

PROPOSED CHANGES TO ONTARIO BUILDING CODE – BACKGROUNDER

In March 2014, the Ontario government released a consultation paper that would change the Ontario Building Code to allow the construction of taller wood-frame buildings. As currently drafted, this proposal will put more pressure on municipal budgets and may place the health and safety of Ontarians at greater risk.

CURRENT REGULATIONS

The Ontario Building Code currently allows the construction of four storey wood-frame buildings in the province. The current height and size restrictions are based on limiting the fuel load of the entire building and its contents. The Ontario Building Code does include several fire safety provisions to ensure the safety of building occupants and emergency responders, such as:

- Combustible buildings are limited to a maximum height of four storeys.
- Limits on the building area so that wood buildings are smaller than non-combustible buildings;
- One hour fire separations throughout the building (apply to floor assemblies, loadbearing walls and exit stairs);
- Automatic heat-activated sprinklers, fire hose cabinets and standpipes on each floor;
- Smoke detectors in each corridor and exit stairwell connected to a central fire alarm system and in each apartment suites; and
- Two exit stairwells protected by fire separations and sprinklers.

PROPOSED CHANGE

The proposed change to allow six storey wood-frame buildings could have a significant impact on municipalities across Ontario. Provisions within the proposed change include:

- Allowing other uses on the first and second floors such as restaurants, stores and medical offices;
- Limiting the building height to top floor (18m from first floor, 20m from fire access route);
- Limiting the building area to 25% of that of residential non-combustible buildings and 42% of office non-combustible buildings;
- Non-combustible stairwells with a fire rating of at least 1.5 hours;
- Enhanced automatic sprinklering including sprinklering of balconies, decks and certain types of concealed spaces;
- Non-combustible or combustion resistant exterior cladding and combustion-resistant roof cladding.
- Existing provisions for two hour firewalls that need not be made of concrete or masonry would also apply to these new six storey wood buildings.

POTENTIAL IMPACT ON MUNICIPAL BUDGETS

The proposed policy change could impact small, rural and northern communities in several ways. Municipal budgets are already under severe pressure. Cuts to the Ontario Municipal Partnership Fund (OMPF) have resulted in some municipalities receiving 10% to 15% less in 2014 and the elimination of previous grants dedicated to policing. The elimination of the farmland and managed forest tax incentive programs have added to the challenge, as will further planned reductions of \$25 million in both 2015 and 2016. By 2016, \$100 million in operating grants will have disappeared over four years.

The proposed change to the Ontario Building Code will put greater pressure on municipal budgets by requiring more firefighting resources be allocated to address taller wood-frame structures. For example, some municipalities will need to purchase new ladder trucks costing approximately \$1 million each and increase the required number of specially trained firefighting personnel in order to protect the public.

The financial challenges also are impacting the province's large cities. For instance, the City of Toronto was forced to decommission four fire trucks, close fire stations and not replace retiring firefighters. While Toronto's inner suburbs may be good candidates for greater intensification, taller wood-frame structures could place lives at greater risk if there is insufficient firefighting capability available and longer response time due to municipal budget constraints.

Allowing taller wood structures without all the necessary fire safety features will put great pressure on municipal fire budgets to ensure an appropriate level of firefighting capacity. This is at a time when rising emergency services costs are already straining municipal budgets, rising more rapidly than inflation or costs for other municipal services. The proposed change could exacerbate an already difficult financial situation.

IMPACT ON MUNICIPAL FIREFIGHTING CAPACITY

The proposal as currently drafted does not include any reference to municipal firefighting capacity and the response time of emergency personnel. In rural communities where emergency response times are greater than ten minutes and fire suppression capacity is limited, higher wood structures could put more people at risk. A tragic example is the devastating fire in L'Isle-Verte, Quebec, where firefighting and rescue operations were hampered by the fact that first responders took more than 10 minutes to arrive and their equipment was not sufficient to fight a fire of this size. Any change to the building code should require that there be sufficient municipal firefighting capacity available in the event of an emergency.

Recently, the Deputy Fire Chief of Ottawa said he would recommend that the City not allow six storey all-wood buildings to be constructed outside the Greenbelt, where the City may not have the capacity to fight fires in taller combustible structures.

INSUFFICIENT BUILDING PERIMETER ACCESS REQUIREMENTS

The proposed change would require that only 10% of the perimeter of a five or six storey wood-frame building be within 15 meters of a street that provides fire service access. Thus, a developer could build a structure that is 19 meters wide facing one street and 77 meters deep, with no requirement for fire access on the sides and back of the building. This is being done primarily to accommodate the structure of Toronto lots and could be particularly dangerous in the case of infill housing, as most of the gas and other mechanical connections tend to be located at the side or rear of the building where they would be inaccessible to firefighting personnel.

This is a far less stringent regulation than that of the National Building Code of Canada (NBCC), which will require that 25% of the perimeter of a five or six storey wood-frame building be within 15m of a street. Any deviation from the NBCC will make it more difficult for municipal fire services to fight fires. This is especially important in urban settings, where these new larger combustible buildings could pose a greater risk to older adjacent buildings that were not designed for this new level of fire risk. Having taller wood-frame buildings in close proximity to older buildings that don't meet the current building code could be a recipe for disaster.

SIX STOREY WOOD BUILDINGS WILL NOT HELP HOUSING AFFORDABILITY

One of the key arguments used by promoters of larger wood buildings is affordability. There is a perception that these buildings are less expensive than a comparable steel or concrete structure and that wood works particularly well for mid-rise residential projects. While the cost of building a wood structure may be initially lower, the costs of maintaining, heating and cooling the structure and the necessary fire protection systems make it more costly over the longer term for both the occupants and the municipality. Builders acknowledge that construction costs are not the greatest driver of housing costs and point to the ever increasing cost of land and a complex planning system that results in escalating taxes, charges and fees as key challenges to housing affordability.

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