Questions and Answers

This set of questions and answers has been prepared by the Ministry of Municipal Affairs and Housing as a service to municipalities, designers and other affected stakeholders. The document is not intended to provide legal advice. Users of the document should consult their own lawyer to answer any specific question.

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When do the new requirements take effect?

The new requirements come into effect in two steps. Certain elements took effect September 1, 2003, including provisions allowing building practitioners, including building officials (chief building officials, plans examiners and inspectors) and designers to become qualified, and provisions allowing design firms and registered code agencies to become registered.

Most of the new requirements take effect July 1, 2005. All building permit applications made on or after this date will follow the new requirements. Building permit applications made before this date are subject to the requirements that are in place June 30, 2005.

Qualification and registration requirements come into effect on July 1, 2005. All designers, building inspectors and others are required to be qualified and/or registered by this date.

Which statutes and regulations are affected?

The Building Code, a regulation under the *Building Code Act, 1992*, was amended through the filing of Ontario Regulation 305/03 in July 2003. The Building Code was further amended with the filing of Ontario Regulation 245/04 in August of 2004 and Ontario Regulations 145/05 and 146/05 in March of 2005.

**Which clauses are already in force?**

The key elements that came into force September 1, 2003 include:

- Provisions that allow building practitioners, including designers and building officials, to take Building Code examinations and become qualified;
- Provisions that allow designers and registered code agencies to become registered; and
- A seamless transition for on-site sewage inspectors and installers who were already regulated under the *Building Code Act, 1992* into the new qualification and registration system.

**Which changes will come into force on July 1, 2005?**

The elements that will come into force July 1, 2005 include:

- New service delivery options for municipalities through the use of private inspection bodies, known as registered code agencies (RCAs);
- Mandatory use of provincial building permit application form;
- A new list of “applicable law”;
- New rules governing building permit fees;
- Timeframes for building permit decisions;
- Mandatory notices and inspections at key construction stages;
- Roles defined in the Act for different building practitioners, including owners, builders, designers, and
manufacturers;

- New measures to support innovation including binding Minister’s interpretations, Minister’s rulings;

- Mandatory registration and insurance for certain design firms and RCAs;

- Mandatory qualification for individual designers, building officials, and RCA staff; and

- A Code of Conduct for building officials.
Delivery of Building Enforcement Services

What options will municipalities have when choosing how to deliver building enforcement services?

Municipalities currently have several options in delivering building enforcement services including: in-house service delivery with internal or contract staff and joint service delivery with another municipality. As of July 1, 2005, municipalities will have another option through the use of municipally appointed private inspection bodies known as registered code agencies (RCAs).

What is a Registered Code Agency?

A registered code agency, or RCA, is a private firm that can be contracted by a principal authority to exercise plan examination and/or inspection powers and duties under the Building Code Act, 1992 and Building Code.

RCAs must be registered by the Province. Registration includes having qualified staff, minimum insurance, adherence to conflict of interest rules and standards of conduct, as well as meeting a Quality Management Plan.

What are the duties of a Registered Code Agency?

Should a municipality authorize the appointment of an RCA, the RCA has a duty to undertake plans review and/or
construction inspections on behalf of the municipality, including issuing certain orders during construction.

Every municipality must have a Chief Building Official who continues to have responsibilities for key functions including:
issuing permits; determining applicable law; issuing unsafe orders and undertaking prosecutions.

What services can a Registered Code Agency perform?

A registered code agency (RCA) can:

- Review permit application designs and materials to determine whether the proposed construction complies with the Building Code;
- Issue certificates, including plans review, change and final review certificates;
- Inspect the construction of a building; and
- Any other functions in accordance with Act and Code.

An RCA may be appointed by a municipality to perform duties on individual buildings, types of buildings or groups of building. An RCA may be authorized to perform work before a permit is issued, after a permit is issued, or both.

What documentation must an RCA provide to the municipality during the course of plan review and inspection?

RCAs are required to submit certificates to the municipality’s chief building officials at designated points (e.g., the completion of plan review). O.Reg. 146/05 specifies that certificates are to be in the form approved by the Minister of Municipal Affairs and Housing. The certificates can be downloaded from the Building Code website: www.obc.mah.gov.on.ca.

More complete documentation (e.g., inspection reports) shall be turned over by the RCA to the chief building official
Why would a municipality want to retain a Registered Code Agency?

A municipality might choose to retain an RCA to fill gaps in staff qualifications related to certain building types, for example complex buildings. Another reason a municipality may want retain an RCA is in order to effectively manage high volumes of building permit applications and assistance is needed to meet service delivery requirements. The Building Code Act, 1992 also provides certain liability protection for municipalities engaging RCAs and from the action of their RCAs.

What controls are there over the operation of a Registered Code Agency?

RCAs must be registered by the Province. Registration includes having qualified staff, minimum insurance, adherence to conflict of interest rules and standards of conduct, as well as meeting a Quality Management Plan. The RCA must have a professional engineer or architect on staff when the Building Code requires that the design and general review of the construction of a building be undertaken by a professional engineer or architect.

Can a firm be both a registered code agency and a design firm?

A registered code agency (RCA) is a private inspection agency that undertakes Building Code enforcement activities on behalf of a municipality. A firm may provide services as an RCA as well as design services. However, the firm must be separately registered as an RCA and design firm, and must have separate insurance based on billings in these two business areas. Such firms cannot provide both design services and registered code agency services for the same project, and must not enter situations that would create a conflict of interest. Conflict of interest prohibitions for RCAs are clearly outlined in the Building Code.

How does the Building Code protect against a Registered Code Agency entering a conflict of interest
situation?

The Building Code specifically prohibits situations that constitute a conflict of interest for an RCA. An RCA is in a conflict of interest if the RCA, or an officer, director, partner or employee of the RCA or any person engaged by the RCA:

- Has participated in any capacity in the design activities or construction relating to any part of the building to which an appointment relates;
- Is employed (or has been employed within the previous 180 days) by a person who carried out design activities or construction relating to any part of the building; or
- Has a professional or financial interest in the construction, building or the person responsible for designing the building to which the appointment relates.

Furthermore, an RCA is in conflict of interest if any person engaged by the RCA is an elected official, officer or employee of a principal authority.

How are registered code agencies appointed?

A principal authority (i.e. municipality) may authorize the use of an RCA by entering into an agreement with it to perform the plans examination and/or inspection functions specified in the agreement for any building or class of buildings.

Can builders appoint their own registered code agency?

No. The Building Code was amended in August 2004 to remove the ability of builders to appoint their own RCAs.

Can municipalities still hire contract staff or firms to assist with plans examination and inspections?
Yes. Municipalities can continue to retain consultants or contract staff to assume responsibility for plans review and/or construction inspections, although these persons would need to be appointed as inspectors and be qualified in the applicable area of practice.

Similarly, municipalities can hire consultants to provide advice on Building Code issues. Such consultants would not need to be qualified, provided that a municipality has staff with the required code knowledge.

In neither case, however, would the external consultant be an RCA, so the municipality could not rely on the liability provisions of the Building Code that apply to RCAs.
Joint Enforcement Agreements

What are joint service agreements?

Joint service agreements are authorized under subsection 3(3) of the Act and allow the councils of two or more municipalities to enter into an agreement providing for the joint enforcement of the Building Code in their municipalities, cost sharing, and the appointment of a chief building official and inspectors. Joint agreements would also address issues such as the allocation of liability.

Some municipalities may consider joint enforcement agreements as a way to assist them in complying with service level standards required under the Building Code Act, 1992. Under a joint enforcement agreement municipalities would share the services of a Chief Building Official and inspection staff. This would assist municipalities in complying with new requirements related to mandatory qualifications, inspections, and mandatory permit review and inspection time frames.

Is joint enforcement a new power?

No. Municipalities have been able to share resources and expertise in this manner since the first Building Code Act was enacted in 1974. Over this time many jurisdictions have used this approach to meet the needs of their citizens.
Can municipalities share a chief building official or inspectors?

Yes. Principal authorities (i.e. municipalities) can enter into joint service delivery agreements with other principal authorities, which may include the sharing of a chief building official and / or inspectors.

How is liability allocated among municipalities that have joint service delivery agreements?

The joint service agreement could specify how liability would be allocated among municipalities participating in the agreement, as well as the nature of enforcement and cost and revenue sharing.

Can municipalities that enter into joint service delivery agreements retain RCAs?

Yes. Neither the Building Code Act, 1992 nor Building Code prevent municipalities who have entered into a joint service agreement to also appoint RCAs.
Building Permit Application

What is the provincial building permit application form?

As of July 1, 2005, building permit applications submitted to municipalities and other principal authorities must use the provincial building permit application. This application is available from the Building Code website at www.obc.mah.gov.on.ca.

Can municipalities modify the provincial building permit application form?

In general, the provincial form may not be altered. However principal authorities may convert the form into an electronic format, provided no fields are added or deleted on the form, and no text is changed on the form. For example, municipalities cannot add their logo to the form.

Municipalities may, however, require additional plans, specifications, documents and other information as prescribed in municipal building by-laws.
Permit Review

What time frames apply to the review of building permits?

The Building Code specifies timeframes for the review of complete building permit applications.

These timeframes include:

- 10 days for a house;
- 15 days for a small building;
- 20 days for a large building; and
- 30 days for a complex building.

The Building Code specifies timeframes for other types of buildings and structures including on-site sewage systems, farm buildings, tents, signs, and structures designated under the Building Code (e.g., certain retaining walls, certain communications towers and public pools).

What are the timeframes in cases where a building permit application is submitted to a municipality and a corresponding sewage system application is filed with a conservation authority/health unit?
The timeframe for reviewing the sewage system application will be the longer of 10 days or the time period which applies to the class of building that the septic system serves. For example if the septic system serves a “small building” then the time frame for permit review of the septic system would be 15 days.

**What must the municipality do within the timeframe?**

Within the timeframe the principal authority must either issue a building permit or refuse to issue a building permit and provide in writing all reasons for refusal.

The timeframe begins when a permit application is considered to be complete and required fees have been paid.

**When is a permit application considered complete?**

A building permit application is considered complete when:

- The permit application form has been executed (the prescribed provincial application form);
- The application is signed by the owner of the property or the authorized agent of the owner;
- All applicable fields on the application form and required schedules are completed;
- All attachments indicated as being attached to the application are submitted with the application; and
- The application is accompanied by the types and quantities of plans and specifications that are specified by municipal by-law.

**May a municipality refuse to accept a permit application if only partial plans are submitted? For example, full foundation plans, but only conceptual plans for the building superstructure?**

Yes. A municipality may refuse to accept an application for a building permit if the provincial and municipal requirements for a complete application are not met. Under the Building Code a complete application must be
accompanied by the types and quantities of plans and specifications specified by municipal by-law.

While a municipality cannot refuse to accept an application because it believes the plans included in the application are not in compliance with the Building Code, it may refuse an application if not all the required plans and specifications specified by the municipal by-law are included in the permit application. For example, an application can be refused if it does not include all the required superstructure plans and specifications such as structural plans, mechanical plans, etc.

However in the interest of customer service, many municipalities are expected to accept incomplete applications to which provincial timeframes will not apply.

May a municipality refuse to accept an application on the grounds that it does not comply with “applicable law”?

No. A municipality cannot refuse to accept an application on the grounds that it does not comply with applicable law. A municipality can only refuse to accept an application, which is not complete as defined in the Building Code and where required permit fees have not been paid.

What may municipalities do to encourage applications that are complete?

Principal authorities may provide guidelines to applicants on what should be considered in providing a complete application including, key areas of applicable law, which should be reviewed. Municipalities can also screen applications at the point of filing to see if the permit application appears to be complete, all forms have been submitted, all attachments are included and the required plans and specifications are included in the application package.

When an applicant resubmits a building permit application after having been denied a permit with full
reasons for refusal, is the subsequent permit review subject to any time limits?

No. Subsequent permit review processes are not subject to any time limits.

However, given that all reasons for refusal of the permit have been provided in writing, applicants are able to modify their submissions to indicate compliance and the follow-up review process should generally be relatively fast.

Are applications for conditional permits subject to timeframes?

No. The timeframes for building permit review do not apply to conditional permits.

The timeframes for permit review apply to complete building permit applications issued under subsection 8(1) of the Act and do not apply to conditional permits, which are issued under subsection 8(3) of the Act.

The Act gives chief building officials discretionary power to consider and issue Conditional permits. Conditional permits are intended to expedite construction when planning approvals are met but not all plans for the building are completed. This allows construction to start before all plans have been completed.

Does the timeframe for building permit review begin immediately after a complete application is received by a municipality?

Yes. Under the Building Code, the permit review time frame begins when a complete application is submitted to the chief building official.

Though not mandated, most municipalities will generally screen applications at the point of filing to ensure they comply with the requirements for a complete application. They may also provide a checklist to help applicants assess application readiness.
Applicable Law

What applicable law must be considered by a chief building official in determining whether to issue a building permit?

The Building Code has been amended to include a list of applicable law that applies for the purposes of Section 8 of the *Building Code Act, 1992*. This list is set out in Article 1.1.3.3. of the Code, and is scheduled to come into force on July 1, 2005.

Are the conditions of a site plan agreement or plan of subdivision considered applicable law under the Building Code?

Subclause 1.1.3.3.(1)(a)(xix) of the Building Code specifies that Section 41 of the *Planning Act* is applicable law "with respect to the approval by the council of the municipality or the Municipal Board of plans and drawings". Typically, the act of approving the plans and drawings by the municipal council under Subsection 41(4) of the *Planning Act* would satisfy the requirement of applicable law for the purposes of the Building Code.

Satisfying the terms or conditions of a site plan agreement would not be considered applicable law precedent to issuing a permit. However, other mechanisms exist to ensure compliance with site plan agreements and other agreements...
Are municipalities required to provide a list of applicable law that pertains to that municipality – e.g., private bills, relevant by-law provisions authorized under applicable law etc?

No. Neither, the Building Code Act, 1992 nor Building Code requires principal authorities to produce a list of “local” applicable law. However, jurisdictions with such restrictions are expected to make such a list available to add transparency to their permit process.
What are stock plan agreements?

The Building Code Act, 1992 provides mechanisms for two or more principal authorities (i.e. municipalities), to enter into an agreement whereby one municipality reviews plans and specifications for compliance with the Building Code, and the other municipality (ies) agrees to expedited review of the same “stock plans”. Stock plans may be the plans and specifications for standard houses or commercial buildings that do not vary significantly between locations.

How is liability assigned when there is a building failure?

The Building Code Act, 1992 allows the municipalities to address a number of issues in the agreements including the allocation of responsibility for reviews and compliance between municipalities, resolution of disagreements about compliance, indemnification and other matters they deem necessary to ensure smooth operation of this approach.

What are “substantially similar” plans?

The Building Code Act, 1992 allows these agreements for the expedited review of plans and specifications where they are “substantially similar”.
What are the time frames for the review of building permit applications involving stock plans?

The presence of a stock plan agreement does not affect the timeframe within which a building permit determination must be made effective July 1, 2005. O.Reg. 146/05 removed a Building Code provision that required that stock plans for houses be reviewed in five days where an agreement is in place. As a result of this regulatory provision, the standard ten-day timeframe for houses will apply.
Permit Fees

What are the rules that govern how municipalities establish building permit fees?

Under the Building Code Act, 1992, the total amount of building permit fees collected by a principal authority (i.e. municipality) must not exceed the anticipated reasonable costs of the authority to administer and enforce the Act within its jurisdiction.

As of January 1, 2006, the Building Code requires a public meeting before a principal authority changes its permit fees. At the meeting, the principal authority must make information available regarding the direct and indirect costs of delivering services related to the administration and enforcement of the Act in the jurisdiction and the rationale for the fee change.

How can the public stay informed about the introduction or change in building permit fees?

Under the Building Code principal authorities (i.e. municipalities) are required to hold a public meeting before changing its building permit fee structure. The principal authority is required to provide 21 days notice of the meeting with notice being sent by regular mail to the last address provided by the person or organization requesting the meeting. The information that must be made available to the public at the meeting includes an estimate of the costs of
administering and enforcing of the Act, the amount of the fee changes to the existing fee and the rationale for imposing or changing the fee. In addition, any person who attends has an opportunity to make representations on the matter.

The municipality is also required to prepare an annual report, which includes the total fees collected in the previous 12-month period. The report must identify direct and indirect costs of delivering services, and the amount of any reserve fund that has been established. The municipality is required to give notice of the report to any person and organization that has requested the information.

The requirements for annual reporting take effect January 1, 2006.

**Must a principal authority recover all building permit administration and enforcement costs from permit fees?**

No. A principal authority may rely on property tax revenues to supplement *Building Code Act, 1992* enforcement.

**Are principal authorities required to calculate permit fees based on individual projects or classes of permits?**

No. The limits on fees apply to the aggregate fee income anticipated from all classes of permits.

**What costs can be covered by building permit fees?**

Permit fees can cover the direct costs of building permit administration and enforcement under the *Building Code Act, 1992* such as salary costs and the costs of conducting prosecutions. Permit fees can also cover indirect costs such as those related to staff training, information technology, accommodation, insurance and legal services. In addition, costs that can be covered may include a reserve fund to cover future enforcement and administrative costs.

**May building permit fees cover expenses associated with hiring an RCA?**
Yes. In preparing its budget, a principal authority could consider the costs of appointing one or more RCAs. The requirement that total anticipated fees are based on costs would still apply.

**May municipalities maintain a reserve fund?**

Yes. Municipalities are specifically authorized to maintain a reserve fund. Information about the reserve fund is required to be provided in the municipality’s annual report of Building Code enforcement related costs and revenues.

**May building permit fee revenues be used to cover the costs of municipal property standards enforcement?**

No. Section 1.1 of the *Building Code Act, 1992* specifically excludes costs associated with property standards enforcement from those costs that may be considered in determining building permit fees.

**Are annual reports on building permit fees submitted to the Province?**

No. Annual building permit fee reports are for the public, and principal authorities must send notice of the report to persons and organizations that have requested to be notified.
Equivalents

What new rules have been established for the issuance of equivalents?

Chief building officials remain able to allow the use of equivalent materials, systems or building designs where the use of the proposed equivalents provides the level of performance that would be achieved by conforming to the Building Code. Effective July 1, 2005, RCAs will also be able to allow the use of equivalents. CBOs and RCAs must keep a record of the decision, and all documents in support of the request, to allow the use of an equivalent material, system or building design.
When must the building permit holder submit readiness to inspect notices?

Building permit holders must submit a notice of inspection to the chief building official or registered code agency at each stage of construction set out under Article 2.4.5.1. of the Building Code, as they apply to their project.

The building permit holder must also submit a notice of inspection at the stages of construction required under a municipal by-law or resolution authorized under Article 2.4.5.2. of the Building Code.

Who receives notices?

The chief building official or registered code agency, if one has been appointed for the construction, receives the notice of inspection.

What is the timeframe for the required inspections?

The Building Code requires an inspector or RCA to undertake a site inspection not later than 2 working days after the receipt of a notice submitted to a chief building official or RCA. The timeframe is 5 working days where the notice relates to sewage systems.
The timeframes for additional inspections required by a municipality through a by-law or resolution, under Article 2.4.5.2. of the Building Code, is to be established by the municipality itself.
Orders Issued During Construction

Who issues Orders?

Orders may be issued by chief building officials, and in some cases, by building inspectors and registered code agencies.

What form is to be used for Orders?

There are new prescribed forms for five orders issued by building inspectors, chief building officials or RCAs. The five orders are: Order to Comply, Stop Work Order, Order Requiring Tests and Samples, Order Not to Cover, Order to Uncover.

O.Reg. 146/05 specifies that these orders are to be in the form approved by the Minister of Municipal Affairs and Housing.

The forms can be downloaded from the Building Code website: www.obc.mah.gov.on.ca. These orders can be augmented to include the principal authority logo and business address.

There is no provincial form for “unsafe” orders. These can continue to be issued in a format established by
municipalities.
Site Plan Disputes

What new tools are available to resolve disputes over term of site plan conditions?

The Building Code Statute Law Amendment Act, 2002 also amends the Planning Act to expedite the resolution of disputes concerning whether or not a matter is subject to site plan control (e.g., the owner of the land does not believe that the municipality has jurisdiction, through site control, over a particular building element). The Planning Act has been amended to authorize the owner or the municipality to apply to the Ontario Municipal Board (OMB) by means of a notice of motion for directions. This potentially could take less time than a full OMB hearing. Furthermore, the OMB would make a final determination, which is not subject to further appeal or review. These provisions will take effect on July 1, 2005.
Service Level Disputes

What form of dispute resolution is available for service level issues?

Service level disputes can be appealed to the Provincial Building Code Commission where they are between:

- A permit applicant and a chief building official concerning whether an application for a permit was issued or refused within the prescribed timeframes;

- A permit applicant and a chief building official concerning whether all of the reasons for the refusal of the permit were provided within the prescribed timeframe; and

- A permit holder and a chief building official or registered code agency if, after receiving a notice of readiness for inspection, an inspection was not carried out within the prescribed time frame.

What is my recourse if my complete permit application is not reviewed within the required timeframe?

Where a permit applicant’s complete application has not been reviewed within the prescribed timeframe, the applicant may wish to first speak with a municipal building official to inquire about the status of the application. Should the applicant not feel satisfied with the response from the building official, the applicant may appeal to the Building Code Commission (BCC). The BCC can hear the dispute and make a ruling on whether the municipality met the permit
review time frame after receiving a complete application. The BCC must hear the appeal within 5 business days after it is received.

While the BCC does not have the authority to substitute its own decision with respect to a permit application it will issue an order which may include requiring the chief building official to review the application and either issue the permit or refuse it stating the reasons.
Designer Qualification and Registration

When must a designer be qualified / registered under the Building Code?

In general, designers that engage in the following “design activities” are required to meet the qualification/registration requirements under the Building Code:

- Preparing a design as part of a building permit application;
- Giving information or an opinion concerning whether a building or part of a building complies with the Building Code if the information or opinion is to be submitted to a chief building official in connection with a building permit application; and
- Preparing a written report for submission to the chief building official based on a general review, where a general review is required by the Building Code.

Qualification/registration applies to a designer’s area of practice.

What are the “areas of practice” for designers?

The “areas of practice” for a designer are the types of buildings or systems for which the designer undertakes design...
activities. Table 2.20.2.1. of the Building Code sets out the classes of registration and categories of qualification for building practitioners, including designers, that correspond to a type of building or "area of practice".

Who is required to be registered, the individual designer or the design firm?

Subject to certain exemptions, design firms, which may be sole proprietors and partnerships, must be registered in their area of practice. Individuals are required to be qualified. Both the firm and qualified individual are given a Building Code Identification Number (BCIN).

Which design firms are subject to the registration requirements set out in the Building Code?

In general design firms that provide design activities to the public, as defined under subsection 15.11(5) of the Building Code Act, 1992, and take responsibility for these activities, are subject to the registration requirements set out in Subsection 2.17.5. of the Building Code.

Are there exceptions to the types of design firms providing design activities to the public that must be registered?

Yes. Sentence 2.17.4.1.(3) of the Building Code list the designers that are exempt from the registration requirements, including:

- Designers that work exclusively for a homebuilder registered under the Ontario New Home Warranties Plan Act (Tarion) where the design activities of the house to be constructed or sold by the firm is done by the in-house designer;
- In-house designers providing design activities for the construction of a building owned by the firm;
- Designers of farm buildings that are of low human occupancy, of 2 storeys or less in building height, and have a building area of less than 600 m² (6420 ft²);
- Design firms providing design activities for the renovation of houses (a detached house, semi-detached house, townhouse or row house containing not more than two dwelling units in each house);
- Designers registered as an on-site sewage system installer where the sewage system will be constructed by the designer;
- Designers of certain tents;
- Designers of signs;
- Designers of surface drainage and plumbing located underground, either outside or under the building;
- Designers of factory-built houses certified to CAN/CSA-A277 "Procedure for Certification of Factory-Built Houses";
- Designers of mobile homes conforming to CAN/CSA-Z240 Series "Mobile Homes";
- Designers of park model trailers conforming to CAN/CSA-Z241 Series "Park Model Trailers";
- Designers of pre-engineered building elements if the design of the elements is carried out by a person competent in the specific discipline appropriate to the circumstances;
- Designers of appliances, equipment and similar incidental components of a building;
- Designers of plumbing systems for houses;
- Designers of heating, ventilation and air conditioning systems for houses; and
- Designers of ancillary buildings to houses.

NOTE: Designers exempt from the requirements to be registered may still need to be qualified.

What are the requirements that a design firm must meet to become registered? What fees are payable?

The requirements that a registered design firm must meet include:

- The successful completion of the Ministry of Municipal Affairs and Housing Examination Program by key personnel in the firm and all persons in the firm that review and take responsibility for design activities;
What is the process for registering a design firm?

The process for firm registration is:

- Key personnel and individual designers that will review and take responsibility for design work become qualified by successfully completing the Ministry Examination Program;
- The firm obtains the necessary insurance;
- The firm submits its registration application with the Director of the Ministry of Municipal Affairs and Housing’s Building and Development Branch including a $125 fee.

Registrations are renewed annually. Firms must update their information, and key personnel and individual designers must maintain Building Code knowledge.

Registration forms can be downloaded from the Building Code website: [www.obc.mah.gov.on.ca](http://www.obc.mah.gov.on.ca).

I work for a registered design firm, and will review and take responsibility for design activities. Do I need to be qualified? If so, what is the process?

Yes. A condition for the registration of a design firm is that key personnel and all persons who will review and take responsibility for design activities provided to the public must be qualified and therefore have successfully completed the Ministry of Municipal Affairs and Housing Examination Program in their area of practice. Successful completion of the Examination Program includes passing a legal examination as well as technical examinations that correspond with area(s) of practice.
A designer who is an employee of a registered design firm does not need to file his/her qualification information separately with the Ministry; this filing is done through the firm registration.

**Must all designers in a registered firm be qualified?**

No, only designers that review and take responsibility for design activities must be qualified.

**What is an “Other Designer”?**

An “Other Designer” is a designer that undertakes design activities and is required to be qualified, but not registered. Subsection 2.17.5. of the Building Code sets out the requirements for “Other Designers”. Examples include in-house designers of certain design/build firms.

In order to be qualified as an “Other Designer”, individual must successfully complete the Ministry of Municipal Affairs and Housing Examination Program and file qualification information with the Director of the Building and Development Branch.

Filing forms can be downloaded from the Building Code website: [www.obc.mah.gov.on.ca](http://www.obc.mah.gov.on.ca).

**I want to be qualified as an “Other Designer”. What must I do to become qualified? What fees are payable?**

The qualification requirements for “Other Designers” include:

- Successful completion of the Ministry of Municipal Affairs and Housing Examination Program, which includes passing a legal/process examination, as well as technical exam(s) in the designer’s area(s) of practice;
- Filing qualification information with the Director of the Building and Development Branch. The $80 filing fee is
Is qualification or registration necessary if a design firm’s plans are not actually submitted as part of a building permit application?

No. Even where plans are related to construction requiring a building permit, no “design activity”, as defined under the Building Code takes place if those plans are not submitted as part of the building permit application, and are not required for the issuance of such a permit. Certain municipalities, for example, do not require plumbing drawings for houses at the time of building permit application. In such circumstances, a qualified / registered designer is not required.

Are there exceptions to the types of designers providing design activities to the public that must be qualified?

Yes. Sentence 2.17.5.1.(2) of the Building Code lists the designers that are exempt from qualification, including:

- Designers that design a house they own;
- Designers that design an ancillary building that serves the house they own;
- Designers of farm buildings that are of low human occupancy, of 2 storeys or less in building height, and have a building area of less that 600 m² (6420ft²);
- Designers registered as an on-site sewage system installer where the sewage system will be constructed by the designer;
- Designers of on-site sewage systems owned by that person;
- Designers of certain tents;
- Designers of signs;
- Designers of surface drainage and plumbing located underground, either outside or under the building;
Designers of pre-engineered building elements if the design of the elements is carried out by a person competent in the specific discipline appropriate to the circumstances;

Designers of appliances, equipment and similar incidental components of a building; and

Designers of ancillary buildings to houses that do not exceed 50 m² in building area.

**In many cases, a number of people contribute to the preparation of a building design. Which ones must be qualified?**

Only those designers that review and take responsibility for the preparation of a building design, as part of a building permit application, must be qualified.

**May drawings prepared by one firm be “signed off” by another firm?**

Yes. Neither the *Building Code Act, 1992* nor Building Code prevents a situation where a registered firm or qualified designer assumes responsibility for design activities undertaken by another designer.

Drawings prepared by one designer can be “stamped” or signed off” by a designer in another firm if:

- The second designer works for a firm registered in the appropriate area of practice (in cases where registration is required);
- The designer in the second firm is qualified in that area of practice; and
- The designer is the second firm is prepared to "review and take responsibility for the drawings.

Professional engineers and licensed architects should consult with their respective associations to verify that the individual circumstances are in accordance with professional standards under the *Professional Engineers Act* and *Architects Act*, respectively.
If a design firm does not have a qualified person on staff, can it use a registered code agency (RCA) with appropriately qualified people to take responsibility for the designs?

No. An RCA is a private inspection agency that undertakes Building Code enforcement activities on behalf of a municipality. RCAs assume the role of a building official, not the designer.

Are the new qualification/registration requirements a substitute for the design and general review requirements already set out in section 2.3 of the Code?

No. The designer qualification / registration requirements apply in addition to, and complement, the requirements for design and general review by an architect or professional engineer, or both.
Application of Qualification/Registration to Licensed Architects and Professional Engineers

Are architectural practices subject to qualification and registration under the Building Code?

No. O.Reg. 145/05 amends the Building Code to recognize the Ontario Association of Architect’s (OAA) establishment of a parallel qualification and registration system to evaluate Building Code knowledge. O.Reg. 144/05 amends Regulation 27 made under the Architects Act to set out the parallel qualification and registration requirements for architects licensed by OAA.

What are the elements of the OAA’s “parallel system”?

The parallel system recognizes the importance of public safety and financial accountability and will include:

- Assessments of Building Code knowledge recognizing the categories of qualification set out in the Building Code;
- Mandatory continuing education; and
- Mandatory insurance for architectural practices.

A Memorandum of Understanding setting out the parameters of OAA’s parallel system has been developed and
Are engineering firms subject to qualification/registration under the Building Code?

Yes. Engineers and engineering firms are subject to qualification/registration under the Building Code, with qualification/registration being the responsibility of the Ministry of Municipal Affairs and Housing.

Has the opportunity to operate a “parallel” system been extended to Professional Engineers Ontario?

Yes. The Ministry of Municipal Affairs and Housing has extended an offer to work with Professional Engineers Ontario to develop a parallel system that would be tailored to meet the needs of engineers while also meeting the objectives of the Building Code.
Application of Qualification/Registration to Various Types of Design Work

Does every person who undertakes site inspection, where the general review must be undertaken by a professional engineer or architect, also need to be qualified?

The Building Code Act, 1992 and Building Code requires that persons who review and take responsibility for design activities, which includes general review, must be qualified.

However, the Building Code Act, 1992 and Building Code do not prohibit a person from taking responsibility for general review where individual inspection activities have been delegated to another person in the firm, provided that the responsible person has the necessary qualifications.

Professional engineers and architects should consult with their respective associations to verify that the individual circumstances are in accordance with professional standards under the Professional Engineers Act and Architects Act, respectively.

How is “house” defined for the purposes of registration/qualification?
As a result of Ontario Regulation 146/05, the definition of houses has been broadened to include detached, semi-detached, row and townhouses with not more than two dwelling units in each house (e.g. duplexes, or houses with a basement apartment). This creates more flexibility for building officials and designers qualified in the “House”, Plumbing – House” and “HVAC – House” categories.

**What qualification/registration requirements must be met by an “in-house” designer working for a new homebuilder registered through Tarion?**

Individual designers that work exclusively for a homebuilder registered through Tarion need not be registered however; they are subject to the qualification requirements as an “Other Designer”.

The requirements for qualification include:

- Successful completion of the Ministry of Municipal Affairs and Housing Examination Program, which includes passing the legal/process examination, as well as technical exam(s) in their area(s) of practice;
- Filing qualification information if an “Other Designer”; and
- Maintaining Building Code knowledge.

**What qualification/registration requirements must be met by an external design firm retained by a new homebuilder registered through Tarion?**

An external design firm retained by a Tarion registered homebuilder is subject to both the qualification and registration requirements. Therefore, persons in the firm that review and take responsibility for design activities must be qualified and the firm must be registered.

**What qualification/registration category applies to designers responsible for house renovations?**

Firms that provide designs to building officials for the extension, material alteration or repair of a detached house, semi-
detached house, townhouse or row house are exempt from the registration requirements but are subject to the qualification requirements as an “Other Designer”.

**What qualification/registration category applies to designers responsible for buildings ancillary to houses?**

Persons who design and take responsibility for the design of buildings ancillary to houses typically qualify in the House qualification category.

**What requirements must be met by an “in-house” designer working for an industrial, commercial or institutional owner-builder?**

An in-house designer who provides design activities related only to the construction of an industrial, commercial or institutional building that is owned by that firm or organization is exempt from the registration requirements but is subject to the qualification requirements as an “Other Designer”.

**What requirements must be met by “in-house” designers working for “design build” firms (e.g., in the industrial, commercial or institutional fields)?**

If the design activities performed by the “in-house” designer are in relation to the construction of buildings owned by the firm at the time of permit application, then the firm is exempt from the registration requirements, although the designer is subject to the qualification requirements as an “Other Designer”.

**What requirements must be met by somebody who prepares designs for their own new home or home renovation?**

A person who prepares designs for the construction, extension, material alteration or repair of their own home is
I design all aspects of house, which qualifications do I need?

The categories of qualification/classes of registration required for designers that take responsibility for all aspects of the house design, include “House”, “Plumbing – House”, “HVAC – House” and possibly “On-site Sewage Systems”.

Does a designer who deals with the structural components of a house need to be qualified in the Building Structural category?

No. Qualification in the “House” category includes the ability to carry out design activities in the structural components of a house. Should the designer deal with the structural components of buildings other than houses, qualification in the “Building Structural” category is required. For more information, refer to Table 2.20.2.1. of the Building Code, which sets out the categories of qualification / classes of registration that correspond to each type of building.

Which qualification/registration category applies to designers who are responsible for sprinkler systems?

As a result of O.Reg. 146/05, persons who design only sprinkler systems will have the option of being qualified/registered in either the “Building Services” or the new “Fire Protection” qualification category.

Which qualification/registration category applies to designers responsible for the fire safety systems of a building?

As a result of O.Reg. 146/05, persons responsible for design activities related to fire safety (including fire suppression, fire detection, fire fighting and fire safety systems) would be able to qualify/register in the new “Fire Protection” qualification category. Alternatively, they could qualify in Building Services and other categories that cover the
applicable building type (e.g., “Large Buildings”).

Which qualification/registration category applies to designers responsible for electrical systems governed by the Building Code?

As a result of O.Reg. 146/05, persons who design only electrical systems governed by the Building Code (e.g., fire alarms, emergency lighting) will have the option of being qualified/registered in either the “Building Services” or the new “Detection, Light and Power” qualification category.

Which qualification/registration category applies to designers responsible for site servicing, grading and storm water management?

As a result of O.Reg. 146/05, designers who limit their work to site servicing, including surface drainage and plumbing located underground either outside or under a building, are exempt from qualification and registration.

What qualification/registration category applies to designers responsible for manufactured buildings?

As a result of O.Reg. 146/05, persons are exempt from registration if their work is limited to factory built houses, mobile homes and trailers conforming to Canadian Standards Association (CSA).

However, such persons would generally be subject to qualification as “other designers”.

What qualification/registration category applies to designers responsible for appliances and other building equipment?

As a result of O.Reg.146/05, designers who limit their work to design appliances and other building equipment are exempt from qualification and registration. This could apply, for example, to designers who are responsible for home furnaces, cooling towers, diesel generators and lighting fixtures.
What qualification/registration requirements apply to plumbing contractors?

As a result of O.Reg.146/05, plumbing contractors who design and take responsibility for the design of plumbing systems for a detached house, semi-detached house, townhouse or row house containing not more than two dwelling units in each house are exempt from registration, but must still be qualified. The category of qualification for the design of plumbing systems for houses is Plumbing-House.

Qualification as a designer of plumbing systems for houses includes the successful completion of a legal/process examination and the Plumbing-House technical examination. However, holders of a valid Ontario Certificate of Qualification issued by the Ministry of Training, Colleges and Universities under the Training and Certification Program for Plumbers are considered to have Advanced Standing for the Plumbing – House Technical Examination.

Plumbing contractors who design and take responsibility for the design of plumbing systems for buildings other than houses, must be both qualified and registered. The category of qualification/class of registration is Plumbing-All Buildings.

It should be noted that qualification or registration may not be necessary where plans are not submitted as part of the building permit application, since design activities, as defined under the Building Code Act, 1992, are connected to plans submitted as part of the building permit application. Certain municipalities, for example, do not require plumbing drawings for houses at the time of building permit application. In such circumstances, a qualified/registered designer is not required.

What qualification/registration requirements apply to heating, ventilation and air conditioning (HVAC) contractors?
As a result of O.Reg.146/05, HVAC contractors who design and take responsibility for the design of HVAC systems in a detached house, semi-detached house, townhouse or row house containing not more than two dwelling units in each house are exempt from the registration requirements, but must still be qualified. The category of qualification for the designer of an HVAC system for a house is HVAC-House. Qualification includes the successful completion of a legal/process examination and the HVAC-House technical examination.

HVAC contractors who design and take responsibility for the design of HVAC systems for buildings other than houses, must be both qualified and registered. The category of qualification/class of registration is Building Services.

It should be noted that qualification or registration may not be necessary where plans are not submitted as part of the building permit application, since design activities, as defined under the Building Code Act, 1992, are connected to plans submitted as part of the building permit application. Certain municipalities, for example, do not require HVAC drawings for houses at the time of building permit application. In such circumstances, a qualified/registered designer is not required.

**Which qualification/registration categories apply to interior designers?**

Persons who design and take responsibility for interior designs for buildings typically qualify in one or more of “Complex Buildings”, “Large Buildings”, “Small Buildings” or “House category”. Table 2.20.2.1. of the Building Code sets out the categories of qualification/classes of registration that correspond to each type of building.

**What qualification/registration categories apply to land surveyors?**

Land surveyors would be exempt from qualification and registration if their activities are limited to property surveys showing existing conditions. This would not be a “design activity” as defined in the Building Code.

**Does a firm registered as an on-site sewage installer also need to be registered as a designer?**
No, on-site sewage system installers who are registered with the Ministry of Municipal Affairs and Housing as an installer are exempt from the registration requirements as a designer for systems they install. Therefore on-site sewage system installers who design and install sewage systems regulated by the Building Code must:

- Successfully complete the Ministry Examination Program;
- File the On Site Sewage System Installer Application for Registration with the Director of the Building and Development Branch; and
- Pay the $50 registration fee.
Building Official Qualification

Which building staff must be qualified?

The chief building official, supervisors, managers, inspectors (including on-site sewage system and fire protection inspectors), and plans examiners must be qualified.

Are any building officials exempt from qualification?

Yes. As a result of O.Reg.146/05, building officials are exempt from qualification where their plan review and inspection activities are limited to:

- Site servicing:
  - Factory built houses, mobile homes and trailers conforming to Canadian Standards Association (CSA); and
- Signs.

What are the qualification requirements? What fees are payable?

The qualification requirements for building officials include:

Successful completion of the Ministry of Municipal Affairs and Housing Examination Program, which includes passing a legal/process examination, as well as technical exam(s) in area(s) of practice;

Filing qualification information with the Director of the Building and Development Branch; and

Maintaining Building Code knowledge.

The fees payable include an examination fee of $80 per examination ($70 if the application is submitted electronically over the Internet on the QuARTS system at www.obc.mah.gov.on.ca). The fee for filing qualification information is also $80 or $70 if done through QuARTS.

Can I be qualified if I do not work for a municipality?

No, Article 2.16.6.1. of the Building Code requires that you be appointed by a principal authority (i.e. municipality, health unit, conservation authority or planning board) in order to file qualification information as a building official.

I work for more than one municipality as a building official; do I need to qualify in each separately?

No, however you must identify each municipality on your provincial filing form. The filing forms for inspectors, supervisor / managers and chief building officials allow individuals to enter more than one municipality on the same form.

What is the qualification process?

The qualification process for building officials is as follows:

- Determine area(s) of practice;
- Assess advanced standing;
- Determine legal and technical examinations that need to be written;
● Apply for and successfully complete the examinations;
● File information with the Director of the Ministry of Municipal Affairs and Housing Building and Development Branch; and
● Maintain Code knowledge.

**When must fire department staff be qualified?**

Fire prevention officers must be qualified as inspectors under the *Building Code Act, 1992* when they are to be appointed by the municipality to undertake plans review or inspection (e.g. issue *Building Code Act, 1992* orders) in respect of fire suppression, fire detection, fire fighting and fire safety under the *Building Code Act, 1992*. Such inspectors must complete the Ministry of Municipal Affairs and Housing Examination Program, including passing the General Legal/Process or Powers and Duties of CBO examination and the Fire Protection examination.

Similarly, if the fire chief is appointed as an inspector under the *Building Code Act, 1992* and supervises other appointed inspectors, the fire chief would be subject to the qualification requirements as a "supervisor / manager" under 2.16.3.1 of the Building Code. Therefore the fire chief would need to successfully complete at least one technical examination (likely Fire Protection) and the Powers and Duties of CBO examination.

**A municipality has retained an RCA for certain classes of buildings. Are qualified inspectors still needed for those classes?**

No, when a municipality retains an RCA, the RCA assumes a plan examination and/or inspection role (e.g. reviewing plans, issuing certificates, and inspecting construction in connection with the Building Code). However, the chief building official is still responsible for key functions including determining compliance with applicable law, issuing the building permit, issuing any Unsafe Orders and undertaking prosecutions.
What requirements apply to inspectors who are responsible for on-site sewage systems, and who were certified before September 1, 2003 and who have maintained their qualifications?

On-site sewage system inspectors who were certified under the Building Code on August 31, 2003 have been deemed to be qualified under the new system as of September 1, 2003.

As set out in the Ministry’s Examination Program, to maintain their qualifications, these officials must, by January 1, 2006, pass either the General Legal/Process or Powers and Duties of CBO examination and ensure that qualification information has been filed with the Director of the Ministry of Municipal Affairs and Housing’s Building and Development Branch.

What happens if required staff in a municipality are not qualified by January 1, 2006?

The Building Code Act, 1992 and Building Code require building officials to be qualified in their area(s) of responsibility to be appointed or remain appointed. Only qualified individuals may be appointed to perform Building Code Act, 1992 functions including: plans review, issuing permits, Building Code enforcement, inspection of building sites, and issuing orders.

However, O.Reg. 146/05 amends to the Building Code to allow inspectors who have not met all Building Code qualification requirements to perform restricted duties provided that they are enrolled in a Ministry-approved internship program and supervised by a qualified inspector or chief building official.
Internship Program for Building Officials

What is meant by an internship program?

O.Reg. 146/05 amends to the Building Code to allow inspectors who have not met all Building Code qualification requirements to perform restricted duties provided that they are enrolled in a Ministry-approved internship program and supervised by a qualified inspector or chief building official.

What duties can an intern inspector perform?

An intern inspector can undertake the duties as an inspector, including plans examination, construction inspections and the issuance of orders, except for:

- The issuance of an "Order to Comply" or an "Order Not to Cover"; and
- Site inspections for footings and foundations and completion of construction required for the issuance of an occupancy permit.

Are there any Ministry-approved internship programs?

No. The Ministry will continue to work with the Ontario Building Officials’ Association and other stakeholders to
establish appropriate internship programs.
On-site Sewage System Installer Registration

What are the registration requirements that an on-site sewage system installer must meet? What fees are payable?

On-site sewage system installers who install sewage systems regulated by the Building Code must be registered with the Ministry of Municipal Affairs and Housing, which requires:

- Successful completion of the Ministry Examination Program;

- Filing the On Site Sewage System Installer Application for Registration with the Director of the Building and Development Branch; and

- Payment of the $50 registration fee.

I am already licensed as an on-site sewage system installer. What new qualifications apply to me?

On-site sewage system installers who held valid licenses under the Building Code by the Ministry of Municipal Affairs and Housing were automatically deemed registered under the new system as of September 1, 2003. The old license and supervisor numbers of these on-site sewage system installers were converted into new Building Code Identification Numbers (BCIN). Registration will continue on their pre-existing 3-year renewal cycle.
What are the registration requirements that an RCA must meet? What fees are payable?

The registration requirements that an RCA must meet include:

- The successful completion of the Ministry of Municipal Affairs and Housing Examination Program by key personnel and all persons who will carry out plans review and inspection activities in the firm;
- Possession of the required insurance coverage;
- The development and submission of a quality management plan;
- A complete application for registration;
- A fee of $300; and
- Annual renewal.

What is a quality management plan?

The Building Code requires a quality management plan as part of an application to become registered as an RCA and as part of the renewal of that application.
The purpose of the quality management plan is to describe how the activities of the RCA will be carried out and to ensure that its procedures and conditions for registration are in place. The RCA activities and procedures to be described in the quality management plan are detailed in Building Code Sentence 2.19.3.3 (3). Some examples of areas to be addressed in the quality management plan include supervisory responsibilities, procedures for assessing plans and specifications for Code compliance, procedures for issuing certificates and orders as well as administrative procedures such as documenting the RCA's activities.

The Ministry of Municipal Affairs and Housing has developed a guide to preparing a quality management plan, which is available on the Building Code website at www.obc.mah.gov.on.ca.

I work for an RCA and will be responsible for plans reviews and construction inspections. Do I need to be qualified? If so, what is the process?

Yes. All persons who will carry out plans review and inspection activities on behalf of the RCA must be qualified. The process of qualification is:

- Determine RCA class of registration;
- Assess advanced standing;
- Determine legal and technical examinations that need to be written;
- Apply for and successfully complete the examinations;
- File qualification information as part of the firm registration with the Director of the Ministry of Municipal Affairs and Housing Building and Development Branch; and
- Maintain Code knowledge.

When must registered code agencies have architects or engineers on staff?
RCAs must have a professional engineer or architect on staff when the Building Code requires that the design and general review of the construction of a building be undertaken by a professional engineer or architect.
Who is responsible for ensuring that building practitioners are appropriately qualified and/or registered?

Ultimately, it is the role of the individual or firm to be appropriately qualified / registered. As part of completing the building permit application form, designers must provide their qualification information and are therefore accountable for the information they provide.

Municipalities are responsible for assessing building permit applications for completion, including ensuring that the designers listed on the application have the necessary qualifications, and if required have insurance and are registered with the province.

Municipalities are also responsible for enforcing the Building Code Act, 1992 and Building Code, including reviewing building permit applications for compliance with the Building Code.

The Ministry of Municipal Affairs and Housing administers the Building Code examinations necessary for building practitioners to be qualified. The Ministry is also responsible for accepting filed qualification information, as well as approving, renewing, suspending and revoking the registration of designers and registered code agencies.
How does a qualified and registered designer indicate responsibility for their design activities?

The Building Code requires that qualified and registered designers who review and take responsibility for design activities include the following information on any documents submitted to a chief building official or registered code agency:

- The name and Building Code Identification Number (BCIN) of the registered firm;
- A statement that the qualified person has reviewed and taken responsibility for the design activities;
- The name and BCIN of the qualified person; and
- The signature of the qualified person.

The provincial common building permit application form includes fields in which the above information can be included.

How can I check if my designer / building official is qualified?

The qualification and registration status of building practitioners, including designers and building officials, may be verified through the Ministry of Municipal Affairs and Housing’s public registry, accessible through the Qualification and Registration Tracking System (QuARTS) at www.obc.mah.gov.on.ca.

What information on building practitioners will be included in public registries?

The public registry lists all qualified building practitioners and registered businesses. The registry is accessible online through QuARTS (Qualification and Registration Tracking System).

The registry lists qualification information about all individuals (i.e. chief building officials, inspectors, designers, on-site sewage system installers and registered code agencies) who have filed their qualifications with the Ministry of Municipal Affairs and Housing including their name, BCIN, the type and category/categories of qualification and status.
The registry also contains information about firms that have registered with the Ministry (i.e. designers, on-site sewage system installers and registered code agencies) including, the business address, type of registration and status, as well as links to their qualified staff.

**What is a Building Code Identification Number (BCIN)?**

A Building Code Identification Number, or BCIN, is the unique identifying number assigned to individuals who file their qualifications with the Ministry of Municipal Affairs and Housing, and firms which register with the Ministry. The BCIN is used for several purposes: you may need to provide it on building permit applications in all correspondence with the Ministry, and in any other building-related work that requires a qualified person or registered firm.

**Where is this registry found?**

The public registry can be accessed through the Qualification and Registration Tracking System (QuARTS), via the Building Code website [www.obc.mah.gov.on.ca](http://www.obc.mah.gov.on.ca). Click the Qualification & Registration link near the top of the page to enter the QuARTS System.
Examinations

Where are the details of the Ministry of Municipal Affairs and Housing Examination Program set out?

The Ministry has developed an Examination Program for each type of qualification:

- Examination Program for Chief Building Officials and Inspectors
- Examination Program for Designers
- Examination Program for On-site Sewage System Installers
- Examination Program for Registered Code Agencies

The above Examination Programs are posted on the Building Code website www.obc.mah.gov.on.ca under the Qualification and Registration tab.

What types of examinations are there?

All persons seeking qualification must pass a legal examination and the technical examinations that apply to their area(s) of practice.

Which legal examination needs to be taken?

There are different legal examinations that must be taken by different building practitioners. Details are set out in the Ministry of Municipal Affairs and Housing’s Examination Program.

**How do I know which technical examinations I need to pass?**

Building practitioners must successfully complete the Ministry of Municipal Affairs and Housing Examination Program related to their area(s) of practice. Table 2.20.2.1. and Clause 2.16.4.1.(1)(b) of the Building Code set out categories of qualifications that correspond to a type of building or area(s) of practice. By identifying which type of buildings or building systems you work with, you should be able to determine in which category(ies) of qualification you must be qualified.

The categories of qualification correspond with technical examinations, outlined in the Examination Program. Therefore, the technical examinations you must successfully complete as part of your qualification, are those that match with the category(ies) of qualification you have determined to be within your area(s) of practice.

**What is the process for applying for examinations?**

The process for applying for examinations is as follows:

- Identify examination(s) you wish to write;
- Visit the Building Code website to determine preferred locations and dates;
- Complete the examination application;
- Include fee of $80 per examination $70 if submitted electronically through QuARTS;
- Submit at least 21 days in advance;
- If application accepted, an Admission Letter will be sent to applicant;
Candidates must bring the Admission Letter and photo identification to examination centre; and

If the application is not accepted (i.e., the sitting is full), the Ministry will call you to reschedule.

**What is the format of the examinations?**

Each examination is 3 hours in length and contains 75 multiple-choice questions, except for the On-Site Sewage -

Inspector examination which is 2 1/2 hours and contains 60 questions and the On-Site Sewage - Supervisor examination

which is 2 hours and contains 50 questions.

**Where can I find sample questions?**

Sample examination questions are available from the Building Code website at [www.obc.mah.gov.on.ca](http://www.obc.mah.gov.on.ca) in the Qualification and Registration section of the website.

**Are the examinations “open book”?**

Yes. The examinations are “open book”, however only certain Minstry of Municipal Affairs and Housing Building Code publications are permitted in the examination room. Examination candidates should refer to the Examination Policies and Procedures: Candidate Protocol on the Building Code website to determine the books permitted during the examination, and understand the examination rules of conduct.

**Is it permissible to bring a marked up Building Code with tags and notations into the examination room?**

Yes, it is permissible to bring a Building Code to the examination session that has been marked up with tags and notations, provided that it was marked up prior to the examination session. Marking up a Building Code and/or Supplementary Guidelines during the examination period will result in receiving a fail mark on the examination.

**Is it permissible to bring a printed copy of the Building Code downloaded from the government website
Is it permissible to bring a CD-ROM of the Building Code into the examination room?

No.

What is the pass mark?

The pass mark for the examinations is 70%. Examination candidates receive a letter from the Ministry of Municipal Affairs and Housing informing them if they have passed or failed the examination. The percentage mark that an examination candidate achieves will not be released, nor will marks be released over the phone.

What is the fee for writing an examination?

The fee for writing an examination is $80.00 per examination if the examination application is submitted by mail or fax. The fee is $70.00 per examination if the application is submitted electronically via the Qualification and Registration Tracking System (QuARTS).

What is meant by “examinations are non-transferable”?

Non-transferable, as it relates to Ministry of Municipal Affairs and Housing examinations, means that a candidate cannot apply for a given examination in a given examination session and then change either the examination or the session or switch with another candidate after the application has been submitted to the Ministry.

What is “advanced standing”?

Advanced standing is recognition of the successful completion of certain Ministry of Municipal Affairs and Housing
Building Code training courses, which are defined as “Advanced Standing Alternatives”. The Ministry of Municipal Affairs and Housing or its authorized delivery agents deliver these courses. Building practitioners who successfully complete these Advanced Standing Alternatives are recognized as having Advanced Standing and are not be required to write the corresponding technical examinations.

The Advanced Standing Alternatives and corresponding technical examinations can be found in the Ministry of Municipal Affairs and Housing Examination Program, available on the Building Code website at [www.obc.mah.gov.on.ca](http://www.obc.mah.gov.on.ca).

**Will the Ministry of Municipal Affairs and Housing pre-review my completed course to help me assess my “advanced standing”?**

Yes. Persons may apply for an “advanced standing” assessment by completing the Advanced Standing Application form available on the Building Code website at [www.obc.mah.gov.on.ca](http://www.obc.mah.gov.on.ca) and submit the required documentation proving completion of the recognized Ministry Building Code training courses. Applications are to be submitted to the Ministry’s Building and Development Branch with $25.00 payable by credit card, certified cheque, or money order.

Certified cheques and money orders are payable to the Minister of Finance.

Upon completion of advanced standing assessment, a letter confirming advanced standing status is issued to the applicant. Advanced standing status may still be assessed, if not all of the requirements under the advanced standing alternative category as outlined in the Ministry Examination Program are complete.

**Where can I take training courses to help me prepare for the examinations?**

Optional classroom-based Building Code training courses are offered through Ministry of Municipal Affairs and Housing authorized delivery agents. Two types of courses are available: detailed technical training and overview/refresher...
courses. A list of the authorized delivery agents and the Ministry training courses can be viewed on the Building Code website at www.obc.mah.gov.on.ca under the “Training” tab.

The overview/refresher training courses are also available in a self-study format. Self-study manuals can be purchased through Orderline at www.orderline.com or 1-888-361-0003.

Must persons take training courses before sitting for examinations?

No. The Ministry of Municipal Affairs and Housing Building Code qualification examinations are challenge examinations. There are no prerequisites to writing the examinations; however, some building practitioners may find it beneficial to attend training courses prior to writing the examinations.

What happens if I fail an examination? May I write it again?

If a candidate fails an examination, the candidate may apply to retake the examination. Candidates must reapply for the examination at least 21 days in advance of the examination session date and repay the full examination fee.

Will persons who have passed examinations be required to upgrade their qualifications in the future?

Yes. The Building Code is updated on a 5-year cycle. Should the Code undergo significant change, the Ministry of Municipal Affairs and Housing may take the view that updating of qualification is required. If so, the Director of the Building and Development Branch will give notice of the new Examination Program.

Who is responsible for administering examinations?

The Ministry of Municipal Affairs and Housing is responsible for administering the Building Code examinations.

Examination candidates must review the Examination Program – Candidate Protocol prior to applying for an examination. The Examination Program – Candidate Protocol can be obtained from the Building Code website at www.
Where can I find information on upcoming examinations?

Information and schedules for upcoming examinations can be obtained from the Building Code website at www.obc.mah.gov.on.ca under the “Qualification and Registration” tab.

What material should I have to prepare for these examinations? Where can I get this information?

The latest versions of the Building Code Act, 1992 and Building Code are necessary to prepare for and write the Ministry of Municipal Affairs and Housing examinations. The Qualification Examination Syllabi lists all of the Ministry examinations and the specific Building Code Act, 1992 and Building Code references that will be tested in each examination.

The Qualification Examination Syllabi can be obtained from the Building Code website at www.obc.mah.gov.on.ca under the “Qualification and Registration” tab.

Copies of the Building Code Act, 1992 and Building Code can be purchased through:

- ORDERLINE at:
  - www.orderline.com
  - Telephone 1-888-361-0003

- Publications Ontario
  - 880 Bay Street, Toronto
  - 1-800-668-9938
  - www.gov.on.ca/MBS/english/publications/home
Training

Have training courses been developed to assist persons who want to take Ministry of Municipal Affairs and Housing qualification examinations?

Yes, twelve new courses have been developed to assist candidates to prepare to write their Qualification Examinations. These courses have been designed as refresher or overview courses, which match the corresponding exam syllabus.

What is the format of the new courses?

The new courses are available either as self-study or formal in-classroom formats.

Who delivers the new courses?

Our licensed delivery agents deliver the new courses. See the Building Code website at www.obc.mah.gov.on.ca for a full list of these delivery agents.

Self-study manuals can be purchased through Orderline online at www.orderline.com or by telephone at 1-888-361-0003.
What is the fee for the courses?

The fees for Building Code courses are set by each delivery agent.
Insurance

What type of insurance are registered designers required to carry?

Designers are required to carry an insurance policy which indemnifies the registered design firm against liability imposed by law arising out of the performance or the failure to perform services as a registered design firm during any time the person is registered. This type of insurance coverage is sometimes called professional errors and omissions insurance or professional liability insurance.

The scope of required liability insurance for registered designers is outlined in the Building Code under Section 2.21.

Will designers who currently carry professional liability insurance meet the Ministry’s insurance requirements?

Many designers who currently carry professional liability insurance will find that they already meet the Ministry’s requirements. Designers should check with their brokers to ensure their coverage meets the specific requirements outlined in the regulation including requirements related to the scope of coverage, the limits of indemnity, and maximum deductibles.
The “Designer Firm Application for Registration” form includes a schedule for insurance providers to verify insurance coverage.

**Are insurance requirements for registered code agencies (RCAs) different from those of registered designers?**

Yes. All RCAs are required to have insurance coverage of at least $1 Million per claim regardless of fee income and $2 Million in the aggregate. In addition, the insurance coverage for RCAs must include an extended reporting period of 2 years after the RCA ceases to be registered. This “runoff” coverage is intended to allow RCA firms to respond to claims even after they are no longer in business.

**Can registered design firms also act as registered code agencies?**

Yes. However the registered design firm must have a separate insurance policy with separate limits, for its activities as a registered code agency.

Designers who also register as registered code agencies will be required to register separately and complete a separate insurance certificate for their activities as a registered code agency.

In addition, an RCA cannot provide plans review or inspection services for buildings for which it has provided design services, or has any other financial interest.

**Can the scope of the insurance policy of a registered designer be broader than that required under the regulation?**

Yes. Typical professional liability policies or typical errors and omissions insurance policies carried by design professionals cover areas of potential liability beyond those required under the Building Code. This could include claims arising from the failure to meet contractual obligations such as completing designs within a certain time period.
Are billings for insurance purposes only those that relate to design activities?

Yes. Billings for the purpose of determining insurance coverage levels and deductibles are based on fee income related solely to “design activities” described in the Building Code Act, 1992.
Additional Information

How do I obtain further information?

You can obtain further information related to the recent changes to the Building Code Act, 1992 and Building Code or general information from:

- Email [codeinfo@mah.gov.on.ca](mailto:codeinfo@mah.gov.on.ca)
- Call the Building and Development Branch at (416) 585-6666
- Fax the Building and Development Branch at (416) 585-7531