

Ministry of Municipal Affairs and Housing  
Housing Policy and Planning Division

# **The Building Code & Building Code Act** and Other Septic Initiatives

Ontario Association of Sewage Industry Service (OASIS)

January 30, 2026

# Building Code 101



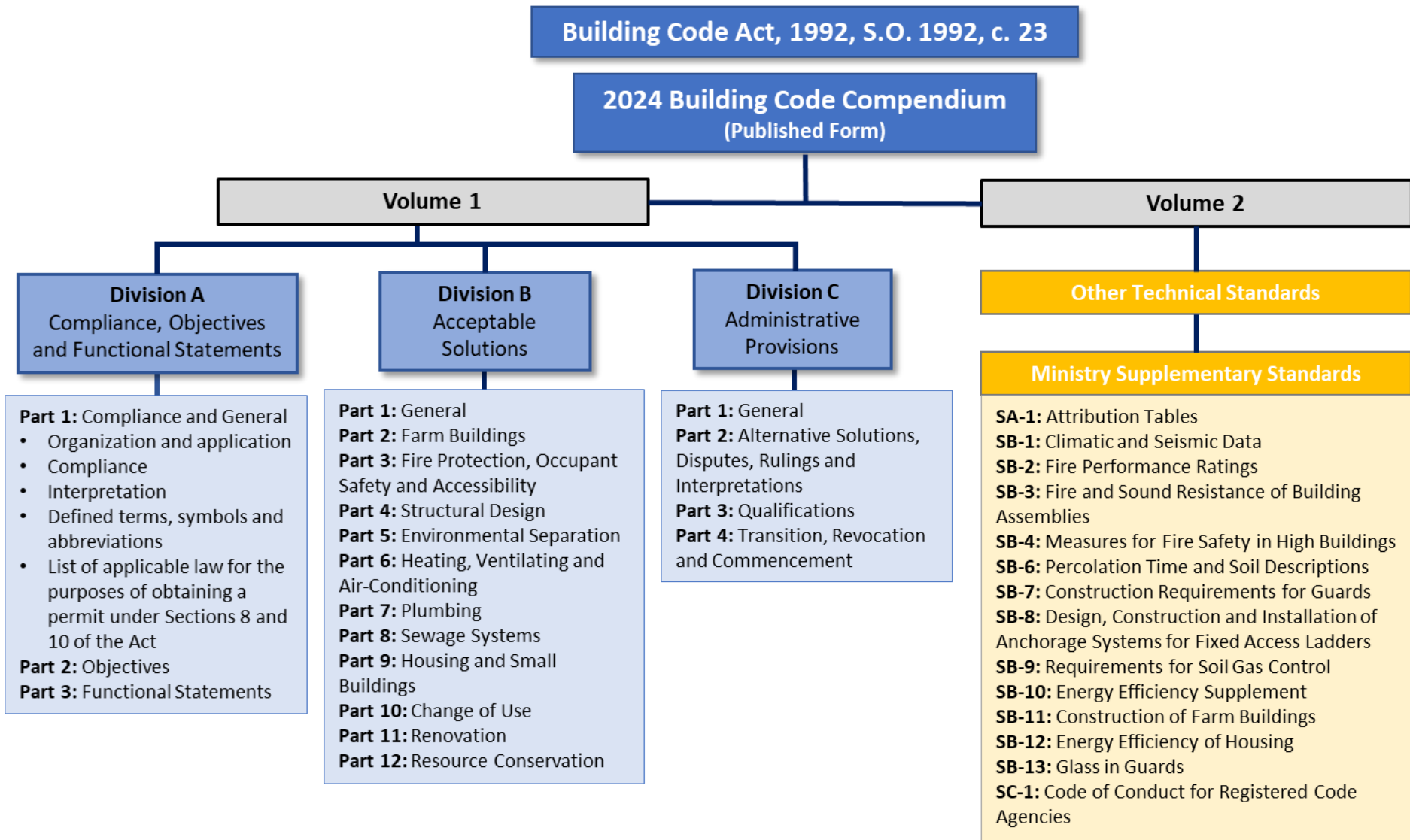
# The Building Code Act, 1992

- The Building Code Act, 1992 (Act) establishes the legal requirements governing the construction, renovation, change of use and demolition of buildings in Ontario.
- The Act and Building Code (Code) are generally prospective in nature and primarily apply to new construction, renovations and additions to buildings.
- The Act also states the “purposes” of the Building Code, which are:
  - To establish standards for public health and safety, fire protection, structural sufficiency, energy and water conservation, environmental integrity and accessibility, and
  - To establish processes for the enforcement of the standards and requirements.
- The Act sets out the rights, powers and duties of various persons and bodies who have a role in the construction of buildings.
- The Act also provides authority for municipalities to make property standards by-laws prescribing standards for the maintenance and occupancy of buildings within the municipality.

# The Ontario Building Code

- Ontario's Building Code dates back to 1975. New editions of Ontario's Building Code are released on a regular basis.
- The 2024 Building Code came into force on January 1, 2025.
- The Building Code is a regulation made under the Act and sets out detailed administrative and technical requirements.
- The Building Code is used as a reference and decision tool in the daily work of designers, building officials and builders.
- The Building Code is divided into three main parts: Division A, B and C and references technical and Supplementary Standards that provide additional technical information to Building Code users and have legal effect.

# The Ontario Building Code Structure

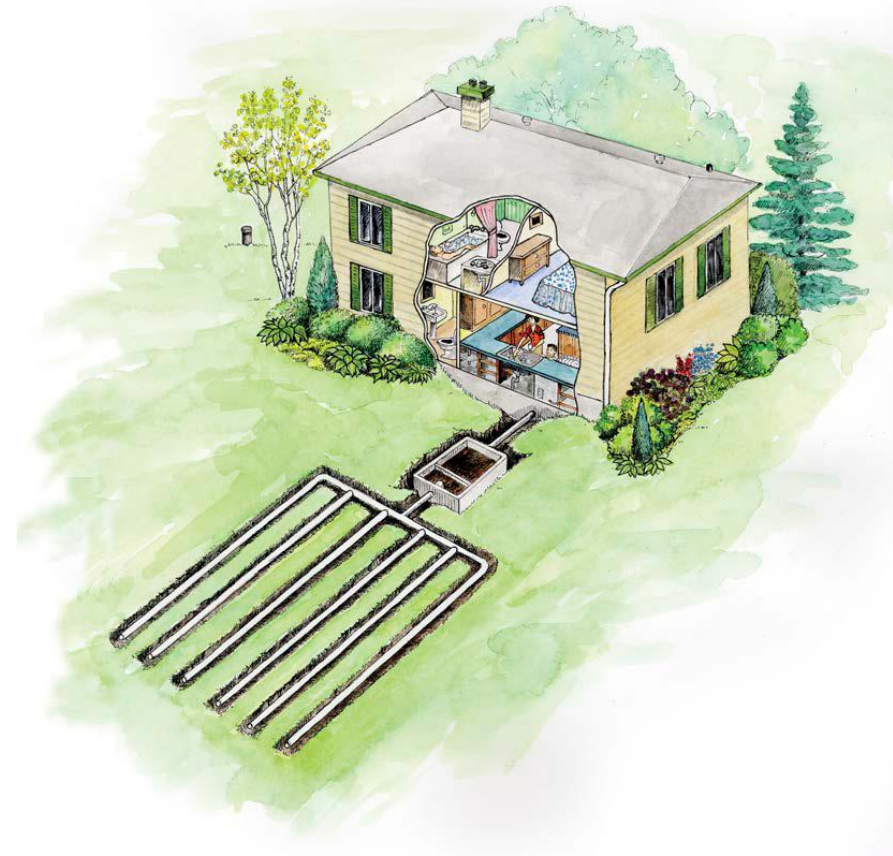


- There are **two ways** to demonstrate compliance with Ontario's Building Code, by either:
  1. using the **Acceptable Solutions** found in Division B of the Building Code that contains the exact technical requirements, or
  2. proposing an **Alternative Solution**
- An Alternative Solution, which is a substitute for an Acceptable Solution, could be proposed as an alternative for any product, material, component, design, system, equipment or procedure.
- Alternative Solutions can be proposed when a new building is being constructed or for a renovation.
- A person proposing an Alternative Solution does not have to provide a reason why the alternative solution is being proposed to the principal authority. The principal authority must receive, review, and decide on an application for an alternative solution.

**Acceptable Solutions** are the minimum provisions, providing a minimum level of performance, prescribed in Division B of the Building Code, for the construction of buildings.

**Alternative Solutions** must achieve the same level of performance required by the applicable acceptable solutions in respect of the objectives and functional statements assigned to the acceptable solution.

- Using an **Alternative Solution** usually takes more time than using the **Acceptable Solution** pathway and the permit applicant may be asked to pay for the review.
- Many building departments have a budget item, so they can hire a third party (e.g., consulting engineers) to determine if the Alternative Solution demonstrates compliance with the Building Code.
- It is not the responsibility of the Chief Building Official to develop or propose an Alternative Solution. Their role is to advise and review an Alternative Solution application.



# Three Levels of Government

## Federal

- The main role of the federal government in building regulation is to conduct research and to coordinate the **development of the National Construction Codes**, which are Building, Plumbing, Fire, Energy for Buildings and Farm.

## Provincial

- MMAH administers the Act and the Building Code. This includes developing legislation and regulations, and participating in the National Code Development Process
- MMAH supports the building sector with:
  - Building Code Commission (dispute resolution)
  - Building Materials Evaluation Commission (product approval)
  - Qualification of building practitioners and maintenance of a registry
  - Educational materials and technical support
  - Technical Code advisory services

## Local

- Enforcement of the Act and Code is assigned to local **principal authorities**
- Principal authorities are required to appoint a **chief building official** and as many qualified inspectors as are needed.
- Local enforcement responsibilities include reviewing building permit applications, issuing permits/orders and undertaking construction inspections.
- The Act provides authority to take enforcement action (orders and prosecutions) where contraventions of the Act and Code are found (e.g., when a building is found to be unsafe).
- The Act allows building officials to enter and inspect properties and buildings and sets out rules that apply to inspections of occupied dwellings.

# Building Services Transformation

- MMAH has been developing an approach to deliver more modern and efficient services to support implementation and enforcement of Ontario's Building Code.
- The Building Services Transformation Unit works to enhance the delivery of Building Code Services, including:
  - **Overseeing Building Code exams** that all building practitioners must pass (with a 70% mark) to register or expand their qualifications in Ontario, using a system with 16 different exams and a database of ~6,000 questions.
  - **Administering the Qualification and Registration Tracking System (QuARTS)** to manage information for over 9,300 building practitioners responsible for implementing and enforcing the Building Code.
  - **Publication of a digital copy of the Building Code Compendium**, including the Code and Act, supplementary standards, and appendix notes in a user-friendly navigable format.
- Work currently underway includes:
  - **Modernizing QuARTS** to improve its reliability and easier for users to navigate – as recently featured in SoC Report to Premier's Office.
  - **Supporting municipal building departments to establish local programs** under the 2022 model for Building Inspector Internships that has, to date, allowed 10 municipalities to design local programs for recruiting and retaining building officials.
  - **Developing new exam questions (via third-party vendor)** to align with implementation of new 2024 Building Code and to enhance overall quality and comprehension for exam candidates.
  - **Leading an inter-provincial working group of provinces** to explore greater alignment between qualification programs for building officials across Canada.
  - **Creating streamlined certification pathways** such as equivalency assessments for building officials or 'as or right' labour mobility applications to get qualified individuals working in Ontario faster.

# Code Advisory and Development

## Upcoming New MMAH Technical Codes and Guides

- New guidance documents for plumbing and sewage systems are currently under development to address the latest Code changes and provide illustrative examples to support compliance and practical implementation. Work on these guides is ongoing; however, at this time, there is no confirmed timeline for their release.

## Collaboration

- It is intended that related industry group will be involved during the development of these Code and Guides. To ensure technical accuracy and user-friendly content, the Ministry is using industry feedback and comments gathered over the years from various stakeholder groups for the review and finalization of these documents.

# Bill 60 - *Fighting Delays and Building Faster Act*

- **Bill 60 received Royal Assent on November 27, 2025.**
- The government made commitments to do a **part-by-part review** of the Building Code. All parts of the Building Code will be reviewed, including part 8 Septic Systems.
- **The review** will be conducted by an expert committee of building officials, builders, trades, professionals, academia, and industry leaders who will provide input to MMAH.
- The scope will be to review the Code to look for areas for further harmonization with the National Codes, reduce duplication and consider other ways to reduce Building Code burden on the sector.

- In the fall/winter of 2025 MMAH, along with Ministry of the Environment, Conservation and Parks (MECP) jointly posted three proposals to support **on-farm worker housing**.
  1. MECP - amendments to the Ontario Water Resources Act that enable the regulation of additional sewage systems under the Building Code to support construction of on-farm worker housing
  2. MECP – a new regulation under the Environmental Protection Act and amendment to regulations under the Clean Water Act to permit some sewage works servicing on-farm worker housing to register in the EASR.
  3. MMAH - amendments to the Building Code to include certain small low risk on-farm worker housing sewage systems, which would be enforced by local municipalities.
- The MMAH's policy proposal requested feedback on allowing multiple sewage systems for on-farm worker housing, with each system having a maximum design capacity of 10,000 L/d, and with a maximum cumulative design capacity of 50,000 L/d per agricultural lot or parcel of land to be regulated under the Building Code.
- MMAH, supported by MECP, are presently preparing for a second and technical round of consultations in Winter 2026.
- A second consultation would include the detailed and prescribed Building Code regulatory changes.

- Proposed **administrative changes** to Building Code related to the transfer of enforcement authority of on-site sewage systems and would affect those in the following areas:

**From: North Bay Mattawa Conservation Authority**

To:

- Township of Perry
- Township of Seguin
- Township of McMurrich-Monteith
- Township of Armour
- Municipality of McDougall

**From: Board of Health of the Sudbury & District Health Unit**

To:

- St.-Charles
- French River
- Markstay-Warren
- Killarney

- A proposed **technical change** intended to clarify the requirement for the size and orifice openings in distribution pipes when leaching chambers are used in shallowed buried trenches.

- The **Chief Corner Review**, #2025-14478, dated June 25, 2025, was shared with the Ministry of Municipal Affairs and Housing on September 22, 2025. The review relates to the tragic death of a 26-month-old child in a septic system at a childcare centre in May 2023.
- MMAH supports the Chief Coroner's recommendations and are working with the Chief Medical Officer of Health on recommendation #8.

*Support municipalities and public health units in developing a process to receive concerns/complaints regarding septic tank safety, including training and a robust tracking and enforcement process that considers inspection, compliance, penalties, and resolution.*

Happy to take Questions

**Thank you**