Sched. B, s. 17(6).

Purposes

(5) The purposes of the regulations made under this section are,

- (a) to establish standards for public health and safety, fire protection, structural sufficiency, conservation, including, without limitation, energy and water conservation, and environmental integrity, and to establish barrier-free requirements, with respect to buildings; and
- (b) to establish processes for the enforcement of the standards and requirements. 2002, c. 9, s. 51(15); 2009, c. 12, Sched. J, s. 1(1).

Review

(6) The Minister shall initiate a review of the building code with reference to standards for energy conservation on or before the day that is six months after the day Schedule J of the *Green Energy and Green Economy Act, 2009* comes into force and thereafter within five years of the end of the previous review. 2009, c. 12, Sched. J, s. 1(2).

Review, Standards for Water Conservation

(7) The Minister shall initiate a review of the building code with reference to standards for water conservation on or before the day that is six months after the day section 1 of Schedule 2 to the *Water Opportunities and Water Conservation Act, 2010* comes into force and thereafter within five years of the end of the previous review. 2010, c. 19, Sched. 2, s. 1.

Building Code Conservation Advisory Council

34.1(1) The Building Code Energy Advisory Council is continued under the name Building Code Conservation Advisory Council in English and Conseil consultatif des questions de conservation liées au code du bâtiment in French. 2010, c. 19, Sched. 2, s. 2(1).

Same

(2) The Minister may appoint one or more persons to the Council and fix its terms of reference. 2009, c. 12, Sched. J, s. 2.

Functions

- (3) The Council shall,
- (a) advise the Minister on the building code with reference to standards for energy and water conservation; and
 - (b) perform such other functions as the Minister may specify. 2009, c. 12, Sched. J, s. 2; 2010, c. 19, Sched. 2, s. 2(2).

Municipal By-Laws

35(1) This Act and the building code supersede all municipal by-laws respecting the construction or demolition of buildings. 1992, c. 23, s. 35(1).

Different Treatments

(2) In the event that this Act or the building code and a municipal by-law treat the same subject-matter in different ways in respect to standards for the use of a building described in section 10 or standards for the maintenance or operation of a sewage system, this Act or the building code prevails and the by-law is inoperative to the extent that it differs from this Act or the building code. 1992, c. 23, s. 35(2); 1997, c. 30, Sched. B, s. 18(1).

Interpretation

(3) For the purpose of this section, a municipal by-law includes a by-law of an upper-tier municipality and a local board as defined in the *Municipal Affairs Act*. 2002, c. 17, Sched. F, Table.

Status of Conservation Authority Regulations

35.1 A regulation made by a conservation authority under this Act is not a regulation within the meaning of Part III (Regulations) of the *Legislation Act, 2006*. 2002, c. 9, s. 52; 2006, c. 21, Sched. F, s. 136(1).

Offences

- 36(1)** A person is guilty of an offence if the person,
- (a) knowingly furnishes false information in any application under this Act, in any certificate required to be issued or in any statement or return required to be furnished under this Act or the regulations;
 - (b) fails to comply with an order, direction or other requirement made under this Act; or
 - (c) contravenes this Act, the regulations or a by-law passed under section 7. 1992, c. 23, s. 36(1); 1997, c. 30, Sched. B, s. 19; 2002, c. 9, s. 53(1); 2009, c. 33, Sched. 21, s. 2(8).

Idem

- (2)** Every director or officer of a corporation who knowingly concurs in the furnishing of false information, the failure to comply or the contravention under subsection (1) is guilty of an offence. 1992, c. 23, s. 36(2).

Penalties

- (3)** A person who is convicted of an offence is liable to a fine of not more than \$50,000 for a first offence and to a fine of not more than \$100,000 for a subsequent offence. 2005, c. 33, s. 1.

Corporations

- (4)** If a corporation is convicted of an offence, the maximum penalty that may be imposed upon the corporation is \$500,000 for a first offence and \$1,500,000 for a subsequent offence and not as provided in subsection (3). 2005, c. 33, s. 1; 2017, c. 34, Sched. 2, s. 25(1).

Subsequent Offence

- (5)** For the purposes of subsections (3) and (4), an offence is a subsequent offence if there has been a previous conviction under this Act. 1992, c. 23, s. 36(5).

Continuing Offence

- (6)** Every person who fails to comply with an order made by a chief building official under subsection 14(1) or clause 15.9(6)(a) or 15.10.3(8)(a) is guilty of an offence and on conviction, in addition to the penalties mentioned in subsections (3) and (4), is liable to a fine of not more than \$10,000 per day for every day the offence continues after the time given for complying with the order has expired. 1992, c. 23, s. 36(6); 2002, c. 9, s. 53(2); 2017, c. 34, Sched. 2, s. 25(2).

Power to Restrain

- (7)** If this Act or the regulations are contravened and a conviction is entered, in addition to any other remedy and to any penalty imposed by this Act, the court in which the conviction is entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted. 1992, c. 23, s. 36(7).

Limitation Period

- (8)** No proceeding under this section shall be commenced more than one year after the facts on which the proceeding is based first came to the knowledge of,
- (a) an officer, where the proceeding is in respect of the enforcement of by-laws passed under section 15.1; or
 - (b) the chief building official, in any other case. 2009, c. 33, Sched. 21, s. 2(9).

Same

- (8.1)** Subsection (8), as it read immediately before the day subsection 2(9) of Schedule 21 to the *Good Government Act, 2009* comes into force, continues to apply where the subject-matter of the proceeding arose more than one year before that day. 2009, c. 33, Sched. 21, s. 2(9).

Proceeds of Fines

- (9)** If an offence under this section has been committed within a municipality, the proceeds of a fine imposed under this section shall be paid to the treasurer of that municipality, and section 2 of the *Administration of Justice Act* and section 4 of the *Fines and Forfeitures Act* do not apply in respect of the fine. 1992, c. 23, s. 36(9).

Same, Sewage System Offences

- (10)** Despite subsection (9), if an offence under this section concerns the provisions of this Act and the building code related to sewage systems and if it is committed in a municipality or territory without municipal organization that is prescribed under subsection 3.1(1), the proceeds of a fine imposed under this section shall be paid to the applicable board of health, planning board or conservation authority prescribed under subsection 3.1(1), and section 2 of the *Administration of Justice Act* and section 4 of the *Fines and Forfeitures Act* do not apply in respect of the fine. 2002, c. 9, s. 53(3).

Proof of Directions, Orders, etc.

37(1) In any prosecution for an offence under this Act, a copy of a direction or order purporting to have been made under this Act or the regulations and purporting to have been signed by the person authorized by this Act to make the direction or order is, in the absence of evidence to the contrary, proof of the direction or order without proof of the signature or authority. 1992, c. 23, s. 37(1).

Same

(2) A statement as to any matter of record in an office of the chief building official or an officer purporting to be certified by the chief building official or the officer is, without proof of the office or signature of the chief building official or officer, receivable in evidence as proof, in the absence of evidence to the contrary, of the facts stated therein in any civil proceeding or proceeding under the *Provincial Offences Act*. 1997, c. 24, s. 224(18).

Restraining Order

38(1) Where it appears to a chief building official that a person does not comply with this Act, the regulations or an order made under this Act, despite the imposition of any penalty in respect of the non-compliance and in addition to any other rights he or she may have, the chief building official may apply to the Superior Court of Justice for an order directing that person to comply with the provision. 1992, c. 23, s. 38(1); 2002, c. 9, s. 54.

Idem

(2) Upon the application under subsection (1), the judge may make the order or such other order as the judge thinks fit. 1992, c. 23, s. 38(2).

Appeal

(3) An appeal lies to the Divisional Court from an order made under subsection (1). 1992, c. 23, s. 38(3).

Suspension of Licence

38.1(1) If a person is in default of payment of a fine imposed upon conviction for an offence under this Act or the regulations, on the application of a prescribed person, an order may be made under subsection 69(2) of the *Provincial Offences Act* directing that one or more of the licences of the person who is in default be suspended and no licence be issued to that person until the fine is paid. 1997, c. 30, Sched. B, s. 20.

Duty of Prescribed Person

(2) A prescribed person shall,

- (a) on being informed of an order referred to in subsection (1), suspend the licence in accordance with the order; and
- (b) on being informed that the fine and any applicable prescribed administrative fee for the reinstatement of the licence are paid, reinstate the licence. 1997, c. 30, Sched. B, s. 20.

No Reinstatement

(3) The prescribed person shall not reinstate a licence under clause (2)(b) if he or she is informed that,

- (a) there is another outstanding order referred to in subsection (1) directing that the licence be suspended; or
- (b) the licence is suspended under any other order or under another statute. 1997, c. 30, Sched. B, s. 20.

Definition

(4) In this section,

“licence” means a licence, certification or registration under the building code. 2002, c. 9, s. 55.

Note: Despite the repeal of the *Building Code Act* (R.S.O. 1990, c. B.13) by the Statutes of Ontario, 1992, chapter 23, subsection 42(1),

- (a) a permit issued under subsection 5(1) of that Act is continued as a permit issued under subsection 8(1) of this Act;
- (b) an order made under that Act is continued as an order made under the corresponding provision of this Act;
- (c) an agreement under section 3 of that Act is continued as an agreement under section 3 of this Act.

See: 1992, c. 23, s. 42.

- (vii) section 46 of the *Environmental Protection Act* with respect to the approval of the Minister to use land or land covered by water that has been used for the disposal of waste,
- (viii) section 47.3 of the *Environmental Protection Act* with respect to the issuance of a renewable energy approval,
- (ix) section 168.3.1 of the *Environmental Protection Act* with respect to the *construction* of a *building* to be used in connection with a change of use of a property,
- (x) paragraph 2 of subsection 168.6(1) of the *Environmental Protection Act* if a certificate of property use has been issued in respect of the property under subsection 168.6(1) of that Act,
- (xi) section 14 of the *Milk Act* with respect to the permit from the Director for the *construction* or alteration of any *building* intended for use as a plant,
- (xii) section 11.1 of Ontario Regulation 267/03 (General), made under the *Nutrient Management Act, 2002*, with respect to a proposed *building* or structure to house farm animals or store nutrients if that Regulation requires the preparation and approval of a nutrient management strategy before *construction* of the proposed *building* or structure,
- (xiii) subsection 30(2) of the *Ontario Heritage Act* with respect to a consent of the council of a *municipality* to the alteration or *demolition* of a *building* where the council of the *municipality* has given a notice of intent to designate the *building* under subsection 29(3) of that Act,
- (xiv) section 33 of the *Ontario Heritage Act* with respect to the consent of the council of a *municipality* for the alteration of property,
- (xv) section 34 of the *Ontario Heritage Act* with respect to the consent of the council of a *municipality* for the *demolition* of a *building*,
- (xvi) section 34.5 of the *Ontario Heritage Act* with respect to the consent of the Minister to the alteration or *demolition* of a designated *building*,
- (xvii) subsection 34.7(2) of the *Ontario Heritage Act* with respect to a consent of the Minister to the alteration or *demolition* of a *building* where the Minister has given a notice of intent to designate the *building* under section 34.6 of that Act,
- (xviii) section 42 of the *Ontario Heritage Act* with respect to the permit given by the council of a *municipality* for the erection, alteration or *demolition* of a *building*,
- r₇ (xviii.1) section 17.4 of the *Ontario New Home Warranties Plan Act* with respect to the provision of a confirmation by the Registrar for the *construction* of a residential condominium conversion project,
- (xix) section 14 of the *Ontario Planning and Development Act, 1994* with respect to any conflict between a development plan made under that Act and a zoning by-law that affects the proposed *building* or structure,
- (xx) section 41 of the *Planning Act* with respect to the approval by the council of the *municipality* or the Ontario Municipal Board of plans and drawings,
- (xxi) section 42 of the *Planning Act* with respect to the payment of money or making arrangements satisfactory to the council of a *municipality* for the payment of money, where the payment is required under subsection 42(6) of that Act,
- r₃ (xxii) section 2 of Ontario Regulation 239/13 (Activities on Public Lands and Shore Lands — Work Permits and Exemptions), made under the *Public Lands Act*, with respect to the work permit authorizing the *construction* or placement of a *building* on public land,
- r₃ (xxii.1) section 5 of Ontario Regulation 239/13 with respect to the exemption from the requirement to obtain a work permit authorizing the *construction* or placement of a *building* within an unpatented mining claim,
- (xxiii) section 34 or 38 of the *Public Transportation and Highway Improvement Act* with respect to the permit from the Minister for the placement, erection or alteration of any *building* or other structure or the use of land,
- (b) the following provisions of Acts and regulations:
 - (i) subsection 102(3) of the *City of Toronto Act, 2006*,
 - (ii) sections 28 and 53 of the *Development Charges Act, 1997*,
 - (iii) sections 257.83 and 257.93 of the *Education Act*,
 - (iv) subsection 5(4) of the *Environmental Assessment Act*,
 - (v) subsection 133(4) of the *Municipal Act, 2001*,
 - (vi) subsection 24(3) of the *Niagara Escarpment Planning and Development Act*,
 - (vii) subsection 27(3) of the *Ontario Heritage Act*,
 - (viii) section 33 of the *Planning Act* except where, in the case of the *demolition* of a residential property, a permit to *demolish* the property is obtained under that section,
 - (ix) section 46 of the *Planning Act*,
- r₆ (b.1) by-laws made by a *municipality* under an agreement entered into under section 5.81 of the *Aeronautics Act* (Canada),

- (c) regulations made by a conservation authority under clause 28(1)(c) of the *Conservation Authorities Act* with respect to permission of the authority for the *construction* of a *building* or structure if, in the opinion of the authority, the control of flooding, erosion, dynamic beaches or pollution or the conservation of land may be affected by the development,
 - (d) by-laws made under section 108 of the *City of Toronto Act, 2006*, but only with respect to the issuance of a permit for the *construction* of a green roof if the *construction* of the roof is prohibited unless a permit is obtained,
 - (e) by-laws made under section 40.1 of the *Ontario Heritage Act*,
 - (f) by-laws made under section 34 or 38 of the *Planning Act*,
 - r₆ (g) subject to Clause (h), by-laws made under Ontario Regulation 173/16 (Community Planning Permits) made under the *Planning Act*,
 - (h) by-laws referred to in Clause (g) in relation to the development of land, but only with respect to the issuance of a development permit if the development of land is prohibited unless a development permit is obtained,
 - r₆ (i) by-laws made under Ontario Regulation 246/01 (Development Permits) made under the *Planning Act* which continue in force despite the revocation of that Regulation by reason of section 19 of Ontario Regulation 173/16 (Community Planning Permits) made under that Act,
 - (j) orders made by the Minister under section 47 of the *Planning Act* or subsection 17(1) of the *Ontario Planning and Development Act, 1994*, and
 - (k) by-laws made under any private Act that prohibit the proposed *construction* or *demolition* of the *building* unless the by-law is complied with.
- (2) For the purposes of clause 10(2)(a) of the Act, *applicable law* means any general or special Act, and all regulations and by-laws enacted under them that prohibit the proposed use of the *building* unless the Act, regulation or by-law is complied with.

1.4.1.4. Other Definitions for the Purposes of the Act

- (1) For the purposes of the Act, *architect, as constructed plans* and *professional engineer* have the same meaning as that set out in Clause 1.4.1.2.(1)(c).

1.4.2. Symbols and Other Abbreviations

1.4.2.1. Symbols and Other Abbreviations

- (1) In this Code, a symbol or abbreviation listed in Column 1 of Table 1.4.2.1. has the meaning listed opposite it in Column 2.

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Table 1.3.1.2. (Cont'd)
Documents Referenced in the Building Code
Forming Part of Sentence 1.3.1.2.(1)

Issuing Agency	Document Number	Title of Document ⁽¹⁾	Code Reference
CSA	S16-09	Design of Steel Structures	Table 4.1.8.9. 4.3.4.1.(1)
CSA	CAN/CSA-S136-07	North American Specifications for the Design of Cold Formed Steel Structural Members (using the Appendix B provisions applicable to Canada)	Table 4.1.8.9. 4.3.4.2.(1)
CSA	CAN/CSA-S157-05 / S157.1-05	Strength Design in Aluminum / Commentary on CSA S157-05, Strength Design in Aluminum	4.3.5.1.(1)
CSA	S304.1-04	Design of Masonry Structures	Table 4.1.8.9. 4.3.2.1.(1)
CSA	S307-M1980	Load Test Procedure for Wood Roof Trusses for Houses and Small Buildings	9.23.13.11.(5)
CSA	S367-09	Air-, Cable-, and Frame-Membrane Supported Structures	4.4.1.1.(1)
CSA	CAN/CSA-S406-92	Construction of Preserved Wood Foundations	9.13.2.8.(1) 9.15.2.4.(1) 9.16.5.1.(1)
CSA	S413-07	Parking Structures	4.4.2.1.(1)
CSA	S478-95	Guideline on Durability in Buildings	5.1.4.2.(3) Table 5.10.1.1.
CSA	Z32-09	Electrical Safety and Essential Electrical Systems in Health Care Facilities	3.2.7.3.(4) 3.2.7.6.(1) 3.7.5.1.(1)
CSA	CAN/CSA-Z91-02	Health and Safety Code for Suspended Equipment Operations	4.4.4.1.(1)
CSA	Z240 MH Series-09	Manufactured Homes	3.1.1.1.(2) of Division C 3.2.4.1.(3) of Division C
CSA	Z240.2.1-09	Structural Requirements for Manufactured Homes	9.1.1.9.(1) 9.12.2.2.(6) 9.15.1.3.(1)
CSA	Z240.10.1-08	Site Preparation, Foundation and Anchorage of Manufactured Homes	9.15.1.3.(1) 9.23.6.3.(1)
CSA	CAN/CSA-Z241 Series-03	Park Model Trailers	9.38.1.1.(1) 9.38.2.1.(1) 3.1.1.1.(2) of Division C 3.2.4.1.(3) of Division C
CSA	CAN/CSA-Z317.2-10	Special Requirements for Heating, Ventilation and Air Conditioning (HVAC) Systems in Health Care Facilities	6.2.1.1.(1)
CSA	CAN/CSA-Z662-11 / Z662.1-11	Oil and Gas Pipeline Systems / Commentary on CAN/CSA-Z662-11, Oil and Gas Pipeline Systems	3.2.3.21.(1)
CSA	Z7396.1-09	Medical Gas Piping Systems - Part 1: Pipelines for Medical Gases and Vacuum	3.7.5.2.(1)
CSA / IAPMO	CSA B45.5-11 / IAPMO Z124-2011	Plastic Plumbing Fixtures	7.2.2.2.(6)
CWC	2009	Engineering Guide for Wood Frame Construction	9.4.1.1.(1)
Column 1	2	3	4

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Table 1.3.1.2. (Cont'd)
Documents Referenced in the Building Code
Forming Part of Sentence 1.3.1.2.(1)

Issuing Agency	Document Number	Title of Document ⁽¹⁾	Code Reference
DBR	Technical Paper No. 194, May 1965	Fire Endurance of Protected Steel Columns and Beams	Table 11.5.1.1.A. Table 11.5.1.1.B. Table 11.5.1.1.C. Table 11.5.1.1.D/E. Table 11.5.1.1.F.
DBR	Technical Paper No. 207, October 1965	Fire Endurance of Unit Masonry Walls	Table 11.5.1.1.A. Table 11.5.1.1.B. Table 11.5.1.1.C. Table 11.5.1.1.D/E. Table 11.5.1.1.F.
DBR	Technical Paper No. 222, June 1966	Fire Endurance of Light-Framed and Miscellaneous Assemblies	Table 11.5.1.1.A. Table 11.5.1.1.B. Table 11.5.1.1.C. Table 11.5.1.1.D/E. Table 11.5.1.1.F.
EPA	625/R-92/016 (1994)	Radon Prevention in the Design and Construction of Schools and Other Large Buildings	6.2.1.1.(1)
FINA	2009	Rules and Regulations - FINA Facilities Rules 2009-2013 - FR5 Diving Facilities	3.11.4.1.(17)
HI	2005	Hydronics Institute Manuals	6.2.1.1.(1)
HRAI	2005	Digest	6.2.1.1.(1) 6.2.3.5.(1) 6.2.4.3.(13)
HUD	Rehabilitation Guidelines 2000	Guideline on Fire Ratings of Archaic Materials and Assemblies	Table 11.5.1.1.A. Table 11.5.1.1.B. Table 11.5.1.1.C. Table 11.5.1.1.D/E. Table 11.5.1.1.F.
HVI	HVI 915-2009	Procedure for Loudness Rating of Residential Fan Products	9.32.3.9.(2) Table 9.32.3.9.
HVI	HVI 916-2009	Airflow Test Procedure	9.32.3.9.(1)
IAPMO	PS 63-2014	Plastic Leaching Chambers	8.7.2.3.(3)
ISO	3864-1: 2011	Graphical Symbols – Safety Colours and Safety Signs – Part 1: Design Principles for Safety Signs and Safety Markings	3.4.5.1.(2) 9.9.11.3.(2)
ISO	7010: 2003	Graphical Symbols - Safety Colours and Safety Signs - Safety Signs Used in Workplaces and Public Areas	3.4.5.1.(2) 9.9.11.3.(2)
ISO	8201: 1987(E)	Acoustics - Audible Emergency Evacuation Signal	3.2.4.20.(2)
ISO	23599: 2012	Assistive Products for Blind and Vision-Impaired Persons – Tactile Walking Surface Indicators	3.8.3.18.(1)
MMAH	Supplementary Standard SA-1, December 29, 2017	Objectives and Functional Statements Attributed to the Acceptable Solutions	1.2.1.1.(1) of Division A 1.2.1.1.(2) of Division A
Column 1	2	3	4

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(4) Sentences (1) to (3) do not apply to a *building* containing electrical equipment and electrical installations used exclusively in the generation, transformation or transmission of electrical power or energy intended for sale or distribution to the public.

3.1.20. Glass in Guards

3.1.20.1. Glass

(1) Except as provided in Sentence 3.3.4.7.(1), glass in *guards* shall conform to MMAH Supplementary Standard SB-13, “Glass in Guards”.

r_{6.1} 3.1.21. Electric Vehicle Charging

e₇ 3.1.21.1. Electric Vehicle Charging Systems (See Appendix A.)

r₈ (1) Except as provided in Sentences (2.1) and (3), where vehicle parking spaces are located in a *building*, other than an apartment *building*, not less than 20% of the parking spaces shall be provided with *electric vehicle supply equipment* installed in accordance with Section 86 of the Electrical Safety Code adopted under Ontario Regulation 164/99 (Electrical Safety Code) made under the *Electricity Act, 1998*.

(2) The remaining parking spaces located in a *building* described in Sentence (1) shall be designed to permit the future installation of *electric vehicle supply equipment* that conforms to Section 86 of the Electrical Safety Code.

r₈ (2.1) Parking spaces located in a *building* need not comply with Sentence (1) where,

- (a) before January 1, 2018,
 - (i) an agreement was entered into between the owner of the land on which the *building* is to be constructed and a distributor, as defined in subsection 2(1) of the *Electricity Act, 1998*, that sets out the conditions for the connection of the *building* to a distribution system, as defined in subsection 2(1) of that Act, or
 - (ii) a plan for the land on which the *building* is to be constructed respecting the siting and sizing of lines, transformers or other equipment used for conveying electricity was approved by a distributor, as defined in subsection 2(1) of the *Electricity Act, 1998*, and
- (b) an application for a permit to *construct* the *building* was made before January 1, 2020.

r₈ (3) Except as provided in Sentences (6) and (7), where a *house* is served by a garage, carport or driveway, the following shall be installed to permit the future installation of *electric vehicle supply equipment* that conforms to Section 86 of the Electrical Safety Code:

- (a) a minimum 200 amp panelboard,
- (b) a conduit that is not less than 27 mm trade *size* and is equipped with a means to allow cables to be pulled into the conduit, and
- (c) a square 4¹¹/₁₆ in. trade *size* electrical outlet box.

(4) The electrical outlet box described in Clause (3)(c) shall be installed in the garage or carport or adjacent to the driveway.

(5) The conduit and electrical outlet box described in Clauses (3)(b) and (c) shall provide an effective barrier against the passage of gas and exhaust fumes.

(6) A *house* need not comply with Sentence (3) where it,

- (a) is not connected to a distribution system, as defined in subsection 2(1) of the *Electricity Act, 1998*, or
- (b) is used or intended to be used as a seasonal recreational *building* described in Section 9.36.

- r₈ (7) A *house* need not comply with Sentence (3) where,
- (a) before January 1, 2018,
 - (i) an agreement was entered into between the owner of the land on which the *house* is to be constructed and a distributor, as defined in subsection 2(1) of the *Electricity Act, 1998*, that sets out the conditions for the connection of the *house* to a distribution system, as defined in subsection 2(1) of that Act, or
 - (ii) a plan for the land on which the *house* is to be constructed respecting the siting and sizing of lines, transformers or other equipment used for conveying electricity was approved by a distributor, as defined in subsection 2(1) of the *Electricity Act, 1998*, and
 - (b) an application for a permit to *construct* the *house* was made before January 1, 2020.

Section 3.2. Building Fire Safety

3.2.1. General

3.2.1.1. Exceptions in Determining Building Height

- e₃ (1) A rooftop enclosure provided for elevator machinery, a stairway or a *service room* used for no purpose other than for service to the *building*, shall not be considered as a *storey* in calculating the *building height*.
- (2) Space under tiers of seats in a *building* of the arena type shall not be considered as adding to the *building height* provided the space is used only for dressing rooms, concession stands and similar purposes incidental to the *major occupancy* of the *building*.
- (3) Except as required by Sentence (5), the space above a *mezzanine* need not be considered as a *storey* in calculating *building height* provided,
- (a) the aggregate area of *mezzanines* that are not superimposed does not exceed 40% of the open area of the room in which they are located, and (See Appendix A.)
 - (b) except as permitted in Sentence (8) and Sentence 3.3.2.11.(3) the space above the *mezzanine* is used as an open area without *partitions* or subdividing walls higher than 1 070 mm above the *mezzanine* floor.
- e₃ (4) Except as required by Sentence (5), the space above a *mezzanine* need not be considered as a *storey* in calculating the *building height* provided,
- (a) the aggregate area of *mezzanines* that are not superimposed and do not meet the conditions of Sentence (3) does not exceed 10% of the *floor area* in which they are located, and
 - (b) the area of *mezzanine* in a *suite* does not exceed 10% of the area of that *suite*.
- (5) Except as permitted by Sentences (6) and (7), each level of *mezzanine* that is partly or wholly superimposed above the first level of *mezzanine* shall be considered as a *storey* in calculating the *building height*.
- (6) Platforms intended solely for periodic inspection and elevated catwalks need not be considered as floor assemblies or *mezzanines* for the purpose of determining *building height* provided,
- (a) they are not used for storage,
 - (b) they are constructed with *noncombustible* materials unless the *building* is permitted to be of *combustible construction*, and
 - (c) where they are intended to be occupied, they have an *occupant load* of not more than four persons.
- (7) *Mezzanines*, elevated walkways and platforms that are intended to be occupied in Group F, Division 2 or 3 *major occupancies* need not be considered as *storeys* in calculating *building height* provided,
- (a) the *building* is of *noncombustible construction*, and
 - (b) the *occupant load* is not more than four persons.

(8) The space above a *mezzanine* conforming to Sentence (3) is permitted to include an enclosed space whose area does not exceed 10% of the open area of the room in which the *mezzanine* is located, provided the enclosed space does not obstruct visual communication between the open space above the *mezzanine* and the room in which it is located.

(9) A *service space* in which facilities are included to permit a person to enter and to undertake maintenance and other operations pertaining to *building services* from within the *service space* need not be considered a *storey* if it conforms to Articles 3.2.5.15. and 3.3.1.23. and Sentences 3.2.4.20.(12), 3.2.7.3.(2), 3.3.1.3.(7), 3.4.2.4.(3) and 3.4.4.4.(9). (See Appendix A.)

3.2.1.2. Storage Garage Considered as a Separate Building

(1) A *basement* used primarily as a *storage garage* is permitted to be considered as a separate *building* for the purposes of Subsection 3.2.2., provided the floor and roof assemblies above the *basement* and, except as permitted by Sentence (2), the exterior walls of the *basement* above the adjoining ground level are constructed as *fire separations* of,

- (a) masonry or concrete having a *fire-resistance rating* not less than 2 h, or
- (b) *noncombustible construction* having a *fire-resistance rating* of not less than 2 h, where the *building* conforms to Clauses 3.1.10.2.(4)(a) and (c) to (e).

(2) The exterior wall of a *basement* that is required to be a *fire separation* with a *fire-resistance rating* in accordance with Sentence (1) is permitted to be penetrated by openings that are not protected by *closures* provided,

- (a) the *storage garage* is *sprinklered*,
- (b) every opening in the exterior wall is separated from *storeys* above the opening by a projection of the floor or roof assembly above the *basement*, extending not less than,
 - (i) 1 m beyond the exterior face of the *storage garage* if the upper *storeys* are required to be of *noncombustible construction*, or
 - (ii) 2 m beyond the exterior face of the *storage garage* if the upper *storeys* are permitted to be of *combustible construction*, or
- (c) the exterior walls of any *storeys* located above the floor or roof assembly referred to in Sentence (1) are recessed behind the outer edge of the assembly by not less than,
 - (i) 1 m if the upper *storeys* are required to be of *noncombustible construction*, or
 - (ii) 2 m if the upper *storeys* are permitted to be of *combustible construction*.

(3) The floor or roof assembly projection referred to in Clause (2)(b) shall have a *fire-resistance rating* not less than 2 h and shall have no openings within the projection

3.2.1.3. Roof Considered as a Wall

- r₃ (1) For the purposes of this Section any part of a roof that is pitched at an angle of 60° or more to the horizontal and is adjacent to a space intended for occupancy within a *building* shall be considered as part of an exterior wall of the *building*.

3.2.1.4. Floor Assembly Over Basement

(1) Except as permitted by Sentence 3.2.2.42.(3), 3.2.2.43.(3), 3.2.2.44.(3), 3.2.2.45.(3), 3.2.2.46.(3), 3.2.2.47.(3) or 3.2.2.48.(3), a floor assembly immediately above a *basement* shall be constructed as a *fire separation* having a *fire-resistance rating* conforming to the requirements of Articles 3.2.2.20. to 3.2.2.83. for a floor assembly, but not less than 45 min.

(2) All *loadbearing walls*, columns and arches supporting a floor assembly immediately above a *basement* shall have a *fire-resistance rating* not less than that required by Sentence (1) for the floor assembly.

3.2.1.5. Fire Containment in Basements

- (1) Except as permitted by Sentences (2) and 3.2.2.15.(3), in a *building* in which an automatic sprinkler system is not required to be installed by Articles 3.2.2.20. to 3.2.2.83., every *basement* shall,
 - (a) be *sprinklered*, or
 - (b) be subdivided into *fire compartments* not more than 600 m² in area by a *fire separation* having a *fire-resistance rating* not less than that required for the floor assembly immediately above the *basement*.
- (2) An *open-air storey* need not conform to Sentence (1).

3.2.1.6. Mezzanines

- (1) The floor assembly of a *mezzanine* that is required to be considered as a *storey* in calculating *building height* shall be constructed in conformance with the *fire separation* requirements for floor assemblies in Articles 3.2.2.20. to 3.2.2.83.

3.2.2. Building Size and Construction Relative to Occupancy

3.2.2.1. Application

- (1) Except as permitted by Article 3.2.2.3., a *building* shall be constructed in conformance with this Subsection to prevent fire spread and collapse caused by the effects of fire.

3.2.2.2. Special and Unusual Structures

- (1) A structure that cannot be identified with the characteristics of a *building* in Articles 3.2.2.20. to 3.2.2.83. shall be protected against fire spread and collapse in conformance with good fire protection engineering practice. (See Appendix A.)

3.2.2.3. Exceptions to Structural Fire Protection

- (1) Fire protection is not required for,
 - (a) steel lintels above openings not more than 2 m wide in *loadbearing* walls and not more than 3 m wide in non-*loadbearing* walls,
 - (b) steel lintels above openings more than 2 m wide in *loadbearing* walls and more than 3 m wide in non-*loadbearing* walls, provided the lintels are supported at intervals of not more than 2 m by structural members with the required *fire-resistance rating*,
 - (c) the bottom flanges of shelf angles and plates that are not a part of the structural frame,
 - (d) steel members for framework around elevator hoistway doorways, steel for the support of elevator and dumbwaiter guides, counterweights and other similar equipment, that are entirely enclosed in a hoistway and are not a part of the structural frame of the *building*,
 - (e) steel members of stairways and escalators that are not a part of the structural frame of a *building*,
 - (f) steel members of porches, exterior balconies, exterior stairways, fire escapes, cornices, *marquees* and other similar appurtenances, provided they are outside an exterior wall of a *building*, and
 - (g) *loadbearing* steel or concrete members wholly or partly outside a *building* face in a *building* not more than 4 *storeys* in *building height* and classified as Group A, B, C, D or F, Division 3 *major occupancy* provided the members are,
 - (i) not less than 1 m away from any *unprotected opening* in an exterior wall, or
 - (ii) shielded from heat radiation in the event of a fire within the *building* by construction that will provide the same degree of protection that would be necessary if the member was located inside the *building*, with the protection extending on either side of the member a distance equal to the projection of the member from the face of the wall.

3.2.2.4. Buildings with Multiple Major Occupancies

(1) The requirements restricting fire spread and collapse for a *building* of a single *major occupancy* classification are provided in this Subsection according to its *building height* and *building area*.

(2) If a *building* contains more than one *major occupancy*, classified in more than one Group or Division, the requirements of this Subsection concerning *building* size and construction relative to *major occupancy* shall apply according to Articles 3.2.2.5. to 3.2.2.8.

r₆ (3) For the purposes of Sentences (1) and (2), a *retirement home* is deemed to be a separate *major occupancy*.

3.2.2.5. Applicable Building Height and Area

(1) In determining the fire safety requirements of a *building* in relation to each of the *major occupancies* contained in it, the *building height* and *building area* of the entire *building* shall be used.

r₆ (2) For the purposes of Sentence (1), a *retirement home* is deemed to be a separate *major occupancy*.

3.2.2.6. Multiple Major Occupancies

r₅ (1) Except as permitted by Articles 3.2.2.7. and 3.2.2.8. and Sentences 3.2.2.43A.(5) and 3.2.2.50A.(4), in a *building* containing more than one *major occupancy*, the requirements of this Subsection for the most restricted *major occupancy* contained shall apply to the whole *building*.

r₆ (2) For the purposes of Sentence (1), a *retirement home* is deemed to be a separate *major occupancy*.

3.2.2.7. Superimposed Major Occupancies

r₅ (1) Except as permitted by Article 3.2.2.8. and Sentences 3.2.2.43A.(5) and 3.2.2.50A.(4), in a *building* in which one *major occupancy* is located entirely above another *major occupancy*, the requirements in this Subsection for each portion of the *building* containing a *major occupancy* shall apply to that portion as if the entire *building* was of that *major occupancy*.

(2) If one *major occupancy* is located above another *major occupancy*, the *fire-resistance rating* of the floor assembly between the *major occupancies* shall be determined on the basis of the requirements of this Subsection for the lower *major occupancy*.

r₆ (3) For the purposes of Sentences (1) and (2), a *retirement home* is deemed to be a separate *major occupancy*.

3.2.2.8. Exceptions for Major Occupancies

(1) In a *building* in which the aggregate area of all *major occupancies* in a particular Group or Division is not more than 10% of the *floor area* of the *storey* in which they are located, these *major occupancies* need not be considered as *major occupancies* for the purposes of this Subsection, provided they are not classified as Group F, Division 1 or 2 *occupancies*.

r₆ (1.1) For the purposes of Sentence (1), a *retirement home* is deemed to be a separate *major occupancy*.

(2) A helicopter landing area on the roof of a *building* need not be considered a *major occupancy* for purposes of Subsection 3.2.2. where such landing area is not more than 10% of the area of the roof.

3.2.2.9. Crawl Spaces

- (1) For the purposes of Articles 3.2.1.4. and 3.2.1.5., a crawl space shall be considered as a *basement* if it is,
 - (a) more than 1 800 mm high between the lowest part of the floor assembly and the ground or other surface below,
 - (b) used for any *occupancy*,
 - (c) used for the passage of *flue pipes*, or
 - (d) used as a *plenum* in *combustible construction*.
- (2) A floor assembly immediately above a crawl space is not required to be constructed as a *fire separation* and is not required to have a *fire-resistance rating* provided the crawl space is not required to be considered as a *basement* by Sentence (1).

3.2.2.10. Streets

- (1) Every *building* shall face a *street* located in conformance with the requirements of Articles 3.2.5.4 and 3.2.5.5 for access routes.
- (2) For the purposes of Subsections 3.2.2. and 3.2.5. an access route conforming to Subsection 3.2.5. is permitted to be considered as a *street*.

(4) Where a fire alarm system is required in a *hotel*, *heat detectors* shall be installed in every room in a *suite* and in every room not located in a *suite* in a *floor area* containing a *hotel*, other than washrooms within a *suite*, saunas, refrigerated areas and swimming pools.

9.10.18.5. Smoke Detectors in Recirculating Air Handling Systems

(1) Except for a recirculating air system serving not more than one *dwelling unit*, where a fire alarm system is required to be installed, every recirculating air handling system shall be designed to prevent the circulation of smoke upon a signal from a duct-type *smoke detector* where such system supplies more than one *suite* on the same floor or serves more than 1 *storey*.

9.10.18.6. Portions of Buildings Considered as Separate Buildings

(1) Except as provided in Sentence (2), where a vertical *fire separation* having a *fire-resistance rating* of at least 1 h separates a portion of a *building* from the remainder of the *building* and there are no openings through the *fire separation* other than those for piping, tubing, wiring and conduit, the requirements for fire alarm and detection systems is permitted to be applied to each portion so separated as if it were a separate *building*.

(2) The permission in Sentence (1) to consider separated portions of a *building* as separate *buildings* does not apply to *service rooms* and storage rooms.

9.10.18.7. Central Vacuum Systems

(1) A central vacuum cleaning system serving more than one *suite* or *storey* in a *building* equipped with a fire alarm system shall be designed to shut down upon activation of the fire alarm system.

9.10.18.8. Open-Air Storage Garages

(1) Except as required in Article 9.10.18.1., a fire alarm system is not required in a *storage garage* conforming to Article 3.2.2.83. provided there are no other *occupancies* in the *building*.

9.10.18.9. Fire Alarm System in a Hotel

(1) If a fire alarm system is required in a *building* containing a *hotel*, a single stage fire alarm system shall be provided.

9.10.18.10. Commissioning of Life Safety and Fire Protection Systems

(1) Where life safety and fire protection systems are installed to comply with the provisions of this Code or the Fire Code made under the *Fire Protection and Prevention Act, 1997*, the commissioning of these integrated systems must be performed as a whole to ensure the proper operation and inter-relationship of the systems.

(2) Sentence (1) does not apply to a *building* that contains only *dwelling units* and has no *dwelling unit* above another *dwelling unit*.

9.10.19. Smoke Alarms

e₃ 9.10.19.1. Required Smoke Alarms (See Appendix A.)

(1) *Smoke alarms* conforming to CAN/ULC-S531, “Smoke Alarms”, shall be installed in each *dwelling unit* and in each sleeping room not within a *dwelling unit*.

- r₅** (2) *Smoke alarms* required in Sentence (1) shall have a visual signalling component conforming to the requirements in 18.5.3. (Light, Color and Pulse Characteristics) of NFPA 72, “National Fire Alarm and Signaling Code”.
- r₅** (3) The visual signalling component required in Sentence (2) need not,
- (a) be integrated with the *smoke alarm* provided it is interconnected to it,
 - (b) be on battery backup, or
 - (c) have synchronized flash rates, when installed in a *dwelling unit*.
- r₅** (4) The luminous intensity for visual signalling components required in Sentence (2) that are installed in sleeping rooms shall be a minimum of 175 cd.
- r₅** (5) *Smoke alarms* required in Sentence (1) shall be installed on or near the ceiling.

9.10.19.2. Sound Patterns of Smoke Alarms

- e₇** (1) The sound patterns of *smoke alarms* shall,
- (a) meet the temporal patterns of *alarm signals*, or (See A-3.2.4.20.(2) in Appendix A.)
 - (b) be a combination of temporal pattern and voice relay.

e₃ 9.10.19.3. Location of Smoke Alarms (See Appendix A.)

- (1) Within *dwelling units*, sufficient *smoke alarms* shall be installed so that,
- (a) there is at least one *smoke alarm* installed on each *storey*, including *basements*, and
 - (b) on any *storey* of a *dwelling unit* containing sleeping rooms, a *smoke alarm* is installed,
 - (i) in each sleeping room, and
 - (ii) in a location between the sleeping rooms and the remainder of the *storey*, and if the sleeping rooms are served by a hallway, the *smoke alarm* shall be located in the hallway.
- (See Appendix A.)
- r₆** (2) Within a *house* that contains an interior shared *means of egress* or common area, a *smoke alarm* shall be installed in each shared *means of egress* and common area.
- r₆** (3) A *smoke alarm* required in Sentences (1) and (2) shall be installed in conformance with CAN/ULC-S553, “Installation of Smoke Alarms”.
- r₆** (4) A *smoke alarm* required in Sentences (1) and (2) shall have a visual signalling component conforming to the requirements in 18.5.3. (Light, Color and Pulse Characteristics) of NFPA 72, “National Fire Alarm and Signaling Code”.
- r₆** (5) The visual signalling component required in Sentence (4) need not,
- (a) be integrated with the *smoke alarm* provided it is interconnected to it,
 - (b) be on battery backup, or
 - (c) have synchronized flash rates, when installed in a *house* or an individual *dwelling unit*.
- r₆** (6) The luminous intensity for visual signalling components required in Sentence (4) that are installed in sleeping rooms shall be a minimum of 175 cd.
- r₆** (7) *Smoke alarms* required in Sentences (1) and (2) shall be installed on or near the ceiling..

- (3) Asphalt-coated or asphalt-impregnated fibreboard not less than 11.1 mm thick conforming to CAN/ULC-S706, “Wood Fibre Thermal Insulation for Buildings”, is permitted to be used as a roof sheathing over supports spaced not more than 406 mm o.c., provided the roofing consists of,
- (a) a continuous sheet of galvanized steel not less than 0.33 mm in thickness, or
 - (b) a continuous sheet of aluminum not less than 0.61 mm in thickness.
- (4) All edges of sheathing described in Sentence (3) shall be supported by blocking or framing.

9.23.16. Wall Sheathing

9.23.16.1. Required Sheathing

- (1) Exterior walls and gable ends shall be sheathed when the *exterior cladding* requires intermediate fastening between supports or if the *exterior cladding* requires solid backing.

9.23.16.2. Thickness, Rating and Material Standards

- (1) Where wall sheathing is required for the purpose of complying with this Section, it shall conform to Table 9.23.16.2.A. or Table 9.23.16.2.B.

r₅

Table 9.23.16.2.A.
Wall Sheathing Thickness and Specifications
Forming Part of Sentence 9.23.16.2.(1)

Type of Sheathing	With Supports 406 mm o.c. Minimum Thickness, mm ⁽¹⁾	With Supports 610 mm o.c. Minimum Thickness, mm ⁽¹⁾	Material Standards
Fibreboard (insulating)	9.5	11.1	CAN/ULC-S706
Gypsum Sheathing	9.5	12.7	CAN/CSA-A82.27-M
			ASTM C1177 / C1177M
			ASTM C1396 / C1396M
Lumber	17.0	17.0	See Table 9.3.2.1.
Mineral Fibre, Rigid Board, Type 2	25	25	CAN/ULC-S702
OSB, O-2 Grade	6.0	7.5	CSA O437.0
OSB, O-1 Grade, and Waferboard, R-1 Grade	6.35	7.9	CSA O437.0
Phenolic, faced	25	25	CAN/CGSB-51.25-M
Plywood (exterior type)	6	7.5	CSA O121
			CSA O151
			CSA O153-M
Polystyrene, Types 1 and 2	38	38	CAN/ULC-S701
Polystyrene, Types 3 and 4	25	25	CAN/ULC-S701
e ₇ Polyurethane and Polyisocyanurate Type 1, faced	38	38	CAN/ULC-S704
e ₇ Polyurethane and Polyisocyanurate Types 2 and 3, faced	25	25	CAN/ULC-S704
Column 1	2	3	4

Notes to Table 9.23.16.2.A.:

- (1) See also Sentences 9.27.5.1.(2) to (4).

r₅

Table 9.23.16.2.B.
Rating For Wall Sheathing When Applying CSA O325
Forming Part of Sentence 9.23.16.2.(1)

Maximum Spacing of Supports, mm	Panel Mark
406	W16
508	W20
610	W24
Column 1	2

9.23.16.3. Attachment of Cladding to Sheathing

- (1) Gypsum sheathing, rigid insulation and fibreboard shall not be used for the attachment of siding materials.
- (2) Nails used in attaching the materials listed in Sentence (1) shall be not less than 3.2 mm diam with a minimum head diameter of 11 mm.

9.23.16.4. Lumber Sheathing

- (1) Lumber wall sheathing shall be applied so that all ends are supported.
- (2) Where lumber wall sheathing is required to provide bracing according to Article 9.23.10.2., it shall be applied with end joints staggered.

9.23.16.5. Joints in Panel-Type Sheathing

- (1) A gap of not less than 2 mm shall be left between sheets of plywood, OSB, waferboard or fibreboard.

9.23.16.6. Mansard Style Roofs

- (1) Where the bottom portions of mansard style roofs are vented, the vertical framing members behind the sloping portions shall be considered on the same basis as exterior wall studs and shall conform to the appropriate requirements in Articles 9.27.3.2. to 9.27.3.6.

Section 9.24. Sheet Steel Stud Wall Framing

9.24.1. General

9.24.1.1. Application

- (1) This Section applies to sheet steel studs for use in non-*loadbearing* exterior and interior walls.
- (2) Where *loadbearing* steel studs are used, they shall be designed in conformance with Part 4.

r₆ 9.34.2.2. Lighting Outlets in Houses and Dwelling Units

- r₆ (1) Except as provided in Sentence (2), a lighting outlet with fixture controlled by a wall switch shall be provided in kitchens, bedrooms, living rooms, utility rooms, laundry rooms, dining rooms, bathrooms, water closet rooms, vestibules and hallways in a *house* or an individual *dwelling unit*.
- (2) Where a receptacle controlled by a wall switch is provided in bedrooms or living rooms, such rooms need not conform to the requirements of Sentence (1).

9.34.2.3. Stairways

- (1) Every stairway shall be lighted.
- r₆ (2) Except as provided in Sentence (3), 3-way wall switches located at the head and foot of every stairway shall be provided to control at least one lighting outlet with fixture for stairways with four or more risers in a *house* or an individual *dwelling unit*.
- (3) The stairway lighting for *basements* that do not contain finished space or lead to an outside entrance or built-in garage and that serve not more than one *dwelling unit* is permitted to be controlled by a single switch located at the head of the stairs.

9.34.2.4. Basements

- (1) A lighting outlet with fixture shall be provided for each 30 m² of floor area or fraction of it in unfinished *basements*.
- (2) The outlet required in Sentence (1) nearest the stairs shall be controlled by a wall switch located at the head of the stairs.

9.34.2.5. Storage Rooms

- (1) A lighting outlet with fixture shall be provided in storage rooms.

9.34.2.6. Garages and Carports

- (1) A lighting outlet with fixture shall be provided for an attached, built-in or detached garage or carport.
- (2) Except as provided in Sentence (3), lighting outlets required in Sentence (1) shall be controlled by a wall switch near the doorway.
- (3) Where the lighting outlet and fixture required in Sentence (1) are ceiling mounted above an area not normally occupied by a parked car, or are wall mounted, a fixture with a built-in switch is permitted to be used.
- (4) Where a carport is lighted by a light at the entrance to a *dwelling unit*, additional carport lighting is not required.

9.34.2.7. Public and Service Areas

- (1) Every public or service area in *buildings*, including a *recreational camp* and a *camp for housing of workers*, shall have lighting outlets with fixtures controlled by a wall switch or panel to illuminate such areas.
- (2) When provided by incandescent lighting, illumination required in Sentence (1) shall conform to Table 9.34.2.7.
- (3) When other types of lighting are used, illumination equivalent to that shown in Table 9.34.2.7. shall be provided.

r₃

Table 9.34.2.7.
Lighting for Public Areas
Forming Part of Sentences 9.34.2.7.(2) and (3)

Room or Space	Minimum Illumination, lx	Minimum Lighting Power Density, W/m ² of floor area (incandescent lighting)
Storage rooms	50	5
Service rooms and laundry areas	200	20
Garages	50	5
Public water closet rooms	100	10
Service hallways and stairways	50	5
Recreation rooms	100	10
Hallways, corridors, stairways and sleeping areas in <i>recreational camps</i> and <i>camps for housing of workers</i>	100	10
Kitchen in <i>recreational camps</i> and <i>camps for housing of workers</i>	500	50
All other rooms in <i>recreational camps</i> and <i>camps for housing of workers</i>	250	25
Column 1	2	3

9.34.3. Emergency Lighting

9.34.3.1. Emergency Lighting

(1) Emergency lighting shall conform to Subsection 9.9.12.

r_{6.1} 9.34.4. Electric Vehicle Charging

e₇ 9.34.4.1. Electric Vehicle Charging Systems (See Appendix A.)

r₈ (1) Except as provided in Sentences (2.1) and (3), where vehicle parking spaces are located in a *building*, other than an apartment *building*, not less than 20% of the parking spaces shall be provided with *electric vehicle supply equipment* installed in accordance with Section 86 of the Electrical Safety Code adopted under Ontario Regulation 164/99 (Electrical Safety Code) made under the *Electricity Act, 1998*.

(2) The remaining parking spaces located in a *building* described in Sentence (1) shall be designed to permit the future installation of *electric vehicle supply equipment* that conforms to Section 86 of the Electrical Safety Code.

r₈ (2.1) Parking spaces located in a *building* need not comply with Sentence (1) where,

- (a) before January 1, 2018,
 - (i) an agreement was entered into between the owner of the land on which the *building* is to be constructed and a distributor, as defined in subsection 2(1) of the *Electricity Act, 1998*, that sets out the conditions for the connection of the *building* to a distribution system, as defined in subsection 2(1) of that Act, or
 - (ii) a plan for the land on which the *building* is to be constructed respecting the siting and sizing of lines, transformers or other equipment used for conveying electricity was approved by a distributor, as defined in subsection 2(1) of the *Electricity Act, 1998*, and
- (b) an application for a permit to *construct* the *building* was made before January 1, 2020.

- r₈** (3) Except as provided in Sentences (6) and (7), where a *house* is served by a garage, carport or driveway, the following shall be installed to permit the future installation of *electric vehicle supply equipment* that conforms to Section 86 of the Electrical Safety Code:
- (a) a minimum 200 amp panelboard,
 - (b) a conduit that is not less than 27 mm trade *size* and is equipped with a means to allow cables to be pulled into the conduit, and
 - (c) a square 4¹¹/₁₆ in. trade *size* electrical outlet box.
- (4) The electrical outlet box described in Clause (3)(c) shall be installed in the garage or carport or adjacent to the driveway.
- (5) The conduit and electrical outlet box described in Clauses (3)(b) and (c) shall provide an effective barrier against the passage of gas and exhaust fumes.
- (6) A *house* need not comply with Sentence (3) where it,
- (a) is not connected to a distribution system, as defined in subsection 2(1) of the *Electricity Act, 1998*, or
 - (b) is used or intended to be used as a seasonal recreational *building* described in Section 9.36.
- r₈** (7) A *house* need not comply with Sentence (3) where,
- (a) before January 1, 2018,
 - (i) an agreement was entered into between the owner of the land on which the *house* is to be constructed and a distributor, as defined in subsection 2(1) of the *Electricity Act, 1998*, that sets out the conditions for the connection of the *house* to a distribution system, as defined in subsection 2(1) of that Act, or
 - (ii) a plan for the land on which the *house* is to be constructed respecting the siting and sizing of lines, transformers or other equipment used for conveying electricity was approved by a distributor, as defined in subsection 2(1) of the *Electricity Act, 1998*, and
 - (b) an application for a permit to *construct* the *house* was made before January 1, 2020.

Section 9.35. Garages and Carports

9.35.1. Scope

9.35.1.1. Application

- r₆** (1) This Section applies to garages and carports serving a *house* or an individual *dwelling unit*.

9.35.1.2. Construction Requirements

- (1) The construction of a garage or carport shall conform to the requirements for other *buildings* in this Part except as provided in this Section.

9.35.2. General

9.35.2.1. Carport Considered to be Garage

- (1) Where a roofed enclosure used for the storage or parking of motor vehicles has more than 60 percent of the total perimeter enclosed by walls, doors or windows, the enclosure shall be considered a garage.

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1.3.1.4. Permits Under Section 10 of the Act

- r₁** (1) Except as provided in Sentence (2), the following changes in use of a *building* or part of a *building* constitute an increase in hazard for the purposes of section 10 of the Act and require a permit under section 10 of the Act:
- (a) a change of the *major occupancy* of all or part of a *building* that is designated with a “Y” in Table 1.3.1.4. takes place,
 - (b) a *suite* of a Group C *major occupancy* is converted into more than one *suite* of Group C *major occupancy*,
 - (c) a *suite* or part of a *suite* of a Group A, Division 2 or a Group A, Division 4 *major occupancy* is converted to a *gaming premises*,
 - (d) a *farm building* or part of a *farm building* is changed to a *major occupancy*,
 - (e) a *building* or part of a *building* is changed to a *post-disaster building*,
- r₆** (f) a *building* or part of a *building* is changed to a *retirement home*, or
- (g) the use of a *building* or part of a *building* is changed and the previous *major occupancy* of the *building* or part of the *building* cannot be determined.

(2) A person is exempt from the requirement to obtain a permit under section 10 of the Act where the change in use of the *building* or part of the *building* will result from proposed *construction* and a permit under section 8 of the Act has been issued in respect of such *construction*.

(3) A person is exempt from the requirement to obtain a permit under section 10 of the Act for the change of use of a *building* in unorganized territory.

Table 1.3.1.4.
Permit Required for Change of Use
Forming Part of Sentence 1.3.1.4.(1)⁽¹⁾

		FROM ⁽²⁾												
		A-1	A-2	A-3	A-4	B-1	B-2	B-3	C	D	E	F-1	F-2	F-3
TO ⁽³⁾	A-1	N ⁽⁵⁾	Y	Y	N ⁽⁵⁾	Y	Y	Y	Y	Y	Y	Y	Y	Y
	A-2	Y	N ⁽⁵⁾	Y	N ⁽⁵⁾	Y	Y	Y	Y	Y	Y	Y	Y	Y
	A-3	Y	Y	N ⁽⁵⁾	N ⁽⁵⁾	Y	Y	Y	Y	Y	Y	Y	Y	Y
	A-4	Y	Y	Y	N ⁽⁵⁾	Y	Y	Y	Y	Y	Y	Y	Y	Y
	B-1	Y	Y	Y	N ⁽⁵⁾	N ⁽⁵⁾	Y	Y	Y	Y	Y	Y	Y	Y
	B-2	Y	Y	Y	N ⁽⁵⁾	Y	N ⁽⁵⁾	Y	Y	Y	Y	Y	Y	Y
	B-3	Y	Y	Y	N ⁽⁵⁾	Y	N ⁽⁵⁾	N ⁽⁵⁾	Y	Y	Y	Y	Y	Y
	C	Y	Y	Y	N ⁽⁵⁾	Y	N ⁽⁵⁾	N ⁽⁵⁾	(4)	Y	Y	Y	Y	Y
	D	N ⁽⁵⁾	N ⁽⁵⁾	Y	N ⁽⁵⁾	Y	N ⁽⁵⁾	N ⁽⁵⁾	Y	N ⁽⁵⁾	Y	Y	N ⁽⁵⁾	N ⁽⁵⁾
	E	Y	Y	Y	N ⁽⁵⁾	Y	Y	Y	Y	Y	N ⁽⁵⁾	Y	Y	Y
	F-1	Y	Y	Y	N ⁽⁵⁾	Y	Y	Y	Y	Y	Y	N ⁽⁵⁾	Y	Y
	F-2	Y	Y	Y	N ⁽⁵⁾	Y	Y	Y	Y	Y	Y	N ⁽⁵⁾	N ⁽⁵⁾	Y
	F-3	Y	N ⁽⁵⁾	Y	N ⁽⁵⁾	Y	Y	Y	Y	N ⁽⁵⁾	N ⁽⁵⁾	N ⁽⁵⁾	N ⁽⁵⁾	N ⁽⁵⁾
Col. 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15

Notes to Table 1.3.1.4.:

- r₅** (1) See Clause 1.3.1.4.(1)(a), Subclause 3.17.1.1.(1)(i) of Division B and Clause 9.40.1.1.(1)(a) of Division B.
- (2) *Major occupancy* of all or part of a *building* before change of use.
- (3) *Major occupancy* of all or part of a *building* after change of use.
- r₅** (4) See Clause 1.3.1.4.(1)(b), Subclause 3.17.1.1.(1)(ii) of Division B and Clauses 9.40.1.1.(1)(b) and 11.4.2.3.(1)(b) of Division B.
- (5) “N” is only applicable where the *major occupancy* of the entire *suite* is changed.

1.3.1.5. Conditional Permits

(1) The *chief building official* shall not issue a conditional permit for any stage of *construction* under subsection 8(3) of the Act unless compliance with the following applicable laws has been achieved in respect of the proposed *building* or *construction*:

- (a) regulations made by a conservation authority under clause 28(1)(c) of the *Conservation Authorities Act* with respect to permission of the authority for the *construction* of a *building* or structure if, in the opinion of the authority, the control of flooding, erosion, dynamic beaches or pollution or the conservation of land may be affected by the development,
- (b) section 5 of the *Environmental Assessment Act* with respect to the approval of the Minister or the Environmental Review Tribunal to proceed with an undertaking,
- (c) subsection 24(3) of the *Niagara Escarpment Planning and Development Act*,
- (d) subsection 27(3) of the *Ontario Heritage Act*,
- (e) subsection 30(2) of the *Ontario Heritage Act* with respect to a consent of the council of a *municipality* to the alteration or *demolition* of a *building* where the council of the *municipality* has given a notice of intent to designate the *building* under subsection 29(3) of that Act,
- (f) section 33 of the *Ontario Heritage Act* with respect to the consent of the council of a *municipality* for the alteration of property,
- (g) section 34 of the *Ontario Heritage Act* with respect to the consent of the council of a *municipality* for the *demolition* of a *building*,
- (h) section 34.5 of the *Ontario Heritage Act* with respect to the consent of the Minister to the alteration or *demolition* of a designated *building*,
- (i) subsection 34.7(2) of the *Ontario Heritage Act* with respect to a consent of the Minister to the alteration or *demolition* of a *building* where the Minister has given a notice of intent to designate the *building* under section 34.6 of that Act,
- (j) by-laws made under section 40.1 of the *Ontario Heritage Act*,
- (k) section 42 of the *Ontario Heritage Act* with respect to the permit given by the council of a *municipality* for the erection, alteration or *demolition* of a *building*,
- r7 (l) section 17.4 of the *Ontario New Home Warranties Plan Act* with respect to the provision of a confirmation by the Registrar for the *construction* of a residential condominium conversion project.

(2) For the purposes of issuing a conditional permit under subsection 8(3) of the Act, a person is exempt from the requirement in clause 8(3)(a) of the Act of compliance with by-laws passed under sections 34 and 38 of the *Planning Act* where,

- (a) a committee of adjustment has made a decision under section 45 of the *Planning Act* authorizing one or more minor variances from the provisions of any by-laws made under sections 34 and 38 of that Act,
- (b) such minor variance or variances result in the achievement of full compliance with such by-laws, and
- (c) no person informed the committee of adjustment of objections to the minor variances either in writing or in person at the hearing of the application.

(3) For the purposes of issuing a conditional permit under subsection 8(3) of the Act, a person is exempt from the requirement in clause 8(3)(a) of the Act of compliance with by-laws passed under sections 34 and 38 of the *Planning Act* where the *construction* in respect of which the conditional permit is issued is required in order to comply with an order issued under subsection 21(1) of the *Fire Protection and Prevention Act*, 1997 or under subsection 15.9(4) of the Act.

(4) A permit issued under subsection 8(3) of the Act shall indicate its conditional nature.

1.3.1.6. Information to be Given to Tarion Warranty Corporation

(1) This Article prescribes, for the purposes of subsection 8(8.1) of the Act, the information relating to permits issued under section 8 of the Act and the applications for those permits that the *chief building official* is required to give to *Tarion Warranty Corporation* and the time within which the information is required to be given.

- (2) The *chief building official* shall give the following information to *Tarion Warranty Corporation* with respect to permits issued under section 8 of the Act in respect of the *construction* of *buildings* described in Sentence (4),
 - (a) the dates the permits are issued and the numbers or other identifying symbols for the permits, and

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2012 Building Code Compendium

Volume 2

**January 1, 2018 update
(Containing O. Reg. 462/17, O. Reg. 563/17 and
MR-17-S-28)**

COMMENCEMENT

Supplementary Standards SA-1, SB-1 to SB-13 and SC-1 come into force on the 1st day of January, 2014.

See “Code Amendment History” page in the Preface of Volume 1 for information concerning amendments to Supplementary Standards issued through Minister’s Rulings.

- a₁ Amendment made to Appendix A or B issued for January 1st, 2014.
- a₂ Amendment made to Appendix A or B issued for January 1st, 2014.
- a_{2.1} Amendment made to Appendix A or B issued for January 1st, 2015.
- a₃ Amendment made to Appendix A or B issued for January 1st, 2015.
- a₄ Amendment made to Appendix A or B issued for July 7th, 2016.
- a₅ Amendment made to Appendix A or B issued for July 1st, 2017.
- a_{5.1} Amendment made to Appendix A or B issued for January 1st, 2018.
- a₆ Amendment made to Appendix A or B issued for January 18, 2018.

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- e₂ Editorial correction issued for January 1st, 2014.
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MMA Supplementary Standard SA-1

Objectives and Functional Statements Attributed to the Acceptable Solutions

December 11, 2017 update

COMMENCEMENT

MMAH Supplementary Standard SA-1 comes into force on the 1st day of January, 2014.

- m₁** Ruling of the Minister of Municipal Affairs and Housing (Minister's Ruling) MR-13-S-24 takes effect on the 1st day of January, 2014.
- r₃** SA-1 as amended by Ontario Regulation 361/13 comes into force on the 1st day of January, 2014.
- r_{3.1}** SA-1 as amended by Ontario Regulation 361/13 corresponding to Ontario Regulation 361/13 provisions that come into force on the 1st day of January, 2015.
- r₄** SA-1 as amended by Ontario Regulation 361/13 corresponding to Ontario Regulation 368/13 provisions that come into force on the 1st day of January, 2015.
- r₅** SA-1 as amended by Ontario Regulation 191/14 comes into force on the 1st day of January, 2015.
- r₆** SA-1 as amended by Ontario Regulation 139/17 comes into force on the 1st day of July, 2017.
- r_{6.1}** SA-1 as amended by Ontario Regulation 139/17 comes into force on the 1st day of January, 2018.
- m₅** Ruling of the Minister of Municipal Affairs (Minister's Ruling) MR-17-S-28 takes effect on the 1st day of January, 2018.

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- e₅** Editorial correction issued for January 1, 2018.

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Acceptable Solutions	Objectives and Functional Statements
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r₅

e₅

Acceptable Solutions	Objectives and Functional Statements
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r_{6.1}
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Acceptable Solution	Objectives and Functional Statements
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(2)	[F21-OH1.1, OH1.2, OH1.3] [F21-OH4] Applies to floors and elements that support floors. [F21-OP2.3, OP2.4] [F21-OS2.3] [F21-OS3.1] Applies to floors and elements that support floors.
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MMAH Supplementary Standard SB-1

Climatic and Seismic Data

September 2, 2014 update

COMMENCEMENT

MMAH Supplementary Standard SB-1 comes into force on the 1st day of January, 2014.

- r**₅ SB-1 as amended by Ontario Regulation 191/14 comes into force on the 1st day of January, 2015.

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- e**₂ Editorial correction issued for January 1st, 2014.
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Table 1.2
Design Data for Selected Locations in Ontario

Location	Elevation, m	Design Temperature				Degree Days Below 18°C	15 Min Rainfall, mm	One Day Rainfall, 1/50, mm	Annual Rainfall, mm	Annual Total Precipitation, mm	Driving Rain Wind Pressures, Pa, 1/5	Snow Load, kPa, 1/50		Hourly Wind Pressures, kPa		Seismic Data				
		January		July 2.5%								S _s S _t		1/10 1/50		S _a (0.2)	S _a (0.5)	S _a (1.0)	S _a (2.0)	PGA
		2.5%, °C	1%, °C	Dry, °C	Wet, °C															
Alisa Craig	230	-17	-19	30	23	3940	25	103	800	950	180	2.2	0.4	0.39	0.50	0.130	0.082	0.052	0.016	0.045
Ajax	95	-20	-22	30	23	3820	23	92	760	825	160	1.0	0.4	0.37	0.48	0.180	0.120	0.070	0.022	0.074
Alexandria	80	-24	-26	30	23	4600	25	103	800	975	160	2.4	0.4	0.31	0.40	0.640	0.310	0.140	0.047	0.320
Alliston	220	-23	-25	29	23	4200	28	113	690	875	120	2.0	0.4	0.28	0.36	0.150	0.099	0.062	0.020	0.046
Almonte	120	-26	-28	30	23	4620	25	97	730	800	140	2.5	0.4	0.32	0.41	0.550	0.270	0.130	0.042	0.280
Armstrong	340	-37	-40	28	21	6500	23	97	525	725	100	2.7	0.4	0.23	0.30	0.095	0.057	0.026	0.008	0.036
Arnprior	85	-27	-29	30	23	4680	23	86	630	775	140	2.5	0.4	0.29	0.37	0.610	0.290	0.130	0.044	0.310
Aitkokan	400	-33	-35	29	22	5750	25	103	570	760	100	2.4	0.3	0.23	0.30	0.095	0.057	0.026	0.008	0.036
Attawapiskat	10	-37	-39	28	21	7100	18	81	450	650	160	2.8	0.3	0.32	0.41	0.110	0.057	0.026	0.008	0.053
Aurora	270	-21	-23	30	23	4210	28	108	700	800	140	2.0	0.4	0.34	0.44	0.160	0.110	0.065	0.021	0.053
Bancroft	365	-28	-31	29	23	4740	25	92	720	900	100	3.1	0.4	0.25	0.32	0.260	0.170	0.089	0.030	0.089
Barrie	245	-24	-26	29	23	4380	28	97	700	900	120	2.5	0.4	0.28	0.36	0.150	0.110	0.065	0.021	0.044
Barriefield	100	-22	-24	28	23	3390	23	108	780	950	160	2.1	0.4	0.36	0.47	0.300	0.180	0.099	0.031	0.120
Beaverton	240	-24	-26	30	23	4300	25	108	720	950	120	2.2	0.4	0.28	0.36	0.160	0.120	0.070	0.023	0.047
Belleville	90	-22	-24	29	23	3910	23	97	760	850	180	1.7	0.4	0.33	0.43	0.250	0.160	0.088	0.028	0.100
Belmont	260	-17	-19	30	24	3840	25	97	850	950	180	1.7	0.4	0.36	0.47	0.160	0.097	0.056	0.017	0.086
Big Trout Lake (Kitchenuhmaykoosib)	215	-38	-40	26	20	7450	18	92	400	600	150	3.2	0.2	0.33	0.42	0.095	0.057	0.026	0.008	0.036
CFB Borden	225	-23	-25	29	23	4300	28	103	690	875	120	2.2	0.4	0.28	0.36	0.140	0.100	0.063	0.020	0.045
Bracebridge	310	-26	-28	29	23	4800	25	103	830	1050	120	3.1	0.4	0.27	0.35	0.180	0.120	0.072	0.024	0.056
Bradford	240	-23	-25	30	23	4280	28	108	680	800	120	2.1	0.4	0.28	0.36	0.150	0.100	0.065	0.021	0.049
Brampton	215	-19	-21	30	23	4100	28	119	720	820	140	1.3	0.4	0.34	0.44	0.210	0.120	0.063	0.020	0.110
Branford	205	-18	-20	30	23	3900	23	103	780	850	160	1.3	0.4	0.33	0.42	0.190	0.110	0.061	0.019	0.089
Brighton	95	-21	-23	29	23	4000	23	94	760	850	160	1.6	0.4	0.37	0.48	0.240	0.150	0.083	0.027	0.099
Brockville	85	-23	-25	29	23	4060	25	103	770	975	180	2.2	0.4	0.34	0.44	0.350	0.220	0.120	0.036	0.150
Burk's Falls	305	-26	-28	29	22	5020	25	97	810	1010	120	2.7	0.4	0.27	0.35	0.210	0.140	0.075	0.026	0.074
Column 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21

Table 1.2 (Cont'd)
Design Data for Selected Locations in Ontario

Location	Elevation, m	Design Temperature				Degree Days Below 18°C	15 Min Rainfall, mm	One Day Rainfall, 1/50, mm	Annual Rainfall, mm	Annual Total Precipitation, mm	Driving Rain Wind Pressures, Pa, 1/5	Snow Load, kPa, 1/50		Hourly Wind Pressures, kPa		Seismic Data				
		January		July 2.5%								S _s S _r		1/10	1/50	S _a (0.2)	S _a (0.5)	S _a (1.0)	S _a (2.0)	PGA
		2.5%, °C	1%, °C	Dry, °C	Wet, °C															
Burlington	80	-17	-19	31	23	3740	23	103	770	850	160	0.9	0.4	0.36	0.46	0.320	0.170	0.064	0.022	0.180
Cambridge	295	-18	-20	29	23	4100	25	113	800	890	160	1.6	0.4	0.28	0.36	0.180	0.100	0.060	0.019	0.073
Campbellford	150	-23	-26	30	23	4280	25	97	730	850	160	1.7	0.4	0.32	0.41	0.230	0.150	0.085	0.027	0.084
Cannington	255	-24	-26	30	23	4310	25	108	740	950	120	2.2	0.4	0.28	0.36	0.170	0.120	0.070	0.023	0.048
Carleton Place	135	-25	-27	30	23	4600	25	97	730	850	160	2.5	0.4	0.32	0.41	0.490	0.250	0.120	0.039	0.230
Cavan	200	-23	-25	30	23	4400	25	97	740	850	140	2.0	0.4	0.34	0.44	0.190	0.130	0.076	0.024	0.061
Centralia	260	-17	-19	30	23	3800	25	103	820	1000	180	2.3	0.4	0.38	0.49	0.130	0.080	0.052	0.016	0.041
Chapleau	425	-35	-38	27	21	5900	20	97	530	850	80	4.0	0.4	0.23	0.30	0.095	0.057	0.037	0.013	0.036
Chatham	180	-16	-18	31	24	3470	28	103	800	850	180	1.0	0.4	0.33	0.43	0.160	0.092	0.050	0.015	0.088
Chesley	275	-19	-21	29	22	4320	28	103	810	1125	140	2.8	0.4	0.37	0.48	0.120	0.082	0.053	0.018	0.037
Clinton	280	-17	-19	29	23	4150	25	103	810	1000	160	2.6	0.4	0.38	0.49	0.120	0.078	0.050	0.016	0.038
Coboconk	270	-25	-27	30	23	4500	25	108	740	950	120	2.5	0.4	0.27	0.35	0.180	0.130	0.074	0.025	0.055
Cobourg	90	-21	-23	29	23	3980	23	94	760	825	160	1.2	0.4	0.38	0.49	0.220	0.140	0.079	0.025	0.096
Cochrane	245	-34	-36	29	21	6200	20	92	575	875	80	2.8	0.3	0.27	0.35	0.180	0.098	0.054	0.018	0.094
Colborne	105	-21	-23	29	23	3980	23	94	760	850	160	1.6	0.4	0.38	0.49	0.230	0.140	0.081	0.026	0.098
Collingwood	190	-21	-23	29	23	4180	28	97	720	950	160	2.7	0.4	0.30	0.39	0.130	0.097	0.060	0.020	0.040
Cornwall	35	-23	-25	30	23	4250	25	103	780	960	180	2.2	0.4	0.32	0.41	0.620	0.310	0.140	0.046	0.310
Corunna	185	-16	-18	31	24	3600	25	100	760	800	180	1.0	0.4	0.36	0.47	0.120	0.074	0.047	0.015	0.040
Deep River	145	-29	-32	30	22	4900	23	92	650	850	100	2.5	0.4	0.27	0.35	0.630	0.300	0.130	0.043	0.320
Deseronto	85	-22	-24	29	23	4070	23	92	760	900	160	1.9	0.4	0.33	0.43	0.270	0.170	0.092	0.029	0.110
Dorchester	260	-18	-20	30	24	3900	28	103	850	950	180	1.9	0.4	0.36	0.47	0.160	0.096	0.056	0.017	0.081
Dorion	200	-33	-35	28	21	5950	20	103	550	725	160	2.8	0.4	0.30	0.39	0.095	0.057	0.026	0.008	0.036
Dresden	185	-16	-18	31	24	3750	28	97	760	820	180	1.0	0.4	0.33	0.43	0.150	0.088	0.050	0.015	0.078
Dryden	370	-34	-36	28	22	5850	25	97	550	700	120	2.4	0.3	0.23	0.30	0.095	0.057	0.026	0.008	0.036
Dundalk	525	-22	-24	29	22	4700	28	108	750	1080	150	3.4	0.4	0.33	0.42	0.130	0.091	0.058	0.019	0.043
Column 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21

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fact, restricted to concrete or masonry. Sentences 3.1.10.2.(3) and (4) are intended to retain both of the characteristics of firewalls, while permitting greater flexibility in the use of materials and designs. The fire-resistance rating and damage protection attributes of a firewall may be provided by a single fire- and damage-resistant material such as concrete or masonry, by a fire- and damage-resistant membrane on a structural frame, or by separate components - one that provides the fire-resistance rating and another one that protects the firewall against damage.

If the firewall is composed of separate components, the fire-resistance rating of the fire-resistive component needs to be determined for this assembly on its own. In addition, if the damage protection component is physically attached to the fire-resistive component (for example, as a sacrificial layer), then, for the purposes of determining the overall performance of the assembly, it is also necessary to determine through testing whether failure of the damage protection component during a fire affects the performance of the fire-resistive component.

a₃ A-3.1.11.5.(1) Fire Blocks in Combustible Construction.

Combustible construction referred to in Sentence 3.1.11.5.(1) includes all types of construction that do not comply with the requirements for noncombustible construction. All of the elements within the concealed space can be combustible, unless required to be of noncombustible materials (e.g., certain categories of pipework and ducts). However, the value of the flame-spread rating of the combustible materials determines the permitted extent of the concealed space between fire blocks. The materials to be considered should include all construction materials regulated by this Code, including the framing and building services that are located in the concealed space. Consideration should be given when designing fire blocking to avoid restricting venting capabilities within concealed spaces. (See also A-5.6.2.1.)

A-3.1.11.7.(6) Integrity of Fire Blocks.

Sentence 3.1.11.7.(6) together with Article 3.1.9.1., is intended to ensure that the integrity of fire blocks is maintained in areas where they are penetrated. This requirement is satisfied by the use of generic fire stops such as mineral wool, gypsum plaster or Portland cement mortar, as well as rated fire stops.

A-3.1.13.2.(2) Folding Partition.

Folding partitions used to divide a space into separate rooms are not considered as doors for the purposes of this Sentence.

A-3.1.15.1.(1) Roof Covering.

The tests described in CAN/ULC-S107 are intended to measure the relative fire-performance of roof coverings when exposed to a fire originating from sources outside the building. When metal deck or a similar noncombustible rigid roof surface is directly exposed to the exterior (a covering material on its exterior surface has not been provided), the requirements of this Sentence need not apply.

a₆ A-3.1.21.1. Electric Vehicle Charging Systems

Sentence 3.1.21.1.(1):

- Applies to buildings, other than apartment buildings or houses, within the scope of Part 3 of the Building Code with parking spaces in the building.
- Electric vehicle supply equipment is to be installed in buildings which have parking spaces integrated into the building.
- Electric vehicle supply equipment is defined in Section 86 of the Ontario Electrical Safety Code, 2015, 26th Edition as: “a complete assembly consisting of conductors, connectors, devices, apparatus, and fittings installed specifically for the purpose of power transfer and information exchange between the branch circuit and electric vehicle”.
- The Building Code requirement does not set any requirements for the location or distribution of the relevant parking spaces within a building, nor does it specify the kind of vehicles that would be served by the electric vehicle supply equipment.
- The building inspector’s role is to inspect to determine if electric vehicle supply equipment is installed in at least 20 percent of the parking spaces.

- Electric vehicle supply equipment is to be installed in accordance with Section 86 of the Ontario Electrical Safety Code. It is the role of the electrical safety inspector to verify that installations comply with the Ontario Electrical Safety Code. The primary function of electric vehicle supply equipment is to transfer power for electrical vehicle charging by means (e.g. ac, dc, conductive, or wireless) appropriate for the specific electrical vehicle to which it is connected.
- The Ontario Electrical Safety Code has requirements regarding electrical panelboards, conduits and electric vehicle supply equipment for all charging levels. The Ontario Electrical Safety Code does not indicate when a particular charging level is needed.
- See example of electric vehicle supply equipment in Figure A-3.1.21.1.

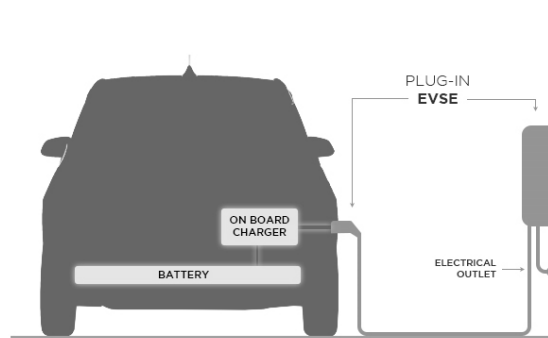


Figure A-3.1.21.1.
Example of Electric Vehicle Supply Equipment (EVSE)

Sentence 3.1.21.1.(2):

- Applies to buildings, other than apartment buildings or houses, within the scope of Part 3 of the Building Code.
- Applies to the remaining parking spaces in a building which are not covered by Sentence 3.1.21.1.(1).
- This requirement relates to building elements that facilitate future electric vehicle charging and does not require that electrical capacity be in place at the time of construction.
- Building elements that can facilitate future electric vehicle charging could include:
 - A suitable amount of space to locate potential future transformers or electrical panelboards.
 - Space between floors or within one floor for future wiring to run between the building's electric service, space designated for future electrical equipment and individual parking spaces (e.g., chases capped and appropriately labelled).
- The building inspector's role is to inspect to determine if these parking spaces (i.e. the ones that are not covered by Sentence 3.1.21.1.(1)) are designed to permit the future installation of electric vehicle supply equipment.
- When installed in the future, the electric vehicle supply equipment would need to be installed in accordance with Section 86 of the Ontario Electrical Safety Code. It is the role of the electrical safety inspector to verify that installations comply with the Ontario Electrical Safety Code.

Sentences 3.1.21.1.(3) to (6):

- Applies to electric vehicle charging in houses served by garages, carports or driveways subject to Part 3 of the Building Code.
- See notes for Sentences 9.34.4.1.(3) to (6) in Appendix Note A-9.34.4.1.

a₃ A-3.2.1.1.(3)(a) Mezzanine Area.

The permitted area of the mezzanine for the purposes of determining the allowable percentage is to be based on the open area of the floor of the space in which the mezzanine is located. The Code does not restrict the enclosing of space below the mezzanine. However, the enclosed area must be deducted from the area of the overall space before applying the percentage allowance.

A-3.2.1.1.(9) Accessible Service Space.

These service spaces are often referred to as interstitial spaces and are designed to allow service personnel to enter and undertake maintenance or installation within the space. Catwalks or flooring are usually included to provide a walking or access surface. Even when flooring is included, it is not intended that the interstitial space should be considered as a storey for the purposes of the Code unless the space is used for purposes other than servicing or the storage of materials and equipment to be used for building services within that space.

A-3.2.2.2.(1) Special and Unusual Structures.

Examples of structures which cannot be identified with the descriptions of buildings in Articles 3.2.2.20. to 3.2.2.83. include grain elevators, refineries and towers. Publications that may be consulted to establish good engineering practice for the purposes of Article 3.2.2.2. include the NFPA Fire Protection Handbook, Factory Mutual Data Sheets, and publications of the Society for Fire Protection Engineering.

A-3.2.2.18.(1) Sprinkler Extent.

It is not the intent of Article 3.2.2.6. and Sentences 3.2.2.4.(1) and (2) to require the installation of an automatic sprinkler system throughout all storeys of a building regardless of the options in Articles 3.2.2.20. to 3.2.2.83. in order to construct one or more storeys without the installation of sprinklers.

Furthermore, unlike the model National Building Code, it is not the intent of this Code to require an automatic sprinkler system in storeys below a storey where an automatic sprinkler system is required. Similarly, if the uppermost storey or storeys of a building can be constructed without the installation of an automatic sprinkler system it is not necessary that an automatic sprinkler system required in a lower storey be extended into the upper storey or storeys.

a₃ A-3.2.2.43A.(5) and A-3.2.2.50A.(4) Five- and Six-Storey Buildings of Combustible Construction.

This Sentence and the exemptions noted in Sentences 3.2.2.6.(1) and 3.2.2.7.(1) permit a building within the scope of Articles 3.2.2.43A. and 3.2.2.50A. to be entirely of combustible construction and include certain assembly and mercantile occupancies and storage garages below the third storey.

A-3.2.3. Fire Protection Related to Limiting Distance Versus Separation Between Buildings.

Building Code provisions that address protection against fire spread from building to building use the limiting distance (see definition in Article 1.4.1.2. of Division A) for a building rather than using the distance between adjacent buildings on separate properties, so that the design and construction of a building on one property does not affect the design and construction of a building on an adjacent property.

The Building Code requirements that deal with reducing the probability of building-to-building fire spread were originally developed based on the assumption that the exposing building faces of the adjacent buildings are of similar size and configuration, and are equidistant from the shared property line. Where the buildings are of different sizes, the smaller building may be subject to a higher heat flux in the event of a fire compared to the larger building. Where the buildings are closely spaced and not equidistant from the property line, the construction of the building with the greater limiting distance does not recognize the proximity of the building with the lesser limiting distance.

The Building Code has more stringent requirements for buildings having lesser limiting distance with regards to the maximum area and spacing of unprotected openings, and the construction, cladding and fire resistance of walls. This increased stringency recognises that the fire hazard is greater where the buildings are close together and that adjacent buildings may have exposing building faces of different sizes, configurations or limiting distances, which could further increase the hazard.

The enforcement authority may also address limiting distances through legal agreements with parties involved that stipulate that the limiting distance be measured to a line that is not the property line. Such agreements would normally be registered with the titles of both properties.

A-3.2.3.1.(4) Spatial Separation Design.

In the application of Sentences 3.2.3.1.(3) and (4), it is intended that Sentence (3) be used first to establish the basic requirements for the exterior wall in terms of fire-resistance rating, type of construction and type of cladding. The percentage of unprotected openings determined from the application of Sentence (3) would be unnecessarily restrictive if the actual unprotected openings occur in a plane that is set back from the front of the building face.

Sentence (4) applies to the calculation of the allowable percentage of unprotected openings based upon projection onto a plane that is in front of all unprotected openings. The application of these two Sentences is shown in Figure A-3.2.3.1.(4). The modifications permitted by Article 3.2.3.12. would be applied, if applicable, to the area of unprotected openings derived from Sentence (4).

A-3.2.5.4.(1) Fire Department Access for Detention Buildings.

Buildings of Group B, Division 1 used for housing persons who are under restraint include security measures that would prevent normal access by local fire departments. These security measures include fencing around the building site, exterior walls without openings or openings which are either very small or fitted with bars, and doors that are equipped with security hardware that would prevent easy entry. These buildings would have firefighting equipment installed and the staff would be trained to handle any small incipient fires. It is expected that appropriate fire safety planning would be undertaken in conjunction with local fire departments in order that special emergencies could be handled in a cooperative manner.

A-3.2.5.6.(1) Fire Department Access Route.

The design and construction of fire department access routes involves the consideration of many variables, some of which are specified in the requirements in the Building Code. All these variables should be considered in relation to the type and size of fire department vehicles available in the municipality or area where the building will be constructed. It is appropriate, therefore, that the local fire department be consulted prior to the design and construction of access routes.

A-3.2.5.7. Water Supply.

This Article requires that an adequate water supply for firefighting is to be provided for every building. However, farm buildings of low human occupancy under the National Farm Building Code of Canada 1995 are exempted. The water supply requirements for interior fire suppression systems such as sprinkler systems and standpipe and hose systems are contained in other standards, for example, NFPA Standard 13, “Installation of Sprinkler Systems”, and NFPA Standard 14, “Installation of Standpipe and Hose Systems”. This Appendix note focuses only on water supplies that are considered essential to firefighting by fire department or other trained personnel using fire hoses.

Minimum requirements for water supply for firefighting are relevant mainly to building sites not serviced by municipal water supply systems. For building sites serviced by municipal water supply systems where the water supply duration is not a concern, water supply flow rates at minimum pressures would be the main focus of this Appendix note. However, where municipal water supply capacities are limited, it would be necessary for buildings to have on-site supplemental water supply.

An adequate water supply for firefighting should be an immediately available and accessible water supply with sufficient volume and/or flow to enable fire department personnel using fire hoses to control fire growth until the building is safely evacuated, prevent the fire from spreading to adjacent buildings, limit environmental impact of the fire, and provide a limited measure of property protection.

The sources of water supply for firefighting purposes may be natural or man-made. Natural sources may include ponds, lakes, rivers, streams, bays, creeks, springs, artesian wells, and irrigation canals. Man-made sources may include aboveground tanks, elevated gravity tanks, cisterns, swimming pools, wells, reservoirs, aqueducts, tankers, and hydrants served by a public or private water system. It is imperative that such sources of water be accessible to fire department equipment under all climate conditions.

The available water supply would allow arriving fire department personnel to use the water at their discretion when entering a burning building with hose lines. During the search and evacuation operation, hose streams may be needed for fire suppression to limit fire spread. The duration of the water supply should be sufficient to allow complete search and evacuation of the building. Once the search and rescue operations are complete, additional water may be required for exposure protection or fire suppression to limit property damage.

Fire departments serving remote or rural areas often have to respond to a fire with a transportable water supply of sufficient volume for approximately 5 to 10 minutes when using one or two 38 mm hose lines. This would provide minimal hose streams allowing immediate search and rescue operations in small buildings with simple layouts but limited fire suppression capabilities, especially if a fire is already well-established.

For larger more complex buildings, an on-site water supply for firefighting would be needed to provide an extended duration of hose stream use by the fire department to allow search and evacuation of the building, exposure protection and fire suppression. The volume of this on-site water supply would be dependent on the building size, construction, occupancy, exposure and environmental impact potential, and should be sufficient to allow at least 30 minutes of fire department hose stream use.

The recommendations of this Appendix note are predicated on prompt response by a well equipped fire department using modern firefighting techniques, and buildings being evacuated in accordance with established building fire safety plans and fire department pre-fire plans. For buildings constructed in areas where fire department response is not expected at all or in a reasonable time, sprinkler protection should be considered to ensure safe evacuation.

Elementary and secondary schools usually have a record of well established and practiced fire safety plans which would allow complete evacuations within 4 minutes. Because of this and the inherent high level of supervision in these buildings, a reduction of the water supply for firefighting may be considered. It is suggested that the level of reduction should be determined by the local enforcement authority based on the resources and response time of the fire department, and the size and complexity of the buildings.

When designing open, unheated reservoirs as sources of fire protection water, a 600 mm ice depth allowance should be included in the water volume calculations, except where local winter temperature conditions result in a greater ice depth (as typically found on local lakes or ponds). As well, make-up water supplies should be provided to maintain the design volumes, taking into account volume loss due to evaporation during drought periods.

1. Buildings not Requiring an On-Site Water Supply

- a₆
- (a) A building would not require an on-site water supply for firefighting if the building satisfies the criteria set out in Item 1(b) or Item 1(c) provided that:
 - (i) the building is serviced by a municipal water supply system that satisfies Item 3(b), or
 - (ii) the fire department can respond with a transportable water supply of sufficient quantity to allow them to conduct an effective search and evacuation of the building, determined on the basis of other guidelines or standards (such as, NFPA 1142, “Standard on Water Supplies for Suburban and Rural Fire Fighting”).
 - (b) A building would not require an on-site water supply for firefighting where all of the following criteria are met:
 - (i) the building area is 200 m² or less,
 - (ii) the building height is 2 storeys or less,
 - (iii) the building does not contain a care or detention occupancy,
 - (iv) the building does not require a sprinkler system or a standpipe and hose system,
 - (v) the limiting distance from the property line is at least 13 m if the building contains a high hazard industrial occupancy, and
 - (vi) the building constitutes no significant environmental contamination potential due to fire.
 - (c) A building that exceeds 200 m² in building area or 2 storeys in building height and that contains a low hazard industrial occupancy may not require an on-site water supply for firefighting if the combustible loading in the building is insignificant (such as that found in cement plants, steel stock storage sheds, etc.), as determined by the chief building official.

2. Sprinklered Buildings

For sprinklered buildings, water supply additional to that required by the sprinkler systems should be provided for firefighting using fire hoses in accordance with the hose stream demands and water supply durations for different hazard classifications as specified in NFPA 13, “Installation of Sprinkler Systems”.

3. Buildings Requiring On-Site Water Supply

- (a) Except for sprinklered buildings and as required by Items 3(c) and 3(e), buildings should have a supply of water available for firefighting purposes not less than the quantity derived from the following formula:

$$Q = K \cdot V \cdot S_{\text{tot}}$$

where

Q = minimum supply of water in litres

K = water supply coefficient from Table 1

V = total building volume in cubic metres

S_{tot} = total of spatial coefficient values from property line exposures on all sides as obtained from the formula:

$$S_{\text{tot}} = 1.0 + [S_{\text{side1}} + S_{\text{side2}} + S_{\text{side3}} + \dots \text{etc.}]$$

a_{5.1} A-7.6.3.4.(5) Water System Pipe Size.

Where separate water service piping connects into private water supply piping, the private water supply piping will be governed by Article 7.1.5.5.

e₆ A-7.6.4.2.(4) Plumbing Fixtures.

Heritage buildings including homes, may contain sanitary drainage piping that is sized in accordance with the flush cycle of period plumbing fixtures. Operational difficulties may be encountered when these fixtures are replaced with one having a lower flush cycle.

A-7.6.5. Hot Water Temperature.

Hot water delivered at 60°C will severely burn human skin in 1 to 5 seconds. At 49°C the time for a full thickness scald burn to occur is 10 minutes. Children, the elderly and persons with disabilities are particularly at risk of scald burns. Compliance with Article 7.6.5.2. will reduce the risk of scalding in showers and bathtubs and reduce the risk of thermal shock in wall mounted showers. Devices installed to achieve compliance must conform to the applicable standard referenced in the Code.

Since a scald risk also exists at other fixtures, such as lavatories, sinks and bathtubs, the water outlet temperature at those fixtures is addressed by Articles 7.6.5.1. and 7.6.5.3.

A-8.1.3.1.(1) Sanitary Sewage.

Sanitary sewage of domestic origin is as described in (b) of the definition in Sentence 1.4.1.2.(1) of Division A. The addition of public swimming pool drainage to the definition of sanitary sewage is not intended to allow the discharge of the pool drainage water to an on-site sewage system.

A-8.1.3.1.(3) Evaluation of Waste from Industrial Processes.

When evaluating whether industrial process waste can go to an on-site sewage system, the total contaminant levels in the whole waste stream must be looked at. Heavy metals, pesticides and solvents are not found in domestic sewage and those levels must be brought down if present. The BOD₅ and suspended solids should be consistent with the levels found in domestic sanitary sewage. Slaughterhouses and milking operations have wastes that are similar to domestic sewage in chemical composition, but are characterized by high organic, highly nitrogenous and biologically degradable suspended and dissolved solids and grease in high concentrations. These wastes are not suitable for discharge to an on-site sewage system.

A-8.2.1.2.(1) Site Evaluation Information.

The evaluation required in Sentence (1) usually includes at least the following and is required on permit application

- (a) date the evaluation was done,
- (b) name, address, telephone number, and signature of the person who prepared the evaluation,
- (c) a scaled plan of the site showing
 - (i) the legal description of the property, property lines and easements,
 - (ii) the location of items in Column 1 of Tables 8.2.1.6.A. and 8.2.1.6.B.,
 - (iii) the proposed location of the sewage system,
 - (iv) the location of any unsuitable, disturbed or compacted areas, and
 - (v) the access route for tank maintenance,
- (d) depth to bedrock,
- (e) evidence of high ground water,
- (f) soil properties,
- (g) soil conditions,
- (h) utility corridors,
- (i) permeability, and
- (j) potential for flooding.

A-8.2.1.2.(2) Alternative Tests.

Other tests to determine percolation time may be suitable depending on the soil type(s) encountered on a site. The results of tests other than those described in this Code may be used by relying on provisions governing the use of alternative solutions (such as Clause 1.2.1.1.(1)(b) of Division A).

A-8.2.1.2.(3) Test Procedure.

Where a field percolation test is required, it is performed in the following manner:

- (a) Make an excavation in the soil layer which is to be assessed for a percolation time. The excavation shall be:
 - (i) between 100 and 300 mm in diameter
 - (ii) be at least 200 mm in depth below the upper level of the soil layer being assessed.
- (b) All loose material and smeared clay shall be removed from the sides and bottom of the excavation.
- (c) Cover the bottom of the excavation with 50 mm of sand or fine gravel.
- (d) Fill the hole with water to a depth of 300 mm (or to the surface) and determine the time it takes for the water to seep away; repeat, and if the second filling seeps away in 10 minutes or less proceed as follows:
 1. Establish a fixed reference point, add water to a depth of 150 mm above the sand or fine gravel, and measure the water drop every 10 minutes for one hour. If for one hour the first 150 mm seeps away in 10 minutes or less, use a shorter time interval between readings.
 2. Refill to the 150 mm level when necessary and start another series of readings. Continue readings until the last two series of readings show a similar drop pattern (approximately equal drop in the same number of readings) or, alternatively, until the difference in the maximum and minimum drops in 3 consecutive readings is less than 5 mm. In either case use the average drop of the last 3 readings in computing “T”
- (e) If the initial fillings to 300 mm take more than 10 minutes to seep away, follow with this procedure:
 1. Maintain at least 300 mm of water in the hole for at least 4 hours, or until the soil being tested has become swollen and saturated with water. At least 12 hours should be allowed for swelling in clay soils, although dry clay soils may require longer periods to obtain a stabilized percolation rate.
 2. After swelling remove any loose material from the top of the sand or fine gravel.
 3. Using a fixed reference point, adjust the water level to 150 mm above the sand or gravel and measure the water drop every 30 minutes for four hours or until a stable rate of drop is reached. If the first 150 mm seeps away in less than 30 minutes, use a 10 minute interval and run the test for one hour or until the drop rate is stabilized. A drop of 5 mm or less in a 30 minute interval is indicative of a soil of “T” close to or greater than 50 min/cm. If it is to be assessed increase the reading interval to 60 minutes.
 4. Refill with water to the 150 mm level when necessary. Take readings until a stable rate of drop is reached. This may be when the drop in two successive readings does not vary by more than 1.5 mm or when the difference between the maximum and minimum readings of the last four readings does not exceed 5 mm. Once a stable rate is reached use the average drop of the last 3 readings in computing the percolation time.
- (f)

$$\text{Percolation time} = \frac{\text{Time Interval (minutes)}}{\text{Average drop of last 3 readings (cm)}}$$

A-8.2.1.3.(1) and (2) Balancing Tanks.

Where variable daily flows or peak flows occur, the flows to the sewage system may be balanced. The sewage system and any pump(s) that are installed to move the sanitary sewage, should be sized to accommodate a daily design sanitary sewage flow at least equal to the average daily sanitary sewage flow for the week. Balancing tanks should be sized in accordance with good engineering practice to ensure that peak flows can be accommodated.

A-8.2.1.4. Clearance Requirements.

Where coarse natural soils exist it may be necessary to require greater clearance distances to wells or surface water than those listed in the Tables. This is of greater importance when applied to the shoreline properties of sensitive lakes, where it is desired to prevent phosphates from entering the lakes.

A-8.6.2.2. CAN/BNQ 3680-600 Standard.

The CAN/BNQ 3680-600 “Onsite Residential Wastewater Treatment Technologies” uses slightly different terminology than the Building Code. A Building Code Level II would be a Class B-II in the BNQ standard, a Level III would be a Class B-III, and Level IV would be a Class B-IV.

e₆ A-9.8.8.5.(1) and (2) Risk of Falling Through Guards.

The risk of falling through a guard is especially prevalent for children. Therefore, the requirements are stringent for guards in all buildings except industrial buildings, where children are unlikely to be present except under strict supervision.

A-9.8.8.5.(3) Risk of Children Getting Their Heads Lodged Between Balusters.

The requirements to prevent children falling through guards also serve to provide adequate protection against this problem. However, guards are often installed where they are not required by the Code; i.e., in places where the difference in elevation is less than 600 mm. In these cases, there is no need to require the openings between balusters to be less than 100 mm. However, there is a range of openings between 100 mm and 200 mm in which children can get their heads stuck. Therefore, openings in this range are not permitted except in buildings of industrial occupancy, where children are unlikely to be present except under strict supervision.

A-9.8.8.6. Risk of Children Climbing Over Guards.

Guards are sometimes constructed with horizontal or near-horizontal members between balusters such that a ladder effect is achieved. This can be very tempting for young children to climb, thus exposing themselves to risk of falling over the guard. Such construction is not permitted for required guards in buildings of residential occupancy.

a_{2.1} A-9.8.9.6. Finish for Treads, Landings and Ramps.

A tactile indicator strip signals a warning to people with no or low vision that they are approaching a change in level. The strip is set back from the leading edge of the stair to provide sufficient warning of the change in level in advance. Also, see Appendix Note A-3.4.6.1.(2).

A-9.9.4.5.(1) Openings in Exterior Walls of Exits.

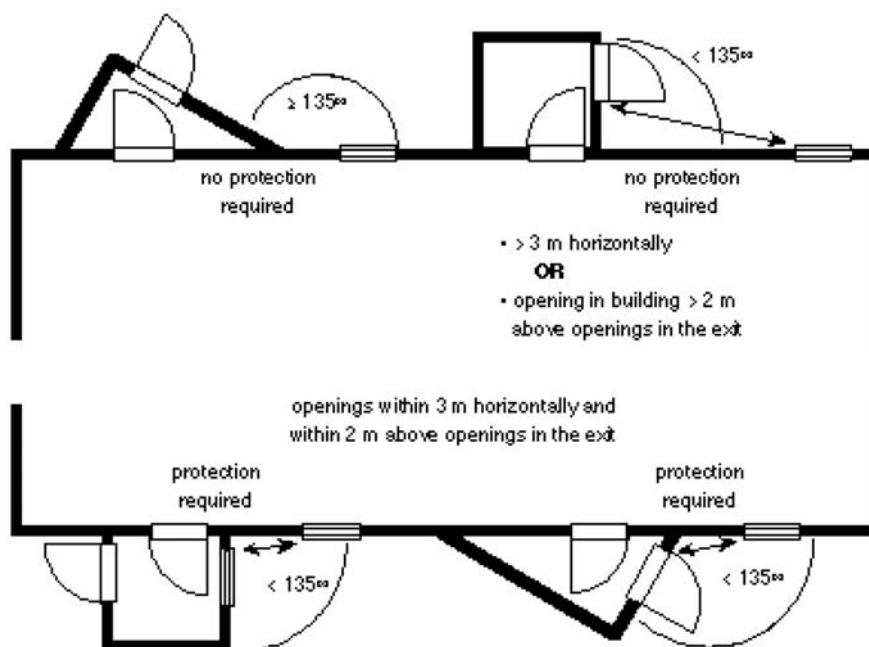


Figure A-9.9.4.5.(1)
Protection of Openings in Exterior Walls of Exits

A-9.9.8.4.(1) Independent and Remote Exits.

Subsection 9.9.8. requires that some floor areas have more than one exit. The intent is to ensure that, if one exit is made untenable or inaccessible by a fire, one or more other exits will be available to permit the occupants to escape. However, if the exits are close together, all exits might be made untenable or inaccessible by the same fire. Sentence 9.9.8.4.(1),

therefore, requires at least two of the exits to be located remotely from each other. This is not a problem in many buildings falling under Part 9. For instance, apartment buildings usually have exits located at either end of long corridors. However, in other types of buildings (e.g., dormitory and college residence buildings) this is often difficult to accomplish and problems arise in interpreting the meaning of the word “remote”. Article 3.4.2.3. is more specific, generally requiring the distance between exits to be one half the diagonal dimension of the floor area or at least 9 m. However, it is felt that such criteria would be too restrictive to impose on the design of all the smaller buildings which are governed by Part 9. Nevertheless, the exits should be placed as far apart as possible and the Part 3 criteria should be used as a target. Designs in which the exits are so close together that they will obviously both become contaminated in the event of a fire are not acceptable.

A-9.9.10.1.(1) Bedroom Window Opening Areas and Dimensions.

Although the minimum opening dimensions required for height and width are 380 mm, a window opening that is 380 mm by 380 mm would not comply with the minimum area requirements. (See Figure A-9.9.10.1.(1))

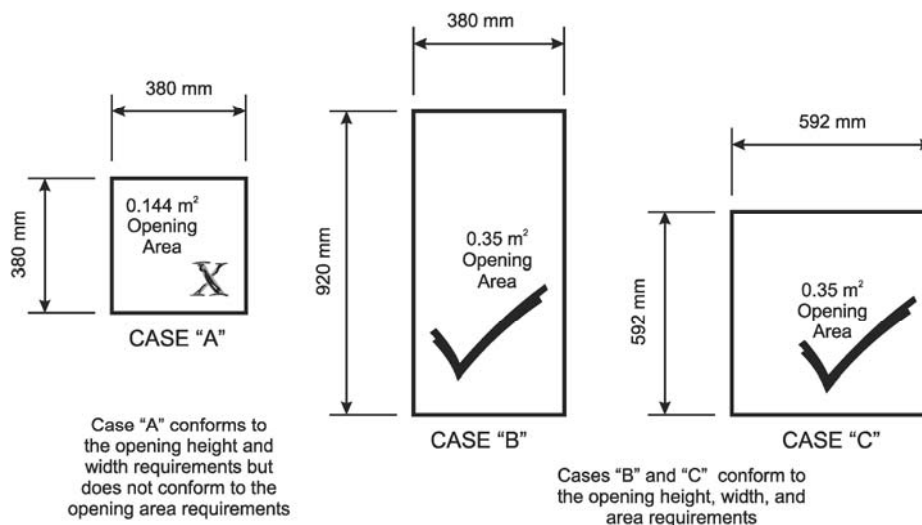


Figure A-9.9.10.1.(1)
Window Opening Areas and Dimensions

A-9.9.10.1.(2) Bedroom Window Height.

Sentence 9.9.10.1.(2) requires every floor level which contains a bedroom to have at least one window or door to the exterior that is large enough and easy enough to open that it can be used as an exit in case of a fire. However, Article 9.9.10.1. does not set a maximum sill height for such a window in a basement area. It is recommended that the sills of windows intended for use as emergency exits from basement bedroom areas be not higher than 1.5 m above the floor. Sometimes it is difficult to avoid having the sill higher than this; e.g., skylights, windows in basement bedrooms. In these cases, it is recommended that access to the window be improved by some means such as built-in furniture installed below the window. (See Figure A-9.9.10.1.(2))

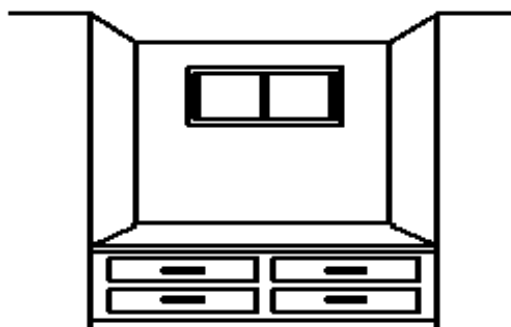


Figure A-9.9.10.1.(2)
Built-in Furniture to Improve Access to a Window

A-9.33.1.1. Combustion Air and Tight Houses.

The operation of an air exhaust system or of a fuel-burning appliance removes the air from a house, creating a slight negative pressure inside. In certain cases the natural flow of air up a chimney can be reversed, leading to a possible danger of carbon monoxide poisoning for the inhabitants.

Newer houses are generally more tightly constructed than older ones because of improved construction practices, including tighter windows, weather stripping and caulking. This fact increases the probability that infiltration may not be able to supply enough air to compensate for simultaneous operation of exhaust fans, fireplaces, clothes dryers, furnaces and space heaters. It is necessary, therefore, to introduce outside air to the space containing the fuel-burning appliance. Information regarding combustion air requirements for various types of appliances can be found in the installation standards referenced in Articles 6.2.1.4. and 9.33.1.2. In the case of solid-fuel burning stoves, ranges and space heaters, CAN/CSA-B365, “Installation Code for Solid-Fuel-Burning Appliances and Equipment” suggests that the minimum size of openings be determined by trial and error to accommodate the flue characteristics, the firing rate, the building characteristics, etc., and that, as a guide, the combustion air opening should be 0.5 times the flue collar area.

Further information is available in Canadian Building Digest 222, “Airtight Houses and Carbon Monoxide Poisoning”, from the Institute for Research in Construction, National Research Council of Canada, Ottawa K1A 0R6.

A-9.33.1.2.(1) Design, Construction and Installation Standard for Solid-Fuel-Burning Appliances.

CAN/CSA-B365, “Installation Code for Solid-Fuel-Burning Appliances and Equipment” is essentially an installation standard, and covers such issues as accessibility, air for combustion and ventilation, chimney and venting, mounting and floor protection, wall and ceiling clearances, installation of ducts, pipes, thimbles and manifolds, and control and safety devices. But the standard also includes a requirement that solid-fuel-burning appliances and equipment satisfy the requirements of one of a series of standards, depending on the appliance or equipment, therefore also making it a design and construction standard. It is required that stoves, ranges, central furnaces and other space heaters be designed and built in conformity with the relevant referenced standard.

a2 A-9.33.1.2.(2) Emissions Limits.

Referenced standards CSA B415.1-00 and the US EPA Standard require that catalytic wood burning devices have a particulate emission of 4.1 g/h and non-catalytic wood burning devices have a particulate emission of 7.5 g/h. Many products are tested to the CSA B415.1-10 standard which has lower particulate emissions than the EPA standard and the 2000 version of the CSA Standard. Products tested to the CSA B415.1-10 standard would be compliant with the referenced standards. Both CSA and EPA test particulate emissions using the same testing methods. These standards do not cover site-built masonry fireplaces or heaters or factory-built fireplaces with a minimum burn rate greater than or equal to 5 kg/h.

A-9.33.4. Carbon Monoxide Alarms.

Carbon monoxide (CO) is a colourless, odourless gas that can build up to lethal concentrations in an enclosed space without the occupants being aware of it. Thus, where an enclosed space incorporates or is near a potential source of CO, it is prudent to provide some means of detecting its presence.

Dwelling units have two common potential sources of CO:

- fuel-fired space- or water-heating equipment within the dwelling unit or in adjacent spaces within the building, and
- attached storage garages.

Most fuel-fired heating appliances do not normally produce CO and, even if they do, it is normally conveyed outside the building by the appliance’s venting system. Nevertheless, appliances can malfunction and venting systems can fail. Therefore, the provision of appropriately placed CO alarms in the dwelling unit is a relatively low-cost back-up safety measure. Similarly, although Article 9.10.9.16. requires that the walls and floor/ceiling assemblies separating attached garages from dwelling units incorporate an air barrier system, there have been several instances of CO from garages being drawn into houses, which indicates that a fully gas-tight barrier is difficult to achieve. The likelihood of preventing the entry of all CO is decreased if the dwelling unit is depressurized in relation to the garage. This can readily occur due to the operation of exhaust equipment or simply due to the stack effect created by heating the dwelling unit. Again, CO alarms in the dwelling unit provide a relatively low-cost back-up safety measure.

a₆ A-9.34.4.1. Electric Vehicle Charging Systems

Sentences 9.34.4.1.(1) and (2):

- Apply to buildings, other than apartment buildings or houses, within the scope of Part 9 of the Building Code with parking spaces in the building
- See notes for Sentences 3.1.21.1.(1) and 3.1.21.1.(2) in Appendix Note A-3.1.21.1.

Sentences 9.34.4.1.(3) to (6):

Scope of Application

- Describes the requirements for a house served by a garage, carport or driveway. The intent of these requirements is to put in place infrastructure to allow for the future installation of electric vehicle supply equipment as defined in Section 86 of the Ontario Electrical Safety Code, 2015, 26th Edition, as: “a complete assembly consisting of conductors, connectors, devices, apparatus, and fittings installed specifically for the purpose of power transfer and information exchange between the branch circuit and electric vehicle”.
- The building inspector’s role is to inspect to determine if a (minimum) 200 amp panelboard has been installed, and that, as a minimum, a conduit and outlet box, as described in the regulation, have been installed (or to approve an alternative solution that would not require a 200 amp panelboard or a conduit).
- Any electrical components installed in the future would need to be installed in accordance with Section 86 and other relevant provisions of the Ontario Electrical Safety Code. It is the role of the electrical safety inspector to verify that installations comply with the Ontario Electrical Safety Code.
- The requirements in Sentence 9.34.4.1.(3) do not apply to:
 - Houses not served by a garage, carport or driveway.
 - Houses where parking spaces are not adjacent to the house, and the installation of future electrical vehicle supply equipment would not be enabled by electrical infrastructure in the house (e.g., row houses served by a separate parking garage or a surface parking lot).
 - A multiple unit building of Group C major occupancy where residential units do not fall under the definition of house in the Building Code.
- Sentence 9.34.4.1.(3) requires only one electrical outlet box per house for the purpose of permitting the future installation of electric vehicle supply equipment.

Alternative Solutions

- The following considerations may apply to the development of an alternative solution to Sentence 9.34.4.1.(3) under Clause 1.2.1.1.(1)(b) of Division A:
 - For an alternative solution to be approved by a chief building official, the solution must achieve the level of performance required by the “acceptable solutions” set out in Division B of the Building Code with respect to the relevant “objectives” and “functional statements”.
 - As set out in SA-1, the requirements in Sentence (3) are tied to the following objective and functional statement:
 - Objective: to limit the probability that, as a result of the design or construction of a building, the natural environment will be exposed to an unacceptable risk of degradation due to emissions of greenhouse gases into the air.
 - Functional statement: to limit excessive emissions of greenhouse gases into the air.
 - The level of performance of the house for the purpose of evaluating a potential alternative solution is intended to be the ability for a house to enable future electric vehicle charging to an equal or greater extent than the acceptable solution in Sentence 9.34.4.1.(3).
 - Based on the required amperage of the panelboard and the size of the conduit required by Sentence 9.34.4.1.(3), the intent of the requirements is to enable the future installation of “Level 2” electric vehicle supply equipment.
 - “Level 1” charging uses 120 volts, supplied through a common household electrical outlet.
 - “Level 2” charging uses 240 volts and can be expected to require 40 amps at the panelboard.
 - Depending on other anticipated electrical load demand, available electric vehicle supply equipment and electric vehicle charging options available to occupants, it is possible that certain houses might reasonably be expected to achieve this performance through a combination of measures other than those set out in Clauses 9.34.4.1.(3)(a) to (c).

- A 200 amp panelboard, for example, may not be required in a particular house to support “Level 2” charging and other reasonably anticipated load demand (e.g. a smaller house without significant loading demands and/or where load sharing technology would limit peak loading).
- The availability of electric panelboards with amperages greater than the standard 100 amp level, but less than 200 amps, increases the feasibility of such alternative solutions.
- Building officials assessing applications for alternative solutions may wish to consider the following types of documents to demonstrate that a 240 volt / 40 amp energized receptacle could be installed while meeting the house’s anticipated electrical demand:
 - Electrical demand or loading calculations provided by a qualified person that conform to Section 8 of the Ontario Electrical Safety Code, or
 - An electrical design or plan that has been signed by a qualified person and which includes information about electrical demand or loading.
- “Qualified person”, in this context may include a professional engineer or an architect.
- In certain cases, a building permit applicant may propose that an energized receptacle capable of delivering a “Level 2” charge to an electric vehicle be installed at the time of construction (for example, a 240 volt energized receptacle, supplied with a minimum of 40 amps, that meets the demand calculations of the Ontario Electrical Safety Code) rather than providing for the installation of infrastructure to enable future charging. This may be seen as meeting Sentence 9.34.4.1.(3) regardless of the amperage of the panelboard, or the presence of a conduit. This would require electrical design demand or loading calculations that demonstrate that the house’s electrical system is capable of supporting a “Level 2” charging station and other expected electrical loads.
- Installing an energized receptacle or electric vehicle supply equipment capable of delivering a “Level 1” charge would not be seen as achieving the level of performance required by Sentence 9.34.4.1.(3).

A-9.39. Cold Room Slabs.

Design Assumptions

1. Density of Reinforced Concrete = 23.5 kN/m³.
2. Live Loads - As per Sentence 9.4.2.3 (1) of the Building Code, the live load is the lesser of the following:
 - 1.9 kPa,
 - Specified roof snow load, which for Ontario is up to 2.9 kPa.

Therefore a specified design load of 3.0 kPa is appropriate; however, the slab specified is capable of carrying higher live loads since the crack control requirements of CSA A23.3 and cover requirements as given below govern the design of the slab.

3. Design Standards: CSA A23.3-94, “Design of Concrete Structures”.
4. Exposure and Cover for Reinforcing Steel:
 - The slab is considered to be exposed to weather and de-icing chemicals.
 - Minimum top cover is 60 mm as per CSA A23.3 Clause A15.1.7.1 plus a 12 mm tolerance on placement.
 - Minimum bottom cover is 30 mm as per CSA A23.3 Clause A12.6.2 (slab cast against formwork).
 - For 10M reinforcing bars the minimum slab thickness is 72 mm cover + 11.3 mm bar + 11.3 mm bar + 30 mm cover = 125 mm.
5. Design Assumptions:
 - Concrete compressive strength of 32 MPa at 28 days as per Sentence 9.3.1.6.(1) of the Building Code.
 - Reinforcing steel yield strength of 400 Mpa.
 - Slab design is based on a one-way slab simply supported on foundation walls along the edges. Since the slab can be square or rectangular, the same steel is provided in both directions.
 - Maximum span is limited to 20 times the slab thickness as per CSA A23.3 Table 9.1.

A-10 Change of Use.

The successful application of Code requirements to a change of use of an existing building or parts thereof without any proposed construction becomes a matter of balancing the cost of implementing a requirement with the relative importance of that requirement to the overall Code objectives. In general, the degree to which any particular requirement can be relaxed without affecting the intended level of safety of the Code requires considerable judgment on the part of both the designer and the authority having jurisdiction. Therefore, this Part sets out a minimum performance level which the change of use must maintain.

A-11.2.1.1.(1)(a) Construction Index.

The scale of 1 (lowest) to 8 (highest) was formulated for existing buildings, to be used to determine their existing performance level; the numbers, or indices, were established based on the requirements of 3.2.2.20. to 3.2.2.83. Classification of existing buildings will now be in accord with Table 11.2.1.1.A. rather than Subsection 3.2.2. The construction index is established by evaluating all floors and roofs of the existing building.

A-11.2.1.1.(1)(b) Hazard Index.

While the construction index refers to construction of the existing building, hazard index refers to the proposed major occupancy or use of the building; the scales of 1 (lowest hazard) to 8 (highest hazard) are compatible with those of the construction index. In effect, a building with a C.I. of say 3, will support a major occupancy with a H.I. of 3 or lower; if you wish to change to a major occupancy with a H.I. higher than 3, then you must increase the fire protection construction of the building to support that higher hazard according to Table 11.2.1.1.A., or provide the additional upgrading in accordance with Column 4 of Table 11.4.3.4.A.

A-11.3.1.1.(1) Performance Level.

States the philosophy and intent of this Article: “after construction, the performance level of the building may remain the same, or be made better, but may not be made worse”.