

Mayor Foster & Members of Council
Municipality of Clarington
40 Temperance Street
Bowmanville, ON L1C 3A6

October 4, 2024

Re: Staff Report FSD-040-24
Green Development Framework – Update and Program Implementation

The **Durham Region Home Builders' Association (DRHBA)** represents the residential construction industry in Durham Region.

DRHBA is in receipt of Report FSD-040-24 pertaining to issuing a Request for Proposal for the creation of a Green Development Standard (RFP2024-6) and would like to voice our concerns to the General Government Committee about approving this RFP. Ultimately, the Association feels that this would be a waste of taxpayers' money, as any mandatory green standards implemented by the municipality would be illegal and unenforceable. As such, DRHBA cannot support the municipality spending close to \$200,000 and utilizing valuable staff time on a project that will not achieve its goals.

It is not within the Municipality's scope to mandate building requirements that go above and beyond the Ontario Building Code (OBC) and the Planning Act.

According to the Ontario Building Code Act:

Municipal by-laws

35(1) This Act and the building code supersede all municipal by-laws respecting the construction or demolition of buildings. 1992, c.23, s. 35 (1).

Different treatments

(2) In the event that this Act or the building code and a municipal by-law treat the same subject matter in different ways in respect to the standards for the use of a building described in section 10 or standards for the maintenance or operation of a sewage system, this Act of the building code prevails and the by-law is inoperative to the extent that it differs from this Act or the building code. 1992, c. 23, s.35 (2); 1997, c. 30, Sched. B, s. 18 (1).

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In addition, Building Officials cannot inspect/approve aspects that are above and beyond the OBC, which renders any type of mandatory green standards unenforceable.

It should also be noted that green standards often mandate items that cannot be achieved because of issues that are out of the control of the builder/developer. These issues include, but are not limited to: inadequate hydro infrastructure, contradictory municipal policies/bylaws, trade shortages, requirements that last beyond closing, and where developers/builders have no control over how a homeowner utilizes their home/property.

Both the National Building Code and the Ontario Building Code are moving toward increased building efficiency and resiliency. The Canadian Board for Harmonized Construction Codes (CBHCC) is responsible for the development of Canada's National Model Codes, which contain objectives related to health, safety, the protection of buildings from fire and structural damage and the protection of the environment. The CBHCC, which is made up of representatives from provincial, territorial, and federal public services, approves the content of the National Model Codes and works within a system of groups that provide oversight, advice, and develop proposed changes. Stakeholders across Canada are encouraged to submit Code Change Requests (CCR) to the Board as codes are continuously evolving to accommodate new technologies, materials, construction practices, research, and the changing needs of Canadian society. This process ensures uniformity across Canada and assists in meeting the national and provincial harmonization under the Canadian Free Trade Agreement.

The Ontario Building Code was initially created to eliminate a patchwork of regulations across the province, thus increasing efficiency and decreasing costs as builders/developers had one set of standards that must be achieved, no matter what municipality they were working in.

By creating a set of standards that apply only to the Municipality of Clarington, builders/developers would need to revise plans to suit these specific needs – increasing the cost of housing. In a time of a housing affordability crisis, it seems unnecessary and irresponsible to add more red tape to building and increase costs even more.

The Durham Region Home Builders' Association supports the move to building more efficient and more resilient housing, and the Association works closely with many stakeholders to help move this forward. The Association often hosts workshops and seminars for our members to help them learn about new technologies and building

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methods that will help them build better homes. The Association has members that are building to Net Zero, Energy Star® and other energy efficient labels, and supports opportunities to educate our members and help them push for greener and more sustainable homes. However, the DRHBA will not support any standards that mandate requirements that go above and beyond the OBC or the Planning Act.

The Durham Region Home Builders' Association would welcome an opportunity to work with staff on programs that could provide incentives to builders to create greener homes, or to work together to overcome the current obstacles that are in the way of building more sustainable communities. It is our strong belief that working together will produce a far greater outcome that will be of benefit to the municipality, taxpayers, and more importantly, to families that are purchasing new homes.

Sincerely,

Stacey Hawkins
Executive Officer
Durham Region Home Builders' Association

Cc:
Nick Henley, President, DRHBA
Tiago Do Couto, Chair, GR Committee, DRHBA
DRHBA Membership

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