

CORRA

**Confederation of Resident & Ratepayer
Associations in Toronto**

William Roberts, Chair
Eileen Denny, Vice-Chair
Patrick Smyth, Secretary-Treasurer
Brian Maguire, Past Chair
corratoronto@gmail.com

Tuesday February 21, 2012

Mr. Alek Antoniuk
Ministry of Municipal Affairs & Housing,
Building and Development Branch
777 Bay Street, 2nd Floor,
Toronto, ON M5G 2E5

Dear Mr. Antoniuk:

**Request to Amend Building Code
To Consider Adverse Impacts on Adjacent Properties**

CORRA, Confederation of Resident & Ratepayer Associations in Toronto (an incorporated non-profit organization) is writing on behalf of our members to request an amendment to the Ontario Building Code (OBC) to deal with construction that impact existing gas furnaces/chimneys located in buildings on adjacent lands.

Many homeowners in the City of Toronto have been forced to make changes to their chimneys or replace furnaces venting through their existing chimneys to comply with requirements and regulations resulting from construction changes that have been permitted on adjacent lands.

This is an unexpected financial burden to homeowners that needs to be addressed. CORRA respectfully asks that the amendment to the OBC be considered without further delay.

This has been a longstanding issue; first brought forward by property owners on a site-by-site basis; then as an issue brought forward as a neighbourhood concern; and now it is being raised to resident and ratepayer associations on a city-wide basis.

This is an important matter and CORRA would appreciate being kept informed and if we can be of further help please let us know. Our contact information is provided below:

CORRA-Confederation of Resident & Ratepayers Associations in Toronto:
63 South Kingsway
Toronto, ON M6S 3T4
corratoronto@gmail.com

William Roberts, Chair
Direct Line: 416.769.3162
Email: willadvocate@aol.com

Eileen Denny, Vice Chair
Direct Line: 416.483.4388
Email: eileen.denny@rogers.com

Attached is CORRA's completed Building Code Request Form. Thank-you for considering our request and we look forward to a timely resolution.

Sincerely,

Eileen Denny

Eileen Denny
Vice Chair, CORRA

Attached: CORRA's Building Code Request Form

cc. Hon. Kathleen Wynne, MPP
Minister of Municipal Affairs & Housing

Ann Borooah, Executive Director and
Chief Building Official, City of Toronto

CORRA Executive



Ontario

2006 BUILDING CODE COMPENDIUM

2006 BUILDING CODE CHANGE REQUEST FORM

CONTACT INFORMATION:

Do you agree to permit sharing all information on this form with the Canadian Commission on Building and Fire Codes and Building Code Review Committees for the purposes of code development?

YES

NO

I am submitting this on behalf of:

Myself, or

Organization:

Your Title: **WILLIAM H. ROBERTS, CORRA CHAIR**

Your Name: **CORRRA-CONFEDERATION OF RESIDENT & RATEPAYER ASSOCIATIONS IN TORONTO**

Address: **63 SOUTH KINGSWAY**

City: **Toronto**

Province: **Ontario**

Postal Code: **M6S 3T4**

Telephone: **416.769.3162**

Facsimile:

Email: **corratoronto@gmail.com; WILLADVOCATE@aol.com**

Your function: Builder / Contractor

(if submitting on behalf of yourself)

Building Official

Building Owner / Manager

Designer / Architect / Engineer

Home Owner / General Public

Supplier / Manufacturer

Other: **INCORPORATED NON-PROFIT ASSOCIATION OF RESIDENT AND RATEPAYER ASSOCIATIONS IN TORONTO**

CODE CHANGE REQUEST:

To an existing code provision: **Division B, Part 9, Section 9.21, Subsection 9.21.4., Sentence 9.21.4.4.(1)**

Code Reference of the Requested Change:

Division, Part, Section, Subsection, Article, Sentence, etc.eg: Div. B, 9.32.3.5.(1)

Add a new code provision

Have you forwarded this change to the Canadian Commission on Building and Fire Codes as a proposed amendment to the model National Building or Plumbing Codes? YES

NO

Personal information provided on this form is collected under the authority of the Building Code Act, 1992 and will be used for the purpose of code development. Please direct any questions about the collection of information by mail to the following address:

Manager, Code Development, Legislation and Appeals

Building and Development Branch

777 Bay Street 2nd Fl., Toronto, Ontario M5G 2E5

telephone: (416) 585-6666

or by facsimile at: (416) 585-7531

<p>REQUESTED CHANGE/ADDITION: What wording do you propose for the Change?</p>	<p>Wording is not proposed, but a revised sentence, 9.21.4.4(1), should capture what is stated in the explanation below.</p>
<p>PROBLEM: Why should the existing provision be revised? If requesting an addition to the Code, what is Missing?</p>	<p>Sentence 9.21.4.4.(1) applies only to the property where the construction is taking place. The impact that the resulting building, even when constructed in accordance with the Building Code, could have on the chimney of an existing adjacent building is <u>not</u> considered.</p>
<p>JUSTIFICATION/EXPLANATION: How does the requested change address the problem?</p>	<p>An amendment to sentence 9.21.4.4(1) should take into account the location and height of chimneys, both existing and proposed, to all adjacent buildings – similar to the <i>CSA B149.1-05 Natural Gas and Propane Installation Code</i>. Additionally, a new provision should be created to allow neighbouring properties to enter into agreements, similar to the limiting distance agreements described in Division B, Sentence 9,10.14.2.(4) of the Building Code, regarding separation distances required between adjacent buildings for unprotected openings.</p>
<p>OBJECTIVE(S): Which of the Code’s objectives does the requested change address? See Part 2 of Division A of the Building Code for the list of objectives.</p>	<p>OH3.4 An objective of this Code is to limit the probability that, as a result of the design or construction of a building, a person in or adjacent to the building will be exposed to an unacceptable risk of injury due to hazards caused by exposure to hazardous substances. Also OP3.1 and OE could be considered. OH1.1 would have to be taken into account for the adjacent building affected by the construction.</p>
<p>COST/BENEFIT IMPLICATIONS: Will the change entail any added costs? Will it provide benefits that are measurable?</p>	<p>There are no cost implications directly associated with this proposed change as compliance is already required under the <i>Natural Gas and Propane Installation Code</i>. However, amending this provision will reduce the unanticipated financial impacts on homeowners of surrounding infill projects who may be required to relocate their existing chimney or install a high efficiency furnace or remove or change gas fireplaces vented through the chimney as a result of the requirements of the <i>Natural Gas and Propane Installation Code</i>.</p>
<p>ENFORCEMENT IMPLICATIONS: Can the requested change/addition be enforced by the infrastructure available to enforce this Code? Will its enforcement require an increase in resources?</p>	<p>The requested amendment would be enforceable under the existing infrastructure and would not require an increase in resources. The requested change will reduce the number of complaints and issues that have been created with respect to chimney installations and construction of infill residential buildings on adjacent properties. If the proposed amendments are made to the Building Code, the enforcement activity associated with these types of complaints will be eliminated, resulting in a reduction of resources required.</p>
<p>OTHER COMMENTS: For example, identify other Code requirements affected by the requested change, etc.</p>	<p>While there are no Building Code requirements affected by the proposed change, TSSA enforces Section 814 of the <i>Natural Gas and Propane Installation Code</i> - which regulates chimney height above buildings. TSSA’s interprets this to apply to all buildings surrounding the chimney installation, whether located on the same property or an adjacent property. Due to construction taking place on adjacent property, and TSSA’s enforcement of this standard, people may have their gas supply shut off until they either relocate their existing chimney or install a high efficiency furnace and/or change or remove gas fireplaces.</p>
<p>ATTACHED SUPPORTING MATERIAL:</p>	<p>City of Toronto Staff Report dated May 16, 2007. “<i>Adverse Effects Caused by the Issuance of Building Permits on Adjacent Buildings</i>” adopted by Toronto City Council in May, 2007 http://www.toronto.ca/legdocs/mmis/2007/pg/bqrd/backgroundfile-3919.pdf</p>

Present only one change request per form. Duplicate the form as necessary. You may attach additional pages or use any other format to submit your request as long as all the information indicated above is included. Mail or fax to:

Director, Building and Development Branch, Ministry of Municipal Affairs and Housing
777 Bay Street 2nd Floor, Toronto, Ontario M5G 2E5 Fax: (416) 585-7531