

December 9, 2022

Ministry of Municipal Affairs and Housing
Building and Development Branch
777 Bay Street, College Park 12th Floor
Toronto, ON M5G 2E5

Submitted via email to buildingcode.consultation@ontario.ca
and submitted online via Ontario's Regulatory Registry.

Dear Building and Development Branch officials:

RE: Regulatory Registry #22-MMAH019: Proposed Changes for the Next Edition of Ontario's Building Code (OBC) – Phase 3 - Fall 2022 Consultation

The Ontario Federation of Agriculture (OFA) is the largest general farm organization in Ontario, proudly representing more than 38,000 farm family members across the province. OFA has a strong voice for our members and the agri-food industry on issues, legislation and regulations governed by all levels of government. We work to ensure the agri-food sector and our rural communities are included, consulted and considered in any new and changing legislation that impacts the sustainability and growth of our farm businesses. OFA is the leading agricultural advocate for Ontario farmers, their businesses and their communities.

OFA appreciates this opportunity to provide input on regulatory registry #22-MMAH019: Proposed Changes for the Next Edition of Ontario's Building Code. Consulting with the farm business community is imperative to a thriving agricultural industry and economy in Ontario, to reduce red tape and achieve the priorities in the province's ambitious Grow Ontario agri-food strategy.

Ontario's diversity in agricultural production requires unique building forms to house livestock or poultry, to store various crops, to house the machinery used to grow and raise agricultural commodities, and to provide quality worker housing, each having their own distinctive structural requirements. It is understood that the proposed changes to the Ontario Building Code (OBC) are intended to provide clarity and harmonization with the National Building Code (NBC) and the 1995 National Farm Building Code (NFBC), while accounting for the diversity of modern farm buildings and operations. These changes must account for unique hazards, structural needs, and fire safety considerations, while aiming to reduce onerous costs and red tape.

Generally, the goal to achieve consistent interpretation and application of building requirements across jurisdictions would improve clarity and efficiency. OFA appreciates this general goal, as our members often struggle with inconsistent interpretation and application of OBC conditions at

the municipal level. However, OFA wishes to express concerns about the consultation process and outcomes of the OBC consultations to date, and has identified several proposed changes where requirements diverge rather than harmonize with the NBC and NFBC in this Phase 3 consultation.

Firstly, the consultation documents are unclear as to which changes to the OBC outlined in the first two phases of consultation have been adopted or carried into Phase 3. As the previous consultations included many proposed changes that would affect farm buildings and farm property owners, it is challenging to provide comprehensive feedback for the current consultation when it is unclear how this third phase of changes will be interpreted and carried out in relation to the adoption or exclusion of previously proposed changes. OFA expects that the Ministry of Municipal Affairs and Housing (MMAH) will clearly outline the decisions made from the earlier phases of the consultation and how these new changes fit with the proposed changes outlined in Phase 3.

Secondly, an effective consultation process requires collaboration and communication across ministries and with relevant stakeholders throughout the process. For instance, farm buildings require unique parameters and considerations. Efforts to consult with the agricultural community and the engineering expertise available on staff at the Ontario Ministry of Agriculture, Food and Rural Affairs should have been done early and often, prior to the release of the proposed changes for public consultation, to ensure that implications for buildings on farms were clearly identified, analyzed, and scrutinized in the context of Ontario agriculture.

Thirdly, OFA is concerned that while the proposed changes to the OBC are meant to clarify and streamline development by harmonizing requirements with the NBC, some proposed changes to the OBC as drafted are more restrictive than the NBC. These drafted changes are without clear rationale or justification.

For example, the proposed changes in Division A (Code Change Number A-01-03-01) state that farm buildings would be required to be designed to current climatic data and current referenced material and design standards. However, it is our interpretation that 1.3.1.2 (4) and 1.3.1.2 (5) appear to apply to *small* farm buildings only (albeit the draft changes do not make this explicitly clear), mandating that buildings must meet the design specifications with Sections 4.1 and 4.3 of Division B.

To improve clarity, the title of Section 1.3.1.2 should be *Small* Farm Buildings. Sentences 4 and 5 should be removed so that small farm buildings would be held to the same design standards in the NBC, so as not to subject these buildings to more stringent requirements provincially than what is prescribed at the national level. This proposal works against harmonization between the OBC and NBC, and will only lead to more onerous costs, complexity, and delayed development across the agricultural industry.

Finally, OFA is also concerned about the potential for the proposed changes to be misconstrued and adversely applied to farm worker housing. The proposed changes should be carefully considered in this context, as they could cause undue hardships, complexity, and excessive time and costs to achieve implementation on farms. OFA supports the goal of improving conditions and worker safety on farms, but recommends that MMAH consider the implications of each change in the context of farm worker housing and work closely alongside OMAFRA, Public Health Ontario and other stakeholder organizations whose members would be directly impacted by these changes, such as the Ontario Fruit and Vegetable Growers' Association.

For instance, the proposed changes in Division C (Code Change Number C-01-03-01) would require a demolition permit for the removal of a residential building located on a farm (including

residences used for farm worker housing). Arguably, this change is not for harmonization, as the NBC does not reference permits. OFA understands the need for demolition permits of residential buildings, as we want to ensure their removal is carried out in a safe manner. However, a jurisdictional review of other provincial standards and requirements should be undertaken to determine whether this clarifies and harmonizes with requirements across provinces, or introduces more red tape, administrative burden, and cost to Ontario's farmers.

As mentioned above, OFA acknowledges the value of harmonization across jurisdictions and the effort towards improved clarity and efficiency in the application of the OBC. However, we are concerned about the value of the consultation process itself, in addition to the drafting and implementation of the OBC, as there may be unintended negative consequences to Ontario agriculture and agri-food businesses. These changes could reduce Ontario's business competitiveness, while increasing unnecessary costs and layers of red tape.

OFA appreciates this opportunity to provide its agricultural perspective on the proposed changes in Phase 3 of the OBC. We look forward to ongoing discussions with the MMAH to ensure that the OBC supports farm businesses and reflects OFA's advice and recommendations.

Sincerely,

A handwritten signature in black ink that reads "Peggy Brekveld". The signature is written in a cursive, flowing style.

Peggy Brekveld
President

cc: The Honourable Lisa Thompson, Minister of Agriculture, Food, and Rural Affairs
OFA Board of Directors