

Date: May 20, 2020

Report To: Mayor & Council

From: Cody Vangel, Chief Building Official & Municipal Planner

Re: Chief Building Official Request for Delegation of Authority to Enter into Agreements – Conditional Building Permits

In a recent Ontario Building Officials Association (OBOA) local chapter meeting on April 29, 2020 it was made aware through discussion that the Ontario Government wants the municipalities of Ontario to continue issuing building permits during the COVID-19 pandemic. This discussion was formalized in an amendment to the Building Code Act and the Ontario Building Code on May 11, 2020 where the ministry provided clarification on the issuance of building permits and the conduction of inspections during the pandemic. The formalized amendments are attached to this report. These amendments provide clarification that permits are to be issued/rejected within the prescribed timelines and that inspections are to take place within the prescribed timelines.

The Ontario Government has outlined a list of essential and non-essential businesses under O. Reg 82/20 which is attached to this report. However, at this time Building Officials have not received direction nor confirmation that we are to enforce this regulation. To the contrary, the Provincial Government still wants us to issue building permits and put the onus on the permit applicant, contractor, and/or homeowners to abide by the regulations.

Through discussion with the Town's Solicitor it was recommended that we issue Conditional Building Permits under section 8.(3) of the Building Code Act rather than the conventional Building Permit. By issuing a Conditional Building Permit it will allow for the Town to enter into an agreement with applicants and others as necessary and to impose conditions on the Building Permit. The intent of the proposed agreement is to protect the municipality from liabilities in the event that non-essential construction takes place, as well as in the future if enforcement of the Emergency Management related regulations falls upon the municipality we have said agreements in place for protection. Two of four templates of the proposed agreements are attached.

Section 3.1 of the Building Code Act states the following:

(3.1) A principal authority may, in writing, delegate to the chief building official the power to enter into agreements described in clause (3) (c) and may impose conditions or restrictions with respect to the delegation. 2002, c. 9, s. 14 (3).

In order to maintain the regulated permit issuance timelines in the Building Code, it is requested that the Chief Building Official be delegated the authority to enter into the specific Emergency Management related Conditional Building Permit Agreements (as attached and to be configured) to mitigate the delay of bringing each individual agreement through Mayor & Council for approval, especially with regard to the summer meeting schedule. And such that, any agreements entered with this regard will be provided to the Clerk on a Monthly basis to be included onto the appropriate Council and/or Committee agendas. Additionally, it will be noted that these conditional permits relate to demolition activities as well.

This matter was considered by the Planning and Development Executive Committee at their May 19, 2020 session where recommendation was made to:

- Provide the Chief Building Official authority to enter into agreements for the purpose of issuing Conditional Building Permits under section 8.(3) and 8.(3.1) of the Building Code Act, and that such agreements are those attached to this report or amended from time to time as required, and such that entrance of these agreements be conducted until the emergency declared by the provincial government under and pursuant to the Emergency Management and Civil Protection Act, R.S.O. 1990, Chapter E.9 and regulations thereunder, as may be amended, be lifted.

Since this matter was considered by the Planning and Development Executive Committee on the morning of May 19, 2020 the Provincial Government has since lifted the restrictions on construction activities. With this latest information these agreements will not be entered into at this time, however, in preparedness for a potential future change in reapplying restrictions to the construction sector this report will continue forward.

Respectfully submitted

A handwritten signature in black ink, appearing to read 'Cody Vangel', with a stylized flourish at the end.

Cody Vangel, EIT
Chief Building Official & Municipal Planner

Council approval of this report will agree to the recommendation of the Planning and Development Executive Committee to authorize the Chief Building Official with authority to enter into the attached agreements in order to issue conditional building permits as a protective measure for the municipality in the event restrictions are in place on the construction sector related to the COVID-19 pandemic.