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STAFF REPORT: Planning & Development Services – Building Division



REPORT TO: Special Meeting of Council
MEETING DATE: June 10, 2016
REPORT NO.: PDS.16.74
SUBJECT: Building Code Act Qualifications & Service Levels
PREPARED BY: Greg Miller, Manager, Building & By-Law Services/Chief Building Official

A. Recommendations

THAT Council does hereby receive Staff Report PDS.16.74 entitled “*Building Code Act Qualifications & Service Levels*”;

THAT Council repeal By-law No. 2015-26, as revised, being a By-Law to Appoint a Chief Building Official and Inspectors pursuant to the *Building Code Act*;

THAT Council enact a by-law to appoint a Chief Building Official and Inspectors, as attached to this Staff Report;

AND THAT Council direct staff to revise section 1.9 of the Town’s Corporate Policy POL.COR.07.04 for the “Delegation by Council of Powers and Duties” to read as follows:

“Agreements with Building Code Consultants and Registered Code Agencies to perform specified functions with regard to the *Building Code Act, S.O. 1992*, delegated to the Chief Building Official, delegated by By-Law 2008-10 dated January 28, 2008”

B. Background

In 2015, the Town’s Ontario Building Code Program had the strongest year on record since 2006 with 464 building permits issued with an estimated \$103 million in construction value; 105 dwellings issued and 1,823 building inspections completed.

Year to date in 2016, we continue to see strong permit and inspection activity:

- 60 dwellings have been issued vs. 34 in 2015 (+76%)
- 190 building permits issued vs. 149 (+28%) and
- 715 completed building inspections vs. 585 (+22%)

While this strong activity has been very positive for The Blue Mountains, it poses a number of challenges with respect to our legislated service levels mandated under the *Building Code Act*.

Paralleled with the strong permit activity in 2015 we were faced with a number of challenges with respect to Staff levels when our Building Inspector went on maternity leave and the Deputy CBO went on medical leave. In response to those challenges, on August 24, 2015, Council adopted the recommendations within Staff Report PDS.15.72, “*Agreement for Shared Building Services with the Municipality of Meaford*”.

The agreement with the Municipality of Meaford has enabled the Town to maintain our inspection services and we continue to utilize their inspection services 2-3 days/week, albeit, the Meaford CBO has communicated their permit activity is very strong as well.

In addition to the executed service agreement with Meaford, Council through its 2016 budget process approved two new positions for the Ontario Building Code Program: a) one new Plans Examiner and b) one new Building Inspector.

- We were successful in hiring a new Plans Examiner in May 2016, however, it will take several months of training and mentoring of the Plans Examiner to perform their full duties, as expected.
- To date, we have been unsuccessful with two external postings in finding a qualified candidate to fill the new Building Inspector position.

While over the long term, these positions, once filled, trained and mentored will maintain and greatly enhance our level of service, *in the short term we are significantly under Staffed and will require immediate action as:*

- The Deputy Chief Building Official position became vacant in May 2016 and we are in the process of finding a suitable candidate for that position.
- On June 9, 2016, the contract Building Inspector will be ending her contract.

With these three positions vacant; this leaves the Chief Building Official as the only qualified person employed by the Town to perform *Ontario Building Code* plan review and building inspection duties. This is situation that cannot be sustained.

Under Section 3 of the Building Code Act, 1992 it is the responsibility of the Council of each municipality to appoint such inspectors as are necessary for the enforcement of the Act in the area in which the municipality has jurisdiction.

To explore various options for the delivery of services, Staff met with RSM Building Consultants ("RSM") on May 30, 2016 to explore the opportunity to provide the Town with Building Code plan review and inspection services.

A brief overview of the services to be provided by RSM:

- The Building Services Division implemented electronic plan reviews in 2015 and we currently review all of our permit applications electronically using the Blue Beam software.
- RSM utilizes the same plan review software and will be able to use our stamps, standard notes, etc.
- Submitted permit applications will be forwarded to RSM after Town Staff have conducted a review of Applicable Law (MTO, GSCA, Zoning, etc.)
- Once RSM has completed their OBC plan review, TBM Staff would communicate with the Applicant and/or RSM will for an additional fee.

- All communication will be electronic, RSM Staff will not be required to work at the TBM office.
- For a typical 400m² dwelling connected to municipal services, we would be invoiced approx. \$395.00 plus HST. Approx. \$6,400 in building permit fees would be collected.
- Invoices will be sent to the Town on a monthly basis.
- RSM Staff are fully qualified under the Ontario Building Code and are currently providing other municipalities with plan review and inspections services, including the City of Guelph.
- RSM is able to provide plan review services immediately.

Council, on January 28, 2008 enacted By-law No. 2008-10 and Corporate Policy POL.COR.07.04, "*Delegation by Council of Powers and Duties*". As outlined in Schedule "A", item 1.9 delegates to the Chief Building Official: Agreements with Registered Code Agencies to perform specified functions with regard to the Building Code Act, S.O. 1992.

However, RSM is not a Registered Code Agency as defined under the *Building Code Act*. The services performed by RSM will be under the direct supervision of the Chief Building Official, whereas a Registered Code Agency is appointed by the Ministry of Municipal Affairs of Housing and their services would not be supervised under the CBO, save and except for *Building Code Act* orders, but rather operate under the Quality Management Program approved by the MMAH.

Given the urgent nature of this matter, it is recommended that section 1.9 of the Town's Corporate Policy POL.COR.07.04 for the "Delegation by Council of Powers and Duties" be revised from the current:

"Agreements with Registered Code Agencies to perform specified functions with regard to the *Building Code Act*, S.O. 1992, delegated to the Chief Building Official, delegated by By-Law 2008-10 dated January 28, 2008"

To the following:

"Agreements with Building Code Consultants and Registered Code Agencies to perform specified functions with regard to the *Building Code Act*, S.O. 1992, delegated to the Chief Building Official, delegated by By-Law 2008-10 dated January 28, 2008"

Revising the above noted delegation would allow the CBO to enter into an agreement with RSM.

Upon approval to amend the Delegation Policy; Council will be required to appoint RSM Staff as an inspector. The duties of an "inspector" as defined in the *Building Code Act*, 1992 include reviewing plans, inspecting construction and issuing orders in accordance with the Building Code Act, 1992 and the Building Code.

Further, under the *Building Code Act* a person is not eligible to be appointed as an inspector unless he or she has the qualifications set out in the Building Code for the position. The individuals named in the draft by-law all meet the qualifications prescribed by the Building Code.

At its meeting on June 22, 2015, Council enacted By-law No. 2015-26 to appoint a chief building official and inspectors for enforcement of the *Building Code Act*; to appoint a Building Inspector (maternity leave contract) and to repeal the former appointment by-law (By-law No. 2013-19) to remove appointed Staff that were no longer employed by the Town. By-Law No. 2015-54 amended Schedule "A" of By-law No. 2015-26 regarding the category of qualification of a Building Official.

As mentioned previously in this Report, the Deputy CBO position is vacant and at this time there is no back up for the Chief Building Official in his absence during vacations or away on Town business. Therefore, it is recommended that Council appoint Meaford's Chief Building Official as the lawful Deputy Chief Building Official, *pro tempore*. Meaford's CBO will carry out the legislated duties of the Town's Chief Building Official in the event of issuing a *Building Code Act Order*, an unsafe building or an emergency order(s).

Given the above changes in Staff and appointed inspectors, it is recommended that Council repeal By-law 2015-26, as revised, and enact a new appointment by-law.

The following is a summary of recommendations highlighted in this Report:

1. Revise section 1.9 of Corporate Policy POL.COR.07.04 "Delegation by Council of Powers and Duties" so as to delegate to the Chief Building Official to enter into agreements with building code consultants and Registered Code Agencies to perform specified functions with regard to the *Building Code Act*, S.O. 1992.
2. Further to item 1, finalize with the Municipal Solicitor, a service agreement to be executed with RSM;
3. Repeal By-law No. 2015-26, as revised, being a By-Law to Appoint a Chief Building Official and Inspectors pursuant to the *Building Code Act*; and
4. Enact a new appointment by-law appoint RSM Building Consultants Staff as an Inspector; and
5. Appoint Meaford's CBO as the lawful Deputy CBO, *pro tempore*.

C. The Blue Mountains' Strategic Plan

Goal #4 - Promote a culture of organizational and operational excellence

D. Environmental Impacts

N/A

E. Financial Impact

At this time the financial impact is unknown, however, Staff positions remain vacant and savings will be realized in the short term. Further updates will be provided to Council.

F. In Consultation With

CAO
Director, Finance and Information Technology Services
Town Clerk
Municipal Solicitor
Municipality of Meaford

G. Attached

1. By-Law No. 2015-26 Being a By-law to Appoint a CBO and Inspectors
2. By-Law No. 2015-54 Being a By-law to amend By-law 2015-26
3. Draft Appointment By-law

Respectfully submitted,

Greg Miller, BSSO, CBCO, C.E.T.
Manager, Building & By-Law Services
Chief Building Official

Michael Benner
Director, Planning & Development Services

**THE CORPORATION OF THE TOWN OF
THE BLUE MOUNTAINS**

BY-LAW NO. 2015- 26

Being a by-law to appoint a Chief Building Official and Inspectors
Pursuant to the *Building Code Act*

WHEREAS Section 3.-(2) of the *Building Code Act*, S.O. 1992, c. 23, requires that a council of a municipality appoint a chief building official and such inspectors as are necessary for the enforcement of the Act in areas in which the municipality has jurisdiction.

AND WHEREAS Section 2.16 of the Ontario Building Code prescribes certain qualifications for a person to be appointed and to remain appointed under the Act as a chief building official or as an inspector.

AND WHEREAS the *Legislation Act*, S.O. 2006, Chapter 21 empowers a public officer or functionary to do an act or thing, or otherwise applying to the public officer by his or her name of office, includes his or her successors in office and lawful deputy;

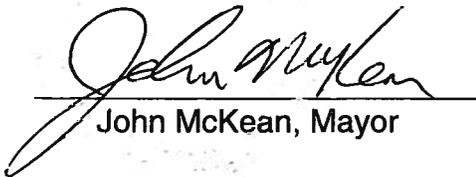
AND WHEREAS Council of the Town of The Blue Mountains deems it expedient to appoint a chief building official and inspectors for the purposes of enforcing the Building Code Act and the Ontario Building Code.

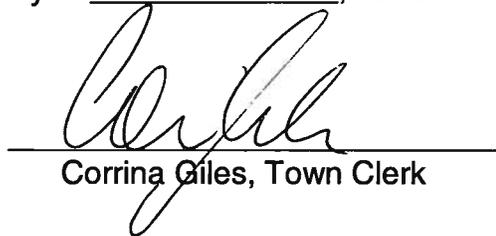
NOW THEREFORE Council of the Corporation of the Town of The Blue Mountains does hereby enact as follows:

1. Greg Miller is hereby appointed as the Chief Building Official.
2. Jayme Bastarache is hereby appointed as the Deputy Chief Building Official.
3. Leah Hewgill is hereby appointed as Building Inspector with such powers and duties as are prescribed in Schedule "A" of this by-law.
4. Rachelle Gravel is hereby appointed as Building Inspector (Intern) whose duties will include supervised plans review and inspections under the *Building Code Act* and the Ontario Building Officials Association's Internship Program.
5. By-law No. 2013-19 is hereby repealed.

AND FURTHER that this by-law shall come into force and take effect upon the enactment thereof.

Enacted and passed this 22 day of June, 2015.


John McKean, Mayor


Corrina Giles, Town Clerk

BY-LAW NO. 2015-26

SCHEDULE "A"

**Chief Building Official and Inspector Qualifications
Pursuant to the *Building Code Act***

Category of Qualification	Greg Miller	Jayne Bastarache	Leah Hewgill	Rachelle Gravel (Intern)*
	Building Code Identification Number			
	21086	35340	19517	45532
House	■	■	■	■
Small Buildings	■	■	■	■
Large Buildings	■	■		
Complex Buildings	■	■		
Plumbing: House	■	■	■	■
Plumbing: All Buildings	■	■	■	■
HVAC: House	■	■	■	■
Building Services	■	■		
Building Structural	■	■		
On-Site Sewage Systems	■	■	■	■
Detection, Lighting and Power	■	■		

*An Intern Inspector shall be supervised by an inspector or Chief Building Official who is registered in the class of registration in respect of which the intern inspector will exercise the powers or perform the duties in accordance with 3.1.4.3.(3), Div. C of the Ontario Building Code.

**THE CORPORATION OF THE TOWN OF
THE BLUE MOUNTAINS**

BY-LAW NO. 2015- 54

Being a by-law to amend By-law No. 2015-26, being a by-law to appoint a Chief Building Official and Inspectors Pursuant to the *Building Code Act*

WHEREAS Section 3.-(2) of the *Building Code Act*, S.O. 1992, c. 23, requires that a council of a municipality appoint a chief building official and such inspectors as are necessary for the enforcement of the Act in areas in which the municipality has jurisdiction.

AND WHEREAS Section 2.16 of the Ontario Building Code prescribes certain qualifications for a person to be appointed and to remain appointed under the Act as a chief building official or as an inspector.

AND WHEREAS the *Legislation Act*, S.O. 2006, Chapter 21 empowers a public officer or functionary to do an act or thing, or otherwise applying to the public officer by his or her name of office, includes his or her successors in office and lawful deputy;

AND WHEREAS Council of the Town of The Blue Mountains deems it expedient to appoint a chief building official and inspectors for the purposes of enforcing the Building Code Act and the Ontario Building Code;

AND WHEREAS Council of the Town of The Blue Mountains has enacted By-law No. 2015-26 to appoint a Chief Building Official and Inspectors pursuant to the *Building Code Act*, and is desirous of amending same;

NOW THEREFORE Council of the Corporation of the Town of The Blue Mountains does hereby enact as follows:

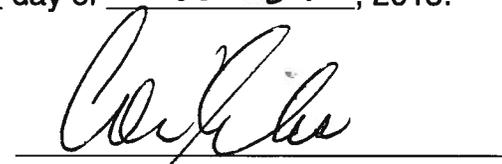
1. Rachele Gravel is hereby appointed as Building Inspector: House; and
2. Schedule "A" of By-law No.2015-26 is deleted and replaced with a new Schedule "A" to reflect the update qualifications obtained by Rachele Gravel.

AND FURTHER that this by-law shall come into force and take effect upon the enactment thereof.

Enacted and passed this 30th day of November, 2015.



John McKean, Mayor



Corrina Giles, Town Clerk

BY-LAW NO. 2015- 54

SCHEDULE "A"

**Chief Building Official and Inspector Qualifications
Pursuant to the *Building Code Act***

Category of Qualification	Greg Miller	Jayne Bastarache	Leah Hewgill	Rachelle Gravel
	Building Code Identification Number			
	21086	35340	19517	45532
House	■	■	■	■
Small Buildings	■	■	■	
Large Buildings	■	■		
Complex Buildings	■	■		
Plumbing: House	■	■	■	■
Plumbing: All Buildings	■	■	■	■
HVAC: House	■	■	■	
Building Services	■	■		
Building Structural	■	■		
On-Site Sewage Systems	■	■	■	
Detection, Lighting and Power	■	■		

**THE CORPORATION OF THE TOWN OF
THE BLUE MOUNTAINS**

BY-LAW NO. 2016-

Being a by-law to appoint a Chief Building Official and Inspectors
Pursuant to the *Building Code Act*

WHEREAS Section 3.-(2) of the *Building Code Act*, S.O. 1992, c. 23, requires that a council of a municipality appoint a chief building official and such inspectors as are necessary for the enforcement of the Act in areas in which the municipality has jurisdiction.

AND WHEREAS Section 2.16 of the Ontario Building Code prescribes certain qualifications for a person to be appointed and to remain appointed under the Act as a chief building official or as an inspector.

AND WHEREAS appointed Inspectors that are no longer employed by the Town need to be repealed;

AND WHEREAS new Building Services Division Staff need to be appointed to perform their legislated duties;

AND WHEREAS RSM Building Consultants Staff need to be appointed to perform their legislated duties under contract by the Chief Building Official;

AND WHEREAS Council of the Town of The Blue Mountains deems it expedient to appoint a chief building official and inspectors for the purposes of enforcing the *Building Code Act* and the Ontario Building Code

NOW THEREFORE, Council of the Corporation of the Town of The Blue Mountains does hereby enact as follows:

1. THAT Greg Miller is hereby appointed as the Chief Building Official;
2. THAT Rick Carefoot is hereby appointed as the Deputy Chief Building Official *pro tempore* with such powers and duties as are prescribed by the Regulations for which he has the necessary qualifications.
3. THAT Leah Hewgill is hereby appointed as an Inspector for enforcement of the *Building Code Act* and Regulations made thereunder for the categories of qualifications as prescribed in Schedule "A" of this by-law;
4. THAT Ashleigh Parrish is hereby appointed as an Inspector (Plans Examiner) for enforcement of the *Building Code Act* and Regulations made thereunder for the categories of qualifications as prescribed in Schedule "A" of this by-law;
5. THAT Gerald Moore is hereby appointed as an Inspector for enforcement of the *Building Code Act* and Regulations made thereunder for the categories of qualifications as prescribed in Schedule "A" of this by-law;
6. THAT Justin Masseur is hereby appointed as an Inspector for enforcement of the *Building Code Act* and Regulations made thereunder for the categories of qualifications as prescribed in Schedule "A" of this by-law;
7. THAT By-law No. 2015-26, AS amended is hereby repealed;
8. AND THAT that this by-law shall come into force and take effect upon the enactment thereof.

Enacted and passed this _____ day of _____, 2016.

John McKean, Mayor

Corrina Giles, Town Clerk

BY-LAW NO. 2016-_____

SCHEDULE “A”

**Chief Building Official and Inspector Qualifications
Pursuant to the *Building Code Act***

Category of Building Code Qualification	Greg Miller	Rick Carefoot	Leah Hewgill	Ashleigh Parrish	Gerald Moore*	Justin Masecar*
	Building Code Identification Number (BCIN)					
	21086	20192	19517	40346	19949	42757
House	■	■	■	■	■	■
Small Buildings	■	■	■		■	■
Large Buildings	■	■			■	
Complex Buildings	■	■			■	
Plumbing: House	■	■	■		■	■
Plumbing: All Buildings	■	■	■		■	■
HVAC: House	■	■	■		■	■
Building Services	■	■			■	■
Building Structural	■	■			■	■
On-Site Sewage Systems	■	■	■		■	
Detection, Lighting and Power	■	■			■	■

*RSM Building Consultants staff appointed under contract to perform plan examination and inspection services by delegated authority of the Chief Building Official.