



# OHBA ACTIVITY Summary

Keeping Members Informed

**APRIL 2014**

## **DATES TO NOTE**

- May 14: OHBA Board Of Directors Meeting
- May 29-30: OHBA's NYC Housing Study Tour
- September 21-23: OHBA Annual Conference - Ottawa

## **NEW MINISTER OF MUNICIPAL AFFAIRS AND HOUSING AND MINISTER OF LABOUR**

Premier Kathleen Wynne announced [changes to the Ontario cabinet](#) following the resignation of the former Minister of Municipal Affairs and Housing, Linda Jeffrey, who plans to pursue municipal politics and run for the Mayor of Brampton.

[Bill Mauro](#), MPP for Thunder Bay-Atikokan, becomes the new Minister of Municipal Affairs and Housing. OHBA looks forward to the opportunity to work with Minister Mauro to ensure greater transparency and accountability in municipal development charges, parkland dedication and Section 37 density bonusing fees. OHBA also looks forward to working with Minister Mauro on improving and creating greater certainty in Ontario's land-use planning and appeals system. In 2012, MPP Bill Mauro introduced a Private Members Bill the "[Ontario's Wood First Act](#)", that, if passed, would have amended the Ontario Building Code to allow for six-storey buildings to be constructed out of wood.

[Kevin Flynn](#), MPP for Oakville, becomes Minister of Labour. OHBA looks forward to working with Minister Flynn to improve health and safety for Ontario's residential construction workers and to provide more fairness in the application of WSIB premiums. Kevin Flynn attended an OHBA Board of Directors meeting in 2012 to announce employers would not be charged College of Trades fees. [Madeleine Meilleur](#) becomes the first francophone Attorney General of Ontario, in addition to her role as Minister Responsible for Francophone Affairs. [Yasir Naqvi](#) becomes Minister of Community Safety & Correctional Services. [John Gerretsen](#) will take on the role of Chair of Cabinet.

## **NEW PROVINCIAL POLICY STATEMENT – MINISTRY PRESENTATIONS TO OHBA**

In late February the Provincial Government released a [new Provincial Policy Statement \(PPS\)](#) that included an "in effect" date of April 30, 2014. The PPS, issued under the Planning Act, is the statement of the provincial interest in land-use planning while recognizing the diversity of Ontario. The PPS has been under review since 2010 and OHBA was extensively involved throughout the consultation period. OHBA responded to the new 2014 PPS in a [media release](#) stating that the 2014 PPS will place additional constraints on new housing land development in Ontario.

OHBA has scheduled two Land Development Committee meetings with the Ministry of Municipal Affairs and Housing to provide an overview of the new PPS to member companies:

- **April 4th, 9:30 a.m.** at 20 Upjohn Road in Toronto in conjunction with the BILD Land Council. This meeting will also include an overview of the natural heritage and environmental changes in the new PPS from Savanta President Tom Hilditch and an overview of what you need to know in terms of greenfield, urban and employment lands from Davis LLP partner, Chris Barnett.
- **April 14th, 10:00 a.m.** at the Best Western Brant Park Inn in Brantford. This meeting will also include an overview of the natural heritage and environmental changes in the new PPS from Savanta President Tom Hilditch.

Please RSVP by contacting OHBA Director of Policy, Mike Collins-Williams [mikecw@ohba.ca](mailto:mikecw@ohba.ca) please note which meeting you plan to attend.

## **HST TRANSITIONAL REBATES FOR UNSOLD RESIDENTIAL PROPERTIES**

In 2010, when the HST was implemented a [transitional housing rebate](#) for non-grandparented homes was put in place to provide relief for HST embedded in the cost of the home constructed in whole or in part prior to July 2010. The transitional rebate calculation is based on a percentage of the "estimated RST content", which will vary according to the degree of completion of the home on July 1, 2010. The HST transitional housing rebate is administrated by the CRA. Members should be aware, that unless extenuating circumstances apply, the application for the rebate will generally need to be filed before July 1, 2014. A valid request in writing before this date is required to extend the deadline.

Members with unsold or model homes that were constructed through the transitional deadline of July 1, 2010 should take a self-assessment and report the HST on these unsold properties in order to collect on the RST rebates available or make a request in writing to the CRA for an extension prior to July 1, 2014.

For more information on the transitional new housing rebate please visit the [CRA new homes section](#).

## **ONTARIO ANNOUNCES REVIEW OF THE CONSTRUCTION LIEN ACT**

The Government of Ontario has announced an [independent review of the Construction Lien Act](#). The government is launching the review to respond to feedback it received from the public hearings on Liberal MPP Steven Del Duca's Private Members Bill: *the Prompt Payment Act (Bill 69)*.

OHBA was the first stakeholder to provide comments on Bill 69, notifying MPPs of our concerns prior to Second Reading on May 16, 2013. OHBA also made a deputation to the Standing Committee on Regulations and Private Bills earlier this month and has provided Standing Committee members with a list of potential amendments that would make the legislation more compatible with the residential construction industry.

As we articulated in the March 17, 2014 letter co-signed with public and private owners, it is our strong view that the government itself, rather than a private member, become seized of this important issue, engage in an extensive consultation with the whole industry and undertake thorough research of payment issues in Ontario before considering the introduction of new legislation. This is the appropriate process to consider legislative changes to construction law in Ontario.

OHBA will remain engaged and active on this file and looks forward to contributing to the discussion throughout the government-led consultation.

## **COLLEGE OF TRADES ENFORCEMENT OFFICERS**

There has been some confusion as to the rights and obligations employers have when a College of Trades' enforcement officer enters a construction site.

Ontario College of Trades (OCOT) Enforcement Officers enforce the provisions of the **Ontario College of Trades and Apprenticeship Act (OCTAA)**. Previously, enforcement of the Act (TQAA) was the responsibility of the Ministry of Labour Occupational Health and Safety inspectors.

According to OCTAA, inspectors have the authority to determine:

1. Part II of the OCTAA (which includes compulsory trade restrictions) or
2. Regulations made by the Board of Governors of the College, including: journeyman/apprentice ratios.

When conducting an inspection on a site, Enforcement officers have the following powers pursuant to s.54 of the Act:

- Officers may enter the job site (or other premises, such as the employer's offices) at any reasonable time.
- Officers may examine any document, record or thing at the site for the purpose of determining compliance with the OCTAA.
- Officers may copy (at the College's expense) any document, record or thing at the site that is relevant to their inspection.
- Officers may remove from the site any document, record or thing that is relevant to their inspection, if it is not practicable or sufficient to copy it at the site.

OCOT enforcement officers are not Ministry of Labour Occupational Health and Safety Inspectors. They **do not** have the power to conduct inspections under the Occupational Health and Safety Act. They **do not** have the power to issue stop-work orders against employers because they are employing workers in violation of provisions of the OCTAA.

At the end of 2013 OCOT had conducted 3107 field inspections with 736 being in ICI construction, 327 in residential construction, 1339 motive power garages, 199 motive power body shops, 505 in service and 1 in the industrial sector. Approximately 60 tickets have been issued. Of the close to 9000 workers' qualifications checked approximately 10% were not in compliance. [Click Here](#) for more information on the College of Trades enforcement and disciplinary role.

## **MMAH INTRODUCES PROPOSAL FOR SIX-STOREY WOOD-FRAME CONSTRUCTION**

On March 20, 2014, the [Provincial Government put forward a technical proposal](#) that would allow for the construction of six-storey wood-frame buildings in Ontario.

Currently, the Ontario Building Code limits wood-frame construction to four storeys. The building industry has long advocated for Ontario to adopt an OBC six storey wood standard similar to what currently exists in British Columbia. B.C. has benefited from over 100 building projects as a result, giving B.C. consumers new housing and rental choices.

In May 2013, the Associations' strong planning and economic rationales were outlined in the report, *Unlocking the Potential for Mid-Rise Buildings: Six Storey Wood Structures*, commissioned by BILD and authored by former City of Toronto Chief Planner Paul Bedford. The report showed that these lands are often well-served by existing infrastructure and transit, and midrise buildings can help to meet the demand of the increasing population of the region, offering a variety of sizes and design features for people of all ages.

[OHBA looks forward](#) to working with all stakeholders, including the Canadian Wood Council and the Ontario Forestry Industries Association, to bring this safe and affordable building option to Ontario.

## **OHBA'S INTERNATIONAL HOUSING TOUR – NEW YORK CITY!**



OHBA has conducted a variety of successful housing tours throughout Ontario over the past eight years and we are pleased to announce OHBA's first ever international housing tour! That is right, OHBA will be traveling with a group of members to **New York City** for a Housing Study Tour hosted by Darlene Fraser on **Thursday, May 29<sup>TH</sup>** and **Friday, May 30<sup>TH</sup>**. New York is, one of the world's most celebrated and recognized urban centres and we are pleased to be offering a guided tour with a variety of housing and development-related site visits. The [two day tour](#) will be capped off with a Friday night pre-game party at Yankee Stadium followed by the group taking in the New York Yankees vs the Minnesota twins.

We've put together an educational and fast paced preliminary itinerary and we expect the tour to sell out quickly as spaces are very limited – to check out the itinerary and register for the tour see the [OHBA registration package](#). For sponsorship information contact Sajida Jiwani at [sjiwani@ohba.ca](mailto:sjiwani@ohba.ca).



**Ontario** Home Builders' Association

20 Upjohn Road #101, North York, Ontario M3B 2V9 (416) 443-1545 Toll Free:800-387-0109 Fax:(416) 443-9982 [info@ohba.ca](mailto:info@ohba.ca)