Ontario

Building Materials Evaluation Commission

Commission d'évaluation des matériaux de construction

Building Materials Evaluation Commission

BUSINESS PLAN 2014 – 2017

2014-2017 BUSINESS PLAN
Building Materials Evaluation Commission

TABLE OF CONTENTS

2014-2017 BUSINESS PLAN
Building Materials Evaluation Commission

A. MANDATE OF THE BUILDING MATERIALS EVALUATION COMMISSION

The Building Materials Evaluation Commission (the "Commission") is a regulatory agency whose legislative authority is set out in section 28 of the *Building Code Act, 1992*.

The Commission has a mandate to evaluate and authorize, subject to conditions, any innovative construction materials, systems or building designs for use in construction in Ontario. In doing so, the Commission has the power to conduct, or cause to be conducted, research, analysis and evaluation of such innovative materials, systems and building designs. The Commission is not a testing body, but may require that testing be carried out by an applicant as part of its evaluation.

The Commission also has the authority to make recommendations to the Minister respecting changes to the *Building Code Act, 1992,* or the Building Code.

In exercising its mandate, the Commission receives all of its staffing and financial resources from the Building and Development Branch of the Ministry of Municipal Affairs and Housing (the "Ministry").

Guiding Principles

As an agency authorized under the *Building Code Act, 1992*, the Commission exercises powers and performs duties in accordance with its mandate under that statute. The agency's regulatory activities and decisions must be made, and be seen by the public to be made, independently and impartially. The Commission makes decisions independently from the Ministry and the government of Ontario.

The Commission has signed a Memorandum of Understanding with the Minister of Municipal Affairs and Housing (the "Minister") relating to the exercise of its mandate. The Memorandum of Understanding sets out the relationship between the Commission Chair and the Minister and the Ministry of Municipal Affairs and Housing with respect to the Commission and the service it provides. The purpose of the Memorandum of Understanding is to establish the responsibilities of these parties and to ensure that accountability is a fundamental principle observed in the management, administration and operations of the Commission.

As an agency of government, the Commission conducts itself according to the management principles of the government of Ontario. The Commission's proceedings are governed by the *Building Code Act, 1992*, the Building Materials Evaluation Commission's Guidelines, Policies and Procedures Handbook, and Treasury Board/Management Board of Cabinet Directives. These principles and governance elements include ethical behaviour, accountability, excellence in management, wise use of public funds, and high-quality service to the public, through contributing to the health, safety, accessibility and energy efficiency of buildings in Ontario and by playing a positive role within Ontario's construction sector.

B. STRATEGIC DIRECTION OF THE BMEC

The Commission endeavours to provide a timely, low-cost and non-adversarial process for evaluating and authorizing new and innovative materials, systems and building designs for use in Ontario. In doing so, the Commission has earned a reputation as an effective, useful and quality service provider within the construction industry. The Commission does, however, face certain challenges. To address these challenges and to improve its ongoing operations and client service delivery, the Commission plans to continue with the following initiatives in the coming years.

Review of Existing Authorizations

The Commission launched an initiative in an effort to manage and keep current all existing authorizations. The Commission believes that this is a necessary exercise to ensure the credibility and accuracy of the inventory of its web page. The Commission believes that the public needs to feel confident that the information in authorizations is current and accurate.

Through fiscal 2010-2011, 2011-2012, 2012-13, and 2013-2014 (interim actual) the Commission has completed portions of its review of its existing authorizations and has, to date, reviewed more than 350 authorizations and revoked approximately 150 authorizations that were no longer required by the Authorization Holder, not required due to amendments to the Building Code, or not in compliance with obligations in the Authorization concerning content. The Commission successfully completed this first phase of review as of March 31, 2013.

As a secondary step in this process, the Commission also completed their review of existing authorizations for duplication with other approvals (i.e. Minister’s Ruling) on January 30, 2014.

The Commission intends to review existing authorizations that may no longer be considered innovative in that the material, system or building design currently authorized by the Commission may now be regulated under the requirements of Ontario’s 2012 Building Code, and as such, an authorization may no longer be required.

The Commission continues to review its existing authorizations in an effort to eliminate redundant authorizations.

Recommendations to the Minister

Recently, the Commission wrote to the Minister recommending that the design and construction requirements for fabric covered building systems be incorporated into the regulations of Ontario’s Building Code.

The Commission continues to review its existing authorizations to determine whether there is a need to make recommendations to the Minister regarding changes to the 2012 Building Code and or whether there is additional need for revocation of authorizations based on the new edition of the Building Code.

Improve Time to Decisions/Authorizations

The Commission aims to make a decision within 90 days of the initial consideration of an application. Records from the 2013 – 2014 fiscal year indicate that the Commission did not meet this target as it took an average of 120 days for the Commission to make a decision. This has been a consistent trend over the past several years.

The Commission notes that both the technical and procedural complexity of the applications it receives has increased significantly over the years. Decisions on applications for which there are already existing authorizations for similar technologies may be made quickly because the existing authorizations can be used to guide consideration of subsequent applications. However, new and innovative technologies require longer approval times because Building Code references need to be considered, additional testing information may need to be requested from the applicants, etc.

Additionally, over the last several years, the Commission has strived to be more transparent in their process with respect to the evaluation of an application. As such, the Commission's written correspondence with an applicant has increased and as a result so too has the timeline for making a decision.

As a result, the Commission intends to increase their 90 day target for making decisions to 120 days. This increase will more accurately reflect the average time frame the Commission requires to evaluate applications.

Succession Planning

The Commission needs to maintain its knowledge base through its membership therefore it is important for the Commission to continue to solicit new members with expertise that reflects the full spectrum of technical disciplines (plumbing, mechanical systems, on-site sewage systems, etc.) The Commission Chair and staff will continue to work with the Minister's Office to improve the existing complement of expertise in the coming years.

During the 2013-2014 fiscal year, only two of four members who were eligible for reappointment to the Commission expressed interest in being reappointed for additional terms. The two members who did not want to be reappointed have expertise in on-site sewage systems. Furthermore, one other member of the Commission with on-site sewage system expertise resigned during 2012. It was, therefore, imperative that the Commission solicit and recommend the appointment of new members with expertise in on-site sewage systems.

The Commission Chair and staff worked with the Public Appointments Secretariat and the Minister's office to identify suitable candidates having on-site sewage system expertise. One new member was appointed at the end of 2013 and it is anticipated that an additional member will be appointed early in 2014.

The Commission Chair and staff will continue to work with the Public Appointments Secretariat and the Minister's Office to facilitate both reappointment and new appointment of members.

In addition to ensuring an adequate number of members, the Commission proposes to develop orientation and training material for new members.

As part of succession planning, the Commission believes it is necessary to have more overlap between sitting members and newly appointed members than has been afforded in the past. Ideally an overlap of six months to a year would allow for knowledge transfer from existing members to newly appointed members and permit new members to be mentored.

Annual Survey of Parties

The Commission intends to continue its independent survey, and will improve its annual survey of parties in the coming years. Additional questions may be asked to provide information on other key activities and to expand the scope in determining satisfaction with levels of service delivery. In addition, the Commission plans to explore the idea of using more advanced technology and electronic surveying to increase the survey response rate and improve the evaluation of customer satisfaction.

Green Initiatives

The Commission will work with the Ministry to examine viable means to reduce the environmental impact of services provided. .

C. OVERVIEW OF KEY BMEC ACTIVITIES

Staff supporting the Commission is responsible for case management and customer service to persons wishing to apply to the Commission for an authorization. Upon receipt of an application, the Commission's Secretary ensures that all prescribed information and documentation has been submitted. The Secretary asks the Canadian Construction Materials Centre whether they have examined, or expressed an interest in examining, a product. If the Canadian Construction Materials Centre has examined, or expressed an interest in examining a product, the Commission may lack the jurisdiction to carry out an evaluation, pursuant to subsection 29(8) of the *Building Code Act, 1992.*

The Coordinator of Building Innovation is the senior Ministry staff person assigned to support the Commission, and is responsible for overall administration and policy development as directed by the Commission. This involves working with the Minister's Office regarding the appointments process, issues management, business planning, performance measurement, monitoring of expenditures, and ensuring compliance with agency sector requirements and Treasury Board/Management Board of Cabinet directives.

The Commission, as a whole, is required to make decisions on applications, but subcommittees are usually established to carry out detailed evaluations. These subcommittees consist of Commission members who are familiar with, and/or expert in, the field of technology associated with the application. The Commission may request comments from Ministry technical staff or other research or standards issuing bodies.

The number of evaluations conducted, and subsequent authorizations issued, are determined based on the volume of applications received. Typically, the Commission holds one general meeting each month, with approximately five to seven subcommittee meetings in the same period. The issuance of decisions by the Commission usually takes three to four months, depending on the complexity of the application and the additional information required of the applicants and the timeliness of their response.

The chart below provides a summary of the Commission's caseload over the last five years:

Fiscal Year	Applications Received	Authorizations Issued	Authorizations Amended/Revised	Authorizations Revoked
2009 - 2010	12	7	1	N/A
2010 - 2011	12	6	2	N/A
2011 - 2012	9	5	11	82
2012 - 2013	4	3	36	57
* 2013 – 2014	14	6	1	4

** The actuals for 2013-2014 do not reflect the entire fiscal period. The numbers are interim actuals that cover the period from April 1, 2013 to February 28, 2014.*

The rate of applications to the Commission has had some small fluctuations during the past five fiscal years. There was a significant decrease during the 2008-2009 fiscal year, but the application rate then returned to expected levels. A marked decrease is noted for the 2012-2013 fiscal year, however, with the next edition of the Building Code coming into force in 2014, the application rate may return to expected levels.

In addition to the new applications noted above, the Commission also considers requests for amendments to existing authorizations and also reviews its authorizations for possible revocation. Applications for amendment are processed in much the same manner as a new application. The Commission reviews and evaluates the details of the proposed amendment as innovative products, systems and designs are modified and updated. The process for review and revocation adds to the work load of Commission and its staff. It should be noted that while the Commission may have revoked authorizations prior to the 2011-2012 fiscal year, the number of revocations was fairly low and the Commission did not track this as a separate caseload item.

While the application rate may have decreased slightly, both the technical and procedural complexity of the applications has increased, which results in lengthier reviews. The work required to communicate between the Commission and applicants for authorizations has increased, in that the correspondence prepared to provide the reasoning behind the denial of an authorization or the denial of part of an authorization has become much more detailed in recent years. Further, the number of occasions where the Commission has had to undertake a significant jurisdictional review of an application has increased. All of these factors have an impact on the number of subcommittee meetings required to fully evaluate new and innovative products.

Initiatives

Building Materials Evaluation Commission Authorization Review

The Commission launched two initiatives in an effort to manage and keep current all existing authorizations[1].   The first exercise involved an attempt to contact each holder of a Building Materials Evaluation Commission authorization, dating back to 1976, to determine whether the authorization holder’s contact information on file with the Commission is up-to-date. Also, as part of this exercise, authorization holders were asked whether they still manufactured the innovative product, system or building design listed in the authorization, and whether the Commission’s information relative to this product was current.

The process of reviewing more than 350 authorizations has resulted in the revocation of approximately 150 of these authorizations as of January 31, 2014. This has caused additional workload for the Commission and staff; thus a column has been added to the caseload chart to track these revocations.

The second initiative relates to the review of existing authorizations for duplication with other approvals (i.e. Minister’s Ruling). The Commission completed this review on January 30, 2014.

With the release of the 2012 Building Code, having an effective date of January 2014, the Commission has recently initiated another review of its existing authorizations for duplication or redundancy with the requirements of the 2012 Building Code.

The Commission will continue to review its existing authorizations in an effort to eliminate

1 An authorization is a formal decision of the Commission recorded in writing, which permits the use of an innovative building material, system, or design. Conditions or limitations may be associated with the authorization.

redundant authorizationsThe Commission believes that this is a necessary exercise in order to ensure the credibility and accuracy of its webpage. The Commission believes that the public needs to feel confident that the information in the authorizations is current and accurate.

The Commission notes that while it has many ideas on how to further enhance the quality of service and the efficient operation of the Commission, it believes that the current staffing resources are inadequate to facilitate such initiatives. Additional staff resources would facilitate the completion of initiatives to manage existing authorizations, specifically with respect to updating of contact information, confirmation of current need for existing authorizations, and the disposition of authorizations subject to changes to the Building Code. It would also enable the Commission to undertake some additional initiatives which would improve and enhance the services provided by the Commission.

Achievements

Several steps have been taken to enhance the Commission's performance and accountability over the past several years, including continued monitoring of Commission-specific performance measures. The Commission identifies the following achievements:

- Continued to provide a cost effective and expeditious mechanism for evaluation of new and innovative materials, systems and building designs
- Continued its practice of surveying clients, and received an overall satisfaction rating of 100% from clients who had used the services of the Commission between April 1, 2012 and March 31, 2013
- Survey results of parties that used Commission services in the 2012-2013 fiscal year indicated that:
    - 100% felt that the processes and procedures were clear and understandable
    - 75% felt that members demonstrated an appropriate level of expertise regarding the matter under consideration.

      (it should be noted that as the Commission only received four applications during the 2012-2013 fiscal year, the pool of clients surveyed was very small and therefore one dissatisfied client represents 25% of the survey base)

    - 100% felt that they were treated with courtesy throughout the application process and 100% felt they were treated with courtesy during the evaluation process.
- All reappointment Orders in Council were obtained in a timely manner with no significant "downtime" for the reappointed members.

  (In realizing this achievement, Commission staff met their target of providing two months' notice to the Minister's Office regarding pending expirations of member appointments.)

- One new member was appointed to the Commission in November 2013
- The Commission continued to maintain its compliance with the revised Agency Establishment and Accountability Directive:
    - Its 3 year Business Plan was prepared, finalized and submitted within the specified time frame;
    - Its Memorandum of Understanding was affirmed by the new Minister within the specified time frame; and

- Its Annual Report for 2012-2013 fiscal year was completed and approved within the specified time frame.

D. RESOURCES

Human Resources

The Commission presently has a total of 13 part-time members, including the Chair and Vice-Chair. All members are appointed by Order-in-Council. Current Management Board of Cabinet directives permit individuals appointed to the Commission to serve a combined term of appointment of up to 10 years.

The following divisions of MMAH support the Commission in fulfilling the Agency Establishment and Accountability Directive, 2010:
- the Municipal Services Division's Building and Development Branch; and
- the Business Management Division's Legal Services Branch, Corporate Policy and Programs Branch, Controllership and Financial Planning Branch, and Technology and Business Solutions Branch.

The direct support staff assigned by the Ministry to the Commission consist of a 0.8 Full Time Equivalent (FTE) Commission Secretary, a 0.4 FTE Coordinator, Building Innovation, and a 0.4 FTE administrative assistant.

The staffing resources of the Commission are fully engaged in ensuring that the Commission maintains its current level of service and ensuring compliance with the Agency Establishment and Accountability Directive and other government initiatives related to provincial classified agencies. Any increase in volume of work, enhancements or improvements in service will require additional staff.

Financial Resources

The Commission has no financial budget of its own. The Commission is supported by Ministry staff. The operating expenses for this Commission are charged to the Ministry's Municipal Services Division (Municipal Services and Building Regulation Vote/Item - 1902-04).

The chart below provides details on the costs associated with supporting the Commission:

	2012-13 Actuals[1]	**2013-14 Interim Actuals**[2]	**2014-15 Estimates**	**2015-2016 Estimates**	**2016-2017 Estimates**
Per Diems	$ 61,000	$ 49,000	$ 97,000	$ 97,000	$ 97,000
Travel/Meeting Expenses	$ 32,000	$ 19,000	$ 47,000	$ 49,000	$ 51,000
Other Administration	$ 7,000	$ 4,500	$ 9,000	$ 9,000	$ 9,000
	$ 100,000[3]	**$ 72,500**[4]	**$ 153,000**[5]	**$ 155,000**[5]	**$157,000**[5]
Full Time Equivalents	1.6	1.6	1.6	1.6	1.6
Full Time Equivalents -- costs *(salary + benefits)*	**$ 121,000**	**$ 108,000**	**$ 135,000**	**$ 140,000**	**$ 145,000**
TOTAL	**$ 221,000**	**$ 180,500**	**$ 288,000**	**$ 295,000**	**$ 302,000**

1 The Commission's fiscal year runs from April 1 to March 31. The actuals for 2012-2013 cover the period from April 1, 2012 to March 31, 2013.

2 The actuals for 2013-2014 do not reflect the entire fiscal period. The numbers are interim actuals that cover the period from April 1, 2013 to October 31, 2013.

3 The operating expenses cover costs associated with meetings, per diems for Commission members and reimbursement for out-of-pocket travel expenses related to meetings, including hotel accommodations, meal allowances (to the Ministry maximum), parking and public transit.

4 Some expense claims were not reflected in the 2013-14 interim numbers, as the claims had not been processed.

5 The number of meetings is determined by the application rate. Member per diem compensation rates are established by the Management Board of Cabinet directive for part-time OIC appointed members. The expenditure estimates for 2014-15 and beyond are based on typical application rates (using historical data and projecting forward) and member per diem compensation rates.

Revenues

Revenues in the form of application fees are received, deposited, and accounted for as part of the Ministry of Municipal Affairs and Housing's non-tax revenues.

E. COMMUNICATIONS PLAN

The agency communicates with applicants and potential applicants through appropriate publications, forms and instructions, either posted on its public Internet site or distributed on request.

Telephone and email inquiries are responded to by the Secretary of the Commission or the Coordinator of Building Innovation.

F. ENVIRONMENTAL SCAN
Conditions with Impacts on the Business Plan

Changes in Demand

The increased complexity of applications received by the Commission and the move to green technologies, many of which may be considered innovative, will influence the need for appropriately skilled Commission members and the degree of administrative support required by the Commission. Skilled members and adequate staffing are required to maintain service levels.

The Ministry of Municipal Affairs and Housing recently filed the next edition of the Building Code which came into force on January 1, 2014. The Commission is expected to review its existing authorizations against the new Building Code requirements to determine whether the Code has established requirements for materials, systems or building designs that were previously specified by individual authorizations. The Commission will need to consider whether it is necessary to revoke any authorizations to eliminate redundancy and duplication.

During the 2014-2015 fiscal year, nine authorizations, which include an expiration date, are set to expire. While the Commission will not have to initiate any action, it is anticipated that the authorization holders will reapply for authorization, which will increase the number of applications to the Commission.

New Commission Members

During the 2013-2014 fiscal year, only two of the four members who were eligible for reappointment to the Commission expressed interest in being reappointed for additional terms. The two members who did not want to be reappointed have expertise in on-site sewage systems. Furthermore, one other member of the Commission with on-site sewage system expertise resigned during 2012. It was therefore imperative that the Commission solicit and appoint new members with expertise in on-site sewage systems.

The Commission had identified two members having expertise in on-site sewage systems for possible appointment to the Commission and the Chair of the Commission made recommendations on appointments to the Minister of Municipal Affairs and Housing. Late in 2013, one member was appointed the Commission and it is anticipated that a second member will be appointed in early 2014. With these two new members having expertise in the area of on-site sewage system, the Commission will be able to continue to fulfil its mandate. However, the Commission needs to work at maintaining its membership so it is important for the Commission to continue to solicit new members with expertise that reflects the full spectrum of technical disciplines (e.g. plumbing, mechanical systems, on-site sewage systems, etc.)

It would be appropriate for new members to be appointed to the Commission before the existing membership is depleted significantly, which would allow existing members to mentor the newer appointees. Ideally an overlap of six months to a year would allow for knowledge transfer from existing members to newly appointed members and permit mentoring of new members.

Human Resources

The Commission notes that, with the increasingly complex applicant caseload combined with the upcoming expiring authorizations and the more stringent and complex reporting requirements for all public agencies, there may be a need for additional resources. While the staffing resources of the Commission may be adequate for the Commission to maintain its level of service, any increase in volume of work, enhancements or improvements in service will require additional staff.

Financial Pressures

As part-time appointees, Commission members receive remuneration in the form of a per diem as established by Treasury Board/Management Board of Cabinet. This per diem ranges from $398 for members to $491 for the Vice-Chair and $627 for the Chair. Commission members are also reimbursed for out-of-pocket expenses associated with attending Commission meetings in Toronto and elsewhere in the province. Costs and expenses associated with Commission activities, including operating costs and member per diems, form part of the overall budget for the Building and Development Branch of the Ministry of Municipal Affairs and Housing.

Changes to the Commission’s application rate and/or complexity of issues directly impact the Branch’s budget in support of Commission activities.

In addition, the French translation of the Commission’s authorizations and other public documents will continue to have a direct impact on the Branch’s budget.

The proposed succession plan of having six months to a year overlap between sitting members and newly appointed members will also add to the financial pressure of the Ministry’s budget.

G. PERFORMANCE MEASURES AND TARGETS

The Commission has adopted the recommendations for performance measurement established in 2000 by the Agency Reform (Guzzo) Commission. These are: fairness, accessibility, timeliness, quality and consistency, transparency, expertise, optimum cost, and courtesy. While not all of the goals were rated as “high” priorities for the Commission, there are processes in place to ensure that all goals are integrated into the Commission’s operation and are, therefore, adequately addressed. The chart below indicates how the Commission rated the goals. Performance measures based on the goals that were rated “high” and “medium” in Chart 3 are found in Chart 4.

Chart 3

Goals	Ranking
Fairness	**High**
Accessibility	Low
Timeliness	**High**
Quality and Consistency	**High**
Transparency	Medium
Expertise	**High**
Optimum Cost	Low
Courtesy	Medium

Chart 4

Building Materials Evaluation Commission: Performance Measures				
Outcomes	**Measures**	**Targets**	**2012 - 2013 Status**	**2014 - 2015 Commitments**
Fairness (processes and procedures that are fair and are seen to be fair)	Applicants are satisfied that the process was balanced, appropriate and fair	No more than 10% of Commission decisions should result in judicial review on an annual basis	Target met. No complaints or judicial reviews in the 2012 – 2013 fiscal year	Not more than 10% of Commission decisions should result in judicial review on an annual basis
Timeliness (quick and careful evaluation of innovative construction materials, systems and designs)	a) Average number of months from receipt of application to decision b) Timely posting of authorizations on Commission internet site	a) Decisions made within an average of three months after the first Commission consideration of an application b) 85% of authorizations will be posted on the Commission internet site within 10 working days of issuance	a) Target not met. Decisions made within an average of four months after the first Commission consideration of an application b) Target met. 85% of the final authorizations posted on the Commission internet site within 10 working days of issuance	a) Decisions made within an average of four months after the first Commission consideration of an application b) 85% of authorizations will be posted on the Commission internet site within 10 working days after French translation has been received.
Quality and Consistency (process and procedures that have integrity and uniformity)	Applicants are satisfied that the Commission process was conducted with a high degree of quality and consistency	85% of applicants feel that the process had a high degree of quality and consistency	Target met. 2012-2013 survey results indicate 100% of Commission clients felt that the process had a high degree of quality and consistency	85% of applicants feel that the process had a high degree of quality and consistency
Transparency (clear and understandable process and procedures)	Applicants are satisfied that the Commission process and procedures were clearly understood	85% of applicants feel that the process and procedures were clear and understandable	Target met. 2012-2013 survey results indicate that 100% of Commission clients felt that the process and procedures were clear and understandable	85% of applicants feel that the process and procedures were clear and understandable

Building Materials Evaluation Commission: Performance Measures				
Outcomes	**Measures**	**Targets**	**2012 - 2013 Status**	**2014 - 2015 Commitments**
Expertise (Careful and sound Commission decisions made due to technical competence of members)	a) Applicants are satisfied that the Commission members demonstrated an appropriate level of knowledge and technical competency b) Timely notice to the Minister's Office regarding upcoming Commission member terms of appointment expiration	a) 85% of applicants feel that Commission authorizations reflected a high degree of technical knowledge and expertise appropriate to the proposal b) Six months' notice is provided to the Minister's Office in advance of member's appointments expiring	a) Target not met. 2012-2013 survey results indicate that 75% of Commission clients were satisfied that members were subject matter experts b) Target met. The Minister's office was provided with two months' notice in advance of member appointments expiring in the fiscal year 2012-2013	a) 85% of applicants feel that Commission authorizations reflected a high degree of technical knowledge and expertise appropriate to the proposal *(The Commission only received 4 applications during the 2012-2013 fiscal year, the pool of clients surveyed was very small and therefore 1 dissatisfied client represents 25% of the survey base)* b) Six months' notice will be provided to the Minister's Office in advance of member's appointments expiring *When a member is not reappointed, the Ministry is required to provide members with 4 months' notice of non-reappointment. The BMEC will need to ensure that the Minister's Office has sufficient time to make decisions on appointments and still be able to accommodate the provision of notice of non-reappointment. The BMEC has changed its target with respect to timely notice to the Minister's Office regarding upcoming member terms of appointment from 2 months to 6 months.*
Courtesy (polite and courteous treatment of all parties)	Parties are satisfied that they were treated with courtesy throughout the application and evaluation process	80% of parties surveyed feel that they were treated with courtesy throughout the application and evaluation process	Target met. 2012-2013 survey results indicate that 100% of clients felt that they were treated with courtesy by Commission staff throughout the application process and 88% felt that they were treated with courtesy by the Commission members.	85% of applicants feel that they are treated with courtesy throughout the application and evaluation process

H. RISK ASSESSMENT

Based on Commission's strategic directions and objectives, the following three risks to performance have been identified.

Mitigation strategies (including contingency plans, mitigation controls, and monitoring where required as part of prudent risk management protocols) are identified. Additional resources are currently required to mitigate these risks. Planning is required to address these issues and will be scheduled.

The Reference Impact and Probability Matrix used in this assessment is below.

RISK EVALUATION MATRIX

IMPACT	PROBABILITY: LOW	PROBABILITY: MEDIUM	PROBABILITY: HIGH
HIGH	Mitigation controls & contingency plans	Mitigation controls & contingency plans; monitor closely	**Take Urgent Remedial Action; Monitor Rigorously**
MEDIUM	Tolerate Monitor	Mitigation controls / contingency plans	Mitigation controls / contingency plans; monitor closely
LOW	Tolerate; no action	Tolerate; Monitor	Mitigation controls / contingency plans

Risk #1: Lack of Knowledge Transfer/Succession Planning Impacting Timeliness and Quality

***Issue**:* Insufficient overlap between sitting members, whose terms are nearing expiration, and newly appointed members in the past has resulted in slower processing of applications. Newly appointed members are unfamiliar with Commission processes; therefore there are delays in processing applications. Familiarity with past applications and Commission processes is important, and quality and speed of work suffers when there is insufficient overlap of member tenure.

Probability: HIGH: In 2014, the terms of a number of currently appointed members are set to expire, including that of the Chair of the Commission. Though many of these may be eligible to seek reappointment, it is uncertain whether they all will want to continue to serve on the Commission. The Commission could potentially lose up to four of its members, should some members decide against seeking reappointment or not be reappointed.

Impact: MEDIUM: Extensive simultaneous changes in Commission membership can result in inconsistency in authorizations, delays in processing applications and disproportionate workload on some members.

Mitigation strategy:

Mitigation Strategy: The Commission will continue to seek members with a variety of technical skills to maintain transfer of knowledge and experience. The Commission Chair and staff will continue to make it a priority to work with the Minister's Office and the Public Appointments Secretariat on recruitment to arrange for appointment overlaps to improve succession planning to allow knowledge transfer from existing members to newly appointed members, and to permit mentoring of new members. The Chair will closely monitor the issue and, if necessary, will arrange for a meeting with the Minister's Office to discuss the matter.

Contingency Plan: The Commission will continue to process its applications as quickly as possible; however, the performance target of reviewing applications within 90 business days set by the Commission is not currently being met. It may be necessary for the Commission to review its performance target for reviewing applications.

Risk #2: Shortage of Membership Expertise

Issue: The Commission currently has a shortage of appropriate expertise in specific technical fields (including on-site sewage systems, structural, plumbing, and heating, ventilation and air conditioning/HVAC) to ensure a good quality of decision-making. The Commission operates at its best with between 14 and 16 members, including the Chair and Vice-Chair. The Commission's membership currently sits at 13 members. It is anticipated that an additional member having on-site sewage system expertise will be appointed in early 2014.

Probability: MEDIUM: As a result of resignation of Commission members with on-site sewage expertise, the Commission believes it needs more members with knowledge and expertise in on-site sewage systems. The recent appointment and anticipated appointment of members having expertise in on-site sewage systems has allowed the Commission to reduce the probability of this risk to medium, however, a minimum of one additional member with on-site sewage system expertise would be appropriate.

Impact: MEDIUM: The Commission has identified a significant risk in not retaining or recruiting sufficient members to meet its mandate. Delays in processing applications and disproportionate load on some members are impacts related to this issue. The impact is noted as being medium because Commission Chair and staff are actively working on mitigating the issue by soliciting candidates with the appropriate expertise required to address the matter.

Mitigation strategy:

Mitigation Controls: The Commission Chair and staff are working on recruitment of candidates with on-site sewage system expertise. In addition, the Commission Chair and staff will continue to make it a priority to work with the Minister's Office and the Public Appointments Secretariat on recruitment to improve the existing complement of expertise, ensure continuing expertise and regional representation, and arrange for appointment overlaps to improve succession planning.

Contingency Plan: Staff of the Commission will provide the Chair with regular updates on the reappointment and recruitment process. The Chair will monitor the issue and, if necessary, will arrange for a meeting with the Minister's Office to discuss the matter.

Risk #3: Credibility and Accuracy of Current Authorizations

Issue: The Commission has a mandate to evaluate and, if appropriate, issue authorizations for innovative building materials, systems or designs for use in construction in Ontario. Given that the Commission has been evaluating and authorizing building materials, systems or designs since 1976, it has an accumulation of authorizations that require review. For example, some would be redundant because they are now covered in the Code; some may be outdated, or products may no longer be in production. The Commission has begun special projects to manage the existing authorizations.

Probability: LOW: While a failure has occurred on a building involving an authorization, it has not been demonstrated that the failure arose from the authorized materials, designs or systems. The Commission believes that the program of updating and reviewing authorizations is reducing the probability of an out of date authorization being applied to a building and that the accuracy and credibility of the remaining authorizations is augmented by eliminating those no longer in use.

Impact: LOW: The Commission had identified a risk in not undertaking this work and believes that this is a necessary exercise in order to ensure the credibility and accuracy of its authorizations. The Commission believes that the public needs to feel confident that the information contained within authorizations is current and accurate. As the Commission has made progress in its special project to manage its existing authorizations and continues to review its authorizations, the risk can be reduced to low.

Mitigation strategy: The Commission has completed portions of its review of existing authorizations and has revoked more than 175 authorizations that were no longer required by the Authorization Holder, not required due to amendments to the Building Code, or not in compliance with obligations in the Authorization concerning content. The Commission intends to continue reviewing the existing authorizations.

I approve the Building Materials Evaluation Commission's Business Plan:

Signed by:

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Hon. Ted McMeekin
Minister of Municipal Affairs and Housing

Date: ______________________________