



August 14, 2026

Building and Development Branch
12th Flr, 777 Bay St,
Toronto, ON Canada M7A 2J3

Sent by email to: buildingcode.advisorybody@ontario.ca

Attention: Building Code Advisory Body,

**Re: ERO # 026-0744
Consultation on Reducing Regulatory Burden in Ontario's Building Code**

Please accept this as Environmental Defence's Environment Registry comment and initial recommendations for the Ontario Building Code (OBC) on Reducing Regulatory Burden in Ontario's Building Code. We are likely to have further, and more detailed, submissions once your group releases a draft or outline of the direction of changes that you intend to propose.

As you know, Environmental Defence is one of Ontario's best-known independent advocates for pro-housing law reform, and we've been instrumental in shifting the posture of environmental NGOs, and ordinary Ontarians who care about the environment, in favour of these reforms. As some of you will recall from our expert reports (like the [Midrise Manual](#)), our public education materials (like [morehomesfaster.ca](#)), our many media interviews, and our testimony before committees of the Legislative Assembly of Ontario, it's our view that **badly-designed provincial (including municipal) laws are the reason for our housing shortages**, and especially the shortage of family-sized homes. Our laws have caused the housing shortage by blocking a shift to what would, in their absence, be the most labour-efficient and cost-effective ways to build. Many recent changes *presented* as attempts to increase housing supply have actually made these perverse incentive structures worse, by greasing the wheels of inefficient single-, semi-detached, townhome building formats and, worst of all, for development on "greenfield" sites. This form of development is inherently too inefficient to catch up with our needs, and divert construction capacity, driving up the cost of projects that are more efficient in converting labour, equipment, and materials into homes. In particular, Ontario has made it *artificially* more costly and complicated and inefficient to build safe and appealing:

- family-sized homes
- on lots previously occupied by single-detached houses inside existing, currently-lowrise neighbourhoods (especially on low-car-traffic residential streets)
- in mid-rise (especially five and six-storey, 6+ unit) and 4 to 6-plex (especially 4-storey, formats
- using the same trades and materials that were historically used to build single-, semi-detached houses and townhomes.

Because the low densities of existing neighbourhoods and the growing extent of outward sprawl are at the root of many of Ontario's biggest environmental problems, Ontario's continued obstruction of the shift to midrise and multiplex infill within Ontario's currently lowrise, low-density neighbourhoods, is one of the provincial government's biggest environmental law and policy failures.

Ontario laws have blocked the most efficient forms of development by limiting mid-rise and multi-plex homes to tiny, expensive, and often car traffic-ridden slivers of existing neighbourhoods, and by greasing the wheels for squandering construction on sprawl. Recent provincially-initiated changes have tended to worsen these perverse incentives. However the Ontario Building Code is a third, equally-pernicious barrier to the shift Ontario homebuilding must make. Indeed it is this provincially-controlled law that is preventing people in municipalities like Toronto from reaping the full benefits of impressive pro-housing reforms their governments have voluntarily accomplished.

We urge you to methodically reform the Ontario Building Code explicitly with the **goal of making it cheaper and less time-consuming, on a per-bedroom and per square foot basis, to deliver homes built in mid-rise or multiplex buildings on one or two typical existing, single detached residential lots, than it is to deliver them as single- or semi-detached houses or any kind of greenfield development.**

To this end, we urge you to take a 2-pronged approach:

Firstly, and immediately, recommend immediate adoption of an amendment to the Ontario Building Code and/or the Ontario Building Code Act that would deem any proposed construction that is compliant with the substantive requirements of the [British Columbia Building Code, 2024](#), to be compliant with the Ontario Building Code, and entitled to all the permits or permissions to which it would be entitled if it conformed with the substantive provisions of the Ontario Building Code. To be clear, a design based on the British Columbia Building Code should only be deemed compliant if the structural, environmental, and building-envelope calculations are calculated using the specific geographic, climatic, and seismic values allocated to the Ontario construction site as prescribed in MMAH Supplementary Standard SB-1 (Climatic and Seismic Data) made under the Ontario Building Code, in lieu of any British Columbia geographic or climatic indices. To avoid or mitigate challenges associated with lack of expertise on the part of Chief Building Officials in Ontario, the *Building Code Act* should be amended to deem that a certificate of compliance with the BC Building Code issued by a professional engineer licensed to practice both in Ontario and British Columbia (or else two separate certificates) is sufficient proof of compliance.

Environmental Defence has previously urged the Ontario government to pursue this approach, including in testimony before a standing committee of the Ontario Legislative Assembly. The advantage of this approach is that the British Columbia Building Code has *already* eliminated many of the most-serious artificial obstacles to efficient midrise and multiplex construction. Adopting them by reference immediately in Ontario, and maintaining them as an alternative alongside whatever Ontario-specific language we adopt, allows obstacles to be circumvented starting right away. The British Columbia rules have already been in force for two years, and there is already a pool of engineers and designers with experience in applying and complying with them, and of tradespeople with shareable skills in executing compliant designs. It is a simple administrative matter for Architects engineers licensed by the Engineers and Geoscientists BC BC From a political point of view, Ontarians can have confidence in safety rules that have been adopted by a progressive, responsible, *Canadian* government.

Second, the Building Code Advisory Body should devise and recommend substantive amendments to the text of the Ontario's Building Code as follows:

- **BC-Style Safe Single Exits for Buildings Up to Six Storeys**

As explained in the Midrise Manual, in s. 3.4, The Ontario Building Code's current prohibition against safe "single-egress" designs for apartment buildings, even in buildings of three, four, five, or six storeys, is an often insurmountable obstacle to repurposing existing single- or semi-detached lots (or even pairs of them) for family-friendly apartment buildings between 3 and six storeys. The Ontario Building Code should be amended to **allow for single exit staircase buildings up to 6 storeys** with additional fire and life safety requirements matching those required under the British Columbia Building Code..

- **Mezzanines in Dwelling Units**

Modify Ontario Building Code subsections 3.2.1.1. & OBC 9.10.4.1 as recommended in the Neptis Foundation's Ontario Building Code Missing Middle Study so that a fourth floor that is? up to 40% of the area of the suite on the level below to be added to a three-storey building without triggering any restrictions that would apply to the construction if it were deemed to be 4-storeys or more. This should only be permitted if a fire alarm system is installed in the building with heat detectors in each dwelling unit.

- **Fire-Safe Wood Frame and Mass Timber Walls Near Property Lines**

Sections 3.2.3.7 and 9.10.14.4 of the Ontario Building Code should be amended to allow wood frame and mass timber exterior sidewall designs with increased minimum fire-resistance ratings as alternatives to designs which rely upon *materials* that themselves meet the acceptance criteria of the standard CAN/ULC-S114. See our Midrise Manual, s.3.2, or the Neptis Foundation's Ontario Building Code Missing Middle Study, s. 2, for more details.

The Ontario Building Code's current *material* restrictions (as opposed to substantive fire safety ratings) undermine the viability of many potential mid-rise and multiplex infill housing developments by either forcing the use of inefficient, costly or labour-limited materials (e.g., concrete) or else requiring that a significant portion of an infill lot be squandered on side setbacks.

- **Emergency Generators in Apartment Buildings of Six or Fewer Storeys (18m)**

Ontario should amend section 3.2.7.9 of the Ontario Building Code to align with the current NFPA 20 "Standard for the Installation of Stationary Pumps for Fire Protection". As recommended in the Neptis Foundation's Ontario Building Code Missing Middle Study, this should include reducing the minimum operating duration of the emergency power supply for building services to the same runtime as required for emergency lighting and fire alarm systems. It should also include deleting the requirement for an emergency generator in buildings where a reliable underground electrical power supply is available.

While we do not have an in-house fire safety expert, the expert consensus identified by our colleagues at Neptis, is that current blanket Ontario Building Code requirements for on-site

fuel storage and an on-site generator eat up precious land area and floor space on infill development sites with no material safety benefit as compared with the NFPA 20 standard.

- **Vancouver Minimum Distance between Exits and Between Exterior discharges in Buildings with Six or Fewer Storeys**

Amend section 3.4.2.3 of the Ontario Building Code to allow a reduced minimum separation distance between exits and between exterior discharges from floor areas of residential occupancy in buildings of limited height and area, aligning with the City of Vancouver Building By-law. The current Ontario requirements unnecessarily consume a great deal of space on each storey of an apartment building, rendering low-rise or mid-rise redevelopment costly and infeasible on many infill sites, or restricting re-development to small units, where they would otherwise generate attractive cost-effective family homes.

- **Exclude Rooftop Elevator Lobbies from Assessment of Storeys**

As recommended by our industry colleagues at the Midrise Advocacy Group, Ontario should amend sections 3.2.1.1. and 9.10.4.4 of the Building Code so that elevator lobbies and small rooftop areas are no longer treated as an additional storey, provided a fire alarm system is provided. This would align Ontario with the British Columbia Building Code.

- **Allow Elevators to be Included and Protected Within Exit Stair Enclosures Up to Three Storeys**

Amend sections 3.4.4.4. & 9.9.4.2 of the Ontario Building Code to improve fire safety by allowing an elevator to be located entirely within the protected exit stair enclosure, as long as the elevator doors open only within the enclosure. Expert analysis by Jack Keays, MSc, P.Eng. of Vortex Fire Consulting Inc. for our colleagues at Neptis Foundation showed that locating an elevator entirely inside the exit stair enclosure prevents the elevator shaft from being a vector for the spread of smoke within a building.

- **Faster, More Compact Elevators in Lowrise Apartment Buildings (4 or fewer storeys)**

Amend section 3.5.4.1 of the Ontario Building Code to permit passenger elevators in lowrise or multiplex apartment buildings (4 or fewer storeys) and modest size 600m² or fewer, that are sized and designed to fit a wheelchair, rather than requiring stretcher-sized elevators. This would not just unlock more infill sites for 4-storey multiplex apartments. It would also reduce the perverse incentive to sidestep barrier-free access requirements by building “stacked townhouses” on infill development sites that could and should support more family-friendly, liveable, and efficient 4-storey flats. As several of our allies have pointed out, it would also allow smaller developments to qualify for CMHC mortgage loan insurance and other financing assistance.

These are not the only amendments to Ontario’s Building Code that our team would recommend. For example, given the current government’s desire to standardize building requirements across Ontario jurisdictions we would recommend including standard requirements in the Ontario Building

Code to replace - and make universal - the climate impacts of municipal laws impacted by the *Building Homes and Improving Transportation Infrastructure Act*. For example, it may be advisable to use the Building Code to mandate the inclusion of heat pumps in all new residential buildings, and to prohibit the inclusion of interior parking spaces that do not accommodate electric vehicles. In our view there is a strong case to be made that these would ultimately have beneficial effects upon construction costs and housing supply, by driving down the cost of heat pumps, promoting standardization, eliminating the need for future retrofits, and incentivizing zero-parking development. However, these appear to fall outside the very narrow “Reducing Regulatory Burden” scope of this consultation.

More than half a decade now, Ontario’s government has been using *rhetoric* about increasing housing supply while making a long series of legislative changes almost all of which have made it *harder* to end the housing shortage. From reducing minimum densities for greenfield development, to reducing minimum intensification rates, to impeding Bus Rapid Transit development and protected cycling infrastructure and eliminating the Growth Plan for the Greater Golden Horseshoe altogether. Together, these “reforms” have shifted the “path of least resistance” towards the least efficient forms of development. No matter how much “red tape” we cut for them, neither single and semi-detached and townhouse development, nor tiny pockets of concrete highrises, are efficient enough to catch up with housing need in a timely way, let alone to support a resumption of the significant immigration and population growth Ontario requires to avoid decline. The result of Ontario’s approach has not been to secure “more homes faster”, but rather to create a construction industry so focused on inefficient development forms that housing starts have collapsed in the face of tighter financing and reduced ability to pay.

While it will still be necessary to reverse those mistakes, this Building Code review is Ontario’s opportunity to *start* changing its disastrous course, by selectively and aggressively removing barriers to the only kinds of housing development that *can* solve our housing shortages and meet housing needs for the foreseeable future. We urge you to make that happen by adopting our recommendations, starting *immediately* with our recommendation regarding the British Columbia Building Code.

Sincerely,

A handwritten signature in black ink, appearing to read 'Phil Pothen', with a stylized flourish at the end.

Phil Pothen, J.D., M.L.A.
Counsel, Land Use and Development Program Manager
Ontario Environment Program Manager
Environmental Defence