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**Canadian
Home Builders'
Association**



**Association canadienne
des constructeurs
d'habitations**

March 23, 2011

Kevin Lee
Director, Housing Division
Natural Resources Canada
930 Carling Avenue, 1st Floor, Room: 7
(CEF, Building 1, Observatory Crescent)
Ottawa, ON K1A 0Y3

Dear Mr. Lee:

As provincial governments embed energy efficiency in regulation, and with the pending release of new energy efficiency requirements in Part 9 of the National Building Code (NBC) by the Canadian Commission on Building and Fire Codes (CCBFC), the question of how jurisdictions will verify compliance of Part 9 houses through a performance path is raised.

Recognizing the pending need for practical, robust and cost-efficient mechanisms for verifying performance path compliance with Part 9 energy efficiency requirements, the CHBA Board of Directors has identified the following issues:

- i) The need to identify what steps provinces will need to take in order to legislate such a "Deemed To Comply" approach for performance path compliance verification under Part 9, based on the use of the 'next generation' ERS and Certified Energy Raters (CERs) and Certified Energy Advisors (CEAs).
- ii) The need to identify approaches that will ensure a sufficient number of CERs and CEAs are in place, as demand for such services arises in relation to verification of performance path compliance with energy efficiency requirements under Part 9 of provincial codes.

In response to these issues, I am writing to seek NRCan's views on how these matters might best be managed. Let me provide some additional context on these matters.

Once the 'next generation' EnerGuide Rating System (ERS) is in place, CERs and CEAs could be recognized by jurisdictions as being qualified to sign off on the energy performance of homes built under Part 9 of the applicable provincial building code.

For the provinces, this capacity represents a valuable resource, one that should support efficient and cost-effective administration of code requirements by jurisdictions. The work underway currently on the "Next Generation" ERS appears to support such a system, in that it will ensure that CERs and CEAs are trained and qualified properly, that they carry appropriate insurance, and that they meet any other qualifications deemed appropriate. This model also addresses concerns about liability.

While provinces are wholly responsible for enacting legislation that would recognize CERs and CEAs as qualified to fulfill this role in the code compliance system, overall management of the ERS is NRCan's responsibility.

In terms of the steps required if provinces chose to recognize CRAs and CEAs as 'qualified persons' in relation to energy efficiency requirements under Part 9, the CHBA has raised this issue with the CCBFC. It is our understanding that the CCBFC does not intend to address these steps in the administrative procedures developed in support of the NBC.

It is also clear that changes made to the ecoENERGY Retrofit – Homes program over the last year have reduced, significantly, the near-term demand for CEA services. In the absence of strong demand for these services, the number of CEAs available in the near-term, and the number who may seek re-certification as either CERs or CEAs under the 'next generation' of the ERS, may fall.

Should provinces then determine that CERs and CEAs should play a role in the code compliance system, or should provinces implement a requirement for the energy rating of all homes sold, ensuring adequate CER and CEA capacity could prove problematic, at least in the short-term.

In terms of the ongoing availability of CERs and CEAs, what are NRCan's views on how best to manage demand and capacity for these technical services, and does NRCan intend to initiate discussions with provinces concerning how any regulatory intentions on their part might impact on the demand for CER or CEA services?

Yours truly,



John Kenward
Chief Operating Officer

cc: Mr. Chris Fillingham, Chair, Canadian Commission on Building and Fire Codes
Mr. Ted Ross, Chair, Provincial/Territorial Policy Advisory Committee on Codes
CHBA Executive Board