

## **Future Enhancements to the Qualification Program for Ontario's Building Practitioners**

The Ontario Building Officials Association wishes to thank the Ministry for the ability to again participate in the latest of a long series of consultation sessions on modernizing and transforming building code service delivery. Ensuring that the province has properly qualified and certified building code officials has been the mandate of the OBOA for many decades and since the passing of Bill Pr40 in 1992, we have taken that responsibility seriously.

The OBOA has served as the principal stakeholder for the ministry when it comes to matters concerning the Ontario Building Code and its administration and enforcement. We have been proud to be at the table for all of the significant enhancements that have been in these areas over the years.

However, we strongly believe that the OBOA needs to be seen as more than a stakeholder in these endeavours, we need to be a partner. We are trusted by municipalities, educational institutions, other Provinces and the federal government; we now hope that this is the time that the Ontario government provides us with that same trust.

### **Building Code Practitioners**

It needs to be acknowledged that the three disciplines that fall under the Building Practitioner title are very different. We are diminishing the importance of those other practitioners, designers and those in the on-site sewage system business are also integral to the industry. They, however, require a vastly different set of competencies than a building official.

Ontario is unique in this regard compared to all other jurisdictions. No other Province or Territory in Canada assesses Building Officials in the same way they qualify designers and sewage system installers and there is no clear rationale for this approach. This needs to be addressed.

As the Association that represents the large majority of building officials within Ontario, our comments will focus on that particular practice.

## **Holistic Change is Needed**

The role of a building official demands more than just knowledge of the Building Code. The competency requirements have increased dramatically as the Code has become more complex and sophisticated. Building Officials play a vital role in maintaining the health and safety of the public and the OBOA, has long held the stance that there needs to be a higher standard to entry into the profession than what the system currently requires.

The Ontario Building Code (OBC) adopted an objective based format in 2006 that attached performance requirements for each provision. This change recognized that there are multiple solutions that can be proposed that will meet the stated objectives. This however puts a lot more responsibility on the building official to determine if a proposed alternative solution meets or exceeds the same level of performance that was previously identified in the Code as an acceptable solution.

The current Ministry system is outdated and does a very poor job of assessing and qualifying the right type of individuals that are needed in the profession. The passing of a series of exams does not prove one's abilities to spot design deficiencies in a set of plans, observe infractions on jobsites, communicate with builders, tradespeople and the public or assess whether a new or innovative construction practice will adequately protect the occupant of that building. The only purpose the current system serves is to assess one's ability to maneuver through a 2300-page document, a task that should, and will be aided by technology.

A clear pathway to practice must be established which includes entry requirements reflective of the significance of the occupation. This would include examinations that test beyond an individual's knowledge of the Code. Even before the introduction of the Objective based format, a building official needed to be able to understand and apply that knowledge in the work they undertook. Now they must also be able analyze design proposals that are not prescribed in the Code and evaluate whether they will meet or exceed the required level of performance. These are necessary skills to have if new and innovative building practices are ever to be adopted into regular use.

## **Start from the Beginning**

The question should first be asked why it needs to be "the Ministry's Qualification Program". Since the introduction of the BCIN system in 2003, it has been seen as the bare minimum requirement. The flaws that exist today have been present for the past two decades and there only seems to be consultation about fixing the system, no action.

The system was initially created to largely qualify existing Building Practitioners and has since continued to be used to qualify all those that desire to be practitioners in the province including those that move between provinces. Requiring new building officials at

the start of their careers to pass qualification exams without educational or experiential pre-requisites does not guarantee or demonstrate sufficient knowledge or credibility to perform the tasks of a Building Practitioner.

Nearly every other profession has an established right-to-practice system outside the arms of the government and have been able to maintain credible and reliable standards. It is time to ask whether the Ministry is best suited to continue in this role or should other options be looked at that have the agility and capabilities to keep the system current.

The BCIN system is a barrier. Its flaws discourage people from becoming building officials and limits the number of practitioners moving here from outside the province. The OBOA and other organizations have taken steps to recruit more people to the profession, but the major obstacle remains to be the Ministry's qualification system. Until fundamental changes are made to the system, the shortage of qualified building officials will continue.

The government has already stated that solving the Housing Crisis is an 'all hands on deck' matter. Now is the time they should start utilizing the other resources available in the sector. If the Ministry wants a system that the public can be confident in, they need to involve and invest the people that are part of the profession.

### **Response to the Consultation**

As we made clear in our previous comments, we believe more comprehensive change is needed. While we may support some of the ideas put forth in the discussion paper we don't believe we would be addressing the underlying problem. We will however address the areas where feedback is being requested:

#### **Action 1 : Use of Digital Building Code During Exams**

The Province is taking a digital first approach in the way it undertakes business. That is even being promoted in the discussion paper released as part of this consultation.

Digital Building Codes are a tool that will improve the efficiency and accuracy of the work of building officials and other code practitioners but the restriction on the use of this tool in the examination process is the only current barrier to their adoption into everyday use.

If an individual is forced to use the hardcopy version of the Code for exams, they will ultimately defer to that form of the Code in their learning.

##### **1.1 *Would you support providing candidates with the option to use the new digital version of the building code as an aid during their BCIN exams?***

Absolutely. This is long overdue. If we are to continue with the BCIN examinations (or any other system) allow the candidate to choose between digital or hardcopy versions of the building code during examinations.

- 1.2 *Do you have any concerns with this? For example, would this disadvantage those who are less technically inclined and use a hard copy version of the Building Code Compendium by providing them less time to locate specific Code provisions and less time to answer each question?*

We believe this is an individual choice to be made by a candidate. Some will prefer digital, some will prefer hardcopy. Some may believe using a digital version of the code may be advantageous because of the ability to search the document. However, using this feature in a digital format is only advantageous if you understand the building code and can apply it to the questions being asked. Searching digitally, or using an index, a candidate still needs to understand what is being asked and how to use the building code. Digital building codes could actually be a disadvantage if a candidate does not understand the context of a question or scenario.

- 1.3 *If the Ministry chooses to proceed, what steps should it take to ensure this initiative is successfully implemented?*

The use of other commercial versions of the of the Building Code should be permitted during the exams. Candidates should have the same tools that they use in their learning and practice available during the examination process. There are technologies that can aid in permitted use of digital aids that the Ministry could make use of to limit unfair use of digital material. In reality, is it any different to mark up a hardcopy of a building code vs bookmark or markup a digital version?

## **Action 2 : Allow Candidates More Time per Question During Exams**

The exam questions in their current form are only meant to test the individual's knowledge of the Code; their ability to recall or find information. They do not test an individual's ability to comprehend the information or apply it in practice. This is, and always has been, the major flaw in the system. The only skill the exams prove is an individual's ability to find specific information in a 2300-page document in two and a half minutes.

- 2.1. *What is your response to reducing the number of questions from 75 to 60 questions within the current BCIN exam format of 3 hours for each exam – would you support this change.*

The use of the digital Building Codes could significantly decrease the time needed to answer exam questions for some practitioners. That being said, the three-hour limit for 75 questions has always been an unrealistic format. Further research should be done to determine not only the appropriate number of questions but what the

focus of the questions should be. The Ministry needs to take into account that there are individuals that have difficulty writing exams due to the time constraints.

2.2 *Are there any other ways that the ministry can make operational changes to the current exam process that result in a fairer experience for candidates seeking to obtain BCIN qualifications?*

It is difficult to answer this question without having a full description of the operation. We have heard that there is a high level of scrutiny when administering exams that have made candidates nervous and uncomfortable when writing but we do not know if this prevalent issue.

A fulsome review of the categories for qualification and examination should be undertaken and the syllabi for the categories updated and improved. The syllabi, in some cases, are too broad and do not provide enough focus for candidates to accurately prepare for the exams. In addition, the scope of the building code has changed significantly in the last decade. Are the current categories still applicable? For instance, the scope of Part 4 Structural is well beyond what the average building official utilizes in most municipalities.

In addition, training materials often do not line up with the examinations because the scope of the categories or the implementation of code changes. Training providers attempt to update training materials as quickly as possible to enable practitioners to be taught current material and often have to write qualification examinations based on previous versions of the building code.

If the system of BCIN qualification exams is to continue examination questions should be improved in terms of wording of questions, double negatives and consideration to minimizing scenario/multi-step questions should be reviewed.

### **Action 3 : Mandatory Training**

The OBOA has been providing training opportunities to building officials and others in the building industry since 1974. That is close to 50 years of experience in ensuring that building officials have the skills and knowledge necessary to undertake this important work.

We have always supported the need for some base level of training for those entering the profession. Determining what training should be mandatory requires a comprehensive review of the qualification system so that there is an alignment as to what is taught and what is tested.

There are skills that a building official must learn that are currently not part of the BCIN system. Passing knowledge-based exams on the Building Code does not display an individual's ability to review construction plans for compliance or properly inspect the prescribed stages of construction.

*3.1 What are your thoughts on the pre-qualification training approach outlined above? Do you see this as being beneficial or problematic for new building practitioners looking to enter the field?*

The Ontario Building Officials Association does not believe that a pre-qualification training approach will result in a meaningful increase to quality qualified Building Officials in the Province, in fact this may be perceived as additional red-tape to getting qualified inspectors on site to help achieve the goal of building more safe homes in the Province.

The OBOA would suggest utilizing existing programs such as the OBOA's certification program as well as the continuing education program currently in place for Building Officials certified under the banner of the OBOA's CBCO program. This program coupled with a robust internship program will enable Building Officials to be hired and work similar to an apprentice to ensure quality and safety.

*3.2 Are there any barriers you may foresee with the potential implementation of pre-qualification training? Is there anything you think the province should consider minimizing any barriers to entry regarding this action?*

A pre-qualification program will potentially slow down the process of getting Building Officials on site and qualified and will set up additional road blocks to those wanting to get into the profession. As noted above working hand-in-hand with the OBOA the Ministry could create an endorsed internship program to help new Building Officials get up to speed to succeed in a short amount of time, while still ensuring there is checks and balances to ensure safety and quality of workmanship during construction.

#### **Action 4 : Provide Alternate Ways to Enter the Sector**

Prior to the introduction of the Qualification Program, the way to enter the profession was to first get hired by a municipality and then get trained through the OBOA. This was not ideal as some municipalities became training grounds where they would pay considerable funds to educate a building official only to see them leave for a larger, better paying municipality.

Not much has changed since then except that municipalities now also have to cover the costs of their staff to attempt BCIN exams as well as pay an annual registration fee to the Ministry.

The OBOA and George Brown college have now created a post-secondary program that teaches the fundamental skills required to be a building official. Graduates of the program are ready to enter the workforce without any training costs being covered municipalities. The biggest barrier to this program being more widely accepted is the Ministry's Qualification Program as there is no alignment.

*4.1 The Ministry's Qualification Program does not currently provide for BCIN exemptions, what is your perspective on doing so in the future?*

If an individual is CBCO or BCQ Certified from the OBOA or working towards obtaining their certification (in a registered internship program) they should be exempt or have advanced standing from the Ministry's Qualification Program. Both have higher competency standards.

*4.2 If the ministry proceeds to adopt this approach, what mechanisms should be put in place to assess equivalency as a basis for providing BCIN exemptions?*

The needs to be an accreditation program established to assess potential equivalencies. As mentioned previously, the Ministry's Qualification Program is a bare minimum standard so there may be many other potentially pathways.

*4.3 Are you aware of any successful models that the ministry can consider and any pitfalls to avoid?*

The most successful model currently in practice is the OBOA's Certified Building Code Official (CBCO). It has been recognized as the industry standards since its inception in 1992.

## **Action 5\_: Restructure Exams to Become a Qualified Building Code Practitioner**

The OBOA has long believed that the exam system needs to be restructured in a way that more aligns with the practice progression of a building official. This would mean that a tiered or level system would be created that would align with the experience and advancing skills of a building official.

If continuing with the process of examination, then it makes sense to restructure or consolidate exam programming following along the lines of how other provinces qualify their practitioners. Creating a standardized approach similar to other provinces would allow for labour mobility across provincial borders creating opportunities for more people to come into the industry.

It should be noted that any restructuring should only be done after a comprehensive review of the whole system is undertaken so that functionality is ensured, and the purpose of the system as originally intended has been achieved.

5.1 *Do you have any concerns about restructuring some of the Ministry's BCIN exams, and if so, what are they?*

Our major concern is that a potential restructuring would be done in isolation of other fundamental changes to program.

5.2 *Are there other ways you can think of to restructure the BCIN exams for all building practitioners that also uphold public safety and the integrity of the ministry's Qualification Program?*

Bring back advanced standing that was implemented in the beginning phases of the BCIN process. At that time, it was a way to ensure that existing practitioners could gain a foothold in the system. Now, it could be implemented as an optional way to achieve qualification with the benefit of training and examination combined. As example, OBOA currently has a suite of technical courses with rigorous online proctored examinations (3 hour 75 questions per course) that are taught by knowledgeable instructors and updated to the most recent code requirements. The successful completion of a prescribed number of 2-3 technical (not overview/refresher) courses could be equated to the corresponding BCIN exam. It is worth noting that anecdotally, the pass rate for OBOA examinations exceeds 80% for the core technical courses that could be used for advanced standing, likely due to the exams assessing competency on the course content using questions appropriately worded without the need to be overly confusing. As previously noted, BCIN examination questions being outside the scope of the exam type and poorly worded questions have been a common complaint of the current BCIN system by our members and likely the cause of the poor pass rate of ministry examinations.

## **Action 6 : Knowledge Maintenance Requirements**

The OBOA has supported the need for knowledge maintenance in the building official profession for decades. Prior to the current Continuing Professional Development Program (CPDP), the OBOA had maintenance requirements for its CBCO designation since 1995. We have continually assessed and enhanced these programs to ensure that Certified Building Code Officials keep their knowledge and skills current to the demands of the profession.

In this consultation, the Ministry is only describing the need to attest to an individual's knowledge of Building Code amendments, however, we wish to strongly emphasize that knowledge of these amendments is only a fraction of the information building officials and other practitioners need in order to stay current with the demands of their roles. Robust programs of continuing education already exist in professional associations such as OBOA and there would be no logic to the Ministry undertaking a duplication of this work.



- 6.1 *What are your thoughts on the approach outlined above? Do you see this as beneficial to you or do you have any concerns?*

We see a lot of benefits in having continuing professional development requirements. Our concern is the confusion and duplication of process that will be created if the Ministry undertakes the work itself.

Further, there needs to be a level of confidence in any knowledge maintenance component. Its not clear how attestation (checking a box) on annual renewal will ensure practitioners are remaining knowledgeable in their qualification.

- 6.2 *In your opinion, should the scope of learning attestations for building practitioners be limited to building code amendments? If not, what other learning topics should be included?*

The scope of learning should match the work of various occupations. Each role under the Ministry's practitioner definition should have its own set of knowledge maintenance criteria. Some of this will involve code amendment knowledge under the scope of the Ministry, and some will involve other areas of expertise more properly evaluated by others.

- 6.3 *How do you think the Ministry should share information on new code amendment with you so that you can review in an appropriate level of detail that adds to your Code knowledge?*

The question here is not so much about how the information is shared as there are many sufficient options to dispersing it such as codenews, email, and webinars. The bigger issue here is that more consideration needs to be given on the timing for the release of this information.

There is a significant difference in the needs of sharing of information and training needed between amendments to an existing regulation, and the release of a new edition of the code. In the first instance, code amendments should go back to a more regular release schedule. The ad hoc basis on which amendment are currently released leads to confusion in the industry as it is nearly impossible to keep educational content up to date. Add to that the impossible ability for your own Ministry to keep BCIN examination questions up to date in concert. To date, practitioners are still writing exams on code content that is 2-3 years out of date. How is that adequately assessing competency?

In the case of the release of the next edition, there is a need for significant upfront timing between release and adoption of new regulations, especially where a significant amount of the regulations are changing in some form. There is also a clear need for provincial assistance for the industry to get practitioners trained and

sufficiently knowledgeable to develop the capacity to properly administer a new edition of the regulations.

## **In Conclusion**

Everyone has had to face the same challenges in the past 4 years; alter service delivery during a pandemic, advance the use of new technologies, deal with a large amount of work force turn over and find ways to meet the demands of the current housing crisis. Other stakeholders have been able to meet these challenges. However, while the Ministry has been looking at ways to modernize and transform the delivery of building code services since 2018, the reality is, that after numerous rounds of stakeholder consultation, there have only been three changes implemented during that time. This lack of progress does little to help with the over arching goals of the province to deliver on the necessary 1.5 million new homes in the next decade.

The building industry continues to change rapidly. With the Building Code alone, there has been a change in format from prescriptive to objective based. Several new objectives like accessibility, resource conservation, and carbon reduction have been introduced and Climate change is going to significantly impact all areas of the Code. Ontario is also committed to the harmonization of all construction codes through the Canadian Free Trade Agreement. All these changes and initiatives only underscore the need and reality that the resources needed to achieve a streamlined process and bring in additional labour resources needs to be a collective effort between the province and stakeholders.

We commend the Ministry for undertaking this consultation but based on the amount of change needed in all areas of the regulatory regime, it is unrealistic for one entity to accomplish all or even any of the items described. However, these changes need to occur and industry partners like the OBOA are ready to take on the work. We welcome the opportunity to help you achieve your goals.