

## **Regulation 941/90 amended, new Regulation 260/08 created, effective July 25, 2008**

At its meeting on June 27, 2008, PEO Council approved a new Regulation to establish Performance Standards for professional engineers, relating to general review of construction of a building as provided for in the building code and to demolition. Council also approved revoking section 78 of Regulation 941, which was previously the performance standard for general review.

Following approval by Cabinet, the amendment to Regulation 941 and new Regulation were filed with the Registrar of Regulations as O.Reg. 258/08 and O.Reg. 260/08 on July 25, 2008, and came into force immediately.

The amendment to Regulation 941 and new Regulation 260 are shown below. To access the complete Regulation 941/90, visit [www.e-laws.gov.on.ca/html/regs/english/elaws\\_regs\\_900941\\_e.htm](http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_900941_e.htm).

### **Regulation 941/90**

78. Revoked: O. Reg. 258/08, s. 1.

### **Regulation 260/08**

#### **PERFORMANCE STANDARDS**

##### **Definitions**

1. In this Regulation,

"building" means a building as defined in the *Building Code Act, 1992*;

"building code" means Ontario Regulation 350/06 (Building Code) made under the *Building Code Act, 1992*.

##### **Construction of a building**

2. (1) In this section,

"construct" and "construction" have the same meaning as in the *Building Code Act, 1992*;

"plans and specifications" means a plan or other document which formed the basis for the issuance of a building permit and includes any changes to the plan or other document that are authorized by the chief building official as defined in the *Building Code Act, 1992*.

(2) The following are prescribed as performance standards with respect to the general review of the construction of a building by a professional engineer as provided for in the building code:

1. The professional engineer, with respect to the matters that are governed by the building code, shall,

- i. make periodic visits to the construction site to determine, on a rational sampling basis, whether the work is in general conformity with the plans and specifications for the building,
  - ii. record deficiencies found during site visits and provide the client, the contractor and the owner with written reports of the deficiencies and the actions that must be taken to rectify the deficiencies,
  - iii. review the reports of independent inspection and testing companies called for in the plans and specifications and which pertain directly to the work being reviewed,
  - iv. interpret plans and specifications in writing when requested to do so by the client, the contractor or the owner, and
  - v. review shop drawings and samples submitted by the contractor for consistency with the intent of the plans and specifications.
2. The professional engineer may delegate one or more of the functions or requirements described in paragraph 1 to another person if it is consistent with prudent engineering practice to do so and the functions or requirements are performed under the supervision of the professional engineer.

(3) Subsection (2) applies with necessary modifications to a limited licence holder, if the holder undertakes a general review of the construction of a building.

### **Demolition**

3. (1) In this section,

"demolish" means to do anything in the removal of a building or structure, as the case may be, or of any material part of a building or structure;

"demolition plan" means a plan or other document prepared by a professional engineer, limited licence holder or provisional licence holder in accordance with subsection (3) with respect to the demolition of a building or structure, and includes any changes to the plan or other document that are made by a professional engineer, limited licence holder or provisional licence holder;

"methodology" means a detailed description of the systematic and sequential procedure for cutting, destroying, removing or otherwise demolishing a building or structure in a manner that does not endanger the health or safety of any persons or negatively affect the integrity of any other buildings, structures, buried or above ground utilities or any other real property;

"structure" means any permanent structure other than a building, including a bridge, dam or lock.

- (2) The following are prescribed as performance standards with respect to the general review of the demolition of a building by a professional engineer as provided for in the building code:
1. The professional engineer shall not undertake a general review of the demolition of a building unless,
    - i. the professional engineer has satisfied himself or herself that a permit for the demolition has been issued under the *Building Code Act, 1992*, and
    - ii. a demolition plan has been prepared with respect to the demolition.

2. The professional engineer shall,
    - i. make periodic visits to the demolition site to determine whether the demolition is proceeding in general conformity with the demolition plan,
    - ii. record any material deviation from the demolition plan found during a site visit and as soon as reasonably possible notify the client, the contractor and the owner in writing of the deviation and of the professional engineer's opinion on the impact the deviation may have on the health or safety of any person or the integrity of any other building, structure, buried or above ground utility or any other real property,
    - iii. record any site condition or other issue relating to the demolition identified during a site visit that may endanger the health or safety of any person or the integrity of any other building, structure, buried or above ground utility or any other real property and as soon as reasonably possible notify the client, the contractor and the owner in writing of the condition or other issue,
    - iv. notify the client, the contractor and the owner in writing about any site condition or other issue that requires the demolition plan to be changed,
    - v. review the reports of any independent inspection and testing companies called for in the demolition plan and which pertain directly to the work being reviewed, and
    - vi. interpret the demolition plan in writing when requested to do so by the client, the contractor or the owner.
- (3) The following are prescribed as performance standards with respect to the preparation of a demolition plan:
1. The professional engineer, limited licence holder or provisional licence holder shall, before preparing a demolition plan with respect to the demolition of a building or structure,
    - i. visit and examine the demolition site in order to assess site limitations and adjacent conditions that may affect the content of the demolition plan, and
    - ii. verify the structural characteristics and condition of the building or structure by conducting one or more inspections of the building or structure and by reviewing any existing drawings or specifications relating to the building or structure.
  2. The professional engineer, limited licence holder or provisional licence holder shall include in a demolition plan made with respect to the demolition of a building or structure,
    - i. a description of the structural characteristics and condition of the building or structure as verified by the professional engineer, limited licence holder or provisional licence holder under subparagraph 1ii,
    - ii. the methodology a contractor should follow in demolishing the building or structure,
    - iii. a description of the measures necessary to ensure that the health or safety of any person, including an occupant of a building being demolished if the building is not vacated before the demolition commences as permitted by the building code, is not endangered as a result of the demolition,

- iv. a description of the measures necessary to ensure that the integrity of any other buildings, structures, buried or above ground utilities or any other real property is not negatively affected as a result of the demolition,
  - v. identification of all buried or above ground utilities under or at the demolition site and a description of the requirements for their safe disconnection, removal or protection before the commencement of the demolition,
  - vi. a description of any environmental hazard that would or could arise as a result of the demolition, and of the measures necessary to address the hazard, with reference to the applicable municipal, provincial or federal statutes, regulations, rules, by-laws, codes, standards or other legislation, and
  - vii. identification of any inspection or testing to be carried out by an independent company during the demolition.
- (4) A professional engineer may delegate one or more of the functions or requirements described in subsection (2) to another person if it is consistent with prudent engineering practice to do so and the functions or requirements are performed under the supervision of the professional engineer.
- (5) A professional engineer or limited licence holder may delegate one or more of the functions or requirements described in subsection (3) to another person if it is consistent with prudent engineering practice to do so and the functions or requirements are performed under the supervision of the professional engineer or limited licence holder.
- (6) Subsections (2) and (4) apply with necessary modifications to a limited licence holder, if the holder undertakes a general review of the demolition of a building.

#### **Commencement**

4. This Regulation comes into force on the day it is filed.