Toronto Regional Real Estate Board

Professionals connecting people, property and communities.

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Ministry of Municipal Affairs and Housing
Building Development Branch
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Delivered via email: buildingcode.advisorybody@ontario.ca

Consultation on Reducing Regulatory Burden in Ontario's Building Code – ERO 026-0744

Dear Chair Grellette and Members of the Building Code Short-Term Advisory Body:

The Toronto Regional Real Estate Board (TRREB) welcomes the opportunity to comment on the review of Ontario's Building Code.

TRREB supports the Advisory Body's objective of identifying provisions that may be outdated, duplicative, overly prescriptive, difficult to interpret, or no longer proportionate to risk. Reforms should continue to protect health, safety, accessibility, and building performance while making the Code clearer, more practical, and more supportive of housing construction. These objectives are consistent with the scope of the current consultation.

The Building Code plays an important role in determining what types of housing can be built economically. Planning and zoning reforms alone will not increase housing supply if Building Code requirements make new housing impractical or prohibitively expensive.

TRREB recommends that Ontario:

1. Establish an annual Building Code review process.
2. Permit single-stair residential buildings up to six storeys.
3. Permit elevators within qualifying exit enclosures.
4. Modernize elevator size and speed requirements for small apartment buildings.

1. Establish an Annual Building Code Review Process

In its Spring Economic Update 2026, the federal government proposed $41.9 million over five years to support National Model Code updates and regulatory streamlining. The initiative includes clearer pathways for factory-built housing, fewer duplicate factory and site inspections, more consistent Code interpretation, and faster review of innovative products and prefabricated building systems.

While the federal announcement does not establish annual National Model Code editions, the national process accepts change requests throughout the five-year cycle and generally holds public reviews twice each year. This reflects a more continuous approach to Code development.

TRREB recommends that Ontario build on this direction by establishing an annual review process between consolidated Building Code editions. This would allow the province to consider emerging technologies, new construction practices, recurring interpretation issues, national Code changes, and proven reforms from other jurisdictions without waiting for the next complete Code edition.

The Neptis Foundation's June 2026 draft Ontario Building Code "Missing Middle" Study: Bridging the Gap Between Houses and High-Rises, authored by Conrad Speckert and Jack Keays, notes that a change request submitted through the national code-development system may take at least 6.5 years to reach provincial adoption, even where it is prioritized for the next five-year cycle. An annual Ontario review would provide a regular opportunity to consider targeted amendments and technical corrections without requiring the province to republish the full Code each year.

Alignment with the National Construction Codes

Ontario has stated that its Building Code is already substantially consistent with the National Construction Codes and that its next edition will follow the 2025 National Building Code. TRREB supports a targeted comparison of the remaining differences between the two Codes, prioritizing alignment where it would reduce unnecessary cost, duplication, or inconsistency.

At the same time, harmonization should not prevent Ontario from retaining justified provincial provisions or adopting leading practices from other jurisdictions where they maintain safety and better support housing delivery. The Neptis study also shows that harmonization does not always mean Ontario adopting the National Code. Some Ontario provisions have not been adopted nationally, while other Ontario-specific provisions have been removed through harmonization.

2. Permit Single-Stair Residential Buildings Up to Six Storeys

Single-stair egress is one of TRREB's principal Building Code recommendations.

In Removing Roadblocks: Tackling Municipal Barriers to Housing Supply and Affordability in Ontario, TRREB recommends that Ontario:

- permit single-stair residential buildings up to six storeys;
- establish clear safety standards, including sprinklers and floorplate limits; and
- align Building Code reform with provincial missing-middle housing policies.

For smaller apartment buildings, the requirement for a second stair and its associated corridor space can consume a disproportionate share of a small floorplate. This reduces usable area, constrains unit layouts and can make it more difficult to accommodate larger homes or an elevator on narrow and constrained urban sites.

The Neptis study describes a related "feasibility cliff" between three- and four-storey housing. A three-storey building governed by Part 9 may avoid requirements for an elevator, sprinklers, a standpipe, a fire-alarm system and two exit stairs. In contrast, a relatively small four-storey apartment building governed by Part 3 can trigger all of these requirements simultaneously.

The study separately estimates that a single-stair layout can improve the efficiency of small-scale housing by approximately 5 to 15 per cent.

TRREB recommends extending the permission to six storeys so that the reform also applies to small mid-rise buildings.

British Columbia provides a relevant Canadian precedent. Its Building Code permits qualifying single-stair residential buildings up to six storeys and 18 metres in height, subject to limits on dwelling units, occupant load, and travel distance, together with enhanced sprinkler, smoke control, fire service, and water supply requirements.

Ontario should adopt a similarly clear, provincewide pathway. Consistent with TRREB's Removing Roadblocks report, qualifying single-stair buildings should be subject to safeguards including:

- full sprinkler systems;
- limits on floorplate size;

- restrictions on the number of units per floor;
- enhanced fire-rated construction; and
- increased stair width to ensure safe evacuation and firefighter access.

The detailed requirements should be developed in consultation with fire-protection engineers, building officials, fire services, architects and accessibility experts.

TRREB is not recommending lower safety standards. Ontario should adopt a modern, risk-based approach that reflects advances in sprinklers, materials, fire detection, compartmentation, and firefighting practices.

3. Permit Elevators Within Qualifying Exit Enclosures

TRREB supports the Neptis recommendation to permit a passenger elevator within the exit enclosure of a qualifying three-storey residential building.

The current Ontario Building Code does not expressly permit an elevator located entirely within an exit enclosure, even though an elevator may open into a public corridor or directly into adjoining floor areas. This can require additional elevator lobbies and corridors and make less efficient use of a small building footprint.

Neptis recommends permitting an elevator within an exit where:

- the building is not more than three storeys in height;
- the building is sprinklered; and
- the elevator doors open only into the exit.

This reform could make it easier to provide barrier-free access in small apartment buildings, reduce unnecessary circulation space and improve the coordination of the stair and elevator within a constrained floorplate.

Any amendment should maintain the fire protection provided by the exit enclosure. The detailed requirements should be developed with input from fire-safety, elevator and accessibility experts.

4. Modernize Elevator Size and Speed Requirements for Small Apartment Buildings

TRREB also supports the Neptis recommendation to modernize elevator requirements for qualifying low-rise residential buildings.

The Ontario Building Code generally requires an applicable elevator to accommodate a patient stretcher in the prone position. Limited-use/limited-application elevators, or LU/LA elevators, are exempt from this requirement but operate substantially more slowly than conventional passenger elevators.

This creates a gap between:

- a large, stretcher-sized passenger elevator;
- a smaller but considerably slower LU/LA elevator; and
- a faster passenger elevator that meets applicable barrier-free dimensions but is not stretcher-sized.

Neptis recommends permitting the third option for residential floor areas in buildings that are not more than four storeys in height and 600 square metres in building area.

TRREB supports this targeted amendment. It would not eliminate stretcher-sized elevators where they are warranted by building height, size, occupancy, or emergency-service requirements. It would provide a proportionate option for small buildings where a faster passenger elevator meeting barrier-free dimensions could improve accessibility without imposing the spatial requirements of an elevator designed for a substantially larger building.

Ontario should develop the detailed standards in consultation with accessibility experts, elevator specialists,

emergency services and the Technical Standards and Safety Authority.

Conclusion

Ontario's Building Code must continue to protect residents, building users and first responders. Its requirements should also be proportionate to risk and responsive to current construction practices and housing needs.

TRREB's recommendations would help make missing-middle and small mid-rise housing more feasible, improve accessibility and design flexibility, and reduce unnecessary regulatory burden without compromising the Building Code's core public-interest objectives.

We appreciate the opportunity to provide these comments and look forward to continued engagement with the Advisory Body and the Ministry.

Sincerely,

Daniel Steinfeld
President