

# DAILY COMMERCIAL NEWS

## AND CONSTRUCTION RECORD

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General and Trades Contracting

'Political tinkering' with the Ontario Building Code could prove costly

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Two private-member's bills that have received second reading in the provincial legislature could be harbingers of increased political tinkering with the Ontario Building Code as a tool for social change.

The bills seem innocuous enough, but it's the process which seems to be raising eyebrows in the construction industry.

Last April, Conservative MPP Ernie Hardeman (Oxford) pushed through second reading of Bill 143, which would require carbon monoxide detectors in all residential buildings.

He sponsored the bill in memory of the Hawkins family — OPP Const. Laurie, husband Richard and their children Cassandra and Jordan — who died last December from carbon monoxide poisoning.

Liberal MPP Wayne Arthurs (Pickering–Ajax), has also tabled a private member's bill in the legislature that would require all new provincial and municipal public buildings to be equipped with a visual fire alarm systems.

For Arthurs, it's the second attempt at bringing the bill forward and this version has been tweaked to make it more palatable. More than that, though, as Arthurs told the House, it's a subject near and dear to his heart: His own son is deaf.

Both bills seem reasonable, says Richard Lyall, president of RESCON, the Residential Construction Council of Central Ontario an industry umbrella group which includes apartment owners and construction interests.

"Certainly visual alarms make sense," he says. "As do carbon monoxide detectors. But the issue as with smoke alarms is not installing them, or even the initial cost, but enforcing that they are operating."

He says in 67 per cent of fatal fires reported in Ontario, smoke detectors were not working, usually because they had been disabled.

Just making such devices mandatory under the code doesn't solve the issue of enforcement, he says.

The rush to politicize the code, he says, has already led to sprinklers being made mandatory, starting this fall, in all multi-storey residential units.

"Why put sprinklers in buildings which are already non-combustible under the building code?" he asks. "It doesn't make sense.

"But of course, the sprinkler industry loves it and they'd like to see sprinklers in single-family homes too, like they have in California and other states. But we don't have the issues here they have there with bush fires.

It's becoming political.”

A case in point, he says, are the new standards for energy efficiency being applied through the code.

“Going green is one thing, but the code was always intended to be a standard for structural and fire safety,” he says. “This is mission creep.”

Indeed, says Alan Larden of Larden Muniak Consulting Inc. in Toronto, who advises clients on the code and other standards, there are some concerns that there's a fragmentation of the code's original intent and the process to change it.

The recent granting of additional rights to the municipalities to impose higher standards than the code is adding to that concern, he says.

Toronto Mayor David Miller last year fired a clear warning shot about using the code to push green standards saying the province was not moving quickly enough to incorporate LEED standards.

“It (LEED) as a minimum requirement for any development in the city of Toronto is certainly something we'd like to do and want to so,” Miller said, adding the city is prepared to go it alone if necessary. “I would like to see them move faster, but we are exploring what we can do ourselves in the city.”

The city is now taking a major leap in that direction with its proposed bylaw to require green roofs on buildings over 54,000 square feet – the first jurisdiction in North America to do so.

It would demand 30 to 60 per cent of the roof be green, but doesn't set out standards for how the green roof should be constructed or maintained, says Lyall. Developers strongly oppose the move saying it could raise costs by up to \$28 per square foot.

It's another example of the diffusion of the code and process, says Larden.

“It is supposed to be the one book for everyone,” Larden says, adding that if municipalities start adding their own standards it will get overly complex and drive up the cost of construction and risk creating conflicting standards.