

Are you ready? 2012 Building Code Requirements for New Construction

New Building Code requirements come into effect on January 1, 2012. These relate to energy efficiency and occupancy permits.

Energy Efficiency

If you apply for a building permit on or after January 1, 2012, the proposed construction must conform with enhanced energy efficiency requirements of Ontario's Building Code.

The 2006 Ontario Building Code set out a "roadmap" for energy efficiency to be implemented from January 1, 2006 through to December 31, 2011. As part of that roadmap, the Code set out energy efficiency benchmarks for houses and for large buildings. Subsequent Code amendments provided additional compliance paths that are consistent with those benchmarks.

The Building Code provides that construction for which an application for a building permit is made on or after January 1, 2012 must meet the following energy efficiency requirements:

- **Houses and other Part 9 residential buildings intended for occupancy on a continuing basis during the winter months** must meet the performance level that is equal to a rating of 80 or more when evaluated in accordance with EnerGuide⁸⁰¹ (based on the Hot 2000 V9.34c1,2 software) or conform to Supplementary Standard SB-12, which is referenced in the Building Code. The alternative compliance paths set out in this Supplementary Standard are referenced in an amendment to the Building Code which came into force on January 1, 2010. For more information about the updated Supplementary Standard SB-12 follow the link to Service Ontario's publications site at <http://www.publications.serviceontario.ca/ecomlinks/510090.pdf>.

- **Other buildings** (including Part 3 residential and commercial buildings) must conform to Supplementary Standard SB-10 (July 1, 2011 update), which is referenced in the Building Code. This Supplementary Standard indicates that the energy efficiency of these buildings shall be at least 25% greater than the

¹ the EnerGuide rating system was developed by Natural Resources Canada to evaluate the energy efficiency of houses

energy efficiency levels attained by conforming to the 1997 Model National Energy Code for Buildings, but provides additional compliance paths to achieve them. The updated Supplementary Standard SB-10 is referenced in an amendment to the Building Code which came into force on July 1, 2011. For more information about the updated Supplementary Standard SB-10 follow the link to the Ministry of Municipal Affairs and Housing's Building Code website at <http://www.mah.gov.on.ca/Page9528.aspx>

If Code Users haven't done so already, they may wish to participate in technical training courses on the Building Code's energy efficiency requirements developed by MMAH and offered by stakeholder organizations such as the Ontario Building Officials Association and community colleges. The Ontario Building Officials' Association link to their training information is: <http://www.oboa.on.ca/cgi-bin/news2/#a41>. Related information is on the Ministry of Municipal Affairs and Housing's Building Code website at <http://www.mah.gov.on.ca/Page8526.aspx>.

Other technical training may also be offered by professional and building sector organizations. The Ontario Home Builders Association, for example, can help builders to find out about such opportunities. For more information follow the link to the Ontario Home Builders Association website at <http://ohba.ca/ontario-building-code-training>.

Occupancy Permits for Certain New Residential Buildings

Amendments to the Building Code which come into force on January 1, 2012 will require an inspection to be made and a permit issued, prior to the occupancy of certain new residential buildings.

The new occupancy permit provisions apply to houses for which a building permit application is made on or after January 1, 2012.

As described in article 1.3.3.4, of Division C, the new occupancy permit requirements will apply to buildings under Part 9 of the Building Code which are intended for residential occupancy, and that are: three or fewer stories in building height and have a building area not exceeding 600 square metres; have no accommodation for tourists; do not have a dwelling unit above another dwelling unit; and do not have any dwelling units sharing a common means of egress.

Houses covered under these provisions would include detached, semi-detached and townhouses that meet the criteria outlined above.

The provisions will not apply to an existing building, or part thereof, that has been subject to extension, or material alteration or repair. This means that both the existing part of a building and an addition to a building, subject to extension, material alteration or repair, would not be subject to an occupancy permit.

The amendments to the Code include criteria that must be met before an occupancy permit can be issued. Sentence 1.3.3.4 (5), Division C, sets out those building components that must be substantially complete, complete, installed or operational, as the case may be, before issuance of an occupancy permit.

The amendments also add a new "prescribed notice", which is the completion of construction and installation of components required to allow for the issuance of an occupancy permit. Also, amendments to the Building Code include a new "additional notice" stage, which allows a municipality through a bylaw, to require a notice upon the final completion of a building for which an occupancy permit has already been issued.

Supportive information including a model Occupancy Permit that municipalities may wish to use, as well as checklists and best practice information for building officials, is being developed by the Occupancy Permit Working Group established by the Large Municipalities Building Official Association (LMCBO). This Working Group is composed of building officials and is chaired by Techa van Leeuwen, Director of Building and Bylaw Services at the Town of Aurora. Documents prepared by the Working Group will be available on the LMCBO/TACBOC website soon.

Next Edition of the Building Code

The development of the next edition of the Building Code continues. The timing and development of the next edition does not affect the timing of the energy efficiency and occupancy permit requirements of the 2006 Building Code described above, which will take effect on January 1, 2012.