

---

July 29, 2024

Ministry of Municipal Affairs and Housing  
Building and Development Branch  
12th Floor, 777 Bay St,  
Ministry of Municipal Affairs and Housing  
Toronto, ON  
M7A 2J3

Submitted via email to [codeinfo@ontario.ca](mailto:codeinfo@ontario.ca) and submitted online via Ontario's Regulatory Registry and the Environmental Registry of Ontario.

Dear Building and Development Branch officials:

**RE: ERO # 019-8748 & ORR # 24-MMAH014: Consultation on the 2025 National Construction Codes**

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, regulations, and policies that impact 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 24-MMAH014 and ERO 019-8748: Consultation on the 2025 National Construction Codes. 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 building form has its 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.** Now in Phase 6 of 7, the consultation process has moved on to consider the separation distance required between farm structures, how the code calculates risk, firefighter safety, and requirements for worker housing.

### Separation distance

Proposed Change 1777 requires spatial separation between farm structures to mitigate the risk of fire spreading between structures and to other properties. OFA has been advised that similar OBC spatial separation requirements are common to non-farm buildings, and so building designers and engineers should be familiar with these concepts. Acknowledging the familiar nature of these calculations, **OFA recommends that efforts be made to keep building designers and engineers informed of changes to spatial separation requirements for farm structures.**

Requiring spatial separation between structures is a common practice used in structural design and site planning. OFA does not oppose the safe design of rural and farm properties. Contrariwise, many planning documents advocate for the clustering of rural and farm structures, examples including: OMAFA Publication 851 (Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas), the Niagara Escarpment Plan, and many official plans. These planning tools call for the appropriate clustering of rural and farm structures towards the efficient use of the property and the protection of the environment. The proposed change to require spatial separation of farm structures is not directly at odds with the principle of rural and farm structure clustering, but **OFA cautions that a balance between clustering and spatial separation is necessary to avoid future conflicts between plans, site plan control standards, zoning by-laws, and the OBC.**

The proposed change also includes provisions that structures built from fire- and heat-resistant materials may be built closer together under a modified spatial separation calculation. **OFA agrees that in situations where separation is not possible, but a given structure is a necessity, that building the structure from fire- and heat-resistant materials should be an option.**

### Risk calculations

Proposed Change 1980 updates how the OBC calculates structural risks associated with the environment with reference to our changing climate. The technical change proposed is a shift from the "uniform hazard approach" to an improved "uniform risk approach." It is understood that this change in approach represents an improvement in our ability to accurately predict loads and stress from snow, rain, wind, other weather. OFA does not oppose the refinement of mathematical instruments used in the design of farm buildings and structures, as this proposed change is not expected to result in a noticeable increase in building costs.

Relatedly, **OFA recognizes that the "importance factor" attributed to farm structures in the OBC does not represent a designation of social or moral worth, rather, it describes the reality that a farm structure is not intended as refuge in the event of seismic or natural disaster.**

### Firefighter safety

Proposed Change 1998 clarifies that structures must be designed with firefighter safety in mind. OFA considers occupational health and safety a serious matter; the design of structures should be as safe as can be reasonably designed. OFA does not oppose OBC changes that help Ontario's firefighters get home safely, and has supported clear, consistent fire safety designs in prior consultations. Towards this end, **OFA recommends that, either by policy or strategy, changes to the OBC that affect firefighter safety must be effectively communicated to and understood by Ontario's agricultural sector.** This bears some resemblance to recent

consultations regarding the Ontario Fire Code (#23-SOLGEN011: Proposed Changes to the Ontario Fire Code).

#### Farm Worker Accommodation

Lastly, OFA has an interest in how farm worker housing is regulated, as expressed through our previous submissions. Proposed Change 2061 would apply to all new dwellings, including those used for on-farm worker housing. This Proposed Change addresses dwelling comfort by regulating the temperature of a living space to a maximum of 26°C, through either mechanical or passive means. OFA appreciates the need for worker comfort and that the proposed change does not require the entirety of a new dwelling unit (such as farm worker housing) to be continuously cooled. Rather, “at least one living space” within a dwelling is to be cooled as a means of respite from Ontario’s summer weather.

**OFA recommends that the MMAH also consider the implications of each change in the context of farm worker housing while working closely alongside OMAFA, 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.**

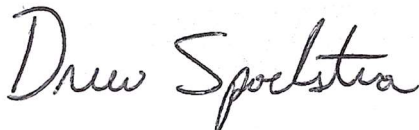
#### Harmonization

OFA supports worker safety and living conditions. OFA also notes that a harmonized approach with other provinces is also an important tool to consider when implementing new regulations. An incongruent set of building codes would hamper the efficient design, manufacturing, and construction of worker accommodations. **OFA recommends an inter-jurisdictional review to ensure that these standards do not unintentionally create red tape, administrative burden, and add to farming costs in a time already associated with economic hardship.**

OFA acknowledges the inherent value of harmonization across provincial jurisdictions and the efforts made towards improving the clarity and efficiency of the OBC. However, we remain concerned about the unintended negative consequences to Ontario agriculture and agri-food businesses. **OFA requests that updates to the Building Code consider impacts to Ontario’s business competitiveness. Ontario’s competitive edge could be diminished because of requirements that lead to increased costs inherent to farming operations. Added layers of red tape may also prevent farmers from quickly adjusting their business models in an increasingly rapid-pace economic environment.**

OFA appreciates this opportunity to provide its agricultural perspective on the proposed changes in Phase 6 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,



Drew Spoelstra  
President

cc: Hon. Rob Flack, Minister, Ontario Ministry of Agriculture, Food and Agribusiness  
OFA Board of Directors