

# Government Tackles Regulatory Reform of Building Legislation

**A**TANGLE OF restrictive regulations and acts is hindering the Ontario building industry's productivity and ability to compete in world markets.

The building sector is burdened with some 60 codes, 280 provincial acts and 450 statutory orders and regulations. And within their system are countless examples of duplication, overlapping and conflicts.

Conforming to planning, labour relations, municipal and environmental acts contributes up to 35-40 percent of the final cost of a building. Abiding by unnecessary Building Code requirements and other related processes are in part what makes this figure so high. These costs are passed on to the buyer, aggravating the already critical problem of affordable housing.

The restrictive nature of the regulatory system has caused a multitude of problems for the building industry. Financing difficulties, lost time while waiting for project approvals, excess design work, over-building, rebuilding, and workers' compensation are only some of the headaches faced by builders.

The costs of such a high level of regulation are incalculable but the administration and inspection costs to the public sector alone are a staggering \$200 million a year.

These extra expenses have taken their toll on innovation and technological progress. Companies weighed down by costly regulations either don't have the money to spend on technological developments or have simply been discouraged.

And when industry lags behind technology, competing in the export market becomes an impossibility.

The Ministry of Housing's Building Industry Strategy (BIS) Board has recognized this threat and has made regulatory reform a top priority.

The Board's Steering Committee

on Regulatory Reform (SCORR) has been making great strides in consolidating and streamlining the regulatory process. SCORR is in the process of rationalizing 128 pieces of provincial legislation, eliminating duplication and conflicts.

The committee has also catalogued all overlaps, duplications and conflicts between the Building Code Act, the Building Code and several other pieces of legislation that affect the building industry.

A discussion paper on proposed amendments to the Building code Act has gone out to industry and other interested parties for comments.

The Building Code Act discussion paper includes a proposal to establish a program which would allow architects and engineers who have passed specified courses to be designated Certified Professionals (CPs). The courses would upgrade their knowledge of fire protection and life safety issues in Part 3 of the Building Code. CPs would then be allowed to proceed with little or no municipal plans review and inspection during construction for those areas of building for which they have been certified.

The paper also addresses the issue of confidentiality of building documents. Councils may be allowed to decide which internal documents should be released.

Other proposals include the establishment of a code for existing buildings; permitting building officials to accept equivalents for all buildings, not just for renovations; changing the definition of applicable law; and compelling building officials to act as witnesses in civil suits. The draft also suggests that municipalities be granted interim conditional building permits so that work on a building's foundation can begin before all of the necessary final approvals are given. This last initiative will give municipalities more leeway and will cut red tape and resulting costs for builders.

George Wildish, manager of the Ministry of Housing's Buildings Branch Research and Policy Section, says public hearings on the proposed changes to the Act will be held this summer and terms asking for public comment are "a tremendous step forward".

Public hearings were held across the province which helped SCORR create an innovative, new Code amendment process which is being implemented this year.

SCORR has also completed a detailed prototype of a safety/risk assessment framework which will eventually be used by all provinces and the federal government. The framework will measure the technical merit, costs, benefits and levels of inherent risk in any Building Code requirement.

Proposed changes to the Building Code, stemming from the Health Care 1 Project (hospitals, nursing homes, group homes) are being finalized by the Buildings Branch.

The Energy and Equipment II project, also completed, focuses on transferring to the Building Code those regulations which don't pertain to electrical safety:

A computerized Building Code is in the works as well. Everything a building company needs to know will be available on a compact disk. All a company needs to gain access is an optical disk reader which runs about \$1,000. The system will be a boon to small and medium-sized firms who need up-to-date information but don't have the money to spend on costly technology. Megalith Technologies Inc. has been awarded the contract to computerize the code.

While some progress has been made in untangling the snarl of rules and regulations, the process won't be completed overnight. Many of the projects and activities will be on-going for several years. But the Ministry has committed itself to change and change is taking place. ●