

March 10, 2023

Honourable Steve Clark
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Dear Minister Clark and Deputy Minister Manson-Smith:

On behalf of the Canadian Association of Consulting Energy Advisors (CACEA), I am pleased to connect with you regarding the upcoming change to the Ontario Edition of the Building Code (OBC). We would like to extend an offer to explore opportunities to assist with a smooth transition and support regional consistency.

CACEA is a national association that promotes and supports Energy Advisors (EA) across the country, including those in Ontario. We are focused on elevating the level of industry professionalism; leveraging opportunities for our members; and fostering collaborative relations with stakeholders in the building and efficiency sectors. For your interest, the Association holds our EA members to a high standard by requiring that they provide a Service Organization (SO) verification letter, hold Errors and Omissions insurance, abide by our Code of Ethics, and maintain continuing education credits annually. For more information please refer to our website for more details at www.cacea.ca.

As you know, EAs are instrumental in the application of building code compliance as it applies to Part 9 residential energy efficiency compliance, e.g. OBC SB12 2017 Performance Compliance. They also play a pivotal role, interfacing with service providers and manufactures, builders, renovators, different orders of governments, utilities, building officials, homeowners, and more. EAs perform necessary third-party inspections, tests, and energy modelling to verify compliance with home labeling programs such as the EnerGuide Rating System, ENERGY STAR® for New Homes Program, R-2000, CHBA Net Zero Home program and BUILT GREEN® – work that is also recognized in building codes across the country. In addition, they are a valued partner and resource, renowned for their expertise in building science, the building envelope, as well as performance and compliance pathways, and provide a centralized point of contact for stakeholders such as municipalities, utilities, building officials, builders and developers, homeowners and many others who are increasingly relying on EAs for guidance, knowledge, and professionalism.

There are several areas where we believe we can assist and support your portfolio and mandates.

1. Affordability

- CACEA and our members understand that energy efficient homes reduce energy costs for the residents – allowing them to spend their money on other important needs. Involving trained energy professionals, such as EAs, can help to ensure that homes are built cost effectively while also meeting energy targets. It is a win-win for everyone.

2. Quality Professionals:

- Accountability for the validity and accuracy of the OBC SB12 2017 and the NBC 9.36 calculations and modelling are very important. The past has demonstrated that these services should not be limited to only Engineers and Architects. Allowing any one 'professional,' regardless of their training or registration, to provide compliance documentation or calculations carries unnecessary risks.
- Since the introduction of the OBC SB12 regulation, Registered Energy Advisors (REA) have been recognized as qualified professionals by municipalities across Ontario, **specifically requiring professional REAs to provide their Natural Resources Canada (NRCan) license registration number on the Energy Efficiency Design Summary (EEDS) form developed by the Ontario Building Officials Association (OBOA), Ontario Home Builders Association (OHBA) and a number of industry stakeholders.**
- With proposed changes to the Ontario Edition of the NBC 2020 9.36 (specifically Tier 3) CACEA members and REAs can provide professional third-party compliance modeling (and air testing when applicable) to support the efficient adoption of the building code as per the following:
 - Section 9.36.2.9. Airtightness/: REAs are trained professionals who can provide blower door testing and airtightness validation required when prescriptive airtightness Energy Conservation Measures (ECM) are identified by the builder/designer as part of the project's compliance solutions at the building permit application.
 - Section 9.36.5.3 directly includes EnerGuide into the OBC as an optional performance compliance path resulting in a higher degree of confidence in code compliance reports based on the EnerGuide procedures. The process to produce this label has a defined and repeatable process as well as an associated quality assurance requirement and EAs are specifically trained and licensed by NRCan to deliver this label. When not relying on registered EA, Authorities Having Jurisdiction (AHJ) lose an important ability to control against dishonest or unprofessional behavior.
 - Section 9.36.5. Energy Performance Compliance 9.36.7.Tiered Energy Performance Compliance/: The Performance Path provides an option for performance energy modeling as an optional performance compliance path. This section identifies both the modeling assumptions and modeling software

compliance measures (ASHRAE 140). This allows for a variety of energy modeling tools to be used but stops short of identifying the professional credentials required to ensure accuracy and appropriate design review. REAs who are members of CACEA's have been recognized by multiple Provinces, and many since 2010, as being professionals who can perform accurate design modeling under the Performance Path, having undergone energy modeling training and credential re-testing every three years. As mentioned previously, CACEA's REAs differentiate themselves from other EAs licensed by NRCan by abiding to a professional code of ethics, holding additional Errors and Omissions insurance, and undertaking required annual continuing education related to building codes, energy modeling and building science best practices. Jurisdiction can retain a high degree of confidence in code compliance reports performed by CACEA REAs. Again, leveraging REAs can guard against unprofessional practices - as they risk being removed from our Association and/or delicensed by NRCan.

- CACEA recommends that the Province follow the lead of the Canadian Mortgage and Housing Corporation (CMHC) through their [MLI Select program](#) by clarifying “qualified professionals” in this field of energy modeling, as referred to below:

“Qualified Professional: The Energy and Green House Gas (GHG) emission reduction analysis must be conducted by a qualified professional. For Part 3 construction, this includes professionals with energy modelling experience such as a Professional Engineer, Architect, Certified Engineering Technologist (CET) or Certified Energy Manager (CEM). For low-rise (Part 9) and small multi-unit residential buildings with less than four storeys, a registered residential EA, accredited by Natural Resources Canada, or equivalent, may undertake this analysis.”

3. Compliance Form:

- A key element for the successful adoption of the new requirement within NBC 9.36 is the communication and accountability for compliance.
- The modeling report supporting compliance with energy codes must be clearly communicated. The current process for the building permit application has worked reasonably for the administration of SB12 across Ontario jurisdictions. This is mostly due to the development and use of the EEDS form (Prescriptive and Performance) which was developed through collaborative efforts led by the OBOA, OHBA, REAs and other stakeholders. CACEA fully supports this collaborative effort and has commenced communication with the OBOA and OHBA expressing our support in developing an updated EEDS form where the NBC 9.36 Tier 3 is recognized.

CACEA strongly recommends a new, updated EEDS form for Part 9 Residential be developed before fall 2023. This integrative form is designed to collect relevant information, speed up submission, and reduce costs. CACEA would welcome the MMAH

with a recommended template along with supporting documents on its use, review, and quality assurance. This tool will encourage adoption and consistent enforcement by AHJ across the Province. CACEA members would be pleased to share their expertise and experience, and work with the Provincial Government and AHJs to design templates for forms that are consistent and effective.

4. Communication and Education

- CACEA and its members are ideally suited to provide internal and external training to a variety of building sector stakeholders around Part 9 energy modelling, testing and Performance-based Building Codes by virtue of their training and “in-the-field” expertise. In fact, we frequently provide this type of training to a variety of audiences across Canada. We believe this would be of great value for AHJs and others who are engaged in this work – particularly as we transition to a new edition of the OBC.
- CACEA has commenced a working partnership with the Alliance of Canadian Building Officials’ Association (ACBOA) and OBOA. The intent is to support the development of harmonize energy code training (9.36 2020) for both building officials and CACEA’s REAs. This will facilitate a strong relationship between jurisdictions and CACEA professionals with the intent of streamlining the permit application development process enhance consistent knowledge and understanding across Canada.
- CACEA and ACBOA, through its membership and broad stakeholder engagement, can serve as a conduit to quickly disseminate information and updates to our larger community through newsletters, webinars, and working committees and councils.

In short, CACEA is in an ideal position to provide great value to the Province of Ontario and there are many opportunities for our ongoing collaboration and engagement – whether it is addressing the items highlighted in this letter, or exploring additional initiatives where we and our members can contribute our unique perspective, expertise, and guidance.

On behalf of CACEA and the [board of directors](#), we look forward to discussing all, or any of these items.

Sincerely



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