



## STAFF REPORT ACTION REQUIRED

### Response to the 2011 Ontario Building Code Consultation

<b>Date:</b>	April 13, 2011
<b>To:</b>	Planning and Growth Management Committee
<b>From:</b>	Ann Borooah, Chief Building Official and Executive Director, Toronto Building
<b>Wards:</b>	All
<b>Reference Number:</b>	2011\Cluster B\BLD\CBO Office\PG11007

#### **SUMMARY**

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The purpose of this report is to provide City Council with background on key areas of proposed change to the Ontario Building Code and highlight issues for Council's attention.

In addition to conducting a technical staff review of the proposed Ontario Building Code amendments, Toronto Building has consulted with a number of City Divisions and other municipalities in the preparation of the response. The comments to the province reflect these discussions. Key areas of consultation are: Energy efficiency, water conservation, mid-rise wood frame construction and the continued qualification for building inspectors.

#### **ATTACHMENTS**

Appendix A: Summary of Key Responses to the Province on the 2011 Building Code Consultation

## **RECOMMENDATIONS**

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**The Chief Building Official and Executive Director, Toronto Building recommends that:**

1. Council endorse the staff comments in response to the consultation on potential changes to the Ontario Building Code, contained in Appendix A to this report.
2. City Council endorse further examination of requiring energy efficiency improvements at the time of renovation, in order to affect the provincial consideration of energy efficiency in existing buildings beyond the next Ontario Building Code cycle
3. Council encourage the province to consult with stakeholders on the draft Built Environment Standard prior to inclusion in the Ontario Building Code.
4. City Council reiterate its request to the province to address the issue affecting some infill housing construction, where some adjacent homeowners' chimneys are deemed unsafe, and are therefore required to make modifications to their homes or chimneys as a result of adjacent construction, and that this request:
  - a. identify the urgency of the matter, and
  - b. that the proposed building code change be included for consideration with the other proposed amendments contained in the Ontario Building Code consultation.

### **Financial Impact**

There are no direct financial implications associated with adopting the recommendations contained in this report.

### **DECISION HISTORY**

Toronto Building has previously reported to Council recommending support for City of Toronto comments in response to consultations by the province on amendments to the Ontario Building Code and Building Code Act.

The 2007 report, “Adverse Effects Caused by the Issuance of Building Permits on Adjacent Buildings” outlined the legislative context and actions that Toronto Building proposed to take with respect to the impacts of infill housing construction on existing adjacent residential buildings.

<http://www.toronto.ca/legdocs/mmis/2007/pg/bgrd/backgroundfile-3919.pdf>

## **ISSUE BACKGROUND**

### Ontario Building Code

The Ontario Building Code (building code) governs construction, renovation, change of use and demolition, within the province of Ontario. The building code sets out technical standards for building designs, systems, and materials and sets out administrative requirements in areas such as building permit application processes, building permit fees, building inspections, and qualifications for building practitioners.

The building code is a regulation made under the *Building Code Act, 1992*. The building code and the Act are administered by the Ontario Ministry of Municipal Affairs and Housing.

Municipalities are responsible for building code enforcement. Toronto Building is required to process and issue permits in accordance with the legislation.

### **Ontario Building Code Objectives**

The primary purpose of the building code is to promote public safety through uniform building standards. Each technical requirement is linked to at least one building code objective. The building code objectives include:

- Safety
- Health
- Accessibility
- Fire, Structural Water and Sewage Protection of Buildings
- Resource Conservation
- Environmental Integrity
- Conservation of Buildings

The current 2006 building code was the first edition to be published in an objective-based format. The new format added a description of what is the desired outcome of each building code requirement. Performance-based "alternative solutions" to the prescriptive-based "acceptable solutions" were developed to encourage innovation, and provide flexibility for the industry.

### **National Code Development**

The model National Building Code and model National Plumbing Code act as a model codes for building regulations in Canada. The regulations provide standardized building code provisions that are used across Canada as the basis for provincial building codes. The Ontario government harmonizes most technical requirements in the OBC with the model national codes where appropriate. The Province pursues separate policy directions in key priority areas.

The Ontario Building Code development process is coordinated with the national code development process. For example, the transition to the objective-based building code in 2006 followed the national code change in 2005.

### **Ontario Building Code Development**

The building code development process relies on the expertise of different stakeholders. Consultation with industry representatives and government officials ensures that the proposed changes consider the views of those stakeholders working with the building code, including municipalities responsible for enforcement.

The building code review is made up of public consultation followed by evaluations by Building Code Technical Advisory Committees. Building Code Technical Advisory Committees evaluate the public submissions and make recommendations to MMAH for building code. These committees are made up of a balanced group of building industry experts from various stakeholder groups. The Ministry of Municipal Affairs and Housing considers the Technical Advisory Committees comments and makes recommendations to Cabinet for review.

The building code is reviewed on an approximately 5-year cycle. The implementation of a significant change can include a transition period with an implementation date throughout the code cycle. Interim amendments that are generally smaller in scope can be made at any point in the cycle, at the discretion of the provincial government.

### **First Round of Consultation – November 2010**

The first round of consultation addressed potential changes to reflect the updates to the National Building Code, model National Plumbing Code, and other Ontario-specific building changes requested. The process concluded in November 2010. The consultation covered approximately 450 changes; 330 changes from the national code process, and 120 Ontario-specific change proposals.

### **Second Round of Consultation – March 2011**

The second round of consultation is largely focused on potential changes to certain areas of the building code related to key policy goals of the government. The consultation covers approximately 115 changes. The Comments section of this report provides an overview for Council of key areas.

### **City's Role in the Process**

The City of Toronto is a key contributor to the building code consultation process. Toronto Building technical staff have reviewed the proposed technical changes. Division Staff have also coordinated inter-divisional discussion on the proposed amendments to co-ordinate a City response to the technical changes. For key matters outlined in the comments section of this report, Toronto Building has engaged Toronto Fire Services, City Planning, Toronto Environment Office, Toronto Water, Economic Development,

Facilities Management, City Manager's Office and the Energy Efficiency Office in discussions to ensure that the interests of all program areas are represented in comments to the province.

In addition to preparing specific comments on Code changes to MMAH, the Chief Building Official and Executive Director, Toronto Building, participates in building code development in a number of ways, as an appointed member of the Canadian Commission on Building and Fire Codes, responsible for the Model National Code process, Building Advisory Council and the Building Code Energy Advisory Council, which provides strategic advice to the Ministry on Code provisions related to energy conservation.

## **COMMENTS**

As with previous consultations on model national and provincial codes, Toronto Building staff have systematically reviewed each of the proposed amendments. The consultation period ran from February 26, 2011 to April 1, 2011. As Council did not meet during this period, staff have provided technical comments on specific code changes to the Ministry of Municipal Affairs and Housing in response to the technical amendments in consultation with other City Divisions. The comments in this report are intended to provide Council with background on key areas of proposed change and highlight issues for Council's attention.

The key areas outlined here are:

1. Mid-Rise Wood Frame Construction
2. Energy Conservation: Houses and Other Small Buildings
3. Energy Conservation: Large Buildings
4. Energy Efficiency Upgrades for Existing Buildings Through Renovation
5. Climate Adaptation Measures
6. Water Conservation
7. Maintaining Currency of Building Code Knowledge
8. Areas for Further Research
  - Accessibility
  - Chimneys and the Adjacent Construction

### **1. Mid-rise Wood Frame Construction**

#### **Background**

The 2006 Code allows wood frame buildings, in certain building types (residential, office and mercantile) up to four storeys. The building code contains a number of provisions for these buildings that are intended to take into account fire safety concerns. Currently, buildings higher than four storeys must be non-combustible construction and conform with a number of additional code requirements to account for potential increased safety concerns. Under the current objective based code format, however, an applicant could submit a proposal to Toronto Building to design and build a wood frame building that exceeds four storeys. Staff would be obligated under the Building Code Act to review

this proposal as an “alternative solution” in the absence of Code requirements for mid-rise wood frame construction.

In 2009, British Columbia amended its provincial building code to permit residential wood frame buildings up to six stories throughout the province of British Columbia. Vancouver followed suit later in 2009.

There has also been an interest in Ontario to permit mid-rise (5-6 storey) wood frame buildings. Proponents have suggested that expanding the permitted use of wood frame construction could reduce construction costs and increase flexibility in design. As wood is a renewable resource, it is also considered a more sustainable material than other products and may result in shorter construction periods.

Toronto Building, Toronto Fire and City Planning staff attended Ministry of Municipal Affairs and Housing stakeholder sessions in 2010, as the province was preparing the proposed amendments. Staff identified that concerns related to fire safety must be balanced with the acknowledgement of potential benefits that wood frame construction in mid-rise buildings could provide to intensified development in urban areas like Toronto. Mid-rise construction is supported by City Planning for developing the City’s avenues.

## **Proposal**

The Ministry has proposed to allow wood frame construction in buildings up to six storeys in height. The proposal would allow wood frame construction for buildings with residential, mercantile, office and mixed use occupancies. The proposed amendments would also allow wood frame construction on top of a one or two storey non-combustible “podium”.

The proposals for six storey wood frame construction include a range of compliance measures to address the “Fire Safety” and “Structural Sufficiency” objectives of the building code. The additional measures include a more stringent sprinkler standard than originally considered, plus mandatory sprinklering of crawl spaces, concealed spaces and all combustible balconies and roofed decks. To address concerns about potential fire spread, the proposals also put limitations on building area, gross floor area and building height.

The ministry has noted that the government is sensitive to concerns from the fire safety community and will proceed accordingly.

## **Response**

The Chief Building Official and Fire Chief have prepared a joint submission to the province on this proposal, in consultation with City Planning staff. This joint submission generally supports expanded permission for wood frame construction, but recommends some modifications.

The Fire Chief suggests that all exit stairs and elevator shafts should be constructed with at least a two hour fire resistance rating. This would give occupants a more secure escape path and give firefighters a platform to fight the fire from and a more secure exit path. Recognizing the more stringent fire sprinkler provisions, the submission also notes that the sprinklering provisions should be expanded further to include all small rooms (e.g., bathrooms). Finally, there is a need to ensure that the building height limit is controlled to no more than 6 storeys. Using the height provisions currently proposed may have the unintended consequence of permitting these buildings with 7 or 7.5 stories.

The Chief Building Official supports provisions in the Code for mid-rise wood frame construction to provide a benchmark to determine the compliance of this form of construction against Code standards.

The joint submission identifies that if this proposal proceeds there is still a need to balance the fire safety concerns with the flexibility that wood frame construction provides designers and the potential benefits for more affordable housing.

## **2. Energy Conservation: Houses and Other Small Buildings**

### **Background/Summary**

The 2006 Ontario Building Code introduced new energy conservation requirements for buildings, to be phased in by the end of 2011. The first requirements took effect at the end of 2006 and included prescriptive requirements for houses, such as higher insulation levels and energy efficiency requirements for furnaces, windows and doors. The final instalment of the 2006 changes will take effect on December 31, 2011. Houses and small buildings will be required to meet Natural Resources Canada's EnerGuide 80 performance standard (or prescriptive compliance alternatives set out in a supplementary standard to the building code).

Following an early-2006 provincial consultation on energy efficiency, the province also introduced a number of enabling provisions to support "green technologies", such as solar panels.

### **Proposals**

The 2011 consultation sets out three options for increased energy efficiency provisions for houses and other small buildings. The three options are all based on a percentage increase in energy efficiency over the requirements of the 2006 Code that are scheduled to come into force at the end of 2011. The implementation date for the proposals would be December 31, 2016.

The options include 10%, 15% or 20% (estimated) increase in (space and water heating) efficiency over the December 31, 2011 requirements. The province has developed samples of alternative compliance packages for each option which a designer could use to meet the corresponding approximate EnerGuide rating set out in the building code.

In preparation for this consultation and in response to recommendations of the Building Code Energy Advisory Council (BCEAC), the Ministry of Municipal Affairs and Housing conducted extensive research on “archetype” houses built under the 2006 Ontario Building Code to develop possible compliance packages and undertake cost-benefit analysis on the options. The BCEAC recommended to the Minister that any proposals should reflect long-term energy targets and be based on a thorough analysis of technical issues, cost impact and industry capacity.

In addition to a longer term target for building performance, the consultation also proposed several prescriptive requirements that would be phased in. Some requirements would take effect immediately with the new Code, others at the end of 2014 and the final requirements in 2016. These include requirements for programmable thermostats, the sealing of duct work, the choice of natural gas or propane for laundry and dishwashers and the requirement of at least one conduit to facilitate the future installation of a photovoltaic system or a solar domestic hot water system.

## **Response**

Staff support the prescriptive, incremental amendments to the energy efficiency provisions of the building code which are straightforward, low cost impact amendments with immediate benefits to new home owners. Staff are also recommending immediate adoption of the two interim changes proposed for 2014: requirements for electronically commuted motors (ECM) for space heating furnaces and provisions allowing homeowners the option of having a natural gas or propane line installed to power cooking appliances and clothes dryers. The laundry and kitchen lines provide greater choice and flexibility for homeowners at a minimal cost. Unless the MMAH can identify a reason such as limited product supply, ECMs should be adopted earlier as they can contribute to the energy efficiency of furnace operations.

The experience in the solar neighbourhood project in Riverdale reinforced that it is much easier and more cost effective to rough-in a conduit for a photovoltaic system or a solar domestic hot water system in new construction (when cost is minimal) compared to having to retrofit an existing house. It is recommended to the province that this requirement should also be introduced immediately, supporting the objective of “Resource Conservation” with minimal cost implications.

MMAH has conducted a financial impact analysis, including the impact on capital and lifecycle costs in preparing the (December 31, 2016) energy efficiency level options. This type of analysis is more reliable than simple payback analysis as it evaluates the impacts of various changes such as price fluctuations in energy costs.

The information provided by MMAH on the research to develop the proposed efficiency levels suggests that a more aggressive energy efficiency level is achievable. All City Divisions consulted in the preparation of staff comments to the province support raising the energy efficiency level for small buildings and houses (by December 31, 2016), while



MMAH develops deemed to comply solutions to meet those levels. Staff recommend that the province adopt the 20% increase above the December 31, 2011 level. However, staff advise the province that this level should only be pursued if it is both technically feasible and there are no significant cost impacts.

The proposed implementation date of December 31, 2016 for a new energy efficiency level is supported by staff. This longer horizon will allow builders, trades, designers and building officials to prepare for the changes. A similar horizon was provided for in the 2006 Ontario Building code for changes taking effect on December 31, 2011, which has provided time for the deemed to comply solutions to be developed and the industry to prepare, which is expected to result in a smoother implementation.

### **3. Energy Conservation: Large Buildings**

Under the 2006 building code, designs for large buildings may comply with either the 1997 Model National Energy Code for Buildings (MNECB) with enhancements specific to Ontario, or the American Society of Heating Refrigeration and Air Conditioning Engineers (ASHRAE) 90.1-2004 Standard. The 2006 Ontario Building Code included a December 31, 2011 transition date for a higher energy efficiency standard – 25 % above the 1997 MNECB.

Ontario is the only province to reference the MNECB in its building code. At the present time, the federal government is developing a new National Energy Code for Buildings (NECB). It is uncertain at this time when the new NECB will be released.

#### **Proposal**

The MMAH consultation paper presented two options for comment – requirements that would achieve 10%, or 13% efficiency higher than the December 31, 2011 requirements. The province is proposing that the new energy efficiency level take effect on December 31, 2016. Critical considerations with these proposals are capital and operating cost impact and industry capacity to construct buildings meeting these standards.

#### **Response**

Staff support the proposal to establish new energy efficiency levels by 2016, at the end of the next code cycle, as it will allow the building industry and building officials to adjust to the next level, after the requirements which take effect at the end of this code cycle (December 31, 2011).

The consultation sets out two options for enhancements to the energy efficiency levels in large buildings. However, the consultation does not provide, or reference data from the background research which MMAH has undertaken to develop these proposals. The compliance paths have not been developed. The compliance paths are expected to include reference to the new National Energy Code for Buildings (NECB) and the 2010

ASHRAE 90.1 standard. With some research still outstanding and an incomplete NECB, it is not possible to determine the precise cost impacts and technical challenges of either a 10% enhancement, or 13% enhancement to energy benchmarks for larger buildings.

Toronto has some experience with larger buildings designed to 35% higher energy efficiency than the MNECB (or 10% higher than the December 31, 2011 benchmark) as part of the Better Buildings Partnership – New Construction Program and the Toronto Green Standard (Tier 2). This experience suggests that a 10% enhancement to the December 31, 2011 benchmark is technically feasible. Toronto’s experience, however, should be considered in context, where incentives such as development charge refunds and funding for energy modelling expertise have been provided.

A significant proportion of the housing stock constructed in Toronto is high rise residential. Typically, it is more difficult for residential developments to achieve the higher energy efficiency improvements relative to office buildings. The standards discussed here for “large buildings” would apply equally to large residential and commercial buildings. However, there are more opportunities for energy efficiency improvements in commercial buildings than residential buildings due to the nature of construction and use. Comments to the province on energy efficiency standards for large buildings should reflect that a “one size fits all” benchmark may not be appropriate. A 13% enhancement in energy efficiency for each occupancy should only be pursued where the analysis shows it to be cost effective and technically feasible. Staff recommend, therefore, that the province also consider separate benchmarks for large residential and large commercial buildings, if the more aggressive target is not feasible for residential projects.

#### **4. Energy Efficiency Upgrades for Existing Buildings Through Renovation**

The building code contains requirements that must be met during renovation. These requirements are intended to assist designers and builders as much as possible with integrating new construction with existing structures. The building code does not require upgrades to energy efficiency in a building where there is no construction proposed (i.e. retrofit). Existing buildings, however, present a significant opportunity to increase energy efficiency across the building stock. New construction, covered by the building code, covers a relatively small portion of the built environment at any point in time, by comparison. The potential for improvements in energy efficiency in existing buildings would be significant for an urban centre such as Toronto, where the urban fabric is largely built out.

City and Ministry staff have had discussions on how to effectively require energy efficiency improvements at the time of renovation, with minimal costs to the homeowner and impact on the renovation industry. The Building Code Energy Advisory Council has considered this issue and recommended that the Minister of Municipal Affairs and Housing undertake further research to investigate potential energy efficiency

requirements for existing buildings when they are renovated. There is agreement that further research is required to identify where the opportunities lie, while also taking into account technological innovation and the need to discourage the growth of the black market renovation. Toronto's participation in this research would ensure that the City's interests are represented in any potential future Code amendments.

Staff recommend that City Council endorse further examination of requiring energy efficiency improvements at the time of renovation, in order to help direct provincial consideration of energy efficiency in existing buildings for the next Code cycle.

## **5. Climate Adaptation Measures**

In addition to the proposed building code changes intended to mitigate climate change, the first round of consultation contained a number of proposed Code changes that were developed as climate adaptation measures. The objective of these changes is to introduce measures that increase the resilience of buildings in more frequent and extreme weather events associated with climate change.

Staff support changes requiring backflow prevention devices in more circumstances than the 2006 Code, requiring hurricane clips for certain buildings and reducing the maximum spacing of fasteners for roof sheathing. These changes will provide additional benefits to homeowners with only a minimal cost increase in the construction of new buildings.

## **6. Water Conservation**

### **Background**

“Water Conservation” is one of the core objectives in the Ontario Building Code. Toilets are currently restricted to a maximum flow of 6 litres per flush, urinals to 3.8 litres per flush and showerheads to a flow rate of 9.5 litres per minute. The current building code also contains provisions facilitating the expanded use of storm sewage or grey-water reuse than those found in the 1997 Code.

### **Proposals**

The consultation proposals would expand the permitted uses of non-potable water to include specified cleaning and irrigation applications. There are also proposed amendments to increase the efficiency of toilets (4.8 litres per flush), urinals (1.9 litres per flush) and shower heads in residential buildings (7.6 litres per minute).

## **Response**

Toronto Building staff, in consultation with Toronto Water, support the proposed changes as they will contribute to Toronto's initiatives to reduce water use, expressed in the City's Water Efficiency Plan.

## **7. Maintaining Currency of Building Code Knowledge**

### **Background**

Since January 1, 2006 the Building Code Act has required that building officials and other specified design practitioners have the qualifications that are prescribed in the Ontario Building Code. Under the current provincially operated system there are 14 categories of qualifications. An individual obtains their qualification by writing a provincial exam administered by the Buildings and Development Branch of the Ministry of Municipal Affairs and Housing.

Currently, there are no requirements in either the Building Code Act or the building code that requires a building official or other design practitioners to maintain their qualifications. However, there is a provision in the building code which states that a person who has completed qualification exams must update their qualifications and write a new provincial exam when notified by the Director, Building and Development Branch. Thus far, there have been no notifications issued by the Director requiring qualified building officials to write new examinations.

### **Proposal**

The Ministry of Municipal Affairs and Housing is proposing new requirements for qualified Building Officials and other design practitioners to maintain their respective qualifications through several alternative compliance paths. The manner of these compliance paths ranges from a formal examination process to a continuing education process.

There are three alternative paths for currently qualified individuals being considered by the Ministry:

- A 'gap examination', to assess an individual's knowledge of the changes that have occurred between the last code and the newest version of the Ontario Building Code.
- A 'gap' course which would cover changes from the previous Ontario Building Code. This proposal also includes the requirement for the participant to undertake a test, or other proof of learning requirement.
- A course or seminar that would be based on changes to the Ontario Building Code. This option would also include a form of assessment of the practitioner's knowledge of the changes between the previous version of the Ontario Building Code and the most recent version.

Along with the different options for potential examinations/courses, the Ministry is also considering having these courses/examinations developed, delivered and administered by third parties (e.g., organizations, associations, colleges or municipalities).

## **Response**

Staff do not support a formal program requiring the maintenance of qualifications at this time. The responsibility for the administration and enforcement of the Building Code Act and Ontario Building Code rests with municipalities. A municipal council is required to appoint a Chief Building Official and Building Inspectors to enforce the Code. Municipalities are only able to employ staff who are qualified and registered with the Ministry, as prescribed in the Building Code Act.

Ensuring qualified staff are informed and knowledgeable about incremental Code changes is a routine internal matter in municipalities. Toronto Building has an established Training and Development Team responsible for developing educational sessions and communications with staff on emerging issues. The Ministry of Municipal Affairs and Housing has not demonstrated the value of an additional mandatory program of oversight and training verification. Attending training courses and a formal process of proving learning will be significant in terms of both staff resource demands and costs incurred by the City, with no clear need identified by the province.

Staff recommend that the province not pursue a program for the maintenance of Building Code qualifications at this time. However, should the province implement such a program, then it is recommended that this program be limited to a continuous education template that does not entail any formalized proof of learning or examination requirements.

Staff are also recommending that the province amend the building code to remove the requirement for the mandatory writing of new examinations by qualified Building Officials when new provincial examinations are introduced/changed to reflect building code changes.

## **8. Areas for Further Research**

### **Accessibility**

Accessibility requirements were part of the first edition of Ontario's Building Code in 1975 and have been expanded over the years. In 1997, the scope of barrier free requirements expanded beyond strictly government buildings and assembly occupancies. The 2006 building code further extended the provisions to include Part 11, the section of the Code that covers renovation.

In 2005, the province passed the Accessibility for Ontarians with Disabilities Act. The objective of this legislation is to make Ontario more accessible by developing,

implementing and enforcing accessibility standards in a number of areas. The provincial Accessible Built Environment Standards Development Committee has developed a draft Built Environment Standard. The City of Toronto participated on this Committee and provided comments on the draft Standard.

In July 2010, the Committee submitted a final proposed standard to the government for consideration. There was an expectation that this Standard would be included in the current round of building code consultations. The Ministry of Municipal Affairs and Housing has advised, however, that they are conducting further research and analysis, in order to ensure that any new requirements are clear, consistent and enforceable.

Toronto's urban fabric is complex. Any provincial accessibility standards should take into account the diverse building stock found in the City of Toronto. Staff recommend that Council encourage the province to consult with stakeholders on draft Built Environment Standard, for consideration for inclusion to the building code, at the earliest opportunity.

### **Chimneys and the Adjacent Construction**

New construction can occasionally place adjacent buildings into non-compliance with other provincial regulations. As a result of some infill housing construction, adjacent homeowners sometimes have their chimneys deemed unsafe by the provincial Technical Safety Authority, and through no fault of their own, are forced to make expensive modifications to their homes or chimneys.

In 2007, the Chief Building Official reported to Planning and Growth Management on the legislative context to this issue. That report identified actions that Toronto Building proposed to take with respect to the impacts of infill housing construction on existing adjacent residential buildings. A 2008 report to Planning and Growth Management from the Chief Planner (in consultation with the Chief Building Official) also identified that the building code is the most appropriate regulatory tool to address this issue.

Toronto Building, on behalf of the City of Toronto proposed an amendment to the building code regarding the issue of the separation of existing chimneys in relation to proposed adjacent residential buildings. The Chief Building Official has met with staff from the Ministry of Municipal Affairs and Housing in an effort to resolve this issue. Notwithstanding this, the proposal to amend the building code, as per the City's request, was not included in the current consultation.

Staff recommend that City Council request that the province reconsider the inclusion of a Code change to address the issue of adverse effects of construction on existing chimneys. This request should identify the urgency of the matter and to further request that the proposed code change be included along for consideration with the other proposed amendments contained in the current building code consultation.

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## **SIGNATURE**

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