

COMMITTEE REPORT: PLANNING & BUILDING COMMITTEE

MEETING DATE: May 4, 2011
LOCATION: L. E. Shore Memorial Library – 173
Bruce St. S, Napier St. - Back
Parking Lot Entrance
PREPARED BY: Sharon Long, Admin. Ass.,
Planning & Building Services

A. Recommendations

THAT this Planning & Building Committee recommends that:

- D.1** THAT Council receive Staff Report B.11.21 “Permit Statistics – March 2011” for information purposes, Carried.
- D.2** THAT Council does hereby receive Building Staff Report B.11.15 “Final Report - Operational Review of the Town’s Ontario Building Code Program”;

THAT the “Building Services Division Operational Review” Report dated December 2010 prepared by Tunnock Consulting Ltd. be received;

THAT the “Building Permit Fee Review” Report dated December 2010 prepared by Tunnock Consulting Ltd., be received;

THAT Staff be directed to proceed with the implementation of the recommendations as outlined in the Reports subject to the necessary budget and/or administrative processes and/or approvals required;

THAT Recommendations No. 6 and 13 proposing that the staff complement for building inspectors be adjusted to five (5) full time equivalents comprising 4 qualified building officials and 1 Permit & Inspections Assistant be referred to the Director, Planning & Building for review and implementation as appropriate subject to the necessary budget and/or administrative processes and/or approvals required;

THAT Recommendation Nos. 10 and 14 to further electronically streamline Building Services with a review of the technology support required to fully optimize the City View and GIS property database by the Financial and Information Services Department for consideration on annual basis be endorsed by Council subject to the necessary budget approvals;

THAT Council direct the Town Clerk to provide notice of a public meeting in accordance with Subsection 7.-(6) of the Building Code Act, to receive input on the proposed changes to the draft by-law, permit fees and adjustments as set out in the Draft Building Permits Fee By-law (Appendix C); and

THAT Town Staff report back to Council following the public meeting respecting the Draft Building Permits Fee By-law, Carried.

C.2 Blue Mountain Watershed Trust – Peer Review of Environmental Studies – Terrasan

Moved by: R.J. Gamble Seconded by: Michael Martin

THAT the request of the Blue Mountain Watershed Trust regarding Peer Review of Environmental Studies be referred to Staff for consultation with the County of Grey; and

THAT Staff report back to the Planning and Building Committee following consultation with the County, Carried.

E. Committee of Adjustment – February 17, 2011.

Moved by: Michael Martin Seconded by: R.J. Gamble

THAT the Committee of Adjustment Minutes of February 17, 2011 be received by the Planning and Building Committee, Carried.

B. Staff Reports

D.1 Building Permit Statistics – March 2011 – B.11.21

**D.2 Operational Review of the Building Services Division – B.11.15
(This report was tabled at the meeting of April 4, 2011)**

C. Deputation

C.1 OPA 80 – County of Grey

C.2 Blue Mountain Watershed Trust – Peer Review of Environmental Studies - Terrasan

D. Minutes – Receive/Adopt

E.1 Committee of Adjustment – February 17, 2011.

E. Discussion

F.1 Planning & Building Services Budget Process.

F. Upcoming Public Open Houses/Public MeetingNext Meeting Date

N/A

G. Next Meeting Date

June 6, 2011.

STAFF REPORT:

PLANNING & BUILDING SERVICES (BUILDING & BY-LAW)



REPORT TO: Planning & Building Committee
MEETING DATE: May 4, 2011
REPORT NO.: B.11.21
SUBJECT: Building Permit Statistics – March 2011
PREPARED BY: Greg Miller, Manager Building & By-law Services & Chief Building Official

A. Recommendations

THAT Council receive Staff Report B.11.21 "Permit Statistics – March 2011" for information purposes.

B. Background

Year-to-date activity reflects:

- 17 permits issued (v. 28 at the same time in 2010);
- \$6,388,285.00 in construction value (v. \$5,601,000.00 in 2010);
- Revenue of \$35,361.78 (v. \$49,450.40 in 2010)

C. The Blue Mountains' Strategic Plan

"Providing a strong, well managed municipal government."

D. Budget Impact (cc: Treasury if required)

N/A

E. Addendums

- Permit Activity/Tables/Charts.

Respectfully submitted,

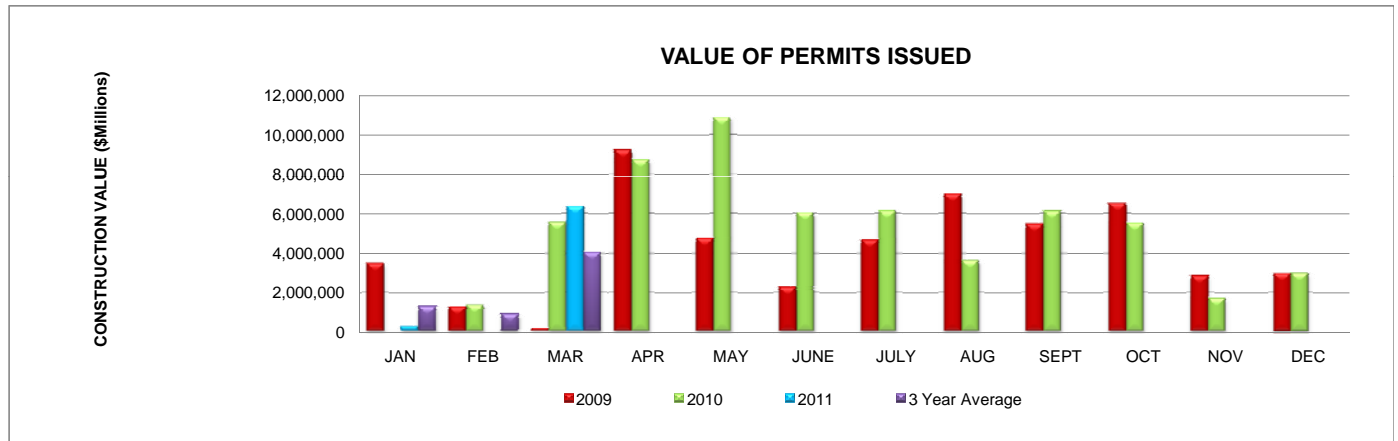
Greg Miller
Manager, Building & By-law/CBO

David Finbow
Director, Planning & Building Services



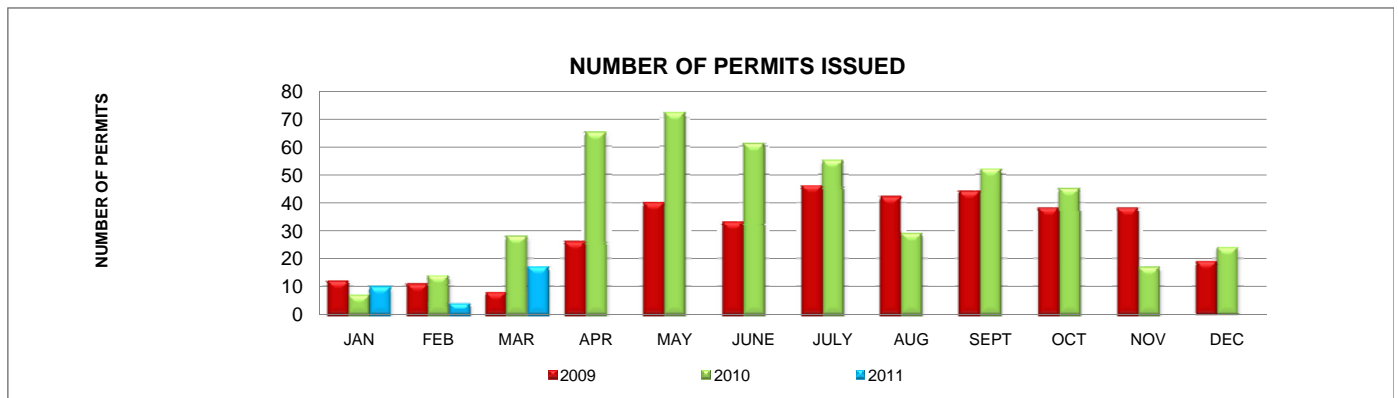
**TOWN OF THE BLUE MOUNTAINS
MONTHLY BUILDING PERMIT ACTIVITY
MARCH 2011**

	PERMITS ISSUED			DWELLING UNITS ISSUED			ESTIMATED CONSTRUCTION VALUE		
	2009	2010	2011	2009	2010	2011	2009	2010	2011
JAN	12	7	10	2	0	0	\$ 3,497,100.00	\$ 51,925.00	\$ 253,990.00
FEB	11	14	4	3	3	0	\$ 1,272,000.00	\$ 1,368,659.00	\$ 41,500.00
MAR	8	28	17	0	18	4	\$ 166,000.00	\$ 5,601,000.00	\$ 6,388,285.00
1/4	31	49	31	5	21	4	\$ 4,935,100.00	\$ 7,021,584.00	\$ 6,683,775.00
APR	26	65		9	10		\$ 9,228,386.25	\$ 8,740,900.00	
MAY	40	72		7	6		\$ 4,767,587.00	\$ 10,894,260.00	
JUNE	33	61		3	9		\$ 2,278,475.00	\$ 6,074,005.44	
1/2	130	247	31	24	46	4	\$ 21,209,548.25	\$ 32,730,749.44	\$ 6,683,775.00
JULY	46	55		4	11		\$ 4,682,580.00	\$ 6,182,800.00	
AUG	42	29		10	5		\$ 7,018,562.00	\$ 3,644,115.00	
SEPT	44	52		9	8		\$ 5,490,491.00	\$ 6,167,900.00	
3/4	262	383	31	47	70	4	\$ 38,401,181.25	\$ 48,725,564.44	\$ 6,683,775.00
OCT	38	45		10	8		\$ 6,545,048.40	\$ 5,548,000.00	
NOV	38	17		6	1		\$ 2,864,900.00	\$ 1,710,200.00	
DEC	19	24		4	5		\$ 2,983,500.00	\$ 2,998,825.00	
YTD	357	469	31	67	84	4	\$ 50,794,629.65	\$ 58,982,589.44	\$ 6,683,775.00



SUMMARY - PERMITS ISSUED

MONTH	TYPE	#	EST CONSTRUCTION VALUE
March 2011	DWELLINGS	4	\$ 4,500,000.00
	ADD/RENOS/DECK/ACCESSORY	6	\$ 573,500.00
	DEMOLITIONS	0	\$ -
	NON-RESIDENTIAL >250K	1	\$ 1,200,000.00
	FARM	0	\$ -
	OTHER	6	\$ 114,785.00





**TOWN OF THE BLUE MOUNTAINS
MONTHLY BUILDING PERMIT ACTIVITY
MARCH 2011**

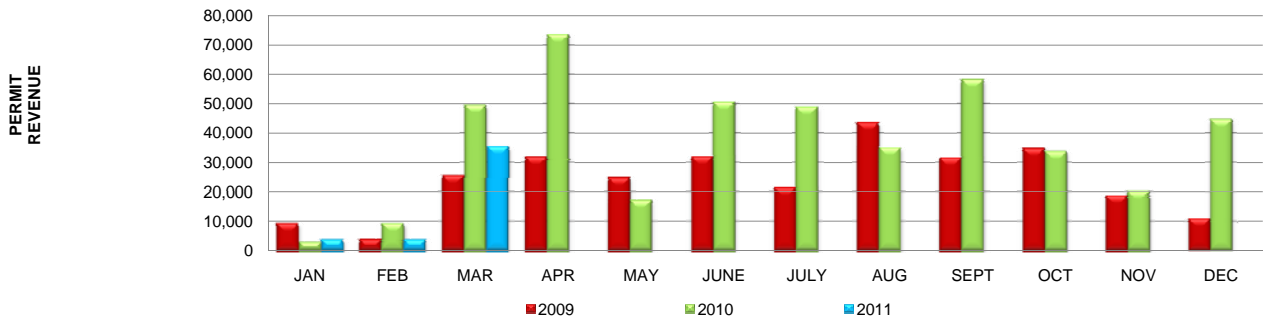
BUILDING - PERMIT & INSPECTIONS REVENUE

	2009	2010	2011
JAN	\$ 9,270.60	\$ 2,877.66	\$ 3,736.58
FEB	\$ 3,829.96	\$ 9,317.17	\$ 3,734.75
MAR	\$ 25,476.54	\$ 49,450.40	\$ 35,361.78
1/4	\$ 38,577.10	\$ 61,645.23	\$ 42,833.11
APR	\$ 31,840.95	\$ 73,593.00	
MAY	\$ 24,772.16	\$ 17,253.00	
JUNE	\$ 31,920.56	\$ 50,596.00	
1/2	\$ 127,110.77	\$ 203,087.23	\$ 42,833.11
JULY	\$ 21,514.43	\$ 48,887.00	
AUG	\$ 43,514.74	\$ 35,000.31	
SEPT	\$ 31,528.59	\$ 58,257.20	
3/4	\$ 223,668.53	\$ 345,231.74	\$ 42,833.11
OCT	\$ 34,703.30	\$ 33,727.10	
NOV	\$ 18,798.63	\$ 20,256.08	
DEC	\$ 10,912.00	\$ 44,558.90	
TOTAL	\$ 288,082.46	\$ 443,773.82	\$ 42,833.11

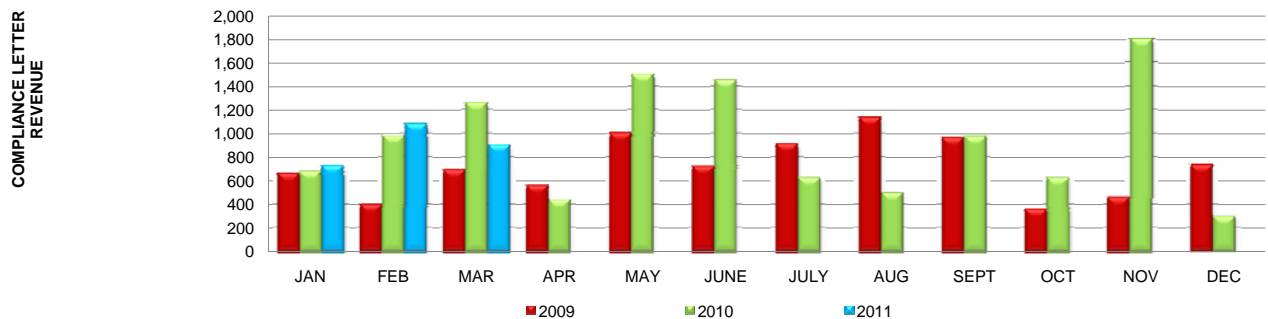
BUILDING - COMPLIANCE LETTER REVENUE

	2009	2010	2011
JAN	\$ 660.00	\$ 680.00	\$ 725.00
FEB	\$ 400.00	\$ 980.00	\$ 1,075.00
MAR	\$ 690.00	\$ 1,260.00	\$ 900.00
1/4	\$ 1,750.00	\$ 2,920.00	\$ 2,700.00
APR	\$ 560.00	\$ 440.00	\$ -
MAY	\$ 1,000.00	\$ 1,500.00	\$ -
JUNE	\$ 720.00	\$ 1,450.00	\$ -
1/2	\$ 4,030.00	\$ 6,310.00	\$ 2,700.00
JULY	\$ 910.00	\$ 625.00	\$ -
AUG	\$ 1,130.00	\$ 500.00	\$ -
SEPT	\$ 960.00	\$ 975.00	\$ -
3/4	\$ 7,030.00	\$ 8,410.00	\$ 2,700.00
OCT	\$ 360.00	\$ 625.00	\$ -
NOV	\$ 460.00	\$ 1,800.00	\$ -
DEC	\$ 730.00	\$ 300.00	\$ -
TOTAL	\$ 8,580.00	\$ 11,135.00	\$ 2,700.00

REVENUE - BUILDING PERMITS



REVENUE - COMPLIANCE LETTERS



Date : April 06, 2011

Town of The Blue Mountains Monthly Permits Issued Report (Public)

Report generated from March 01,2011 To March 31,2011

Permit Number	Roll Number and Job Location	Legal Description	Type of Construction	Area of Work (m2)	Status	Construction Value
PRADD20110000049	135 MARGARET DRIVE 000006276060000	PLAN 937 LOT 14	Addition	70.233	Issued	\$ 275,000.00
PRBD20110000080	000011194100000	COLLINGWOOD CON 11 PT LOT 30 RP 16R9274 PART 1	Building	86.5	Issued	\$ 5,000.00
PRBD20100000702	000016062100000 KING ST E	THORNBURY TOWN PLOT PT LOTS 16 TO 19 N/S KING ST PT MCAULY ST RP 16R6048 PARTS 1 AND 2 RP 16R5032 PART 3	Building	557	Issued - Con:	\$ 1,200,000.00
PRD200900000518	209549 HIGHWAY 26 000006242000000	209549 HIGHWAY 26 PLAN 320 LOT 64	Deck/Pergola	17.83	Issued	\$ 2,500.00
PRD20110000033	569559 6TH SDR 000002167030000	CON 3 PT S 1/2 LOT 7 RP 16R2107 PART 4	Deck/Pergola	18	Issued	\$ 6,000.00
PRDG20110000081	000015201000000 149 SUNSET BOULEVARD	PLAN 515 LOT 13	Detached Garage	59	Issued	\$ 15,000.00
PRDW201100000109	000002006000000 795534 COLLINGWOOD-CLEARVIEW TOW	795498 BLUE MTN-CLRVIEW TNLN CON 1 PT LOT 7 LOT 8 TO 9	Dwelling	285	Issued	\$ 1,900,000.00
PRDW201100000113	000002006000000 795534 COLLINGWOOD-CLEARVIEW TOW		Dwelling	132	Issued	\$ 1,200,000.00
PRDW20110000054	000006415990000 CAMPERDOWN CRT	PLAN 1034 PT LOT 2, RP16R9843 PART 2	Dwelling	376	Issued - Con:	\$ 650,000.00
PRDW201100000110	107 RANKIN'S CRES 000015242820000	PLAN 16M2 LOT 42	Dwelling	245	Issued - Con:	\$ 750,000.00

Date : April 06, 2011

Town of The Blue Mountains Monthly Permits Issued Report (Public)

Report generated from March 01,2011 To March 31,2011

Permit Number	Roll Number and Job Location	Legal Description	Type of Construction	Area of Work (m2)	Status	Construction Value
PRFB20110000 105	000003007000000	CONS 1 AND 2 PT LOT 18 RP 16R8686 PARTS 1 AND 2	Finished Basement	40	Issued	\$ 16,000.00
PRFB20110000 146	118 NATIONAL DR 000006085020000	PLAN 16M7 LOT 76	Finished Basement	93.25	Issued	\$ 44,500.00
PRPL20110000 107	115 CORTINA CRES 000006207600000	PLAN 1112 LOT 50	Plumbing	23	Issued	\$ 7,000.00
PRPP20110000 142	569559 6TH SDR 000002167030000	CON 3 PT S 1/2 LOT 7 RP 16R2107 PART 4	Private Pool Fence	50	Issued	\$ 40,000.00
PRREN2011000 0069	241 CLARK STREET 000011146000000	CON 9 W PT LOT 31	Renovations	120	Issued	\$ 75,000.00
PRREN2011000 0141	124 INDIAN CIRCLE 000011012060000	PL 1079 LOT 6 1/38 INT IN BLKS 39,40,42,43	Renovations	400	Issued	\$ 200,000.00
PRSG20110000 121	81 KING ST 000016038000000	TOWN PLOT PT LOT 19 KING W/S	Sign	9	Issued	\$ 2,285.00

Total Estimated Construction Value: **\$ 6,388,285.00**

Total Number of Permits Issued: **17**

Town of The Blue Mountains
Monthly Occupancies Issued (Public)

Report generated from March 01,2011 To March 31,2011

Permit Number	Roll Number and Job Location	Legal Description	Construction Type	Status	Date Occupancy Issued	# of Units
2006-511	000003009440000	PLAN 1078 LOT 44	Dwelling	Issued	03/07/2011	
PRDW20100000195	000006152550000	PLAN 1124 LOT 7	Dwelling	Issued - Con:	03/15/2011	1
PRDW20100000454	000015242860000	PLAN 16M2 LOT 44	Dwelling	Issued - Con:	03/18/2011	1
PRDW20100000458	000006341010000	PLAN 424 LOT 8	Dwelling	Issued - Con:	03/10/2011	1
PRDW20100000092	000003007000000	CONS 1 AND 2 PT LOT 18 RP 16R8686 PARTS 1 AND 2	Dwelling	On-Hold	03/02/2011	1

Total Number of Occupancies: 5

STAFF REPORT:

Planning and Building Services Department



REPORT TO: Planning & Building Committee
MEETING DATE: April 4, 2011
REPORT NO.: B.11.15
SUBJECT: Final Report - Operational Review of the Town's Ontario Building Code Program
PREPARED BY: Greg Miller, Manager, Building & By-law/Chief Building Official

A. Recommendations

THAT Council does hereby receive Building Staff Report B.11.15 "Final Report - Operational Review of the Town's Ontario Building Code Program";

THAT the "Building Services Division Operational Review" Report dated December 2010 prepared by Tunnock Consulting Ltd., be received;

THAT the "Building Permit Fee Review" Report dated December 2010 prepared by Tunnock Consulting Ltd., be received;

THAT Staff be directed to proceed with the implementation of the recommendations as outlined in the Reports subject to the necessary budget and/or administrative processes and/or approvals required;

THAT Recommendations No. 6 and 13 proposing that the staff complement for building inspectors be adjusted to five (5) full time equivalents comprising 4 qualified building officials and 1 Permit & Inspections Assistant be referred to the Director, Planning & Building for review and implementation as appropriate subject to the necessary budget and/or administrative processes and/or approvals required;

THAT Recommendation Nos. 10 and 14 to further electronically streamline Building Services with a review of the technology support required to fully optimize the City View and GIS property database by the Financial and Information Services Department for consideration on annual basis be endorsed by Council subject to the necessary budget approvals;

THAT Council direct the Town Clerk to provide notice of a public meeting in accordance with Subsection 7.-(6) of the Building Code Act, to receive input on the proposed changes to the draft by-law, permit fees and adjustments as set out in the Draft Building Permits Fee By-law (Appendix C); and

THAT Town Staff report back to Council following the public meeting respecting the Draft Building Permits Fee By-law.

B. Background

Tunnock Consulting Ltd. was retained to conduct a review of the Town's Ontario Building Code Program with regard to the Town's compliance with the Building Code Act; to review the Town's current assignment of costing of direct and indirect services related to the Ontario Building Code Program; current building permit fees and the sufficiency of same to cover the reasonable expected costs of administering and enforcing the Act.; succession planning within the Building Code Program; and, opportunities for customer service improvements.

Tunnock Consulting Ltd. has completed numerous similar reviews in the Province of Ontario; come highly recommended by the Ontario Building Officials Association and other municipalities; and, are known to the Ministry of Municipal Affairs & Housing Buildings Branch.

The operational review project commenced in August 2010 with an on-site meeting conducted with the CAO; Director of Planning & Building Services, Director, Financial & Information Services; and, Building Division staff. Consultation with local building industry representatives was also completed at a later date via teleconference. The consultant focused on the following key areas:

Operational Review:

- Review of the existing structure and daily operation of the Building Division;
- Review of the current service levels, policies and procedures;
- Recommendations to improve customer service or enhance the delivery of services provided;
- Review of staffing levels and recommendations on workload
- Review of succession planning

Building Permit Fee Review:

- Review of the current building permit fee model
- Review of Direct and Indirect Costs
- Recommendations for full cost recovery
- Recommendations for stabilization of the reserve fund
- Compliance with the Building Code Act (Bill 124)

The operational review was completed in two separate Reports. The Building Services Operational Review Report is attached as Appendix A, the Building Permit Fee Review Report is attached as Appendix B and a recommended Draft Building Permits By-law is attached as Appendix C to this Report.

There are sixteen recommendations in the Operational Review Report. Eleven of the recommendations are related to administrative and operational policies; three recommendations deal with staffing; and, two recommendations address budget requirements. These are summarized below for Council's convenience:

**The Blue Mountains
Operational Review
Summary of Recommendations**

Recommendation # 1

It is recommended that the Municipality:

- **Correct the appointment By-law by deleting the reference to the *Interpretation Act* and replacing therewith, the *Legislation Act*;**
- **Amend Section 4.7 By-law 2010-34 (see Building By-law in this report).**

Recommendation # 2

That the CBO review the certification requirements of staff on an annual basis as part of a performance review to ensure that staff retains the proper certification. Further, that staff broaden their skill sets to ensure that each position has a properly certified back-up staff person to stand in the event of illness, maternity leave, annual leave etc.

That any new staff hired from time-to-time be properly certified as a condition of employment.

Recommendation # 3

That The Blue Mountains continues to provide financial support for ongoing career development, training and certification of all Building Department staff.

Recommendation # 4

That the job descriptions be modified as suggested and that a job description is adopted for the CBO.

Recommendation # 5

That the Operational Policies be modified as suggested.

Recommendation # 6

That the staff complement for the building inspection function be adjusted to 5 FTE comprising 4 qualified building officials and one Permit & Inspections Assistant.

Recommendation # 7

It is strongly recommended that the Code of Conduct be modified to be consistent with Section 10 of the Building By-law. The process of the review of a complaint should be set out. Internal procedures should ensure that the complaint is dealt with in a confidential manner and that any hearing that is required to hear the matter be held in a fair and expeditious manner.

Recommendation # 8

That Council adopts an amendment to the Building By-law with the addition of clauses and a prescription for Forms.

Recommendation # 9

That the municipality continues to prepare an annual report on building permit fees in compliance with Section 7(4) of the Building Code Act.

Recommendation # 10

That the Town continues efforts to electronically streamline the building inspection service through on-line services and inspection reporting. Further, that the Town review the software program with the objective of integrating building and land use planning approvals on a GIS property related basis.

That the Town continues to review the backlog of outstanding permits annually with the objective of pro-actively closing 'old' files.

Recommendation # 11

That the CBO be delegated full responsibility for the preparation and administration of the Building Division Budget.

That the DRC include the CBO as a member for planning applications with an implication for building permits.

Recommendation # 12

That workload planning ensures that back-up staff will be available for customer service.

Recommendation # 13

That the Division adopts the principles of succession planning.

That the Deputy CBO position be fulfilled from within.

Recommendation # 14

That the Town carries out a periodic review with its IT service to ensure that the use of digital technologies is optimized as follows:

- **Providing on-line consumer access to the building by-law and Code of Conduct, technical information (e.g. handouts), hyper links to Code materials; access to building permit fees; downloading and/or on-line completion of application forms; inspection scheduling and inspection report results;**
- **In-field access to City View data bank and OBC;**
- **Digital submission of monthly permit activity reports to agencies;**
- **Integration of building permit information with GIS-based property files.**

Recommendation # 15

That the Building Section adopts a customer relations policy as an operational policy and as an integral component of the operational culture of the department.

Recommendation # 16

That the Town ensures that the reception area provides an adequate working space area for two work stations.

There are four recommendations in the Building Permit Fee Report. Three of the recommendations are related to administrative policies and one deals with establishing a policy for fee recovery and reserve fund stabilization. These have also been summarized below for Council's convenience.

1. It is recommended that the Municipality establish a corporate policy on fee recovery. The suggested fees should generate revenues that would recover 118.4% of the eligible costs (assuming an average level of construction and the base line fees for each permit category). Surplus revenues derived from the surcharge of 18.4% should be deposited in the **Cost Stabilization Reserve Fund** for anticipated new capital and operational costs and to offset reductions in fee revenues.
2. It is recommended that flat fees in the Building By-law be converted to a \$/m² fee for services where the costs can be more accurately derived from the building permit fee model (i.e. plumbing, on-site sewage services, public pools and spas).
3. It is recommended that the hourly fee charged for services in the Building By-law be converted to reflect the actual costs as set out in the building permit fee model in **Tables 5 and 6** above (i.e. permit revisions and other charges).
4. It is recommended that the building deposit of \$1,000 (Schedule B, Item 1) be increased to \$2,000 since most major permits will exceed \$2,000 under the permit fee regime.

Summary of Recommendations

The majority of the recommendations are operational in nature, are reflective of good practices and have been either implemented in whole or in part given staffing and/or budget considerations.

Town staff recognize that a number of the recommendations are budget sensitive and therefore may have to be implemented over a period of a number of years. Staff also recognize that the Town's Ontario Building Code Program is currently in a deficit

position and that the Town's Auditor has identified that this deficit must be addressed and therefore there are further pressures in terms of implementing a number of the recommendations. However, a number of the recommendations are operational in nature and can be implemented immediately with little or no budgetary impact.

Town Staff therefore recommend that Council:

1. receive Building Staff Report B.11.15 "Final Report - Operational Review of the Town's Ontario Building Code Program";
2. receive "Building Services Division Operational Review" Report dated December 2010 prepared by Tunnock Consulting Ltd.;
3. receive "Building Permit Fee Review" Report dated December 2010 prepared by Tunnock Consulting Ltd.;
4. direct Staff to proceed with the implementation of the recommendations as outlined in the Reports subject to the necessary budget and/or administrative processes and/or approvals required;
5. refer recommendations No. 6 and 13 proposing that the staff complement for building inspectors be adjusted to five (5) full time equivalents comprising 4 qualified building officials and 1 Permit & Inspections Assistant be referred to the Director, Planning & Building for review and implementation as appropriate subject to the necessary budget and/or administrative processes and/or approvals required;
6. adopt in principle Recommendation Nos. 10 and 14 to further electronically streamline Building Services with a review of the technology support required to fully optimize the City View and GIS property database subject to the necessary budget approvals;
7. direct the Town Clerk to provide notice of a public meeting in accordance with Subsection 7.-(6) of the Building Code Act, to receive input on the proposed changes to the Town's Building Permit Fee By-law, specifically to increase building permit fees on an average of 6% per annum for the next three years; and,

8. direct Town Staff report back to Council following the public meeting respecting the Draft Building Permits Fee By-law.

C. The Blue Mountains' Strategic Plan

1. Managing growth to ensure the ongoing health and prosperity of the community.

D. Environmental Impacts

There are no environmental impacts regarding this draft document at the present time.

E. Financial Impact

The Town's Ontario Building Code Program is currently in a deficit position notwithstanding realizing approximately \$1,000,000 in revenue over expenses for the years 2000 – 20006. The recently released Management Letter from the Town's Auditor has identified that the current deficit must be addressed. Council, through the adoption of the Finance & Administration Committee Minutes, has directed that a review of financing this deficit occur this year. The Reports prepared by the consultant, specifically the Building Permit Fee Review Report, will be utilized as part of this review with many of the issues identified requiring further review. As a first and priority step, Town staff recommend that the Town proceed immediately with a Public Meeting respecting changes to the Town's Building Permit Fees By-law. Given the significant decreases in the operational costs of the Town's Ontario Building Code Program over the past few years and if the proposed fee increases of 6% per annum over the next three years are eventually implemented, the Program should be in an annual operating neutral position by the end of 2013.

F. Attachments

1. Appendix A: Building Services Division Operational Review.
2. Appendix B: Building Permit Fee Review
3. Appendix C: Draft Building Permits By-law

Submitted by:

Greg Miller, C.E.T., CBCO
Manager, Building & By-law/CBO

David Finbow
Director, Planning & Building Services



The Town of The Blue Mountains

**Building Division
Operational Review
Final Report**

Tunnock Consulting Ltd.
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North Bay ON P1B 8Z2
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E-mail: gtunnock@tunnockconsulting.ca
Website: www.tunnockconsulting.ca
File P-2105
December 31, 2010

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Appendix 1 - Summary of Operational Policies

Appendix 2 – Summary of Recommendations

Appendix 3 – Job Description

The Blue Mountains Building Division Operational Review

1. Introduction and Purpose

Safe and efficient construction in Ontario communities is the primary responsibility of Building Officials. Since the enactment of a unique building code, for Ontario in 1974, Building Officials have provided a role in reviewing building plans and more importantly, inspecting buildings to ensure construction is in compliance with the most current version of the *Ontario Building Code*. Over the last 35 years the role of building officials has become more ‘professionalized’ through the introduction of mandatory certification and mandated procedural requirements. Certification has resulted in higher quality inspections and safer construction across Ontario. The role of a municipal Council is to ensure that their building officials (Chief Building Official and Building Inspectors) are properly appointed and qualified to administer their responsibilities. Councils must also provide the financial and administrative resources and support to enable building officials to provide the quality service essential to the building inspection service.

Building technologies are constantly changing and the Province as well as municipalities is responding in kind to ensure that building officials continue to update their skills and adopt new procedures to provide a quality building inspection service. The review of the Building & Bylaw Division of the Planning and Building Services Department in the Town of The Blue Mountains provides an opportunity to evaluate whether the service level for the Building Division complies with current legislative requirements and operates efficiently in providing a high profile service to the public.

The Blue Mountains (approximate population 6,825¹) has requested an independent review of the operation of the Building & Bylaw Department to determine whether the operation complies with the *Building Code Act* (BCA) and the associated regulation known as the *Ontario Building Code* (OBC) and whether improvements could be made to the Division’s interface with other departments, Council and the public.

2. Methodology for the Operational Review

The operational review included:

Evaluating the Building Services Division operation for compliance with Bill 124. The evaluation included a review of the Building By-law, Appointment By-laws, Operational Policies and Procedures, Code of Conduct for Building Officials, forms and building guides, building activity reports, HR Policies, and other sundry materials.

¹ Statistics Canada, 2006 Census

Conducting in-depth interviews with the Director of the Department, the Chief Building Official (CBO), all of the Building Officials and the Permits and Inspection Assistant of the Building Section over a series of two sessions.

An interview with the Chief Administrative Officer.

One interview with a representative of the building industry.

The review was undertaken with the understanding that participants would not be quoted nor singled out for any comments they may have made. By avoiding identifying information, the objective of encouraging and receiving ‘candid’ remarks and feedback by an impartial outsider was achieved. For example, no participant refused to answer any of the questions that were posed.

3. Overview

The Planning and Building Services Department comprises the function of land use planning, building services and by-law enforcement. The management structure consists of a Director who reports to the Chief Administrative Officer, the Chief Building Official and a Manager of Planning. Departmental staff in the Building Department, aside from the CBO includes three building officials and the Permits and Inspection Assistant. Staff in the department also includes two Property Standards Officer.

4. Appointment

Greg Miller, the CBO, David Finbow, Deputy CBO, Doug Bumstead, Building Inspector, Al Woolnough and Leah Hewgill, Building Inspector were all appointed by By-law 2009-51 passed under Section 3 (2) of the Building Code Act, S.O. 1992, c. 23 on July 13, 2009. The same by-law was utilized to appoint Wayne DeWitt as an inspector for the purposes of enforcement of Sections 8, 10, 11, 12, 13 and 14 of the Building Code Act. The By-law incorporates a Schedule for the purposes of identifying the category(ies) of qualifications or certification each building official has. By-law 2009-51 was amended January 11, 2010 by By-law 2010-07 to replace and update the Schedule.

Comment: the CBO and staff are properly appointed to perform their respective roles and responsibilities under the *Building Code Act* (Section 3 (2)). However, By-laws 2009-51 and 2010-07 make an incorrect reference to the *Interpretation Act* which has been revoked by the Ontario Legislature and replaced by the *Legislation Act, S.O. 2006*.

The purpose of the appointment by-law is to assign the scope of duties and responsibilities appropriate to the administration and enforcement of the *Building Code Act* and the associated *Building Code*. Section 4.7, the Town’s Building By-law (By-law 2010-34) sets out the authority to issue a conditional permit. We note that Council has

exercised the option under Section 8 (3.1) of the *Building Code Act* to delegate authority to the CBO to enter into agreements associated with the issuing of a conditional permit and “to impose conditions or restrictions with respect to delegation”. Such delegation provides the CBO with the authority to enter into such agreements, notably because the Building By-law makes reference to their use.

Municipalities may also utilize the *Building Code Act* to embrace the authority for the use of a Registered Code Agency for the purposes of plan review and inspections. Given the levels of certification of the Town’s building officials, the reliance on a secondary source for plan review and/or inspection is not required. Council, under Corporate Policy 07 04 has delegated to the CBO to utilize the services of a RCA should the need arise.

Recommendation # 1

It is recommended that the Municipality:

- **Correct the appointment By-law by deleting the reference to the *Interpretation Act* and replacing therewith, the *Legislation Act*;**

5. Qualifications

The Building Code Act was amended on July 25, 2003 as the *Building Code Statute Law Amendment Act, 2002* and Ontario Regulation 305/03 was filed to implement changes to the *Building Code Act, 1992* and Building Code (Bill 124). Among the changes was the introduction of mandatory qualification requirements for individual building officials, designers and staff of registered code agencies. Also introduced are mandatory registration requirements for design firms, septic installers and registered code agencies. In order to be qualified, building practitioners must successfully complete the Ministry of Municipal Affairs and Housing examination program, which requires that individuals pass examinations that test their knowledge of the legal and technical requirements of the *Building Code* related to their area of practice. A BCIN (number) is issued to each official, designer etc. as an identification number where such individuals have complete courses and/or obtained certification. BCIN numbers form part of a public and accessible registry by which any interested party may ascertain whether the individual is qualified to perform or exercise the responsibilities they have been assigned or carry out under the *Building Code Act*. The CBO and the department’s building officials have all achieved the required certification to perform their duties.

Comment: All of the Town’s building officials are properly qualified to practice in their areas of responsibility. Keeping up-to-date on the Building Code also promotes building safety and efficient construction within the province. Those involved in the enforcement of the *Building Code Act* and Regulations as well as people involved in

the design and supervision of construction must also keep abreast of new techniques and current Building Code requirements.

Recommendation # 2

That the CBO review the certification requirements of staff on an annual basis as part of a performance review to ensure that staff retains the proper certification. Further, that staff broaden their skill sets to ensure that each position has a properly certified back-up staff person to stand in the event of illness, maternity leave, annual leave etc.

That any new staff hired from time-to-time be properly certified as a condition of employment.

Recommendation # 3

That The Blue Mountains continues to provide financial support for ongoing career development, training and certification of all Building Department staff.

6. Job Descriptions

Job descriptions are intended to outline the scope of an employee's duties and responsibilities as well as to provide the basis for the monetary compensation employees receive. The Blue Mountains has prepared a job description for each of the job classifications within the department. The job description for the CBO has been drafted but as of writing, has not been finally approved. The descriptions, in general, provide a detailed and well thought out list of job duties and responsibilities that address the technical requirements of the administration and enforcement of the *Building Code Act* and the *Building Code*. Refinements to the job descriptions suggested below are warranted to encompass the full range of duties and responsibilities and to bring greater consistency to the format of the descriptions.

Of particular concern is the need to incorporate wording that describes the requirement for a high level of customer service given the constant interface of officials with members of the public/building industry and the need to convey the importance of compliance with the *Building Code*. The following suggestions are made with the intent to strengthen the job descriptions for departmental staff.

Chief Building Official

The role of the Chief Building Official, as described in the *Building Code Act, section 1.1(2)* is more fully described as follows:

- (a) to establish operational policies for the enforcement of this *Act* and the building code within the applicable jurisdiction;

- (b) to co-ordinate and oversee the enforcement of the *Act* and the *Building Code* within the applicable jurisdiction;
- (c) to exercise powers and perform other duties assigned to him or her under this *Act* and the *Building Code*; and
- (d) to exercise powers and perform duties in accordance with the standards established by the applicable code of conduct.

The above description should provide a basis for the preparation and review of the technical requirements of a job description for the CBO's position. There are typically many other duties that are part of the role of the CBO. In a mid-sized municipality, the role of the CBO is both technical and managerial. As a working CBO, the individual must have a superior grasp and understanding of the *Building Code Act* and *Building Code*. As a manager the CBO must have the capability of preparing budgets, supervising staff and representing the department in the interface with other Town departments and services.

The responsibilities outlined in the *Building Code Act* coupled with the managerial duties associated with managing building, property standards, by-law enforcement and animal control form the basis of a job description. In the absence of a formal job description for the CBO, we have prepared a suitable description for the Town (see Appendix 3). We did not provide a description of the educational and experience requirements for the CBO as are found attached to other job descriptions since the Town may have certain standards. Nonetheless, we would indicate that Ministry training and certification is a mandatory prerequisite for the CBO as well as an established track record as a CBO or Deputy CBO.

The technical capabilities of the CBO in The Blue Mountains are both acknowledged and respected by staff and the Building Industry. The CBO prides himself on his knowledge and our discussions with the building industry confirm that the sharing of that knowledge as well as keeping the industry up-to-date on technical changes, is much appreciated. Technical competence is vital; however, the most effective building departments are those where the CBO is the "first-among-equals" in the use and application of the knowledge. A team approach is essential since each member of the team brings specialized knowledge and experience to the table that other members of the team will benefit from. For this reason, regular staff meetings are important as a means to discuss technical issues as well as workload, departmental procedures and technological improvements.

The Department is experiencing a transition where maternity leave, moving to new facilities, the retirement of a longstanding employee and technological changes through enhanced on-line services and inspection reporting all have an impact on the day-to-day operation.

As indicated later in this report, decisions should be made as a team so that the credibility of each of its members is upheld. Interpretations on the prescriptive requirements of the *Building Code* should be agreed to and jointly decided upon by the team to avoid confusion by the public as to whose interpretation should be accepted. Where a decision is made on an

interpretation and the decision is challenged by the public or there is a difference of opinion, internal consultation among building officials in the Building Section should occur before a final decision on the interpretation is made. The CBO, as an objective, should strive to achieve a consensus on an interpretation such that there is consistency in providing a response to the public.

Performance evaluations are an integral component of the management responsibility of the CBO. Our review reveals that they are conducted annually for new staff who report to the CBO but not for staff who have been longer term employees. The CBO has not received a performance evaluation by senior staff since his appointment as CBO. Current practice should be adjusted to ensure that all staff receives an annual performance evaluation.

We were also advised that staff have the independence to recommend courses they feel are important to take. While this is valuable, the CBO/Town should endeavour to correlate the performance evaluation to specific career development objectives, by requiring staff to take courses deemed to be important to a high level of performance on the job. The CBO should work closely with senior management to ensure that the delivery of courses/training of mutual benefit across departments are coordinated where the potential exists for in-house training (e.g. computer software, customer relations, bullying, WHIMIS). The CBO/HR officer should also ensure that there is a follow-up evaluation to assess the benefits of the course(s) and to provide a refresher where necessary. For example, the customer service training course was offered some three years ago and should be reoffered to both long-term and new staff.

The CBO has the implicit obligation to mentor employees given his experience and technical knowledge. Walking-the-walk means that the CBO should spend time on the shop floor and in the field overseeing and assisting his staff to improve their plan review, inspection and administration skills.

Comment: The CBO plays a pivotal role within the department as well as its relationship with the public and the building industry. The job description must not only set out the statutory duties and responsibilities, but also provide the enabling authority for initiatives the CBO can and should undertake to ensure that his leadership is inspirational, and that he can initiate programs and activities that lead to ongoing improvements in the administration of the *Building Code* and improvements in customer service. In The Blue Mountains, the role of the CBO requires a working-level or technical understanding of the *Code* as well as skills in departmental administration and customer relations. Consequently, competency and skills in all three of these areas is crucial to being an effective CBO. Performance evaluations, as a responsibility of the CBO, should be used as a pro-active tool for designing and achieving specific career development goals for each employee, notably in the area of customer relations and in succession planning. Finally, the CBO should be known for mentoring skills to improve the building service team's performance.

Deputy Chief Building Official

The role of the Deputy CBO should be modeled on the legislative requirements of the CBO since the Deputy in The Blue Mountains must be capable of stepping in to perform the duties of the CBO in his absence. As well, a Deputy could become a successor in any organization. The job description reflects the primary role of the Deputy as one with a high degree of technical knowledge of the *Code* and a responsibility to oversee the process of receiving applications, plans review and field inspection. The job description does not, however, include any delegated authority to act with the full power and authority of the CBO in his/her absence. We also suggest that the applicable clause include stronger wording with respect to enforcement and procedures. Consequently, we suggest that a clause be added to the second bullet such that the clause reads:

Ensure “Enforce compliance ~~with~~ and administer the requirements the *Building Code Act, Ontario Building Code* and other applicable law through plans review, ~~and~~ by issuing permits, and conducting inspection services of all buildings as well as through work of others all being consistent with established policies, practices and procedures as directed by the Chief Building Official and to also perform the duties of the Chief Building Official as required.”

The description also states that the Deputy may “Make recommendations with respect to the issuance of Orders...” rather than authorizing the Deputy to issue an order. The existing wording in the job description contradicts Section 12 (2) of the Act which enables an inspector “who finds a contravention of this Act or the Building Code may make an order directing compliance...” The Act does not authorize other types of Orders to be issued by the Deputy and as such the job description wording is accurate in those circumstances. We suggest the wording be changed to read:

“Issue orders as authorized by the *Building Code Act* and to make recommendations to the Chief Building Official with respect to the issuance of other Orders and legal proceedings pursuant to the *Building Code Act*.”

As the supervisor of staff, the Deputy must not only ensure that he is a practitioner of good customer relations but that he instills the same objective among the staff he supervises. The job description should therefore include a statement at the end to the effect: **“Undertakes and promotes good customer service with the public and the building industry.”**

We recommend that other changes be made to the job description to more closely align the job duties with the description as follows:

1st bullet: “...making recommendations related to **professional** training and development, promotion, **customer relations** and discipline of Division staff.”

Add new bullets after 2nd bullet: **“Responsible for tracking the status of permits. Ensures that permits are issued within the prescribed time lines set out by the *Building Code*.”**

“Prepares and maintains written or electronic inspection reports for all inspections conducted.”

6th bullet: “Liaise with other departments and agencies to minimize processing time of building, **site plan control, swimming pool** and sign permit applications.”

Optional clauses depending on the scope of the position may include:

“Receives permit fees and provides receipts.”

“Oversees and ensures the security and maintenance of the file management system and the disposal of files.”

As indicated, we prepared a new job description for the CBO and some changes were made to relevant clauses we ‘borrowed’ from the job description of the Deputy CBO which, for consistency should be identical.

Building Inspector

The key difference between the job descriptions for the three classifications of Building Inspector is in the class of buildings for which are responsible (i.e. all buildings or house or small buildings) and the education requirements, the latter of which are tailored to the position summary. While we find the job descriptions to be adequate, we believe that they could be strengthened to provide a better description of the on-the-job requirements and in the Education and Experience requirement, by emphasizing skills which are relevant to project management and customer relations. We would recommend the following changes to the job descriptions.

Under Key Duties and Responsibilities the description could be strengthened with the following changes:

- Bullet1 by adding to the end of the clause: **“Reviews permits within the prescribed time lines set out by the *Building Code*. Schedules inspections and inspects work in progress to completion in compliance with approved plans, the *Building Code Act* and the *Ontario Building Code* and the timelines for conducting inspections, and completes and maintains written and electronic inspection records;”**
- Add new bullets after 1st bullet by stating:
“Advises property owner and contractor or trades on matters of non-compliance, works to resolve matters of non-compliance and issues notices and Orders as necessary and in consultation with the Chief Building Official or Deputy Chief Building Official.”

“Implements the directives of the Chief Building Official and Deputy Chief Building Official as necessary. Provides feedback and informs supervisor and Town staff on procedures or matters that would improve the administration of the *Building Code Act* and the *Ontario Building Code* in the Town.”

“Investigates complaints and inquires, and reports and works to resolve same;”

- Bullet 9 by adding as follows: **“Practices and promotes good customer service.”**

The Education and Experience Requirements do not include a requirement for essential interpersonal and organizational skills and could be strengthened as follows: **“Excellent interpersonal, organizational, time management, research, communication, problem solving, customer service, record keeping and multi-tasking skills.”** The statements of qualifications for each position would benefit from better consistency in the wording for all positions addressed interpersonal and organizational skills.

Comment: suggested changes to the job descriptions are intended to instil an elevated sense of team work, problem solving and customer service as key ingredients to a successful building permit process. All building officials need to work co-operatively at mutual problem solving since the collective knowledge and experience of the team members exceeds that of the individual (i.e. synergy of the group is vital). Essentially, people are working for people and people should be treated by building officials as if the building officials would expect to be treated themselves. Integral to a successful service is a commitment to good customer service irrespective of whether there is agreement, or disagreement on matters of procedure or interpretation of Code or By-law requirements.

Permits and Inspections Assistant

Our previous comments regarding the obligations towards good customer service applies by adding the following to the end of the Position Summary: **“Undertakes and promotes good customer service with the public and the building industry.”** See also the comments for consistency above in the section on Education and Experience requirements i.e. **“Excellent interpersonal, organizational, time management, research, communication, problem solving, customer service, record keeping and multi-tasking skills.”**

Suggest adding the following wording to the end of the 2nd bullet or as a separate bullet: **“Consult with Building staff on matters of compliance with *Code*, applicable law and departmental procedures and provide referrals, where appropriate.”**

Suggest adding to 3rd bullet as follows: **“Listen to customer inquiries, issues and complaints and work to resolve same.”**

The role of the Permit & Inspections is crucial since this person at the counter, will often be the first point of contact for members of the public who wish to obtain a building permit. Immediate access to electronic information is vital in assisting the public with matters of procedure as well as initiating the permit application process. As such one of the Key Duties should be: **“Inputs and retrieves electronic-based information or data on building permit applications, and Ontario Building Code references.”**

Comment: our review of the job description for the Permits & Inspections Assistant is made under the assumption that such a person would be assigned the first contact for receiving the public at the counter and reviewing their applications for completeness.

Recommendation # 4

That the job descriptions be modified as suggested and that a job description be adopted for the CBO.

7. Operational Policies

Section 1.1 of the Building Code Act sets out the roles of various persons including the CBO and Inspectors. In particular, section 1.1(6) (a) states that the role of the chief building official is “to establish operational policies for the enforcement of this Act and the building code within the applicable jurisdiction”.

Written operational policies have been established by the CBO for specific topics as follows:

- Dormant and Incomplete Building Permit Files
- Release of Building Plans
- Compliance Letters
- Permit File Documents –Detached Single Family Dwelling (Draft)
- Core Office Hours – Building Inspectors and Municipal Law Officers
- Safe Operating Procedures for Building Officials

In addition, the Department has developed a series of technical procedures such as:

- Backflow Prevention: Inspection and Testing
- Conversion of Septic Tanks for rainwater Storage (For Irrigation Purposes)
- Fire Department Inspection
- Entrance Permits
- Fill permits and grading and drainage plans (Residential Zones only)
- Snow Loads
- Buildings/Structures Damaged by Fire
- Tent Permits
- Civic Addressing and Numbering of Buildings
- Determination of Town Development Charges

- Climatic Data
- Reliance on Design Professionals

The intent of the policies is to provide direction to staff on a number of select topics related to interpretation of the *Building Code*, safety and administrative procedures. The level of detail in the policies varies from topic to topic and for the most part provides a generic outline that can and could be adjusted depending on the circumstances. The format of most of the policies and technical guidelines is consistent.

The following suggestions are made with respect to the operational policies:

General Comments

- The scope of the policies addresses a number of important components of the department's mandate; however, policies are desirable to round out the full scope of duties and responsibilities.
- For some procedures the addition of a timeline may be valuable to ensure that matters are expedited to a conclusion.
- The policies may need to be revisited depending on the implementation of recommendations arising from this study.

Other Policies

Consideration should be given to additional Operational Policies which are set out in this report under various topics, and as follows:

Operational Policy - Authority

The CBO will exercise all of the powers and duties under the *Building Code Act* and the *Building Code* for which he/she is certified to perform.

In the absence of the CBO, the Deputy CBO will exercise all of the powers and duties under the *Building Code Act* and the *Building Code* for which he/she is certified to perform.

Each Building Official reporting to the CBO will exercise all of the powers and duties under the *Building Code Act* and the *Building Code* for which he/she is certified to perform.

The CBO will pursue a program of continuing professional development in order to maintain and upgrade his provincial certification. The CBO will undertake to review the certification status of each employee in the Section on an annual basis and subject to the findings of the review, will ensure that each employee undertakes to upgrade and/or

maintain the required certification status. The CBO will keep the Department Head advised of requirements for up-dating certification requirements on an on-going basis.

Operational Policy - Engagement of Outside Services

The CBO will engage the services of qualified personnel to exercise all of the powers and duties under the *Building Code Act* and the *Building Code* at times where required, subject to arrangements for the appointment of back-up personnel by by-law or agreement.

Recommendation # 5

That the Operational Policies be modified as suggested.

8. Staffing

The scope of responsibilities of the CBO includes administration and enforcement of the *Building Code Act* and *Building Code*, property standards and by-law enforcement. The mandate of this review did not include a detailed assessment of the required staffing levels associated with the volume of building permits. The volume of permits over the period 2005--2009 varied from 358 to 664 and averaged 517 per year over the last five year. Based on the experience of Tunnock Consulting Ltd. in conducting operational reviews of Building Departments across Ontario, we are of the opinion that the volume in The Town of The Blue Mountains is fully utilized if not slightly over the workload capacity of four (4) building officials (CBO, Deputy CBO and 2 Building Inspectors), and one administrative staff. Our assessment is based on the following assumptions:

- a. That the staff complement is sufficient to provide back-up personnel when staff are on vacation, training, health-related and other. For example, the combined authority for absences is roughly the equivalent of one ¼ year absentee (i.e. 4 employees @ 3 weeks/employee = 450 hours).
- b. That no vacation is deducted for the PTE.
- c. That the number of working regular paid working hours per year per employee is 1,820.
- d. That the time allocation does not include overtime.
- e. That 25% of the time of the CBO is allocated to management responsibilities.
- f. That staff perform at a higher than average productivity level given the training and experience staff members have.

Consequently, the workload at any given point should be estimated on the basis of 4 FTE and 1 PTE or equivalent 6,975 hours (i.e. $(1,820 \times 3) + (1,820 \times .75) + 600 - 450 = 6,975$).

Under one scenario, our estimates on workload requirements generated by the permit volume

are based on the assumption that the ratio of staff to building permits is in the order of 1:200 or $517 \div 200 = 2.58$ employees. The assumption, however, does not take into consideration the variation in the types of permits. A more accurate scenario is based on the calculation of the number of hours required to process various types of permits. Typically, residential permits require 15-18 hours to process from the initial application to the issuance of an occupancy permit and close-out of the file. At this rate 230 residential permits (or the average number of residential permits per year over the last five years) would require 3,450 – 4,140 hours or 49% - 59% of the regular hours worked (6,975). Non-residential and other permits averaged 287 over the last five years and at 10 – 15 hours per permit, the time requirement would be 2,870 – 4,305 hours. The total time requirement for all permits would be 6,320 – 8,445 hours.

Based on our assumptions above, the total time requirement for processing permits would be 91 % – 121% of the total regular time hours available.

The primary focus and benefit of front-line staff is to process building permit applications, primarily in the review of plans and to conduct field inspections. Administrative responsibilities are important, but are of secondary consequence to the objective of safe construction. Nonetheless, poor administrative practices can undermine the efficiency of front-line staff as a result of delays in the issuance of permits, poor tracking of permit activity and inefficient records management. Given our assessment that the time requirements for processing permits by front-line staff approximates the number of regular work hours available (91 % - 121% \pm), serious consideration should be given to the hiring of a full time building official to replace the current part-time building official as this would increase the number of available working hours by 1,107.5 hours to 7,425 hours (i.e. 1,820 – 600 for current PTE – 112.5 annual leave = 1,107.5 hours). The effect would be to reduce the total time requirement to 85.1% to 113.7% of regular staff hours available.

Comment: The service level of the building inspection service is currently estimated to work at full capacity with 4 FTE and 1 PTE and the average volume of building permits. Staffing levels should be adjusted to ensure the delivery of a quality level of service and safe construction.

Recommendation # 6

That the staff complement for the building inspection function be adjusted to 5 FTE comprising 4 qualified building officials and one Permit & Inspections Assistant.

Operational Policy - Staffing Levels

Staffing will be maintained at the level required to administer and enforce the mandated requirements of the *Building Code Act* and *Building Code*.

9. Code of Conduct

The municipality has adopted a Code of Conduct for its building officials. Adoption of a Code of Conduct is a mandatory requirement under Section 7.1(1) of the *Building Code Act*. The *Act* describes the purpose and content of the Code:

Section 7(2) sets out the purpose of the code as:

- Promote appropriate standards of behaviour
- Prevent abuse of power or unethical or illegal practices
- Promote standards of honesty and integrity

Section 7(3) sets out the contents of code to include:

- Provide for enforcement and policies or guidelines to be used in response to allegations that code has been breached
- Disciplinary actions

The Municipality's Code of Conduct for its Building Official(s) as adopted in 2010 as **Schedule G** in the Building By-law sets out the behavioural and performance norms anticipated by the Act. From our review of the Code of Conduct, we would recommend changes to strengthen the content and administration of the document.

Schedule G – Code of Conduct

G 3. Suggest that the words “**Administer and enforce**” may be a better description of the responsibility of a building official than “apply”.

“The *Building Code Act* provides that the performance of Building Officials will be measured against this code of conduct. In response to any allegation of a breach of this code, the Chief Building Official shall direct an investigation and where appropriate, recommend disciplinary action against the Building Official who fails to comply with this code of conduct. Where the allegation is against the Chief Building Officials, Council will direct the investigation and make such recommendations as are reasonable. In determining the appropriate discipline, the Chief Building Official or Council will have regard to the relevance of the conduct to the Building Official's powers and responsibilities as well as the severity of any misconduct.”

The Code of Conduct does not specify how “an alleged breach” is to be lodged with or to whom in the municipality. To avoid frivolous complaints, and to ensure the confidentiality of the receipt of the complaint, we recommend that the complaint be “lodged in writing to the Chief Administrative Officer”. The process beyond the filing of an alleged breach is not set out in significant detail in the Code. An undefined process may result in a complaint being circulated within Town Hall with little respect for confidentiality and sensitivity to the employee affected. If the Town has established a disciplinary review process for employees in general, the process should be applied (consistently) through its application to complaints

under the Code of Conduct for building officials. The review process should include a fair and balanced review of the facts and a proceeding whereby the complainant and the affected official can present their position before an impartial individual or disciplinary committee. The complaint should also be disposed of in a timely fashion while any disciplinary action taken, if necessary, should be based on the severity/frequency of the violation and should be in accordance with relevant employment standards and may include, but not limited to an apology, counseling, education and training, suspension, or dismissal.

We note that the Town has set out a detailed set of procedures for dealing with discrimination and harassment in the workplace wherein the CAO and /or Human Resources Officer plays a significant role in the handling of the complaint. We would recommend that a similar process be set into place in addressing a breach of the Code of Conduct i.e.:

- Complaints should be lodged in writing
- Complaints should be lodged with the CAO or HR Officer
- Complaint should be vetted by CAO or HR Officer to determine whether they are deemed to be legitimate and whether they should be dealt with by the CBO or Council depending on who the complaint is lodged against
- All proceedings should be kept confidential
- Complaints should be disposed of in a timely fashion given the stress associated with a matter of this nature
- If a hearing is required, the person against whom the complaint was lodged should have the opportunity to present evidence and witnesses, if applicable.

The administration of the Code may be best addressed through a regulatory outline in the Building By-law and a more detailed set of procedures incorporated into the HR Town's Policies.

Text in By-law

“The *Building Code Act* provides that the performance of Building Officials will be measured against this code of conduct. **Any complaint alleging a breach of the Code shall be submitted in writing and filed with the Chief Administrative Officer.** In response to any allegation of a breach of this code, the Chief Building Official shall direct an investigation and where appropriate, recommend disciplinary action against the Building Official who fails to comply with this code of conduct. Where the allegation is against the Chief Building Officials, Council will direct the investigation and make such recommendations as are reasonable. In determining the appropriate discipline, the Chief Building Official or Council will have regard to the relevance of the conduct to the Building Official's powers and responsibilities as well as the severity of any misconduct.”

Recommendation # 7

It is strongly recommended that the Code of Conduct be modified to be compliant with

Section 10 of the Building By-law. The process of the review of a complaint should be set out. Internal procedures should ensure that the complaint is dealt with in a confidential manner and that any hearing that is required to hear the matter be held in a fair and expeditious manner.

Operational Policy - Code of Conduct

A copy of the Code of Conduct for Building Officials will be made available for public inspection. The procedures for lodging a complaint, investigation and disposition shall be as set out in the Town's HR Policies and Procedures.

10. Building By-law

The Building By-law was adopted under the *Building Code Act* by By-law 2010-34. We have reviewed the By-law as adopted. The By-law correctly sets out the procedures for applications for permits, the classes of permits and associated fees and the notification requirements for inspections etc, and generally conforms to the intent of Section 7 of the *Building Code Act*.

We suggest the following changes/amendments be made to By-law 2010-34 for the reasons stated:

Section 4.5 (d) The word “any” and “law” have been omitted in the last line. Sentence should read: “...the *Act, Building Code, any applicable law, and this by-law;*”

Section 4.6 (c) The sentence is an incomplete sentence and should read: “Approval **shall be obtained** from the Manager, Solid Waste and Environmental Initiatives prior to disposing at the municipal landfill site.”

Section 4.8 (c) The sentence is grammatically incorrect given the preamble to **Section 4.8** and should read: “**Be accompanied by the** execution of a Model Home Agreement/Sales Office Agreement and...”

Section 4.14 Suggest adding “**pursuant to Subsection 4.17 of this by-law**” to the end of the sentence.

Section 4.15 (b) Delete “to” to be grammatically consistent with preamble. Suggest adding “**pursuant to Subsection 8 (2.2) of the *Building Code Act***” to the end of the last paragraph.

Section 5.1 (a) Suggest adding “**sewage system**” after “demolition” given that this is can be a separate category for a permit. May also wish to add “**Utility Sign Off Form**” to the end of the list given the association of this form to a demolition permit.

Section 5.1 (b) Suggest substituting “shall” for “will” in the last line of the preamble to make the submissions for site plan approval mandatory.

Section 5.4 If the intent of this clause is to provide for a peer review, this should be indicated. The use of the word “design” implies that the Town would be commissioning the design of a building which it would then review. This would constitute a conflict of interest. May be more appropriate for the clause to read: “The *Chief Building Official* may require, where deemed appropriate, that a professional engineer and/or architect **conduct a peer review for all or part of the work with the expense to be borne by the applicant.**”

Section 9.2 This section talks to the requirement for fencing a hazardous construction site. Consistent with the level of detail in the Building By-law, the municipality may wish to specify the means of notice given to the Owner by stating “...may **in writing** require the *owner and permit holder* to erect such fencing...” In the same vein, if the owner does not comply with the request, are we to assume that the emergency powers under Section 15.10(1) of the Building Code Act might be used to secure the safety of the site?

Schedule B, Section 3 (c) Is there a reason why this clause only applies to a single detached dwelling? Should this not apply to all forms of construction? This comment would also apply to the Table following **Section 5 C**.

Other Matters

The By-law does not provide the enabling authority for the forms that are used by the Municipality in administering the building permit process. We suggest that the by-law would be strengthened by incorporating an additional schedule into the by-law to list the forms in common use. It is important that the municipality have the enabling authority in place should there be any litigation on any the processes that utilize forms. The following is a suggested clause that could be added with respect to the use of Forms used in association with the administration of the building service. (*Note: while we recognize that changes may be made from time to time, this does not preclude amending the Building By-law to substitute, add or delete forms used by the Division.*)

“PRESCRIBED FORMS

The forms prescribed for use as applications for permits, for orders, for permits, for inspection reports and administrative matters shall be as set out in Schedule ‘__’ attached to and forming part of this By-law.

This by-law shall not be deemed to limit the use of any form which is prescribed by provincial regulation notwithstanding that the form it is not listed or is a revised or updated form from the forms set out in Schedule ‘__’ to this by-law.”

Delegated Authority – Conditional Permits

The *Building Code Act* provides for the delegation of responsibilities to the CBO for entering into agreements for Conditional Permits under section 8 (3.1). The Town’s by-law would appear to give authority to the CBO to issue conditional permits and while section 4.7 C addresses agreements, the by-law is not clear whether the CBO has the authority to enter into such agreements. The Act specifies that the authority be granted “in writing” by the principal authority (Council). We would recommend that the authority be granted by resolution of Council or embedded in the Building By-law as follows:

“4.7 The Chief Building Official is authorized to enter into agreements pursuant to Section 8 (3.1) of the *Building Code Act*.”

Delegated Authority – Deputy CBO

The Deputy CBO is a valuable member of the Town’s building inspection service and in the absence of the CBO should have delegated authority to administer and enforce the *Building Code Act* and *Building Code*. The appointment by-law does not provide for such delegation. For the benefit of the public, we recommend that the Building By-law provide for such delegation. The following clause is a suggested addition to draw the linkage of authority to include the Deputy CBO acting in the absence of the CBO:

“APPOINTED DESIGNATE

This by-law shall not be deemed to limit the appointment of a designate who may perform or execute any authority of the chief building official where authorized by the *Building Code Act*, provided such designate, where required, is duly appointed by by-law under the *Building Code Act*.”

Compliance with Other Legislation

The following is a suggested clause to ensure that parties affected by the Building By-law are also made responsible for compliance with any other relevant legislation, notably with respect to compliance with applicable law.

“OTHER BY-LAWS, LICENSES, PERMITS AND REGULATIONS

Nothing in the By-law shall exempt any person from complying with the requirements of any other By-law in force within the limits of the Corporation, or from applying for and obtaining any permit, license, permission, authority or approval required by this or any other By-law or regulation of the Corporation or any other law in force from time to time.”

Use of Electronic Technologies

As a progressive municipality, the Town of the Blue Mountains is moving to a paperless system for certain data collection, file management and on-line services. We suggest that the Building By-law reflect the practical use of these technologies as a signal to the public and to reinforce the use of these technologies in common law. We recommend the following additional clause be added to the By-law.

“USE OF ELECTRONIC TECHNOLOGIES

Nothing in this by-law shall be deemed to limit the authority of the Town to make use of on-line services for the display, use and submission of application forms, other forms used in the processing of applications, educational handouts, referrals, and nothing in this by-law shall limit the use of electronic technologies for data and information storage and file management integral to the building inspection service.”

Recommendation # 8

That Council adopts an amendment to the Building By-law with the addition of clauses and a prescription for Forms.

Operational Policy - Building By-law

The Building By-law will be reviewed and updated from time-to-time to ensure that it is current with the requirements of the Building Code Act.

11. Building Permit Fees

In considering the adoption of an amended By-law, Council also has the opportunity to review the Building Permit Fees. Again, the legislation has changed the requirement for fees. The primary intent is to ensure that the process for reviewing fees is transparent and accountable and as well, to ensure that the fees do not exceed the ‘anticipated reasonable costs’ of administering the building permit process. Essentially, the legislation provides for a user-pay system such that the costs of the service are borne by the applicant, not by the general taxpayer. See also Building Permit Fee Review. (*Note: a separate report has been prepared for Building Permit Fees*).

It should be also noted that any changes to building permit fees or the introduction of new fees is subject to the requirements of Section 7 (2-8) of the Building Code Act (i.e. justification of the fees, the requirement for a public meeting etc.). Further, a report must be prepared annually [per Section 7(4)] of the *Act* that sets out the fee revenues from the previous year, the cost of providing the service and the amount, if any, in a cost stabilization reserve fund. The report is due in the 1st quarter of each calendar year. The *Act* does not

stipulate that the report is to be published in the newspaper nor that it is sent to the Ministry of Municipal Affairs and Housing.

Recommendation # 9

That the municipality continues to prepare an annual report on building permit fees in compliance with Section 7(4) of the Building Code Act.

Operational Policy - Annual Report for Building Permit Fees

An annual report on building permit fees will be prepared in accordance with the requirements of the *Building Code Act*. The report will set out the direct and indirect costs of the administration and enforcement of the *Building Code Act*, the permit fee revenues collected and the amount of the funds, if any, in the cost stabilization reserve fund as of December 31st of the reporting year. The report will be prepared in the 1st quarter of the year following the end of the municipality's fiscal year end and will be made available to the public upon request.

12. Building Permit Process

The processing of applications for building permits, plan review, field inspections and records management is undertaken by the amalgam of staff in the Building Division. The processing of building permit applications uses a combination of manual and electronic processes. The City View software program is used to record application-related information, issue permits, track the status of permits, schedule and record inspections. Check lists are used to review applications for completeness and are built into the paper inspection report forms to assist in the inspection process.

Applications are received at the counter by the Permits and Inspections Assistant and reviewed for completeness. Information is recorded in City View on an as-you-go basis while the application is being received. Handwritten entries are made to indicate what information is missing; however, the application process is not delayed for lack of available information. City View is used to assign a file number.

The file is then sent to the CBO (review rack) who processes them chronologically (first-come, first-served) and assigns the files to a building official(s) for plan review. The Town does not offer a fast tracking or expedited system although demolition, sewer and water permits are processed across the counter. The software is also used to record and receipt application fees. Fees can be collected by cheque, cash or debit card.

Counter space is adequate for the review of incoming permits for an estimated 80% of the time. In circumstances where there is a line-up, the Permits and Inspections Assistant is assisted by another building official or the CBO.

Residential and small buildings plan review is undertaken by one of the building officials while larger scale ICI plans are typically reviewed by the CBO. One official specializes in the review of residential plans. Plan review typically takes 2-3 hours for a single detached dwelling. Both sets of plans are red-lined for minor changes while more significant changes are listed in a letter which is sent to the applicant. Once the review is completed, the plans are stamped with a review date, and signed by the reviewer. Applicants are advised (email, phone) once the permit has been prepared (electronically issued through City View). All building officials have the authority to issue permits.

The review period for applications is generally completed within the time limits specified by the *Building Code*.

The applicant is advised of the list of inspections required by the Permits and Inspections Assistant and the procedures for scheduling inspections. Inspections are scheduled by telephone (to the extension line of the Permits and Inspections Assistant). An inspection schedule is printed out daily and the two officials who conduct the inspections will organize the distribution of inspections on a geographic or file basis.

Inspections are conducted per the mandated list in the *Building Code* and typically number 10-12 for a single detached dwelling. Call backs are undertaken for work to inspect corrections or work previously incomplete. Inspection results are recorded manually with a separate inspection sheet for each type of inspection. The Town is experimenting with a Blackberry for the electronic recording of inspection results. A copy of the inspection form is left with the contractor.

Comment

The application review, plan review and inspection process in The Blue Mountains is very typical of processes used in municipalities throughout Ontario. Our observation is that the process is thorough and consistent with the requirements of the *Building Code Act* and *Building Code*. Productivity gains may and should be achieved through the elimination of ‘paper’. For example, the plethora of inspection forms, while unequivocal in their value, is excessive in the amount of hard copy information that is generated. The electronic substitution should allow for the data recording of inspections directly into City View and accordingly, avoid a duplication of information being recorded manually and then electronically for each inspection carried out. Conversely, the Town should also move to the electronic recording of information related to a direct application to replace the handwritten notes to file. The completion of on-line services for the filing of an application and a status check on an application and the scheduling and results of an inspection will round-out what will become a highly efficient inspection service. Applicants, for example should be able to call up information on-line on the status of their application and the results of an inspection without having to talk with staff. This

will streamline the workload of the Permits and Inspections Assistant.

Month end reports are prepared by the Permits and Inspections Assistant and forwarded to the various agencies.

File management is a vital component of the building permit process and its inter-relationship to the property files and related approvals and data usage by other departments. Efficient data entry and retrieval is essential in a modern municipality where the public expects a high level of service. Contemporary software programs should also be designed to integrate GIS with building land use and planning approvals. The data attributes of a GIS-based system facilitates quick access to all the relevant information about a particular property including any legacy information on past permits. Such systems minimize errors and accelerate the administrative component of the building permit review process, including tracking inspections and close-out.

We note from our review that some permits are outstanding; however, there is a procedural guideline for a follow-up on outstanding permits. A 'bring forward (BF)' component to the software package would improve the tracking of permits after occupancy and facilitate better closing off of outstanding files.

Recommendation # 10

That the Town continues efforts to electronically streamline the building inspection service through on-line services and inspection reporting. Further, that the Town review the software program with the objective of integrating building and land use planning approvals on a GIS property related basis.

That the Town continues to review the backlog of outstanding permits annually with the objective of pro-actively closing 'old' files.

13. Departmental Structure

Interdepartmental Coordination

The Building Division operates as an independent unit within a broader Planning & Building Department. The Director of Planning & Building who has qualifications as a building official, does provide support and technical advice and has also retained responsibility for the drafting the budget of the Department. As the experience of the CBO grows with time, the Departmental Director anticipates that the CBO will assume responsibility for budget planning. The result would be a more integrated and comprehensive approach for all of the responsibilities for the management of the Building Division, an approach which establishes direct and an appropriate level of accountability to the staff person (CBO) who manages the operation of the Building Division.

The Building Division provides a review service to the Planning Department with respect to zoning by-law amendments and minor variances. As such, the Planning Department benefits from the in-field experience of the Building Division on the appropriateness or otherwise of zoning standards for development projects. The Town could benefit from this experience further as well as in expediting planning applications if the CBO was a regular member of the Development Review Committee (DRC). The emphasis on pre-consultation is intended to avoid unnecessary repeat visits or extended dialogue in processing applications since the applicants should be able to leave 'city hall' with a complete list of requirements following a pre-consultation meeting.

Recommendation # 11

That the CBO be delegated full responsibility for the preparation and administration of the Building Division Budget.

That the DRC include the CBO as a member for planning applications with an implication for building permits.

Back-up Services

The structure of the Building Division has an established workload division, which again is comparable to many other Ontario Municipalities. While certain members of staff have more specialized responsibilities, the skill sets of staff are such that they provide a built-in backup to each other. This generalist approach is essential in a smaller municipality where the staff complement is not sufficient to provide in-house back-up personnel for staff who are absent for one or more reasons. In The Blue Mountains, the more critical back-up requirement is for the Permits and Inspections Assistant since there is no other person with this specific responsibility. Options include the designation of a building official who has full command of the City View software package or alternatively to train the Assistant to the Planning Director. The first option provides greater versatility since the skill set of the individuals involved are more related to the building function than planning services. The down side is the loss of the building official from performing his/her plan review or inspection function as well as the higher labour cost of the building official performing this function. Our preference is to use a building official since the technical knowledge of the *Building Code* likely offsets the productivity loss. Customer service should be the first consideration.

Recommendation # 12

That workload planning ensures that back-up staff will be available for customer service.

14. Succession Planning

Succession planning is important in any organization to ensure a seamless transition in the handling of files and in the level of the service offered. Current challenges in succession planning include replacing a retiring staff member and establishing a Deputy CBO who may act for or replace the CBO. Criteria which should be considered in succession planning are:

- Should the succession planning apply to all employees or to certain positions (i.e. is succession planning ‘position-based’ or ‘person-based’)?
- Will there be a critical qualification gap between the incoming and the outgoing staff member(s) that compromises the quality of the level of service? Consequently, what provision should be made for training and education? What emphasis will be placed on technical competencies and managerial competencies, depending on the position?
- Will the filling of positions be focused on “inside” or “outside” talent?
- How is succession planning tied into performance evaluation?
- Will salaries be adjusted in contemplation of succession?
- Will the lack of continuity in corporate memory increase the exposure or liability of the municipality?
- Are funds available for a transition period and/or training for the incoming staff person?
- What downtime might be anticipated in training and/or a shadowing period and how critical is this in relation to the time of year or volume of permit activity?
- How does succession training in the Building Division coincide with the corporate HR policies and coincidentally, is Council supportive of succession planning?

In The Blue Mountains, succession planning may be considered to be both position based and person based given, firstly, the limited number of positions in the department and secondly, the identification of a specific individual for a potential promotion. Similarly, the succession of a Deputy CBO is likely and should be fulfilled from within as opposed to other positions where junior staff is not available to fill more advanced positions.

The strategy for succession planning for the Deputy CBO position should consist of the following steps:

- Update job descriptions and obtain HR/managerial approval for same;
- Discuss approach to succession planning with HR/management staff/CAO to obtain agreement on an approach and available funding for training and education and, if agreed, an accelerated salary scale. If competition is to be waived, obtain necessary approval;
- Conduct a performance evaluation of candidate staff to establish current skill sets, career objectives and talent potential;
- Identify candidate and set out career development goal and performance standards, training and education program to enhance skill sets and timeline;
- Establish adjustments to salary if salary is to be accelerated;
- Establish a progressive scale of responsibilities (examples: drafting technical or policy and procedural guidelines for department, workload scheduling, conducting staff

- meetings, administering budget, issuing Orders etc.);
- Conduct periodic performance reviews to assess progress
- Conduct a formal review and interview prior to appointment to confirm qualifications;
- Adopt appointment by-law.

Recommendation # 13

That the Division adopts the principles of succession planning.

That the Deputy CBO position be fulfilled from within.

The strategy for succession planning for filling positions from outside:

- Update job descriptions and obtain HR/managerial approval for same;
- Conduct interview with outgoing employee at least 6 months in advance of proposed retirement to identify particular skill and job requirements (competencies) needed to facilitate a seamless transition of the corporate memory;
- Obtain management/Council approval to replace imminent vacancy;
- Draft and advertize employment opportunity with a target of a three month transition period;
- Conduct job interviews including participation of outgoing employee;
- Hire new employee in a shadow position with current employee;
- Establish and expedite training and education program, if required;
- Ensure that information on ongoing job/project files are discussed;
- Assess job performance of new employee on a weekly basis to ascertain what adjustments have been made and what job goals are to be achieved;
- Assess need for termination of job shadowing given job performance of new employee.

15. The Building Industry

Interviews with the building industry revealed a positive working relationship with the Town's Building Division. The perspective of the industry is that the turnaround on applications and inspections is very good and that the use of email and electronic services has reduced the paper volume and made the service very efficient. Strengths are seen in the use of the counter check list to ensure an application is complete and in the ability to schedule inspections through the use of email. The industry highly appreciates the efforts of the CBO to update the industry on changes to the *Building Code* and in the sharing of building technologies. The suggestion of the Town of assigning a building official to sit on Southern Georgian Bay Builders and Trades Association (SGBBTA) has been well received as a means to maintain a professional dialogue on building inspection related services.

Further improvements targeted at reducing paper through the electronic submission of applications, internet access to inspection reports etc is viewed as a needed industry standard.

Recommendation # 14

That the Town carries out a periodic review with its IT service to ensure that the use of digital technologies is optimized as follows:

- **Providing on-line consumer access to the building by-law and Code of Conduct, technical information (e.g. handouts), hyper links to Code materials; access to building permit fees; downloading and/or on-line completion of application forms; inspection scheduling and inspection report results;**
- **In-field access to City View data bank and OBC;**
- **Digital submission of monthly permit activity reports to agencies;**
- **Integration of building permit information with GIS-based property files.**

16. Customer Relations

It is evident from our review that Town staff practice good customer relations and that the positive interface with the building industry is appreciated because of the Town's approach. Customer relations should not be taken for granted and should be integrated as an operational policy to ensure the continuity of good relations with the public. We suggest the following as a possible operational customer relations policy for the Town:

Operational Policy - Customer Relations

- The Building Department is committed to creating a positive experience for our customers and our fellow staff at Town Hall. Our customers will be our priority. We are committed to the following:
- **Approach:** We will treat our customers with empathy, respect, courtesy, patience, fairness and in a professional way. We will listen, ask questions to clarify the situation and take notes. We will be solution-focused. We will not engage in any confrontational, argumentative, physical, abusive, profane or other tactics whether confronted or not. We will not lose our cool. Where necessary we will arrange to undertake an inspection or conduct business at another time that is convenient to the customer. We will consult with fellow staff on options for resolving difficult relations. We will not jump to conclusions, apportion blame or become defensive.
- **Knowledge:** We will use our technical knowledge with the objective of assisting the customer to understanding the intent and purposes of the prescriptive standard, to understand the legal obligations for compliance and to resolve a construction issue. Where we do not know a prescriptive standard or are unsure of how a standard might apply or are unable to answer a question, we will offer to provide an answer following consultation with fellow staff or through research and we will do so in a timely fashion. Where the prescriptive standard does not apply or there is a need for an interpretation, we will confer with fellow staff before providing a response. (*Note: the requirement for an engineer's report should be the exception to the rule.*)

- **Problem Solving:** We will respond to a problem or complaint quickly and will tell the customer how it will be handled and tell them when they can expect a response. We will not make promises we cannot fulfill
- **Identification:** We will identify ourselves upon entry onto any project site, providing photo ID, where necessary and explaining the purpose of our visit.
- **Inquiries:** We will respond to telephone inquiries within 1 business day and to written inquiries within three business days.
- **Follow-up:** We will regularly evaluate how we have dealt with our customers by asking them whether we have resolved their problem and whether we can improve our service.
- **Staff training:** new staff will be required to undertake customer relations training. Existing staff will be evaluated on their customer relations skills as part of their annual performance review and will be required to take additional training where required.
- **Team approach:** We will operate as a team and will coordinate our efforts to providing a consistent, comprehensive and solution-focused approach to customer service.
- **Talk-the-Talk and Walk-the-Walk:** The CBO and the Deputy CBO, in his absence, will liaise with staff on the shop floor on a frequent basis through verbal communication to foster a strong and committed team, explain policies, *Code* interpretations and procedures, and solicit feedback.
- **Building Permit Awareness:** We will keep the public informed of the benefits of the Building Inspection Service through programs such as Building Awareness Week and sharing new information and technologies with the public and the Building Industry.

Recommendation # 15

That the Building Section adopts a customer relations policy as an operational policy and as an integral component of the operational culture of the department.

Operational Policy - Identification Certificate

Building Officials will produce an identification certificate upon request to verify the Building Official's identity.

17. Counter Space

The building permit process in Town Hall follows conventions utilized by many Building Departments across Ontario. The initial point of contact is at the counter where staff receives inquiries and applications and hand out information packages. In The Blue Mountains, the counter duty is staffed by the Permits and Inspections Assistant with back-up from a building official or the secretary of the Planning Director. The physical layout of the counter service imposes limitations on the quality of the counter service, since the counter does not provide sufficient space for more than a single customer (i.e. is a single work station). The Town should ensure that there is sufficient space for a second work station including a working area to review applications and building drawings.

Recommendation # 16

That the Town ensures that the reception area provides an adequate working space area for two work stations.

18. Inspections

Time lines for the processing and issuance of building permits are prescribed by the *Building Code*. Our review indicates that permits are issued within the timelines prescribed.

Inspections are typically requested by phone or email to the municipal office. The Permits and Inspections Assistant then schedules inspections for each of the two in-field inspectors. Building Officials have 48 hours to conduct an inspection once a request is made. Typically inspections are carried out on the next day depending on the number and geographic location of the site where the inspection is required. Representatives of the building industry who have projects in the municipality were consulted on the response time to conducting inspections, and the quality of the inspection services. The representatives consulted indicated that the level of service was above average and that inspections were often made within hours of the request being made.

The number of inspections typically conducted for a single detached dwelling includes:

- Excavation before footings/footings
- Foundation before backfilled
- In-ground plumbing
- Framing, rough-in plumbing and mechanical
- Vapour barrier and insulation
- Pre-interior final
- Interior final
- Occupancy
- Final exterior
- Solid fuel appliance (where required)
- Septic tank inspection (where required)

The number and type of inspections for non-residential construction varies from the residential counterpart. As well, compliance reports are typically required to ensure that fire safety matters such as alarm systems and sprinkler systems are properly installed and operational.

The number and types of inspections undertaken are those required by the *Building Code*. The number of inspections varies depending on whether call backs are required. A call back is a repeat inspection of a component of construction that was either not complete when the inspection was called for or to verify that a deficiency has been rectified.

Deficiencies or non-compliance are resolved in over 95% of the permits by voluntary compliance. Orders to comply or Stop Work Orders are rarely issued. A successful building inspection service depends on voluntary compliance (e.g. resolving or making changes on the job site through oral discussion). The philosophy should be to seek voluntary compliance through good public relations and to use Orders for flagrant violations (i.e. building without a permit) or repeat non-co-operative offenders. Despite the use of the voluntary compliance approach, the necessity will arise from time-to-time to issue an Order. Given the gravity of issuing a Stop Work Order (SWO), which effectively stops all construction on a site, it is a good practice for the CBO to advise the Director of the Department, a practice which is currently followed in the Division.

Inspection results are recorded manually through completing an inspection form. Although the issuance of an inspection report is not mandatory, in Ontario, common practice is to provide an inspection report to the owner/builder as an indication of compliance with the *Building Code* or non-compliance where deficiencies are identified. The City follows this practice.

Monthly reports are generated by the CBO and are forwarded as required to CMHC, Statistics Canada and MPAC. The reports are generated electronically through the use of a spread sheet.

19. Records Management

The Town administers a records management system for the building permits. We would suggest that the system be integrated as an operational policy.

Operational Policy - Records Management

Complete files will be maintained for all applications.

Files will be retained and disposed of in accordance with the Municipality's file retention By-law. Hard copies of files or records may be disposed of where replaced by digital or electronic files. Building plans and drawings for major residential, commercial, industrial and institutional buildings will be retained on a long term basis for emergency measures purposes.

Building permit activity reports will be submitted on a monthly basis to Statistics Canada/CMHC and MPAC.

20. Summary

The Building Department of the Town's services has a high public profile. The challenge the department is faced with is to enforce a code as a fist within a velvet glove. Our review reveals that staff of the Building Department is technically well qualified and capable to

perform their duties and responsibilities. The department also appears to have a good working relationship with the building industry, a relationship that is vital to a quality customer service. The Town's effort to keep the industry updated on changes to the *Building Code* and to participate in industry affairs is highly commendable. We feel however, that there needs to be a diligent effort made in career development and succession planning for employees such that the objectives of the department are married with the career aspirations of its employees. Performance evaluations and a training plan are integral components of this approach and need to be strengthened.

The Department's day-to-day operation depends on a high level of team work. A strong sense of collegiality is required to ensure a seamless process from the application stage to final sign-off on a permit. The CBO must provide leadership in ensuring that the team works well and that back-up is provided during staff shortages or absences.

Our review reveals that the enabling documents (i.e. building by-law, code of conduct, job descriptions) are generally well conceived and constructed but amendments are warranted to strengthen and inculcate consistency in these documents. The Town needs to strengthen and round out the collection of operational policies in a single manual that is updated on a regular basis.

Customer relations will warrant a diligent and ongoing effort by all staff. We have recommended the adoption of a customer relations operational policy as a working document which staff should keep in their back pocket, so-to-speak, in dealing with the public.

Our review indicates the need for an adjustment to the staffing to ensure that the Department's workload is calibrated to the ongoing volume of building permits. In association with this recommendation, physical changes to the layout of the reception area would facilitate the operation of a second work station. Building Departments invest in the time and training of staff with the anticipation that they will serve the municipality for a reasonable period of time. The Municipality will benefit from a more rigorous succession plan as a means to encourage a longer term commitment to the Town and to ensure that there is a seamless transition from one staff member to the next in the event of a departure.

Finally, in an evolving electronic age, the use of digital technology is not only cost efficient but it allows for productivity gains. We commend the Department's initiatives to develop more on-line services and to integrate in-field inspection information with the City View data bank. Digital services should be reviewed on an ongoing basis to harmonize internal technologies with the technologies used in the outside market place. By so doing, the public and the building industry will be able to conduct their construction projects at their convenience and be able to access municipal records even in the off-hours.

Appendix 1 - Summary of Operational Policies

The Blue Mountains

Building Department - Operational Policies

The following constitute additional operational policies of the Building Department for the Town of The Blue Mountains. These policies are pursuant to the provisions of Section 1.1(6) (a) which state that the role of the Chief Building Official is “to establish operational policies for the enforcement of this *Act* and the *Building Code* within the applicable jurisdiction”.

Operational Policy - Authority

The CBO will exercise all of the powers and duties under the *Building Code Act* and the *Building Code* for which he/she is certified to perform.

In the absence of the CBO, the Deputy CBO will exercise all of the powers and duties under the *Building Code Act* and the *Building Code* for which he/she is certified to perform.

Each Building Official reporting to the CBO will exercise all of the powers and duties under the *Building Code Act* and the *Building Code* for which he/she is certified to perform.

The CBO will pursue a program of continuing professional development in order to maintain and upgrade his provincial certification. The CBO will undertake to review the certification status of each employee in the Section on an annual basis and subject to the findings of the review, will ensure that each employee undertakes to upgrade and/or maintain the required certification status. The CBO will keep the Department Head advised of requirements for up-dating certification requirements on an on-going basis.

Operational Policy - Engagement of Outside Services

The CBO will engage the services of qualified personnel to exercise all of the powers and duties under the *Building Code Act* and the *Building Code* at times where required, subject to arrangements for the appointment of back-up personnel by by-law or agreement.

Operational Policy - Staffing Levels

Staffing will be maintained at the level required to administer and enforce the mandated requirements of the *Building Code Act* and *Building Code*.

Operational Policy - Code of Conduct

A copy of the Code of Conduct for Building Officials will be made available for public inspection. The procedures for lodging a complaint, investigation and disposition shall be as set out in the Town's HR Policies and Procedures.

Operational Policy - Building By-law

The Building By-law will be reviewed and updated from time-to-time to ensure that it is current with the requirements of the Building Code Act.

Operational Policy - Annual Report for Building Permit Fees

An annual report on building permit fees will be prepared in accordance with the requirements of the *Building Code Act*. The report will set out the direct and indirect costs of the administration and enforcement of the *Building Code Act*, the permit fee revenues collected and the amount of the funds, if any, in the cost stabilization reserve fund as of December 31st of the reporting year. The report will be prepared in the 1st quarter of the year following the end of the municipality's fiscal year end and will be made available to the public upon request.

Operational Policy - Customer Relations

- **The Building Department is committed to creating a positive experience for our customers and our fellow staff at Town Hall. Our customers will be our priority. We are committed to the following:**
- **Approach: We will treat our customers with empathy, respect, courtesy, patience, fairness and in a professional way. We will listen, ask questions to clarify the situation and take notes. We will be solution-focused. We will not engage in any confrontational, argumentative, physical, abusive, profane or other tactics whether confronted or not. We will not lose our cool. Where necessary we will arrange to undertake an inspection or conduct business at another time that is convenient to the customer. We will consult with fellow staff on options for resolving difficult relations. We will not jump to conclusions, apportion blame or become defensive.**
- **Knowledge: We will use our technical knowledge with the objective of assisting the customer to understanding the intent and purposes of the prescriptive standard, to understand the legal obligations for compliance and to resolve a construction issue. Where we do not know a prescriptive standard or are unsure of how a standard might apply or are unable to answer a question, we will offer to provide an answer following consultation with fellow staff or through research and we will do so in a timely fashion. Where the prescriptive standard does not apply or there is a need for an interpretation, we will confer with fellow staff before providing a response. (*Note: the requirement for an engineer's report should be the exception to the rule.*)**
- **Problem Solving: We will respond to a problem or complaint quickly and will tell the customer how it will be handled and tell them when they can expect a response. We**

- will not make promises we cannot fulfill
- **Identification:** We will identify ourselves upon entry onto any project site, providing photo ID, where necessary and explaining the purpose of our visit.
 - **Inquiries:** We will respond to telephone inquiries within 1 business day and to written inquiries within three business days.
 - **Follow-up:** We will regularly evaluate how we have dealt with our customers by asking them whether we have resolved their problem and whether we can improve our service.
 - **Staff training:** new staff will be required to undertake customer relations training. Existing staff will be evaluated on their customer relations skills as part of their annual performance review and will be required to take additional training where required.
 - **Team approach:** We will operate as a team and will coordinate our efforts to providing a consistent, comprehensive and solution-focused approach to customer service.
 - **Talk-the-Talk and Walk-the-Walk:** The CBO and the Deputy CBO, in his absence, will liaise with staff on the shop floor on a frequent basis through verbal communication to foster a strong and committed team, explain policies, *Code* interpretations and procedures, and solicit feedback.
 - **Building Permit Awareness:** We will keep the public informed of the benefits of the Building Inspection Service through programs such as Building Awareness Week and sharing new information and technologies with the public and the Building Industry.

Operational Policy - Identification Certificate

Building Officials will produce an identification certificate upon request to verify the Building Official's identity.

Operational Policy - Records Management

Complete files will be maintained for all applications.

Files will be retained and disposed of in accordance with the Municipality's file retention By-law. Hard copies of files or records may be disposed of where replaced by digital or electronic files. Building plans and drawings for major residential, commercial, industrial and institutional buildings will be retained on a long term basis for emergency measures purposes.

Building permit activity reports will be submitted on a monthly basis to Statistics Canada/CMHC and MPAC.

**Appendix 2 -
Summary of Recommendations**

**The Blue Mountains
Operational Review
Summary of Recommendations**

Recommendation # 1

It is recommended that the Municipality:

- **Correct the appointment By-law by deleting the reference to the *Interpretation Act* and replacing therewith, the *Legislation Act*;**
- **Amend Section 4.7 By-law 2010-34 (see Building By-law in this report).**

Recommendation # 2

That the CBO review the certification requirements of staff on an annual basis as part of a performance review to ensure that staff retains the proper certification. Further, that staff broaden their skill sets to ensure that each position has a properly certified back-up staff person to stand in the event of illness, maternity leave, annual leave etc.

That any new staff hired from time-to-time be properly certified as a condition of employment.

Recommendation # 3

That The Blue Mountains continues to provide financial support for ongoing career development, training and certification of all Building Department staff.

Recommendation # 4

That the job descriptions be modified as suggested and that a job description is adopted for the CBO.

Recommendation # 5

That the Operational Policies be modified as suggested.

Recommendation # 6

That the staff complement for the building inspection function be adjusted to 5 FTE comprising 4 qualified building officials and one Permit & Inspections Assistant.

Recommendation # 7

It is strongly recommended that the Code of Conduct be modified to be consistent with Section 10 of the Building By-law. The process of the review of a complaint should be set out. Internal procedures should ensure that the complaint is dealt with in a confidential manner and that any hearing that is required to hear the matter be held in a fair and expeditious manner.

Recommendation # 8

That Council adopts an amendment to the Building By-law with the addition of clauses and a prescription for Forms.

Recommendation # 9

That the municipality continues to prepare an annual report on building permit fees in compliance with Section 7(4) of the Building Code Act.

Recommendation # 10

That the Town continues efforts to electronically streamline the building inspection service through on-line services and inspection reporting. Further, that the Town review the software program with the objective of integrating building and land use planning approvals on a GIS property related basis.

That the Town continues to review the backlog of outstanding permits annually with the objective of pro-actively closing 'old' files.

Recommendation # 11

That the CBO be delegated full responsibility for the preparation and administration of the Building Division Budget.

That the DRC include the CBO as a member for planning applications with an implication for building permits.

Recommendation # 12

That workload planning ensures that back-up staff will be available for customer service.

Recommendation # 13

That the Division adopts the principles of succession planning.

That the Deputy CBO position be fulfilled from within.

Recommendation # 14

That the Town carries out a periodic review with its IT service to ensure that the use of digital technologies is optimized as follows:

- **Providing on-line consumer access to the building by-law and Code of Conduct, technical information (e.g. handouts), hyper links to Code materials; access to building permit fees; downloading and/or on-line completion of application forms; inspection scheduling and inspection report results;**
- **In-field access to City View data bank and OBC;**
- **Digital submission of monthly permit activity reports to agencies;**
- **Integration of building permit information with GIS-based property files.**

Recommendation # 15

That the Building Section adopts a customer relations policy as an operational policy and as an integral component of the operational culture of the department.

Recommendation # 16

That the Town ensures that the reception area provides an adequate working space area for two work stations.

**Appendix 3 -
Job Description**



Town of The Blue Mountains Job Description

Position Title: Chief Building Official
Department: Building & By-law Department, Building Division
Reports to: Director, Planning and Building Department
Job Grade: Grade _____

Position Summary

- Manages the operations of the Building & By-law Department including providing direction to staff with respect to the enforcement, administration and interpretation of the *Building Code Act* and the *Ontario Building Code*. Responsible for development and administration of operational policies, departmental budget and code of conduct. Reviews and examines plans and specifications submitted for compliance with the *Ontario Building Code* and issues permits as necessary ensuring life safety and structural integrity of buildings. Inspects and issues notices and orders with respect to by-law enforcement as necessary.

Key Duties and Responsibilities

- Leads, manages and oversees the supervision of the Building & By-law Department staff. Prepares and conducts annual performance reviews and makes recommendations related to professional training and development, promotion and discipline of Department staff. Ensures that staff are qualified, certified and registered to properly perform inspection and enforcement services.

- Responsible for compliance with the *Building Code Act*, the *Ontario Building Code* and other applicable law. Prepares agreements related to delegated authority for conditional permits and registered code agencies.
- Receives and examines building permit applications and documents (plans and specifications); reviews plans and analyzes building code requirements applicable to the intended use of building; contacts applicant when additional information is required; checks zoning and applicable law requirements; conducts in-field inspections and prepares electronic or written inspection reports; issues or supervises issuance of notices and Orders and performs any work required to enforce *Ontario Building Code* regulations.
- Directs and prepares documentation for legal proceedings and attends and gives evidence in Court.
- Responds to written inquiries (from solicitors) with regard to occupancy, outstanding Orders, zoning compliance and compliance with other applicable law, agreements, municipal by-laws and property standards.
- Calculates and oversees the calculation, collection and receipt of all permit and other fees related to the issue of permits and development activities. Determines the application of the *Development Charges By-law* through consultation with the Treasury Department and calculates development charges.
- Issues building (including plumbing and sewage) permits, demolition, sign, swimming pool permits as necessary within the prescribed timelines for permits issued under the *Building Code Act*.
- Investigates complaints regarding inspections, by-laws, property standards, animal control and takes appropriate action to resolve issues.
- Responsible for the enforcement of all by-laws relative to buildings and properties in the Town, as well as any other by-laws assigned to the Department for enforcement, including Animal Control and Property Standards
- Develops operational policies and procedures and service levels and standards as necessary to provide direction and guidance for staff, for departmental administration and for the building industry and public at large. Oversees administration and file retention and security of all electronic and hardcopy files related to Department. Investigates and recommends technological improvements for intellectual property files, data processing and file management including communications and software related to the functions of the Department.
- Complies with and assumes appropriate supervisory responsibility for compliance with all health and safety practices in the work group in accordance with standard and regulated guidelines and procedures and the *Occupational Health and Safety Act* and related regulations.
- Supervises building inspection staff; assesses workload and programs and assigns files and projects to inspection and support staff; monitors work of departmental staff; takes corrective action as required. Orientates, mentors and trains new and existing departmental staff on Departmental policies practices and procedures. Convenes staff meetings as needed.

- Displays and promotes positive Team Player attitudes and actions. This includes positive communications with supervisors and other Town staff regarding ideas and initiatives to enhance workplace and Town services.
- Liaises and answers inquiries from ratepayers, the public, consultants, designers and the building industry in an effective and courteous manner regarding the *Ontario Building Code*, municipal zoning by-laws, applicable law, property standards, animal control and other programs, policies and procedures of the department.
- Undertakes and promotes good customer service with the public and the building industry.
- Designs and prepares handouts and public educational materials for distribution to the public and building industry in creating awareness and facilitating understanding of safe construction and the procedures and processes for building permit applications.
- Prepares, reviews, recommends and implements annual capital and operating budgets for the Building & By-law Enforcement Department and forecasts revenues and monitors and administers approval Divisional budget and authorizes procurements and payments of accounts. Reviews building permit fees and recommends adjustments to ensure 100% cost recovery for applicable department operational and capital costs. Monitors cost stabilization reserve fund.
- Reviews planning applications for site plan approval, zoning, official plan, minor variances when requested and provide comments in a timely fashion to Director of Planning.
- Supervises preparation of Statistics Canada and monthly building activity reports to Council and other agencies.
- Keeps informed on policies, procedures, practices, guidelines, regulations and legislation related to building and by-law enforcement and analyzes and makes recommendations for amendment/changes to by-laws, departmental policies and procedures and customer relations as required.
- Attends Committee and Council Meetings as required.
- Performs other duties as may be assigned in accordance with corporate objectives.



Town of The Blue Mountains Building Permit Fee Review

Final Report

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Appendix 1 - Public Meeting Notice

Appendix 2 - Annual Report - Building Permit Fees

TOWN OF THE BLUE MOUNTAINS PERMIT FEE REPORT

1. Introduction

The Town of The Blue Mountains (approximate population 6,825¹) has undertaken to review its responsibilities under the Building Code Act. This report addresses the issue of Building Permit Fees based on the requirements of the Building Code Act.

2. Building Code Act

Section 7 of the Building Code Act permits a council of a municipality to pass a by-law, *“prescribing classes of permits...requiring the payment of fees on applications for and issuance of permits and prescribing the amounts thereof; (and) providing for refunds of fees under such circumstances as are prescribed”*.

Bill 124, *“An Act to improve public safety and to increase efficiency in building code enforcement”* makes significant changes to the Building Code Act, not the least of which is to establish greater accountability for the fees levied for building permits. Section 7 has been amended by setting out the requirements with respect to calculating fees and informing the public of changes to fees or the introduction of new fees.

Section 7(2) states that the *“The total amount of the fees authorized under clause (1) (c) must not exceed the anticipated reasonable costs of the principal authority to administer and enforce this Act in its area of jurisdiction”*. The legislation imposes a high level test or “anticipated reasonable cost” without explicitly setting out the scope of those costs or what is reasonable. It does not indicate that the cost must be determined for each class or type of permit issued. Effective July 1, 2005, however, any changes to fees or the introduction of new fees will require any municipality to meet the requirements of the Act. Municipalities are expected to calculate both the direct and indirect costs of administration and enforcement of the Act.

Section 7(4) sets out the reporting requirements. An Annual Report on Fees and costs is required. Specifically, *“Every 12 months, each principal authority shall prepare a report that contains such information as may be prescribed about any fees authorized under clause (1) (c) and costs of the principal authority to administer and enforce this Act in its area of jurisdiction”*. The Annual Report is due in the 1st quarter of the calendar year. Section 7(5) states that the report must be available to the public. The Municipality may wish to make the report available by posting it on the website or by whatever is the required Municipal procedure. The Annual Report does not have to be sent to the Province.

¹ Statistics Canada, 2006 Census

Where there is a change in fees, Section 7(6) requires that Public Notice be given and a meeting held. However, notice of the meeting only has to be given to those who requested notice by writing to the Clerk of the municipality. The municipality must maintain a registry of those who have submitted a written request to be notified and have provided an address for the notice. This includes any person and organization who filed a request within the previous five years. Notice of the meeting must be sent by regular mail at least 21 days prior to the proposed meeting. A notice in the newspaper is not required unless the Municipality wishes to add this procedure to the mail out.

Finally, the municipality must identify how surplus revenues or a Reserve Fund (Cost Stabilization Reserve Fund) are used where, for example, the fees collected in any given year exceed the cost of the service provided and the surplus is carried over to the next fiscal year. The Cost Stabilization Reserve Fund may be used to offset costs where revenues in any given year do not meet projected costs, or where there are anticipated new costs (i.e. new staff or capital expenditures), which are projected in future years. There is no limit specified in the Act with respect to the size of the Reserve Fund. However, these funds may only be spent on costs related to the administration and enforcement of the *Building Code Act* and qualify as a **direct or indirect cost**. *An example is in the replacement of computers in the Finance Department where those computers are used to log information on building fee revenues, purchases of supplies for the Town of The Blue Mountains Building Division, Town of The Blue Mountains budget etc. However, only a pro-rated share would be eligible (i.e. the portion of the cost of the computer that may be reasonably attributed to its use for recording/analysing Town of The Blue Mountains data related to the Building Division).*

3. Methodology

The steps in determining a proposed building permit fee structure were as follows:

- A. Building permit activity was collected for the period 2008-2010 in order to determine the average level of building activity in the municipality.
- B. Information was collected from the 2010 municipal budget in order to calculate direct and indirect costs related to building permit fees.
- C. Time allocation information was collected for municipal personnel who perform support services to the building service (indirect costs). This included Council, the CAO, and Finance Director, Planning staff, Fire Chief, HR, IT and Engineering staff. This allocation focussed on the time spent over the course of a year on building-related duties as a percentage of the total work year. This in turn was multiplied by the salary, benefits and overhead to determine the actual indirect costs for administration.

- D. Time allocation information was also reviewed for the average time spent by the Chief Building Official and other Building Division staff in the processing of various types of building permits including receiving the application, reviewing building plans, conducting field inspections, carrying out records management and enforcement. This was used to determine the direct costs for enforcement. Adjustments were made to the municipality's building permit fee model in this regard.
- E. Suggested building permit fees were calculated by adjusting the Municipal Building Permit Fee Model.
- F. The Building permit fee schedule was determined on the basis of the suggested fees adjusted to a value per square foot and per square meter basis with adjustments made to other fees.

4. Building Division Services and Other Support Services

The Municipality's Building Division provides a very important service to the public by ensuring that buildings meet the requirements of the *Ontario Building Code*. Safe construction is paramount and due diligence exercised in enforcing the *Code* avoids municipal exposure to liability. Building officials are often the first contact the public has with their municipality.

In the Town of The Blue Mountains, this function is carried out by staff in the Building Division. This consists of the following staff compliment:

- Chief Building Official – Greg Miller, C.E.T., CBCO, BSSO
- Building Inspector - Doug Bumstead, CBCO, CPSO, C.P.S.I
- Building Inspector/Plans Examiner – Leah Hewgill
- Building Inspector – Al Woolnough
- Permits and Inspections Assistant – Barb Dooks

Other staff who provide general support to the Division include:

- Security Alarm Coordinator – Abby Watts
- Certified Municipal Law Enforcement Officer - W. Wayne DeWitt, CPSP & MELEO(C)
- Municipal Law Enforcement Officer - Brenda Doyle

David Finbow, who is the Director of the Planning and Building Services Department, is the Deputy CBO, although this is largely a titular role than an active role.

Greg Miller, the CBO, David Finbow, Deputy CBO, Doug Bumstead, Building Inspector,

Al Woolnough and Leah Hewgill, Building Inspector were all appointed by By-law 2009-51 passed under Section 3 (2) of the Building Code Act, S.O. 1992, c. 23 on July 13, 2009. The same by-law was utilized to appoint Wayne DeWitt as an inspector for the purposes of enforcement of Sections 8, 10, 11, 12, 13 and 14 of the Building Code Act. All Building Officials are properly qualified to conduct their responsibilities under the *Building Code Act*.

The time spent on building-related matters varies with staff given the scope of their responsibilities. The following sets out the average time expenditure:

- Greg Miller – 60%
- Doug Bumstead – 95%
- Leah Hewgill – 100%
- Al Woolnough – 100%
- Barb Dooks – 100%
- David Finbow – 10%

The Building Officials listed are all full time positions (1820 hours/year) and are paid on the basis of a 35 hour work week.

Building Permit Process

The processing of applications for building permits, plan review, field inspections and records management is undertaken exclusively by the Building Division.

The processing of a building permit application in the Town of The Blue Mountains is similar to other Ontario municipalities. While the skill levels of staff vary, core services in plan review and inspection can be carried out by any of the building officials. The workload is split in part to reflect the management responsibilities of the CBO, the experience levels of staff and the geographic territory to be covered. The department is organized to ensure that one official is available in the municipal office on a regular basis to provide customer service. The municipality complements staffing with contract employees during the summer and for maternity leave.

The Municipality uses the provincial application form (prescribed form) for an application. As part of a pre-consultation service, applicants may meet with a building official to discuss a proposed project and/or the procedures for obtaining a permit, inspections etc. Information is also available on-line. The processing of applications for building permits, plan review, field inspections and records management is undertaken by the amalgam of staff in the Building Division. The processing of building permit applications uses a combination of manual and electronic processes. The City View software program is used to record application-related information, issue permits, track the status of permits, schedule and record inspections. Check lists are used to review applications for completeness and are built into the paper inspection

report forms to assist in the inspection process.

Applications are received at the counter by the Permits and Inspections Assistant and reviewed for completeness. Information is recorded in City View on an as-you-go basis while the application is being received. Handwritten entries are made to indicate what information is missing; however, the application process is not delayed for lack of available information. City View is used to assign a file number.

The file is then sent to the CBO (review rack) who processes them and assigns the files to a building official(s) for plan review. The Town does not offer a fast tracking or expedited system although demolition, sewer and water permits are processed across the counter. The software is also used to record and receipt application fees. Fees can be collected by cheque, cash or debit card.

In circumstances where there is a line-up, the Permits and Inspections Assistant is assisted by another building official or the CBO.

Residential and small buildings plan review is undertaken by one of the building officials while larger scale ICI plans are typically reviewed by the CBO. One official specializes in the review of residential plans. Plan review typically takes 2-3 hours for a single detached dwelling. Both sets of plans are red-lined for minor changes while more significant changes are listed in a letter which is sent to the applicant. Once the review is completed, the plans are stamped with a review date, and signed by the reviewer. Applicants are advised (email, phone) once the permit has been prepared (electronically issued through City View). All building officials have the authority to issue permits.

The review period for applications is generally completed within the time limits specified by the *Building Code*.

The applicant is advised of the list of inspections required by the Permits and Inspections Assistant and the procedures for scheduling inspections. Inspections are scheduled by telephone (to the extension line of the Permits and Inspections Assistant). An inspection schedule is printed out daily and the two officials who conduct the inspections will organize the distribution of inspections on a geographic or file basis.

Inspections are conducted per the mandated list in the *Building Code* and typically number 10-12 for a single detached dwelling. Call backs are undertaken for work to inspect corrections or work previously incomplete. Inspection results are recorded manually with a separate inspection sheet for each type of inspection. The Town is experimenting with a Blackberry for the electronic recording of inspection results. A copy of the inspection form is left with the contractor.

Officials issue Orders as required although the primary focus is on voluntary compliance. The CBO has issued the occasional Stop Work Order, such as building without a permit.

Monthly building permit reports are prepared by the Permits and Inspections Assistant for distribution to Stats Can, CMHC etc.

Support services or related services to the Building Division are provided by Council, CAO, the Director of Planning & Building Services, the Treasurer, Clerk, IT, and Fire Services. Council is responsible for establishing policies, adopting by-laws and receives monthly building reports. The CAO oversees the management of staff and policy formulation process. The Treasurer is responsible for the posting of fees, ledger, budget, audit and payroll functions. The Clerk prepares by-laws and Council agendas and is the custodian of municipal records.

Finally, a solicitor is available to provide legal counsel to municipal staff on building-related matters.

5. Building Permit Activity

Table 1 sets out the building permit activity for the period 2008-2010. The 2010 figures were calibrated to generate a year-end total by adding the last two months per the activity levels for these same months in 2009. As a result, for example, the number of residential permits averaged 86.6 per year ($105 + 67 + 88 \div 3 = 86.6$).

	Permits Issued			Permits issued for dwelling unit starts		
	2008	2009	2010	2008	2009	2010
Jan	8	12	7	0	2	0
Feb	10	11	14	2	3	3
Mar	19	8	28	10	0	18
Apr	31	26	65	8	9	10
May	66	40	72	15	7	6
Jun	78	33	61	13	3	9
Jul	51	46	55	17	4	11
Aug	47	42	29	6	10	5
Sep	56	44	52	16	9	8
Oct	4747	38	45	13	10	8
Nov	5628	38	38	2	6	6
Dec	10	19	19	3	4	4
Total	451	357	485	105	67	88

6. Indirect Costs

Table 2 sets out the **Indirect Costs**, or the costs that are provided by other functions, departments or support services in the municipality to the Building Division. These include **Indirect Costs - Administration** which consists of the costs of Council, the CAO, the Finance Department and other departments.

The costs for Council and staff were calculated on the basis of the allocated time or proportion of time spent on Building Code Act related duties. For example, From **Table 2**, in the Finance Department, the Deputy Treasurer, for example spends 5.49% of her time or 100 hours (per year) multiplied by a salary/benefits rate of \$24.36 for a total of \$934.00. The benefits include typical payroll burden of CPP, EI, WSIB, OMERS, EHT and health care benefits. Administrative overhead costs of \$177,277.00 to operate the Finance Department were multiplied by the percentage of time of the AP Clerk or \$9,740.49. Administrative overhead costs typically include office supplies, postage, utility and other costs required to operate the various departments on a day-to-day basis.

Similar calculations were carried out for all departments. The total **Indirect Costs** for all departments was calculated as \$91,857.53. For the purposes of this study, these Costs were then calculated on an hourly basis by dividing the total costs (Column H) of \$91,857.53 by the total number of hours spent by Council and staff on building related matters (Column D) of 1,379. The hourly rate was calculated as \$66.61 ($\$91,857.53 \div 1,379 \text{ hours} = \$66.61/\text{hour}$).

The hourly rate was transferred to **Tables 5 and 6**.

Table 2 - Other Municipal Services and Departments - Time Allocation - Salary Costs - The Blue Mountains

Council or Staff Position	# of Employees in Position	% of Total Time Spent on Plan Review, Inspection, Permit Processing, and/or Administration, etc	No. Hours worked per year	No. Hours worked per year on Building Related Services	Hourly Rate or Total Salary and Benefits Costs \$ ¹	Indirect Costs - Salary and Benefits	Total Overhead Costs	Indirect Costs Overhead	Total Indirect Costs - Administration
	<i>A</i>	<i>B = D/C</i>	<i>C</i>	<i>D</i>	<i>E</i>	<i>F = B X E</i>	<i>G</i>	<i>H = B X G</i>	<i>I = F + H</i>
<i>Council Members</i>	7	2.50%	12740	318	\$15.00	\$4,770.00			\$4,770.00
Department									
CAO	1	0.50%	1820	9.1	\$72.07	\$655.84	\$222,600.00		\$655.84
Clerk's Department									
Clerk	1	0.82%	1820	15	\$40.41	\$606.15	\$222,600.00	\$1,834.62	\$2,440.77
Reception Clerk	1	0.55%	1820	10	\$28.15	\$281.50	\$222,600.00	\$1,223.08	\$1,504.58
Finance Department									
Finance Officer (Treasurer)	1	0.82%	1820	15	\$58.02	\$870.30	\$177,277.00	\$1,461.07	\$2,331.37
Accounts Receivable Clerk	1	0.00%	1820		\$22.65	\$0.00	\$177,277.00	\$0.00	
Deputy Treasurer	1	1.10%	1820	20	\$46.70	\$934.00	\$177,277.00	\$1,948.10	\$2,882.10
AP Clerk	1	5.49%	1820	100	\$24.36	\$2,436.00	\$177,277.00	\$9,740.49	\$12,176.49
Capital Acct	1	4.12%	1820	75	\$40.41	\$3,030.75	\$177,277.00	\$7,305.37	\$10,336.12
Purchasing	1	2.86%	1820	52	\$32.53	\$1,691.56	\$177,277.00	\$5,065.06	\$6,756.62
Financial Analyst	1	0.82%	1820	15	\$32.53	\$487.95	\$177,277.00	\$1,461.07	\$1,949.02
General Corporate Admin(Overhead)		4.00%					\$386,000.00	\$15,440.00	\$15,440.00
Human Resources Department									

Table 2 - Other Municipal Services and Departments - Time Allocation - Salary Costs - The Blue Mountains									
Council or Staff Position	# of Employees in Position	% of Total Time Spent on Plan Review, Inspection, Permit Processing, and/or Administration, etc	No. Hours worked per year	No. Hours worked per year on Building Related Services	Hourly Rate or Total Salary and Benefits Costs \$¹	Indirect Costs - Salary and Benefits	Total Overhead Costs	Indirect Costs Overhead	Total Indirect Costs - Administration
	<i>A</i>	<i>B = D/C</i>	<i>C</i>	<i>D</i>	<i>E</i>	<i>F = B X E</i>	<i>G</i>	<i>H = B X G</i>	<i>I = F + H</i>
HR Officer	1	5.49%	1820	100	\$46.70	\$4,670.00			\$4,670.00
Payroll Officer	1	2.20%	1820	40	\$28.15	\$1,126.00			\$1,126.00
H&S Officer	1	2.20%	1820	40	\$30.26	\$1,210.40			\$1,210.40
Engineering Department									
Engineering Design Technologist	1	3.30%	1820	60	\$34.16	\$2,049.60			\$2,049.60
Construction Inspector	1	3.30%	1820	60	\$32.53	\$1,951.80			\$1,951.80
Water Meter Technician	1	3.30%	1820	60	\$24.84	\$1,490.40			\$1,490.40
Planning Department									
Planners	4	3.00%	8320	260	\$40.00	\$10,400.00			\$10,400.00
	1								
IT/Systems									
IT Officer	1	4.40%	1820	80	\$37.59	\$3,007.20	\$45,430.00	\$1,996.92	\$5,004.12
Fire Department									
Fire Inspector/FPO	1	1.65%	1820	30	\$40.41	\$1,212.30			\$1,212.30
Total indirect Costs - Administration									
Other Departments									

Town of The Blue Mountains Building Permit Fee Review

Table 2 - Other Municipal Services and Departments - Time Allocation - Salary Costs - The Blue Mountains									
Council or Staff Position	# of Employees in Position	% of Total Time Spent on Plan Review, Inspection, Permit Processing, and/or Administration, etc	No. Hours worked per year	No. Hours worked per year on Building Related Services	Hourly Rate or Total Salary and Benefits Costs \$¹	Indirect Costs - Salary and Benefits	Total Overhead Costs	Indirect Costs Overhead	Total Indirect Costs - Administration
	<i>A</i>	<i>B = D/C</i>	<i>C</i>	<i>D</i>	<i>E</i>	<i>F = B X E</i>	<i>G</i>	<i>H = B X G</i>	<i>I = F + H</i>
Legal	1	1.10%	1820	20	\$75.00	\$1,500.00			\$1,500.00
Total Number Hours			55640	1379					
Total Indirect Costs- Enforcement									
¹ Adjusted to include benefits									
Hourly Rate - Indirect Costs				\$66.61					
Grand Total Indirect Costs									\$91,857.53

7. Direct Costs

Direct Costs are the costs associated with the front line delivery of the Building Division function such as receiving building permit applications, plan review, field inspection, enforcement and administration. These costs were calculated using the Municipality’s model.

The first step was to ascertain the time allocation for staff. The percentage of staff time spent on building-related responsibilities is set out in **Table 3**. Staff has other duties which are not considered to be recoverable through building permit fees. For example, the CBO is responsible for the management of municipal by-law enforcement unrelated to building permits. Between this and other non-related matters, the estimated time allocation for the CBO is 60% on the building inspection service.

Table 3 – Staff Allocation			
Position	Notes	Equivalent Hours/Year	Last Name
Director	10%	182	FINBOW
Mgr/CBO	60%	1092	MILLER
Officer (By-law Enforcement)	5%	91	DEWITT
Inspector	95%	1729	BUMSTEAD
Inspector	100%	1820	HEWGILL
Permit Assistant	100%	1820	DOOKS

The associated staff and benefit costs that may be recovered based on the time allocation are set out in **Table 4** which has been adjusted to 2011 costs. For example, the combined 2010 salary plus benefit rate (\$68,811.75 + \$15,542.94) for the Building Inspector (Field) from Columns A and B has been adjusted by 4.5% for 2011 as shown in Column C (\$80,741.60). The equivalent charge out rate is determined by dividing the salary/benefit rate in Column C by the total number of hours worked or \$46.00. Comparable calculations were conducted for other staff.

	A	B	C	D	E
Staff	Salary	Benefits	(B + C) X 4.5%	Hours (from Table 3)	D ÷ C (hourly rate)
Director	\$10,721.62	\$2,680.41	\$14,005.12	182	\$76.00
Mgr/CBO	\$49,314.72	\$12,328.68	\$64,417.35	1092	\$58.00
By-law Enforcement	\$2,726.36	\$681.59	\$3,561.31	91	\$39.00
Inspector/Field	\$61,811.75	\$15,452.94	\$80,741.60	1729	\$46.00
Inspector/Plan Review	\$50,723.40	\$12,680.85	\$66,257.44	1820	\$36.00
Permit Assistant	\$30,270.74	\$7,567.68	\$39,621.40	1820	\$21.87
Total			\$268,604		

Administration or overhead costs are typical costs essential to the operation of the Building Division such as uniforms, office supplies, and mileage and association fees. The 2011 costs for overhead for the Building Division were calculated as \$269,152 (adjusted from 2008). The associated hourly rate was derived from dividing the overhead costs by the total number of employee hours (8 x 1820 = 14,560) of departmental staff or \$18.48 (\$269,152 ÷ 14,560 = \$18.48).

The eligible cost recovery for **Direct Costs** is calculated as \$268,604 + \$269, 152 = \$537,756. The total combined **Direct** and **Indirect Costs** are estimated at **Direct Costs \$537,756 + Indirect Costs \$91,857 = \$629,614.**

The current Municipal model developed for determining building fees was used to calculate the fees recommended in this report. The model was developed on the basis of the same principles utilized by Tunnock Consulting Ltd in calculating fees for other municipalities. The model sets out a breakdown of the tasks for processing various types of permits and assigns a staff time allocation for each staff member involved in the process. We have adjusted the model to the extent of incorporating certain cost features from **Tables 3** and **4** above and by adding the administration overhead costs. The adjustments were made for both residential and non-residential permits and were made as follows:

1. The salaries/benefit costs used are derived from **Table 4** (above). For example, for

the Permits and Inspection Assistant, the hourly rate of \$21.87 was used and multiplied by the total number of hours taken for processing various types of permits (i.e. 3.5 hours x \$21.87 = \$76.55 for a Group A Finished class of permit.

2. Three additions were made to the Miscellaneous costs. The first cost under Building Code – Management was intended to incorporate the cost of the Director of the Department into the formula. The cost was calculated by taking the average number of permits per year (2008-2010) from **Table 1** (432) and dividing the figure by the number of hours spent by the Director on building related duties per year (182) or 0.42. The figure was then multiplied by the adjusted salary figure from **Table 4** of \$76.00 such that the chargeable rate is \$31.92 (i.e. $(432 \div 182) \times \$76.00 = \31.92). A similar calculation was undertaken for the category of Enforcement in order to reflect the time allocation of the By-law Enforcement Officer on building-related matters or $(432 \div 91) \times \$39.00 = \8.19 . Finally, the **Indirect Cost** was calculated as \$66.61 as derived from **Table 2** (above).
3. Administrative (overhead) costs for the Building Division of \$18.48/hour were added as a line item to Table 5

The results of the calculations are set out in **Table 5** and **Table 6**. Based on the calculations, the fees would result in some differences in the current building permit fees as set out in By-law 2010-34. For example, for the residential component, the cost per m² for a single detached dwelling would decline to \$12.60/m² from \$12.91/m².

The fees as calculated do not include provision for a setting aside funds in a Cost Stabilization Reserve Fund. The principle behind the Reserve Fund is to set aside funds to offset reduced revenues during lower permit activity and to provide for other residual unforeseen costs. In examining the volume of building permit activity over a 10 year period, the variation has been as much as 50%. However, a more consistent variation is in the order of 18% (i.e. 7 year average of 412 permits/year excluding 2006 and 2007 of 412 vs. a high of 488 or 18.4%). Consequently, a surcharge of 18.4% on building permit fees would be reasonable to offset potential revenue shortfalls. **Table 5** and **Table 6** have been adjusted to include a row to indicate potential permits under this scenario.

Table 5 - Residential Building Permit Fee Calculations - The Blue Mountains															
			Semi-Detached			Finished	Detached		Accessory						Compliance
	RESIDENTIAL	Detached SFD	Townhouse	Pre-Fab SFD	Addition	Basement	Garage	Decks	Buildings	Plumbing	Water/Sewer	Fireplaces	Tents	Demolition	Letters
	PERMIT APPLICATION														
	Consultation - Front Counter	0.5	0.5	0.5	0.75	0	0	0	0.25	0	0.25	0.25	0.25	0.25	0
P & I	Permit Intake/Application Data Entry	1	0.75	0.75	0.75	0.25	0.25	0.25	0.25	0.25	0.25	0.25	0.25	0.25	0.25
Assistant	Correspondence/Filing/Scanning	2.5	1	1	1	0.25	0.25	0.25	0.25	0.25	0.25	0.25	0.25	0.25	0.25
		4	2.25	2.25	2.5	0.5	0.5	0.5	0.75	0.5	0.75	0.75	0.75	0.75	0.5
		\$87.48	\$49.21	\$49.21	\$54.68	\$10.94	\$10.94	\$10.94	\$16.40	\$10.94	\$16.40	\$16.40	\$16.40	\$16.40	\$10.94
	Review Permit for Completeness	1	1	1	1	0.25	0.5	0.25	0.25	0.25	0.25	0.25	0.25	0.25	
Plans	OBC Review & Correspondence	3	1.5	1.5	2	0.5	0.5	0.25	0.5	0.25	0.25	0.25	0.25	0.25	
Examiner	Zoning/Site Plan	1	1	1	0.5	0	0.25	0.25		0					0.75
	Applicable Law (GCSA, GBHU)	1.5	1	1	1			0.25							0.5
	Issue Permit	0.5	0.5	0.5	0.25	0.25	0.25	0.25	0.5	0.5	0.25	0.25	0.25	0.25	0.25
	TOTAL - PLANS EXAM.	7	5	5	4.75	1	1.5	1.25	1.25	1	0.75	0.75	0.75	1.25	1
		\$252.00	\$180.00	\$180.00	\$171.00	\$36.00	\$54.00	\$45.00	\$45.00	\$36.00	\$27.00	\$27.00	\$27.00	\$45.00	\$36.00
		\$339.48	\$229.21	\$229.21	\$225.68	\$46.94	\$64.94	\$55.94	\$61.40	\$46.94	\$43.40	\$43.40	\$43.40	\$61.40	\$46.94
	INSPECTIONS*														
	Excavation/Footing	1.25	0.75	1.25	1	0	0.5	0.5	0.75	0					
	Water & Sewer Connection	1.25	1.25	1.25	0					0	1				
	Plumbing - Inside Drains	1.25	1	1	1	0.5				0					
Inspector	Foundation	1.25	1	1	1	0	0.5			0					
	Framing - Structural	2.5	1.75	0.5	1	0.5	0.5	0.5	1	0		1.25	0		
	Plumbing - Above Ground	1.25	1	0	1					1					
	Wood Burning Fire Place														
	Insulation	1.25	1	1.25	1	0.5									
	Occupancy	1.25	1.25	1.25	1	0									
	Final	1.25	1	1	1	0.5	0.5	0.5	0.75	0		1	0	1	
	TOTAL INSPECTION HOURS	12.5	10	8.5	8	2	2	1.5	2.5	1	1	2.25	0	1	0
	Inspector	\$575.00	\$460.00	\$391.00	\$368.00	\$92.00	\$92.00	\$69.00	\$115.00	\$46.00	\$46.00	\$103.50	\$ -	\$46.00	\$ -
	Permits & Inspection Assistant	\$ -													
		\$575.00	\$460.00	\$391.00	\$368.00	\$92.00	\$92.00	\$69.00	\$115.00	\$46.00	\$46.00	\$103.50	\$ -	\$46.00	\$ -
	MISCELLANEOUS														
	Building Code Management	\$31.92	\$31.92	\$31.92	\$31.92	\$31.92	\$31.92	\$31.92	\$31.92	\$31.92	\$31.92	\$31.92	\$31.92	\$31.92	\$31.92
	Indirect Cost - Hourly Rate	\$66.61	\$66.61	\$66.61	\$66.61	\$66.61	\$66.61	\$66.61	\$66.61	\$66.61	\$66.61	\$66.61	\$66.61	\$66.61	\$66.61
	Re-inspections	0													
	Coordination Meeting														

Town of The Blue Mountains Building Permit Fee Review

Table 5 - Residential Building Permit Fee Calculations - The Blue Mountains															
			Semi-Detached			Finished	Detached		Accessory						Compliance
	RESIDENTIAL	Detached SFD	Townhouse	Pre-Fab SFD	Addition	Basement	Garage	Decks	Buildings	Plumbing	Water/Sewer	Fireplaces	Tents	Demolition	Letters
	Agreement									0					
	Site Plan									0					
	Water Meters														
	Conservation Authority									0					
	NEC														
	Health Unit									0					
	Enforcement	\$8.19	\$8.19	\$8.19	\$8.19	\$8.19	\$8.19	\$8.19	\$8.19	\$8.19	\$8.19	\$8.19	\$8.19	\$8.19	\$8.19
		\$106.72	\$106.72	\$106.72	\$106.72	\$106.72	\$106.72	\$106.72	\$106.72	\$106.72	\$106.72	\$106.72	\$106.72	\$106.72	\$106.72
						\$149.87	\$167.87	\$135.87	\$192.81	\$103.87	\$105.81	\$163.31	\$59.81	\$123.81	\$57.87
	TOTAL Hours	23.5	17.25	15.75	15.25	3.5	4	3.25	4.5	2.5	2.5	3.75	1.5	3	1.5
	Permits \$\$ Per Hour	\$914.48	\$689.21	\$620.21	\$593.68	\$138.94	\$156.94	\$124.94	\$176.40	\$92.94	\$89.40	\$146.90	\$43.40	\$107.40	\$46.94
	TOTAL Price per Permit	\$2,926.60	\$2,167.01	\$1,968.88	\$1,899.30	\$438.75	\$659.74	\$533.34	\$742.30	\$406.94	\$403.40	\$618.65	\$231.20	\$484.00	\$234.74
	Add Admin.	\$434.28	\$318.78	\$291.06	\$281.82	\$64.68	\$73.92	\$60.06	\$83.16	\$46.20	\$46.20	\$69.30	\$27.72	\$55.44	\$27.72
	Add Indirect	\$1,565.34	\$1,149.02	\$1,049.11	\$1,015.80	\$233.14	\$426.88	\$346.84	\$480.24	\$266.80	\$266.80	\$400.20	\$160.08	\$320.16	\$160.08
	Average Sq Footage	2,500	2,500	2,500	1,500	1,000	720	500	200	2,500	50	2,500	800	2,500	
	TOTAL Price /ft2	\$1.17	\$0.87	\$0.79	\$1.27	\$ 0.44	\$0.92	\$1.07	\$3.71	\$0.16	\$8.07	\$0.25	\$0.29	\$0.19	
	TOTAL Price /m2	\$12.60	\$9.33	\$ 8.48	\$13.63	\$4.72	\$9.86	\$11.48	\$39.95	\$1.75	\$86.84	\$2.66	\$3.11	\$2.08	\$ -
	Reserve Fund Adjustment (18.4%)	\$14.92	\$11.05	\$10.04	\$16.14	\$5.59	\$11.68	\$13.59	\$47.30	\$2.07	\$102.82	\$3.15	\$3.68	\$2.47	\$0.00

Table 6 - Non-Residential Building Permit Fee Calculations															
	INDUSTRIAL/COMMERCIAL	Group "A"		Group "B"		Finished	Detached		Accessory						Compliance
	Finished	Shell	Finished	Shell	Basement	Garage	Decks	Buildings	Plumbing	Water/Sewer	Fireplaces	Tents	Demolition	Letters	
	PERMIT APPLICATION														
	Consultation	0.5	0.5	0.5	0.75	0	0	0	0.25	0	0.25	0.25	0.25	0.25	0
P & I	Permit Intake/Application Data Entry	1	0.75	0.75	0.75	0.25	0.25	0.25	0.25	0.25	0.25	0.25	0.25	0.25	0.25
Assistant	Correspondence/Filing	2	1	1	1	0.25	0.25	0.25	0.25	0.25	0.25	0.25	0.25	0.25	0.25
		3.5	2.25	2.25	2.5	0.5	0.5	0.5	0.75	0.5	0.75	0.75	0.75	0.75	0.5
		\$76.55	\$49.21	\$49.21	\$54.68	\$10.94	\$10.94	\$10.94	\$16.40	\$10.94	\$16.40	\$16.40	\$16.40	\$16.40	\$10.94
	Review Permit for Completeness	2	1	1	1	0.25	0.5	0.25	0.25	0.25	0.25	0.25	0.25	0.25	
Plans	OBC Review & Correspondence	10	1.5	1.5	2	0.5	0.5	0.25	0.5	0.25	0.25	0.25	0.25	0.25	
Examiner	Zoning/Site Plan	2	1	1	0.5	0	0.25	0.25		0					0.75
	Applicable Law (GCSA, GBHU)	2	1	1	1			0.25						0.5	
	Issue Permit	2	0.5	0.5	0.25	0.25	0.25	0.25	0.5	0.5	0.25	0.25	0.25	0.25	0.25
	TOTAL - PLANS EXAM.	18	5	5	4.75	1	1.5	1.25	1.25	1	0.75	0.75	0.75	1.25	1
		\$648.00	\$180.00	\$180.00	\$171.00	\$36.00	\$54.00	\$45.00	\$45.00	\$36.00	\$27.00	\$27.00	\$27.00	\$45.00	\$36.00
		\$724.55	\$229.21	\$229.21	\$225.68	\$46.94	\$64.94	\$55.94	\$61.40	\$46.94	\$43.40	\$43.40	\$43.40	\$61.40	\$46.94
	INSPECTIONS*														
	Excavation/Exterior Strip Footing	2.25	1.25	1.25	1	0	0.5	0.5	0.75	0					
	Excavation/Interior Strip Footing	1.25													
	Water & Sewer Connection	1.25	1.25	1.25	0					0	1				
	Plumbing - Inside Drains	2	1	1	1	0.5				0					
Inspector	Foundation	1.25	1	1	1	0	0.5			0					
	Framing - Structural	5.25	2	0.5	1	0.5	0.5	0.5	1	0	1.25	0			
	Plumbing - Above Ground	2.25	1	0	1					1					
	Wood Burning Fire Place														
	Insulation	4.25	1.25	1.25	1	0.5									
	Occupancy	2.25	1.25	1.25	1	0									
	Final	2.25	1	1	1	0.5	0.5	0.5	0.75	0	1	0	1		
	TOTAL INSPECTION HOURS	24.25	11	8.5	8	2	2	1.5	2.5	1	1	2.25	0	1	0
	Permits & Inspections Assistant	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	Inspector	\$1,115.50	\$506.00	\$391.00	\$368.00	\$ 92.00	\$92.00	\$69.00	\$115.00	\$46.00	\$ 46.00	\$103.50	\$ -	\$ 46.00	\$ -
		\$1,115.50	\$506.00	\$391.00	\$368.00	\$92.00	\$92.00	\$69.00	\$115.00	\$46.00	\$46.00	\$103.50	\$ -	\$46.00	\$ -
	MISCELLANEOUS														

Town of The Blue Mountains Building Permit Fee Review

Table 6 - Non-Residential Building Permit Fee Calculations															
	Group "A"		Group "B"		Finished	Detached		Accessory							Compliance
INDUSTRIAL/COMMERCIAL	Finished	Shell	Finished	Shell	Basement	Garage	Decks	Buildings	Plumbing	Water/Sewer	Fireplaces	Tents	Demolition	Letters	
Building Code - Management	\$31.92	\$31.92	\$31.92	\$31.92	\$31.92	\$31.92	\$31.92	\$31.92	\$31.92	\$31.92	\$31.92	\$31.92	\$31.92	\$31.92	\$31.92
Indirect Cost - Hourly Rate	\$66.61	\$66.61	\$66.61	\$66.61	\$66.61	\$66.61	\$66.61	\$66.61	\$66.61	\$66.61	\$66.61	\$66.61	\$66.61	\$66.61	\$66.61
Re-inspections															
Coordination Meeting Agreement															
Site Plan															
Plumbing															
Conservation Authority															
NEC															
Health Unit Enforcement	\$8.19	\$8.19	\$8.19	\$8.19	\$8.19	\$8.19	\$8.19	\$8.19	\$8.19	\$8.19	\$8.19	\$8.19	\$8.19	\$8.19	\$8.19
	\$106.72	\$106.72	\$106.72	\$106.72	\$106.72	\$106.72	\$106.72	\$106.72	\$106.72	\$106.72	\$106.72	\$106.72	\$106.72	\$106.72	\$106.72
					\$149.87	\$167.87	\$135.87	\$192.81	\$103.87	\$105.81	\$163.31	\$59.81	\$123.81	\$57.87	
TOTAL Hours	45.75	18.25	15.75	15.25	3.5	4	3.25	4.5	2.5	2.5	3.75	1.5	3	1.5	
Permits \$\$ Per Hour	\$1,840.05	\$735.21	\$620.21	\$593.68	\$138.94	\$156.94	\$124.94	\$176.40	\$92.94	\$89.40	\$146.90	\$43.40	\$107.40	\$46.94	
TOTAL Price per Permit	\$5,753.05	\$2,297.46	\$1,967.46	\$1,897.93	\$ 438.44	\$ 498.94	\$402.69	\$561.40	\$306.44	\$302.90	\$467.90	\$170.90	\$363.40	\$174.44	
Add Admin.	\$841.34	\$335.62	\$289.64	\$280.45	\$64.37	\$73.56	\$59.77	\$82.76	\$45.98	\$45.98	\$68.96	\$27.59	\$55.17	\$27.59	
Add Indirect	\$3,047.41	\$1,215.63	\$1,049.11	\$1,015.80	\$233.14	\$266.44	\$216.48	\$299.75	\$166.53	\$166.53	\$249.79	\$99.92	\$199.83	\$99.92	
Average Sq Footage	10,000	2,500	2,500	1,500	1,000	720	500	200	2,500	50	2,500	800	2,500		
TOTAL Price per Hr	\$0.58	\$0.92	\$0.79	\$1.27	\$0.44	\$0.69	\$0.81	\$2.81	\$0.12	\$6.06	\$0.19	\$0.21	\$0.15		
Reserve Fund Adjustment (18.4%)	\$0.68	\$ 1.09	\$ 0.93	\$ 1.50	\$ 0.52	\$ 0.82	\$ 0.95	\$ 3.32	\$ 0.15	\$ 7.17	\$ 0.22	\$ 0.25	\$ 0.17	\$ -	

8. Building Permit Fee Schedule

By-law 2010-34 of the Town of The Blue Mountains was adopted under Section 7 of the Building Code Act and sets out, among other matters, the Schedule of fees for various categories or types of building permits. The fee rates in Schedule 'B', Tables 'A-C' reflect for the most part the calculations derived from the municipality's model for fee calculation. The Schedule also includes a series of flat fees for other services such as plumbing and sewage permits. From our work in other municipalities across Ontario, we would indicate that the flat fees are reasonable. However, the municipality should use the permit fee model above to derive a more precise indication of costs for the work required.

Another observation is that the municipality has opted to levy fees for minor permits such as decks that are less than the actual cost of processing such permits. Reduced fees for minor permits are a universal practice across Ontario. Reduced fees are viewed as an incentive for people to obtain permits and receive the benefit of the building inspection service as opposed to circumventing the building permit process. To compensate for the loss of revenues from minor permits, municipalities will often cross-subsidize the costs by collecting more for the major permits. The municipality's fee model does not provide for offsetting costs. **We would recommend that the value of the lost revenues be calculated by multiplying the difference between the fees levied and costs from Table 5 multiplied by the average number of permits for each of the minor permits respectively. If the revenue loss is in the magnitude of \$50,000, Tables 5 and 6 could be adjusted by adding an adjustment factor under Miscellaneous. For example if the average number of housing starts per year was 50 and 50% of the \$50,000 was assigned to residential building permits, then the cross-subsidy would be \$500.00 per permit (i.e. $(\$50,000 \times 50\%) \div 50 = \$500.00/\text{permit}$).**

The fees in **Tables 5 and 6** are based on both 100% cost recovery as well as the fees that would be required to generate a Reserve Fund of 18.4% (i.e. 118.4% cost recovery).

The Reserve Fund would be used to offset declines in fee revenues from a reduced level of permit activity and/or could be used for anticipated (new) operational or capital costs i.e. replacement of computers, replacement of municipal vehicles etc. **(Note: Reserve funds could be used to offset operational and capital costs for other departments (Indirect Costs) where the costs are building related. For example, the Finance Department may have to replace computers. Since those computers are used in part for recording building permit fee revenues or budget preparation, a proportion of the cost of their replacement could be taken from the Reserve Fund).**

This study should not be interpreted to limit the municipality from adjusting the 'fixed' fee to a variable rate where the 'level of effort' required to review plans and conduct

inspections is greater than the ‘average’ level of effort. We note from Section ‘P’ of Schedule ‘B’ to the Municipality’s Building By-law, that hourly rates are charged for revisions to a permit and similarly in Section 6, Re-inspection Fees etc. are charged at an hourly rate for various services. The Municipality’s fee model permits the municipality to more accurately establish the actual cost for these services and hence, the justification for the fees levied. For example, a deferred inspection rate of \$100.00 is levied. The actual rate derived from **Tables 4 and 5** is \$151.72/hour (i.e. \$46.00/hr/inspector + \$31.92/hour management fee + \$66.61/hour Indirect Cost + \$8.19/hour Enforcement = \$151.72). The rate of \$151.72 would vary depending on what staff member of the Building Division is providing the service. For example, the Plan Review rate would be \$141.72 since the salary/benefit rate is \$36.00/hour (**Table 4**). The adjusted rates are intended to reflect full cost recovery; however, the municipality could choose to charge out only the employee salary/benefit rate.

9. Recommendations

This building permit fee study has determined the total **Indirect Costs** and **Direct Costs** for **Administration** and **Enforcement** based on the criteria set out in Section 7 of the Building Code Act.

1. It is recommended that the Municipality establish a corporate policy on fee recovery. The suggested fees should generate revenues that would recover 118.4% of the eligible costs (assuming an average level of construction and the base line fees for each permit category). Surplus revenues derived from the surcharge of 18.4% should be deposited in the **Cost Stabilization Reserve Fund** for anticipated new capital and operational costs and to offset reductions in fee revenues.
2. It is recommended that flat fees in the Building By-law be converted to a \$/m² fee for services where the costs can be more accurately derived from the building permit fee model (i.e. plumbing, on-site sewage services, public pools and spas).
3. It is recommended that the hourly fee charged for services in the Building By-law be converted to reflect the actual costs as set out in the building permit fee model in **Tables 5 and 6** above (i.e. permit revisions and other charges).
4. It is recommended that the building deposit of \$1,000 (Schedule B, Item 1) be increased to \$2,000 since most major permits will exceed \$2,000 under the permit fee regime.

Note: The recommendations in this report do not preclude the Town of The Blue Mountains from establishing a fee structure that varies from the recommendations provided they do not exceed the legislative authority under the Building Code Act.

Appendix 1 includes a sample Public Meeting Notice for a meeting convened under Section 7 of the Building Code Act to consider a change in fees or to introduce new fees. Appendix 2 sets out the format for the Annual Report on Building Permit Fees required by the Building Code Act.

APPENDIX 1

PUBLIC MEETING NOTICE

PUBLIC MEETING

Corporation of the Town of The Blue Mountains

TAKE NOTICE that the Council of the Corporation of the Town of The Blue Mountains will hold a public meeting on the ____ day of _____, 2011, at _____ p.m., in the Council Chambers (23 Bridge Street East, Thornbury) in order to consider a proposed Building Permit Fee By-law under **Section 7** of the *Building Code Act*.

PURPOSE AND EFFECT -The Town of The Blue Mountains is proposing to adopt (amend) a Building Permit Fee By-law following a review of the building permit fees under **Section 7(b)** of the *Building Code Act*. The effect will be to increase (decrease) the existing fee structure (and add introduce a new fee). Information will be provided at the meeting on the estimated costs of enforcing and administering the *Building Code Act*, the amount of the proposed fee(s) and the rationale for changing (and/or imposing) fees.

ANY PERSON may attend the public meeting and/or make written or verbal representation either in support of or in opposition to the proposed fees.

ADDITIONAL INFORMATION related to the proposed fees is available during regular office hours at the municipal offices.

Dated at the Town of The Blue Mountains this ____ day of _____, 2011.

Clerk
Town of The Blue Mountains
23 Bridge Street East
Box 310
THORNBURY ON NOH 2P0

Tel. 519 599-3131
Fax. 519 599-6032

(Note: to be advertised a minimum of 21 days prior to the public meeting. Notice has only to be given to every person and organization that has within the last 5 years before the date of the public meeting, requested to be notified and has given the municipality an address.)

APPENDIX 2

ANNUAL MEETING REPORT

BUILDING PERMIT FEES

Corporation of the Town of The Blue Mountains

Annual Report - Building Permit Fees

Total Fees (Revenues) collected for the period January 1, 201_ to December 31, 201_ under Bylaw No. ____, of the Town of The Blue Mountains \$ _____

Costs of Delivering Services:

Indirect Costs:

Indirect Costs are deemed to include the costs for support and overhead services to the Building Division of the Town of The Blue Mountains as follows:

Total Administration Costs \$ _____

Total Enforcement Costs \$ _____

Sub-Total - Indirect Costs \$ _____

Direct Costs:

Direct Costs are deemed to include the costs of the Building Division of the Town of The Blue Mountains for the processing of building permit applications, the review of building plans conducting inspections and building-related enforcement duties.

Total Administration Costs \$ _____

Total Enforcement Costs \$ _____

Sub-Total - Direct Costs \$ _____

Grand Total Indirect and Direct Costs \$ _____

Revenues over costs as of December 31, 200_ \$ _____

Statement of Reserves:

Building Division Reserve Fund (to December 31, 200_) \$ _____

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

By-Law No. 2011- _____

A By-law under the *Building Code Act*, S.O. 1992, c.23,
respecting Permits and Related Matters

WHEREAS Section 7 of the *Building Code Act*, S.O. 1992, c.23, authorizes a municipal council to pass by-laws concerning the issuance of permits and related matters;

NOW THEREFORE THE COUNCIL OF THE TOWN OF THE BLUE MOUNTAINS ENACTS AS FOLLOWS:

1. SHORT TITLE

This By-law may be cited as the "Building Permits By-law".

2. DEFINITIONS

In this By-law:

- (a) "*Act*" means the *Building Code Act*, S.O. 1992, c.23, as amended.
- (b) "*Applicant*" means the *owner* of a building or property who applies for a *permit* or any person authorized by the owner to apply for a *permit* on the owner's behalf, or any person or corporation empowered by statute to cause the demolition of a building or buildings and anyone acting under the authority of such person or corporation.
- (c) "*Building Code*" means the regulation under Section 34 of the *Act*.
- (d) "*Chief Building Official*" means the Chief Building Official appointed by Council under Section 3(4) of the *Act*.
- (e) "*complete building permit application*" means an application that meets the minimum requirements for applications set out in Article 1.3.1.3., Division C of the Building Code and the requirements of this by-law.
- (f) "*conditional permit*" means a building permit issued by the *Chief Building Official* under subsection 8(3) of the *Act*.
- (g) "*demolish*" means demolish as defined in subsection 1(1) of the *Act*.
- (h) "*owner*" means the registered owner of the land and includes a lessee, mortgagee in possession and the person in charge of the property.
- (i) "*permit*" means permission or authorization given in writing by the *Chief Building Official* to perform work regulated by the *Act* and *Building Code*, or to occupy a building or part thereof.
- (j) "*permit holder*" means the person to whom the *permit* has been issued and who assumes the primary responsibility for complying with the *Act* and the *Building Code*.
- (k) "*sewage system*" means a sewage system as defined in Sentence 1.4.1.2.(1) of the *Building Code*.
- (l) "*Town*" means the Corporation of the Town of The Blue Mountains.

(1) Terms not defined in this By-law shall have the meaning as described to them in the *Act* or the *Building Code*.

3. CLASSES OF PERMITS

Classes of permits required for construction, demolition or change of use are set forth in **Schedule "A"** appended to and forming part of this By-law.

4. REQUIREMENTS FOR PERMIT APPLICATIONS

General Requirements

- 4.1 Every *permit* application shall meet the minimum requirements of this section and shall:
- (a) be submitted by the *applicant*;
 - (b) file an application in writing by completing the prescribed form as required by Regulation or where no forms are available, on a form prescribed by the *Chief Building Official* permitted under Clause 7(f) of the Act; and
 - (c) be accompanied by the required fees calculated in accordance to this by-law.
- 4.2 Additional prescribed forms permitted under Clause 7(f) of the *Act* is delegated to the *Chief Building Official* pursuant to Section 23.1(1) and (4) of the Municipal Act, 2001. Any prescribed forms shall be approved in writing by the *Chief Building Official* and shall be applicable to applications after such approval.
- 4.3 The *Chief Building Official* may provide prescribed forms in electronic format and may allow for the electronic submission of completed application forms and related documents.
- 4.4 Notwithstanding subsection 4.3, completed forms generated electronically or submitted through the *Town's* website shall be subject to the endorsement of the *applicant*.

Applications for Permits to CONSTRUCT

- 4.5 Every application for a building permit shall be submitted to the *Chief Building Official* and shall contain the following information:

Where application is made for a construction permit under subsection 8(1) of the *Act*, the application shall:

- (a) Include and identify and describe in detail the work, use and occupancy to be covered by the *permit* for which the application is made;
- (b) identify and describe in detail the existing occupancy and uses and the proposed uses(s) for which the premises are intended;
- (c) describe the land on which the work is to be done, by a description that will readily identify and locate the site on which the building or demolition is to occur;
- (d) be accompanied by plans and specifications as described in this by-law or as required by the *Chief Building Official* as necessary to determine the scope of construction or change proposed under the permit application for determination of compliance with the *Act*, *Building Code*, any applicable law and this by-law;
- (e) be accompanied by the required fees or partial payment as calculated in accordance with **Schedule "A"**;
- (f) state the names, addresses and telephone numbers of the owner, applicant, architect, engineer or other designer, and the constructor or person hired to carry out the demolition, as the case may be;
- (g) when Section 1.2, Division C of the Building Code applies, or as required by the *Chief Building Official*, be accompanied by a signed acknowledgement of the owner on a form prescribed by the *Chief Building Official* that an architect or professional engineer, or both, have been retained to carry out the general review of the construction or demolition of the building;

- (h) include, where applicable, the registration number of the builder or vendor as provided in the *Ontario New Home Warranties Plan Act*, as may be amended or replaced from time to time;
- (i) state the estimated valuation of the proposed work including material and labour; and
- (j) be signed by the *applicant* who shall certify as to the truth of the contents of the application.

Applications for Permits to DEMOLISH

- 4.6 In addition to the requirements of subsection 4.1 to 4.5 above, every demolition *permit* application shall:
- (a) when Section 1.2, Division C of the *Building Code* applies, be accompanied by structural design characteristics of the building and the method and time schedule of the demolition; and
 - (b) be accompanied by satisfactory written proof on a form prescribed by *the Chief Building Official* that arrangements have been made with the proper authorities for termination and capping of all the water, sewer, gas, electric, telephone or other utilities and services.
 - (c) describe the method of demolition, including the methods of discarding waste material and location of where waste material is to be taken. Approval shall be obtained from the Manager, Solid Waste and Environmental Initiatives prior to disposing at the municipal landfill site.

Applications for Conditional Permits

- 4.7 In addition to the requirements of subsection 4.1 to 4.5 above, every conditional *permit* application shall, on a form prescribed by *the Chief Building Official*:
- (a) state the reasons why the *applicant* believes that unreasonable delays in construction would occur if a *conditional permit* is not granted;
 - (b) state the outstanding necessary approvals which must be obtained in respect of the proposed building and the time in which such approvals will be obtained; and,
 - (c) be subject to the applicant entering into an agreement provided by the *Chief Building Official* who is authorized to enter into agreements pursuant to Section 8(3.1) of the *Building Code Act* and that the registration of the Conditional Building Permit Agreement on title to the lands shall be the responsibility of the applicant.

Applications for a Model Home Permit

- 4.8 In addition to the requirements of subsection 4.1 to 4.5 and 4.7 above, every model home *permit* application shall:
- (a) include payment of securities in the amount of \$10,000 or as otherwise approved by the Director, Planning & Building Services;
 - (b) include payment of all fees and charges as outlined in this by-law;
 - (c) Be accompanied by the execution of a Model Home Agreement/Sales Office Agreement and Site Plan as required by the Director.

Applications for a Change of Use Permit

- 4.9 In addition to the applicable requirements of subsection 4.1 to 4.5 above, every change of use *permit* application under subsection 10(1) of the Act shall:
- (a) describe the building or part thereof in which the occupancy is to be changed; and,
 - (b) include plans and specifications which show the current and proposed occupancy of all parts of the building, and which contain

sufficient information to establish compliance with the requirements of the *Building Code* including, floor plans, details of wall, floor and roof assemblies identifying required fire resistance rating and load bearing capacities and details of the existing sewage system, if any.

Applications for a Sewage System Permit

- 4.10 In addition to the requirements of subsection 4.1 to 4.5 above, every sewage system *permit* application shall:
- (a) include a completed On-Site Sewage System Design Criteria form; and,
 - (b) include a completed Sewage Specifications Form.

Issuance of Permits

- 4.11 The *Chief Building Official* shall, where conditions in section 4 and section 6 of this by-law have been fulfilled, issue a *permit* for part of a building subject to compliance with the *Act*, the *Building Code* and any applicable law.
- 4.12 The *Chief Building Official* may, where conditions in Subsection 8(3) to 8(5) of the *Act* and subsection 4.7 above have been fulfilled, issue a conditional permit for a building subject to compliance with the *Act*, the *Building Code* and any applicable law.
- 4.13 The *Chief Building Official* shall not, by reason of the issuance of a *permit* or *permits* for a part or parts of the building issued under subsections (4) and (5) be under any obligation to grant any further *permit* or *permits* therefore.
- 4.14 Where an application for a *permit* remains incomplete or inactive for six months after it is made, the application may be deemed by the *Chief Building Official* to have been abandoned and notice thereof shall be given to the *applicant*, pursuant to Subsection 4.17 of this by-law.

Additional Information

- 4.15 The acceptance or processing of an application under this by-law by the *Chief Building Official* shall not be deemed to prohibit the *Chief Building Official* from providing the applicant to supply further information, plans, specifications or details as may be necessary to:
- (a) determine compliance with the *Act*, *Building Code*, this by-law or other applicable law, or
 - (b) determine the fees required to be calculated under this by-law.

Without the *applicant* supplying such information as requested by the *Chief Building Official*, the application may be determined to be incomplete or denied for issuance, pursuant to Subsection 8(2.2) of the *Building Code Act*.

Incomplete Application

- 4.16 Where an application is determined to be incomplete in accordance to Sentence 1.3.1.3.(5), Division C of the *Building Code* or this by-law, the *Chief Building Official* may accept and process the application where the applicant acknowledges that the application is incomplete by completing a prescribed acknowledgment form.

Inactive Permit Application

- 4.17 (a) where an application for a *permit* remains incomplete or inactive for six months from the date the application was received, the *Chief Building Official* may refuse to process the application by deeming it to have been abandoned, and shall give written notice to the applicant via regular mail or by electronic email at the address indicated on the application.
- (c) where a *permit* has been deemed to be abandoned, a new

application and corresponding fees must be submitted for any work proposed in the abandoned application.

- (d) permit fees may be refunded in accordance to **Schedule “A”** of this by-law where applicable.

5. PLANS AND SPECIFICATIONS

5.1 Every applicant shall furnish,

- (a) Two (2) complete sets of sufficient plans for residential projects and three (3) complete sets for new commercial or multi residential buildings with specifications, documents and other information to enable the *Chief Building Official* to determine whether the proposed construction, demolition, sewage system or change of use conforms to the *Act* and the *Building Code*. Sufficient plans, at the discretion of the *Chief Building Official*, shall as listed in **Schedule “B”** of this by-law.
- (b) a site plan referenced to a current plan of survey certified by a registered Ontario Land Surveyor and a copy of such a survey shall be filed with the municipality unless this requirement is waived because the *Chief Building Official* is able, without having a current plan of survey, to determine whether the proposed work conforms to the *Act*, the *Building Code*, and any other applicable law. The site plan shall include;
- i) lot size and dimensions of property;
 - ii) setbacks from existing and proposed buildings to property boundaries and to each other;
 - iii) existing and finished ground levels, including grades, pattern of drainage and swale and sloped grading details;
 - iv) existing and proposed elevations or underside of footings, finished basement slab, top of foundation wall and finished first floor level; and,
 - v) existing rights of way, easements and municipal services.
- (c) where required, a drainage and grading plan shall be prepared by a Professional Engineer, a Certified Engineering Technologist or an Ontario Land Surveyor.
- (d) in addition to the above requirements, residential grading shall conform with the Town Engineering Standards.

5.2 Plans submitted shall be legible and be drawn to scale:

- (a) upon paper or other durable material; and
- (b) in an electronic format as prescribed by the *Chief Building Official*.

5.3 The *Chief Building Official* shall determine the number of plans, specifications, documents and other information required to be furnished with an application for permit having regard for the requirements of any *Act*, regulation or by-law respecting the examination or circulation of the application.

5.4 The *Chief Building Official* may require, where deemed appropriate, that a professional engineer and/or architect conduct a peer review for all or part of the work with the expense to be borne by the *applicant*.

5.5 On completion of the construction of a building, the *Chief Building Official* may require a set of as constructed plans, including a plan of survey showing the location of the building.

5.6 Plans and specifications furnished according to this by-law or otherwise required by the *Act* become the property of the municipality and will be disposed of or retained in accordance with relevant legislation.

5.7 On completion of the construction of a building, the *Chief Building Official* may require a report prepared by an Energiguide© rating system energy advisor, certified by Natural Resources of Canada or an equivalent rating

system as determined by Regulation or the *Chief Building Official*; for the confirmation of a minimum energy efficiency rating. Such rating shall be displayed with the rating label affixed to the furnace or electrical panel or other appropriate location as determined by the *Chief Building Official*.

6. ALTERNATIVE SOLUTIONS

Where approval for an alternative solution under the *Building Code* is proposed for either the application for a *permit* or a material change to a plan, specification, document or other information on the basis for which a permit was issued, the *applicant* shall submit:

- (a) an application on a form prescribed by the *Chief Building Official*;
- (b) all supporting documentation and calculations demonstrating that the proposed alternative solution will provide the level of performance required by the *Building Code*; and
- (c) payment of the required fee as prescribed in **Schedule "A"**.

7. FEES

7.1 The *Chief Building Official* shall determine the required fees calculated in accordance with **Schedule "A"** and the *applicant* shall pay such fees.

7.2 No *permit* shall be issued or any service provided until the fees therefore have been paid in full by the *applicant*.

7.3 In addition to the fees paid at the time of building *permit* application, when an applicant makes supplementary submissions and revised submissions, the applicant shall pay the prescribed fee which shall be calculated in accordance with **Schedule "A"** of this by-law.

7.4 Upon written request, the *Chief Building Official* shall determine the amount of fees, if any, that may be refunded in accordance with **Schedule "A"** in the case of:

- (a) withdrawal of an application;
- (b) abandonment of an application pursuant to subsection 4.17 above;
- (c) refusal to issue a permit; or
- (d) request for revocation of a *permit* pursuant to Clause 8(10)(e) of the *Act*.

7.5 Subject to subsection 7(1) of the *Act*, there shall be no refund of *permit* fees where a *permit* has been revoked, except where the *permit* was issued in error or where the *applicant* requests revocation no more than six months after the *permit* is issued. In such cases the amount of refund shall be calculated in accordance with **Schedule "A"** of this by-law.

8. PERMIT REVOCATION, DEFERRAL OR REVOCATION AND TRANSFER

Revocation of Permit

8.1 Prior to revoking a permit under Clauses 8(10)(b) and (c) of the *Act*, the *Chief Building Official* shall give written notice of intention to revoke to the *permit holder* at his last known address and if on the expiration of thirty (30) days from the date of such notice, the ground for revocation continues to exist, the *permit* may be revoked without further notice and all submitted plans and other information may be disposed of.

Deferral of Revocation

8.2 On receipt of a notice of intention to revoke a *permit*, a *permit holder* may request in writing within thirty (30) days from the date thereof the *Chief Building Official* to defer the revocation of such *permit*.

- (a) a request for deferral shall set out the reasons why the *permit* should not be revoked and the date by which the work will be commenced or

resumed.

- (b) having considered the circumstances of the request and having determined that there have been no changes to the *Act* and the *Building Code* and any other applicable law which would have prevented the issuance of the original permit, the *Chief Building Official* may allow a deferral to a prescribed date and shall notify the *permit holder*.
- (c) a request for deferral of revocation is subject to a fee in accordance with **Schedule "A"**.

Transfer of Permit

- 8.3 (a) *permits* shall not be transferred to new owners without the approval of the *Chief Building Official*.
- (b) *permits* are transferrable only upon the new owner completing a permit application form as prescribed by Section 4 of this by-law.
- (c) a fee, as prescribed in **Schedule "A"**, shall be payable on a transfer of *permit* by the new owner who shall thenceforth be the *permit holder* for the purpose of the *Act* and the *Building Code*.

9. NOTIFICATIONS

- 9.1 Notices respecting stages of construction required by Subsection 1.3.5., Division C of the Building Code and **Schedule "C"** of this by-law shall be given by the *permit holder* to the *Chief Building Official* of the readiness to inspect at least 2 business days in advance of the stages of construction specified therein.
- 9.2 Except for 8.3 of this by-law, upon the receipt of notification by the *Chief Building Official* as specified in this by-law; an inspector shall, no later than 2 business days, undertake a site inspection of the building to which the notice relates.
- 9.3 In the instance of sewage systems, an inspector shall, no later than 5 business days, undertake a site inspection of the sewage system of which the notice relates.
- 9.4 In addition to the Notices prescribed pursuant to Subsection 1.3.5., Division C of the Building Code, Notice shall be given by the *permit holder* to the *Chief Building Official* of the stages of construction as noted in Clauses 1.3.5.2. (1)(c), (g), (h) and (i) for the:
 - (a) commencement of construction of:
 - (i) masonry fireplaces and masonry chimneys,
 - (ii) factory-built fireplaces and allied chimneys,
 - (iii) stoves, ranges, space heaters and add-on furnaces using solid fuels and allied chimneys.
 - (b) substantial completion of site grading,
 - (c) substantial completion of the pool deck and dressing rooms for a public pool or public spa and readiness for inspection of the emergency stop system for a public pool or public spa, and
 - (d) completion and availability of drawings of the building as constructed.
- 9.5 A notice pursuant to this section is not effective until notification is received by the *Chief Building Official* by:
 - (a) written notice by email at buildingpermitinfo@thebluemountains.ca, or
 - (b) from the Town's website at www.thebluemountains.ca where available, or
 - (c) verbal notice via the inspection request line at (519) 599-3131 extension 239 or toll free at 1-888-258-6867, extension 239.

10. FENCING - CONSTRUCTION SITES

- 10.1 Where a construction site may present a hazard to the public, the *owner* of the construction site shall ensure that the construction site is suitably fenced

to prevent public access onto the construction site.

10.2 If fencing has not been provided in accordance with Section 10.1 and, if in the opinion of the *Chief Building Official*, the construction site presents a particular hazard to the public, the *Chief Building Official* may in writing require the *owner* and the *permit holder* to erect such fencing as he deems appropriate to the circumstances such as described in the National Building Code, Section 8.2.

10.3 In considering the hazard presented by a construction site and the necessary fencing, the *Chief Building Official* shall have regard for:

- (a) the proximity of the construction site to occupied dwellings;
- (b) the proximity of the construction site to lands accessible to the public,
- (c) including but not limited to streets, parks and commercial and institutional activities;
- (d) the hazards presented by the construction activities and materials;
- (e) the feasibility and effectiveness of site fencing; and,
- (f) the duration of the hazard.

11. OTHER BY-LAWS, LICENCES, PERMITS AND REGULATIONS

Nothing in the By-law shall exempt any person from complying with the requirements of any other By-law in force within the limits of the Corporation, or from applying for and obtaining any *permit*, license, permission, authority or approval required by this or any other By-law or regulation of the Corporation or any other law in force from time to time.

13. USE OF ELECTRONIC TECHNOLOGIES

Nothing in this by-law shall be deemed to limit the authority of the Town to make use of on-line services for the display, use and submission of application forms, other forms used in the processing of applications, educational handouts, referrals, and nothing in this by-law shall limit the use of electronic technologies for data and information storage and file management integral to the building inspection service.

14. PRESCRIBED FORMS

The forms prescribed for use as applications for *permits*, for orders, for *permits*, for inspection reports and administrative matters shall be as set out in **Schedule D** attached to and forming part of this by-law.

This by-law shall not be deemed to limit the use of any form which is prescribed by provincial regulation notwithstanding that the form it is not listed or is a revised or updated form from the forms set out in **Schedule "D"** to this by-law.

15. APPOINTED DESIGNATE

This by-law shall not be deemed to limit the appointment of a designate who may perform or execute any authority of the *Chief Building Official* where authorized by the *Act*, provided such designate, where required, is duly appointed by by-law under the *Act*.

16. CODE OF CONDUCT FOR BUILDING OFFICIALS

Building Officials appointed by the Town for the enforcement of the *Act* and the *Building Code* shall be governed in accordance to the Code of Conduct for Building Officials as described in **Schedule "E"** of this by-law.

17. SEVERABILITY

Should any section, subsection, clause or provision of this by-law be declared by a court of competent jurisdiction to be invalid the same shall not affect the validity of this by-law as a whole or any part thereof, other than the part so declared to be

invalid.

18. TRANSITION

This by-law shall apply to any application for a *permit* or request concerning compliance with the *Building Code* and applicable law that is accepted by the *Chief Building Official* on or after the date of the coming into force of this by-law.

19. CONTRAVENTION

Every person who contravenes any provision of this by-law is guilty of an offense and on conviction is liable to a fine as provided in section 36 of the *Act*, as amended.

20. REPEAL

By-law Number 2010-34 is hereby repealed.

21. SCHEDULES

Schedules A, B, C, D and E form part of this by-law.

ENCATED AND PASSED THIS _____ DAY OF _____, 2011.

Ellen Anderson, Mayor

C.Giles, Town Clerk

SCHEDULE A

CLASSES OF PERMITS, PAYMENTS AND FEES

1. MINIMUM PARTIAL PAYMENT REQUIRED TO BE MADE AT TIME OF APPLICATION FOR PERMIT:

New detached, semi-detached, townhouse, duplex and triplex dwelling unit buildings	\$2,000.00 Per Unit
All other construction/work	\$5,000.00 or the full fee, whichever is the lesser

2. CALCULATION OF PERMIT FEES:

- (a) Permit fees shall be calculated based on the formula given below, unless otherwise specified in this Schedule:

$$\text{Permit Fee} = \text{SI} \times \text{A}$$

Where;

SI = The fee multiplier based on the service index for the type/classification of the work proposed and;

A = floor area in m², or ft², of work involved.

- (b) Permit fees shall be rounded up to the nearest full dollar amount.

3. AREA CALCULATION AND INTERPRETATION:

- (a) Floor area is to be measured from the outside face of exterior walls and to the centre line of party walls or demising walls.
- (b) No deductions for floor openings for such facilities as stairs, elevators, escalators, shafts and ducts. Interconnected floor areas and atriums above their lowest level may be deducted.
- (c) No additional fees apply to decks, unfinished basements and attached garages proposed and constructed at the same time as the single family dwelling they serve.
- (d) No additional fees apply to plumbing within a building, sprinklers, fire alarms, electromagnetic locks, or other mechanical systems or equipment proposed and installed at the same time as the construction they serve.
- (e) Where a change of occupancy from one classification to another classification is proposed, the fee multiplier for the proposed occupancy applies.
- (f) A temporary building is considered to be a building that will be erected or put into service for not more than one year.
- (g) The occupancy classifications used in this by-law are defined in the *Building Code*, as amended.

4. MINIMUM FEE:

Unless otherwise noted, a minimum fee of \$100.00 shall be charged for all work.

5. REFUND OF FEES:

- (a) Pursuant to Section 6 of this By-law, the fees that may be refunded shall be a percentage of the permit fees payable under this By-law, calculated as follows:

- i. 75 percent if administrative functions only have been performed
 - ii. 70 percent if administrative and zoning functions only have been performed
 - iii. 50 percent if administrative, zoning and plans examination functions have been performed
 - iv. 45 percent if the *permit* has been issued and no field inspections have been performed subsequent to permit issuance
 - v. percent shall additionally be deducted for each field inspection that has been performed after the *permit* has been issued
- (b) Where the *Chief Building Official* deems it appropriate, a refund of other than specified in (a) may be granted.
 - (c) If the calculated refund is less than the minimum fee applicable, no refund shall be made of the fees paid. No refund shall be issued where a minimum fee has been charged.
 - (d) The refund shall be returned to the person named on the fee receipt, unless such person advises the *Chief Building Official*, in writing and prior to the release of the refund, of a change in name, in which case the refund shall be returned to the person then authorized to receive it.
 - (e) Refund provisions are not applicable where the *permit* has been signed off and the occupancy inspection completed.
 - (f) No refund of building permit fees on any application or permit after 3 years from the date the application was submitted, deemed to be abandoned, refused to be issued or request to be withdrawn.

6. ADMINISTRATIVE FEES:

6.1 Alternative Solution

Where a written request is submitted to the *Chief Building Official* for the authorization of an alternative solution, a minimum fee of \$500.00 shall be payable in addition to the required building permit fees.

6.2 Building Code Act Orders

Where an Order has been issued pursuant to the *Act*, a fee of \$200.00 shall be paid. Payment of these fees does not relieve any person or corporation from complying with the *Act* or the *Building Code* or any other applicable law.

6.3 Change of Ownership

To transfer a permit from a permit holder to another, a minimum fee of \$50.00 shall be payable in addition to other applicable fees.

6.4 Change of Use (No Construction)

For the change of use of a major occupancy where no construction is proposed or required, a minimum fee of \$100 shall be payable.

6.5 Compliance Letters

- (a) For written requests on information for property compliance including Zoning By-law, work orders, active building permits, official plan designation and survey review; a minimum fee of \$100.00 per property shall be payable.
- (b) For a written response to a request for commentary on Agreement Compliance, including items noted in (i) above; a minimum fee of \$125.00 per property shall be payable.

- (c) Sewage system review related to planning applications such as minor variances, consents and setbacks, a minimum fee of \$175.00 per property or system shall be payable.
- (d) For written requests in support of provincial license applications such as AGCO liquor licenses, a minimum fee of \$200 shall be payable where the request is not related to an active building permit. A minimum fee of \$100 shall be payable relating to an active building permit.

6.6 **Conditional Building Permits**

For conditional building permits, the fee shall be the normal building permit fee for the proposed construction plus an additional 10 percent of that fee. The minimum fee per application shall be \$150.00. The maximum fee per application shall be \$1,000.00. (The proponent is responsible for the registration of the Conditional Permit Agreement on title to the lands.)

6.7 **Constructing without a Permit**

Where work or construction has commenced prior to the issuance of a building permit, an administrative surcharge for the unlawful work of 50% of the required permit fee shall be paid. The minimum surcharge fee shall be \$100.00. The maximum surcharge fee shall be \$1,000.00.

6.8 **Deferred Inspections**

Where a permit has been dormant for a period of more than 12 months, a minimum fee of \$100.00 shall be payable in addition to other applicable fees.

6.9 **Model Home Agreement**

For the preparation of a Model Home Agreement approved by the Director of Planning and Building, a minimum fee of \$500.00 shall be payable

6.10 **Re-Inspection Fees**

- (a) Where a requested inspection reveals that a deficiency from a previous inspection has not been remedied, a minimum fee of \$150.00 shall be payable prior to subsequent inspections related to that stage of construction.
- (b) Where an inspector determines that work for the stage of construction that has been requested to be inspected is not substantially completed, a minimum fee of \$150 shall be payable prior to subsequent inspections related to that stage of construction.

6.11 **Revision to a Permit and Reviewed Drawings**

- (a) Where a supplementary submission or a revised submission relating to a building permit application is required or unauthorized modifications from the reviewed permit drawings occur on site, a fee of \$125/hour or a minimum of \$50.00 shall be payable.
- (b) Where an increase in floor area has been constructed, additional building permit fees at the applicable service index, development charges and administrative fees noted above will be payable.

6.12 **Scanning/Conversion of Paper Documents Service Charge**

Where drawings, plans and specifications exceed 11"x17" (Ledger, B or A3 size) or an electronic submission does not meet the format prescribed by the *Chief Building Official*, a scanning, conversion and filing fee of a minimum \$1.50 per page will be charged to recover the costs associated with handling and storing the paper documents.

6.13 **Sewage Holding Tank Agreement**

- (a) For the preparation of a Holding Tank Agreement upon the restricted

- approval for the temporary use of a holding tank (Class 5 System) for not more than one year, a minimum fee of \$500 shall be payable.
- (c) For the extension of an approved Holding Tank Agreement of up to one year, a minimum fee of \$100.00 shall be payable.

7. PERMIT FEES

CLASS OF PERMIT OR BUILDING CLASSIFICATION	OPTION #1	OPTION #2	OPTION #3		
	Existing Rate By-law 2010-34	Reserve Fund Surcharge 18%	Phased Increase 2011 6%	Phased Increase 2012 6%	Phased Increase 2013 6%
A. CONSTRUCTION: New Buildings; Additions to Existing Buildings					
	\$/m ² or Flat Fee				
Group A (Assembly)					
Shell Buildings	\$ 11.00	\$ 13.00	\$ 11.67	\$ 12.33	\$ 13.00
Finished Buildings	\$ 12.91	\$ 15.23	\$ 13.68	\$ 14.46	\$ 15.23
Group B (Institutional)					
Medical Care Facilities, Nursing Homes, other Group B Buildings	\$ 14.86	\$ 17.53	\$ 15.75	\$ 16.64	\$ 17.53
Group C (Residential)					
Detached, Semi-detached, Town/Row Houses	\$ 12.91	\$ 14.88	\$ 13.57	\$ 14.22	\$ 14.88
Pre-fabricated Detached Dwelling	\$ 8.70	\$ 10.27	\$ 9.22	\$ 9.74	\$ 10.27
Multi-Unit Buildings, Motels, Hotels	\$ 11.00	\$ 12.98	\$ 11.66	\$ 12.32	\$ 12.98
Group D (Business & Personal)					
Shell Buildings	\$ 8.40	\$ 9.91	\$ 8.90	\$ 9.41	\$ 9.91
Finished Buildings	\$ 11.00	\$ 12.98	\$ 11.66	\$ 12.32	\$ 12.98
Group E (Mercantile)					
Shell Buildings	\$ 7.20	\$ 8.50	\$ 7.63	\$ 8.06	\$ 8.50
Finished Buildings	\$ 9.75	\$ 11.51	\$ 10.34	\$ 10.92	\$ 11.51
Group F (Industrial & Farm)					
Heavy and Specialized Industrial Buildings	\$ 7.20	\$ 8.50	\$ 7.63	\$ 8.06	\$ 8.50
Industrial Buildings, Warehouses, Underground Parking Garages	\$ 5.16	\$ 6.09	\$ 5.47	\$ 5.78	\$ 6.09
Service Floors above or below grade, Aboveground Parking Garages, Lightly Serviced Storage Buildings	\$ 5.16	\$ 6.09	\$ 5.47	\$ 5.78	\$ 6.09
Farm Buildings	\$ 2.60	\$ 3.00	\$ 3.00	\$ 3.00	\$ 3.00
Pre-fabricated Farm Buildings	\$ 1.08	\$ 1.25	\$ 1.25	\$ 1.25	\$ 1.25
All Occupancies					
Permanent Tent, Air Supported Structure	\$ 4.00	\$ 4.72	\$ 4.24	\$ 4.48	\$ 4.72
Temporary Buildings or Structures: to be erected for a period not to exceed 14 days	\$ 300.00	\$ 350.00	\$ 350.00	\$ 350.00	\$ 350.00
Temporary Buildings or Structures: to be erected for a period in excess of 14 days	\$ 300.00	\$ 350.00	\$ 350.00	\$ 350.00	\$ 350.00
Tents - Up to 10 per Calendar Year	\$ 200.00	\$ 200.00	\$ 200.00	\$ 200.00	\$ 200.00
B. ALTERATIONS, RENOVATIONS & TENANCY WORK					
Groups A & B	\$ 5.00	\$ 13.00	\$ 7.67	\$ 10.33	\$ 13.00
Group C, D, E & F	\$ 3.00	\$ 3.54	\$ 3.18	\$ 3.36	\$ 3.54
C. MISCELLANEOUS PERMITS - STAND ALONE					
Accessory Building - Residential	\$ 150.00	\$ 177.00	\$ 150.00	\$ 150.00	\$ 175.00
Decks/Porches (unenclosed) - Residential	\$ 150.00	\$ 177.00	\$ 150.00	\$ 150.00	\$ 175.00
Finished Basement - Residential	\$ 5.63	\$ 6.64	\$ 5.97	\$ 6.31	\$ 6.64
Fireplaces, Wood Burning Stoves	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00
Fireplaces, Wood Burning Stoves (New Single Family Dwelling)	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00
Garages - Residential (Detached)	\$ 4.00	\$ 4.72	\$ 4.24	\$ 4.48	\$ 4.72
D. DEMOLITION WORK					
Residential (Detached/Semi) Dwellings	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00
All Other Buildings 1.2.2.3.(1) OBC	\$ 300.00	\$ 350.00	\$ 325.00	\$ 350.00	\$ 350.00
E. MECHANICAL & FIRE PROTECTION SYSTEM WORK					
Heating, Ventilation, Air Conditioning	\$ 3.00	\$ 3.54	\$ 3.18	\$ 3.36	\$ 3.54
Fire Alarm System	\$ 300.00	\$ 350.00	\$ 325.00	\$ 350.00	\$ 350.00
Fire Sprinkler System	\$ 300.00	\$ 350.00	\$ 325.00	\$ 350.00	\$ 350.00
Ventilation Systems: Commercial Cooking Exhaust, Spray Booth, Dust Collector	\$ 300.00	\$ 350.00	\$ 325.00	\$ 350.00	\$ 350.00

F. PLUMBING WORK					
Backflow Preventer (each device)	n/a	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00
Interceptors (Grease or Oil)	n/a	\$ 300.00	\$ 300.00	\$ 300.00	\$ 300.00
New or Repair Sanitary Service: Residential	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00
New or Repair Water Service: Residential	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00
Plumbing - Internal	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00
Rain Water Harvesting System	n/a	\$ 50.00	\$ 50.00	\$ 50.00	\$ 50.00
Site Servicing: Private Property	\$ 4.00	\$ 4.72	\$ 4.00	\$ 4.00	\$ 4.72
G. PRIVATE ON-SITE SEWAGE SYSTEMS (Stand Alone or with a New Building)					
New or Replacement System	\$ 525.00	\$ 619.50	\$ 556.50	\$ 588.00	\$ 619.50
Alteration or Assessment for Building Expansion (Additions, Additional fixtures)	\$ 300.00	\$ 354.00	\$ 318.00	\$ 336.00	\$ 354.00
Leaching Bed Repair	\$ 200.00	\$ 200.00	\$ 200.00	\$ 200.00	\$ 200.00
Septic Tank Decommissioning	\$ 50.00	\$ 50.00	\$ 50.00	\$ 50.00	\$ 50.00
Septic Tank Replacement	\$ 200.00	\$ 200.00	\$ 200.00	\$ 200.00	\$ 200.00
H. DESIGNATED STRUCTURES					
Public Pool/Spa	\$ 400.00	\$ 472.00	\$ 424.00	\$ 448.00	\$ 472.00
Retaining Wall	n/a	\$ 300.00	\$ 300.00	\$ 300.00	\$ 300.00
Signs (Regulated by OBC)	n/a	\$ 300.00	\$ 300.00	\$ 300.00	\$ 300.00
Solar Collector - Residential		\$ 50.00	\$ 50.00	\$ 50.00	\$ 50.00
Solar Collector - Non -Residential		\$ 300.00	\$ 300.00	\$ 300.00	\$ 300.00
I. OTHER CONSTRUCTION					
Balcony guard replacements, balcony repairs, canopies, parking garage repairs, portable classrooms, underpinning, other repairs and other construction not set out in A through H	\$ 8.00	\$ 8.00	\$ 8.00	\$ 8.00	\$ 8.00

Note: The Chief Building Official may assign fees other than noted in A through K provided s/he has regard to the costs associated with the service provided, the minimum fee(s) and similar Service Indexes/Rates identified in this By-law.

SCHEDULE B**SUBMISSION REQUIREMENTS****CATEGORY: HOUSE**

(As Defined by the Ontario Building Code Section 2.20)

INFORMATION REQUIRED	NEW BUILDING	ADDITION	INTERIOR ALTERATIONS
General			
All drawings to be drawn on durable material, drawn to scale, and fully dimensioned and in electronic PDF format.	●	●	●
Applicable Law Checklist	●	●	
Site and Key Plan			
Property lines and lot area	●	●	
Location of all existing and proposed buildings including setbacks to property lines, parking spaces, distance to other buildings, and other features in relation to property boundaries	●	●	
Overall dimensions of all buildings	●	●	
Summary of permitted and proposed zoning provisions	●	○	○
Location of easements and/or rights-of-way	●	●	
Location of septic bed, connection to existing system, septic tank and other equipment	○	○	○
Key plan showing location of existing and proposed construction		○	○
Grading Plan			
Existing and proposed grade elevations at all lot corners, midpoints, points of grade change, driveways and drainage structures	●	○	
Proposed finished floor, top of foundation and u/s footing elevations	●	○	
Slope and surface direction runoff, culvert conditions	●	○	
Floor and Roof Plans			
Basement floor plan including foundation information and use of space	●	○	○
Floor plan of every upper level showing use of all spaces	●	●	●
Floor plan of every upper level showing structural framing above	●	○	
Roof truss layout and engineered drawings stamped by a P. Eng.	●	○	
Proprietary floor system layout ("I-Joists")	○	○	
Location of all plumbing fixtures	●	○	○
Location of all solid fuel burning appliances	○	○	○
Location of smoke alarms and carbon monoxide	●	○	○

detectors			
Elevations			
Area of exposed building face. Area and percentage of unprotected openings. Required limiting distance	●	●	
Exterior Finishes	●	●	
Window/door type, locations and sizes including height of sills above floor	●	●	
Roof slope and finish	●	●	
Exterior stairs, landings, guards and handrails	●	○	
Building Sections			
Floor to floor and floor to ceiling heights	●	●	○
Footing and foundation wall details including height of grade above basement floor	●	○	○
Specifications of all floor, wall and roof assemblies, tall wall details	●	●	○
Shoring and underpinning details	○	○	○
Stairs, landings, guards and handrails	●	○	○
Construction Details and Notes			
Typical wall section	●	○	○
Wall and floor fire separation details	○	○	○
Typical roof details	●	○	
Guard details including connection detail	●	○	
Building materials and specifications of all wall, floor and roof assemblies	●	●	○
Mechanical Ventilation Design Summary	●	○	
Footing design for sensitive soils	○	○	

Additional Information may be required on a case by case basis
 ● = required ○ = required where applicable

SUBMISSION REQUIREMENTS

CATEGORY: SMALL BUILDINGS, RESIDENTIAL (As Defined by the Ontario Building Code Section 2.20)

INFORMATION REQUIRED	NEW BUILDING	ADDITION	INTERIOR ALTERATIONS
General			
All drawings to be drawn on durable material, drawn to scale, and fully dimensioned and in electronic PDF format.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
ASHRAE 90.1 Energy Certification Form	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Applicable Law Checklist	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Site and Key Plan			
Property lines and lot area	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Overall dimensions of all buildings	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Summary of permitted and proposed zoning provisions	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Location of easements and/or rights-of-way	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Location of septic bed, connection to existing system, septic tank and other equipment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Key plan showing location of existing and proposed construction	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floor and Roof Plans			
Basement floor plan including foundation information and use of space	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floor plan of every upper level showing use of all spaces	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Floor plan of every upper level showing structural framing above	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Roof truss layout and engineered drawings stamped by a P. Eng.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Proprietary floor system layout	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Location of all plumbing fixtures	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Location of all solid fuel burning appliances	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Location of smoke alarms and carbon monoxide detectors	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Elevations			
Area of exposed building face. Area and percentage of unprotected openings. Required limiting distance	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Exterior Finishes	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Window/door type, locations and sizes including height of sills above floor	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Roof slope and finish	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Exterior stairs, landings, guards and handrails	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Building Sections			

Floor to floor and floor to ceiling heights	●	●	○
Footing and foundation wall details including height of grade above basement floor	●	○	○
Specifications of all floor, wall and roof assemblies	●	●	○
Shoring and underpinning details	○	○	○
Stairs, landings, guards and handrails	●	○	○
Construction Details and Notes			
Typical wall section	●	○	○
Wall and floor fire separation details	●	○	○
Typical roof details	●	○	
Guard details including connection detail	●	○	
Building materials and specifications of all wall, floor and roof assemblies	●	●	○
Mechanical Ventilation Design Summary	●	○	
Footing design for sensitive soils	○	○	

Additional Information may be required on a case by case basis
 ● = required ○ = required where applicable

SUBMISSION REQUIREMENTS**CATEGORY: LARGE OR COMPLEX BUILDINGS**

(As Defined by the Ontario Building Code Section 2.20)

INFORMATION REQUIRED	NEW BUILDING OR ADDITION	INTERIOR ALTERATIONS
General		
All drawings to be drawn on durable material, drawn to scale, and fully dimensioned and in PDF format	●	●
Drawings to be sealed, signed and dated by each professional design discipline	●	
Commitment by Owner for general review form for each required professional discipline	●	○
Building Code Matrix Data	●	○
ASHRAE 90.1 Energy Certification Form	○	
Specifications for each design discipline	●	○
Geotechnical Investigation Report	●	
Applicable Law Checklist	●	○
Site Plan		
Property lines and lot area referenced to a current survey	●	○
Location of all existing and proposed buildings including setbacks to property lines, distance to other buildings. All parking spaces	●	○
Fire route, fire department connections and fire hydrant locations	●	
Existing and proposed grades. Proposed finished floor elevations of all buildings. Sidewalk elevations.	●	
Barrier free information including curb cuts, ramps, parking and associated details	●	○
Summary of permitted and proposed zoning provisions	●	○
Key plan showing location of existing and proposed construction	●	○
Architectural Drawings		
Floor plans identifying rooms including use of all spaces, wall construction and fire separations	●	●
Reflected ceiling plans and associated details	●	○
Roof plan and associated details including any screening requirements for mechanical roof top equipment	●	○
Building elevations	●	
Building cross sections	●	○
Wall sections and details. Stair sections, plan and details	●	○
Enlarged detail plans and associated details	●	○
Door, window and room finish schedules if not in	●	○

specifications		
Structural Drawings		
Design information including loading, deflection, wind uplift, earthquake analysis and control flow drainage design on roof	●	
Shoring and underpinning plans and details	○	
Foundation plan and associated details	●	
Floor and roof framing plans including beam and column schedule	●	
Exterior canopy or other structural framing information	●	
Structural connection details	●	
Heating, Ventilation and Air Conditioning		
Layout and sizes of duct at each floor level	●	○
Type, location and size of equipment	●	○
Roof plan showing roof mounted equipment	○	○
Details of specialized systems (Commercial Cooking Systems)	○	○
Plumbing		
Site service drawings showing water, storm sewers, sanitary sewers, catch basins, manholes and connection to municipal system	●	
Water and drain layout at each floor level and plumbing risers	●	○
Plumbing risers and stack loads	○	
Material, equipment and fixture specifications	●	○
Backflow preventer specifications	●	○
Grease interceptor specifications	●	○
Electrical Drawings		
Electrical site servicing drawing where separate from Mechanical	●	
Lighting, power, emergency lighting, exit signage and electrical equipment	●	○
Fire alarm system drawings including alarm riser detail together with specifications and sequence of operation	●	○
Other Submissions		
Sprinkler Riser Diagram, including water entry schematic	○	○
Drawings showing fire hose cabinets, standpipe risers and other standpipe information	○	○

Additional Information may be required on a case by case basis
 ● = required ○ = required where applicable

SCHEDULE C

REQUIRED NOTICES AND INSPECTIONS

In accordance with Article 1.3.5.1., Division C of the *Building Code*:

- a. Readiness to construct footings,
- b. Substantial completion of foundation reinforcement for insulated concrete form foundation walls or where required by design for poured foundation walls and for suspended cold room slabs.
- c. Substantial completion of footings and foundations prior to commencement of backfilling
- d. Substantial completion of structural framing and ductwork and piping for heating and air-conditioning systems, if the building is within the scope of Part 9 Division B,
- e. Substantial completion of structural framing and roughing-in of heating, ventilation, air-conditioning and air-contaminant extraction equipment, if the building is not a building to which Clause (c) applies,
- f. Substantial completion of insulation and vapour barriers,
- g. Substantial completion of air barrier systems,
- h. Substantial completion of all required fire separations and closures and all fire protection systems including standpipe, sprinkler, fire alarm and emergency lighting systems,
- i. Substantial completion of fire route access routes,
- j. Readiness for inspection and testing of:
 - i. Building sewers and building drains,
 - ii. Water service pipes,
 - iii. Fire service mains,
 - iv. Drainage and venting systems,
 - v. The water distribution systems, and
 - vi. Plumbing fixtures and plumbing appliances,
- k. Readiness for inspection of suction gravity outlets, covers and suction piping serving outlets of an outdoor pool described in Clause 1.3.1.1.(1) (j) of Division A, a public pool or public spa,
- l. Substantial completion of the circulation/recirculation system of an outdoor pool described in Clause 1.3.1.1.(1)(j) of Division A, a public pool or public spa and substantial completion of the pool before it is first filled with water,
- m. Readiness to construct the sewage system (excavation completed prior to fill),
- n. Substantial completion of the installation of the sewage system before the commencement of backfilling (stone exposed, graphs and weigh slips to be on site),
- o. Substantial completion of installation of plumbing not located in a structure, before the commencement of backfilling, and
- p. Completion of construction and installation of components required to permit the issue of an occupancy permit under Sentence 1.3.3.1.(2) or to permit occupancy under Sentence 1.3.3.2.(1) if the building or part of the building to be occupied is not fully completed.

SCHEDULE D

PRESCRIBED FORMS

The following are forms prescribed for use as applications for permits, orders, permits, inspection reports, and administrative matters:

- 1) Application for a Permit to Construct or Demolish
- 2) Applicable Law Checklist
- 3) ASHRAE 90.1 & SB-10 – Project Information
- 4) Building Inspection Report
- 5) Building Permit
- 6) Certificate of Non-Residential Occupancy
- 7) Certificate of Residential Occupancy
- 8) Commitment to General Reviews By Architects and Engineers
- 9) Conditional Building Permit
- 10) Construction Value Standard
- 11) Contractor's Material and Test Certificate for Aboveground Piping (NFPA13)
- 12) Contractor's Material and Test Certificate for Underground Piping (NFPA 24)
- 13) Demolition – Supplementary Information Form
- 14) Demolition – Utility Sign Off Form
- 15) Demolition Permit
- 16) Emergency Order
- 17) Energy Efficiency Compliance Checklist Part 9 Non Residential Buildings
- 18) Fireplace/Wood Stove Installers Form (WETT Certification)
- 19) HRAI Ventilation Form
- 20) Ontario Building Code Data Matrix
- 21) Order to Comply
- 22) Order to Remedy an Unsafe Building
- 23) Order to Uncover
- 24) Order Not to Cover or Enclose
- 25) Order Prohibiting Use or Occupancy
- 26) Order Requiring Test and Samples
- 27) Readiness for Occupancy Report
- 28) Request for Information Form
- 29) Request For Occupancy – Non Residential
- 30) Stop Work Order
- 31) Class 5 Sewage System (Holding Tank) Agreement
- 32) Sewage System Specifications
- 33) Testing & Inspection Report – Backflow Preventer
- 34) Tree Preservation Memorandum of Understanding and Agreement

SCHEDULE E

CODE OF CONDUCT FOR BUILDING OFFICIALS

Town Building Officials shall undertake at all times to:

1. Act in the public interest, particularly with regard to the safety of buildings, designated structures and related works.
2. Not to act where there may be or where there may reasonably appear to be a conflict between their duties to their employer, their profession, their peers and the public at large and their personal interests.
3. Administer and enforce all relevant building laws, codes and standards appropriately without favour and without influence of interested parties.
4. Comply with the provisions of the Building Code Act, the Ontario Building Code and any other Act or Law that regulates or governs Building Officials or their functions.
5. Perform their inspections and plan review duties impartially and in accordance with the highest professional standards.
6. Not to act beyond their level of competence or outside of their area of expertise or qualifications as a registered Building Official.
7. Maintain their knowledge and understanding of the best current building practices, the building laws and regulations relevant to their building certifying functions.
8. Maintain current accreditation to act as an Ontario Building Official and the related duties assigned to them.
9. Commit them to a process of continuous education so as to constantly be aware of developments in building design, practice and the law relevant to their duties.
10. Not to divulge any confidential or sensitive information or material, that they became privy to in the performance of their duties, except in accordance with laws governing freedom of information and protection of privacy.
11. Extend professional courtesy at all times and conduct themselves with fairness and good faith towards customers, colleagues and their co-workers.
12. Accept responsibility for the conduct of their subordinate employees.
13. Exemplify compliance with all regulations and standards that govern building construction, health & safety or other matters related to their status as a building official.
14. Recognize the appointment under the *Building Code Act* as a symbol of good public faith.
15. To comply and maintain their knowledge of safe working practices in accordance to the requirements of the Occupational Health and Safety Act and established Town health & safety policies.

The Act provides that the performance of Building Officials will be measured against this code of conduct. *Any complaint alleging a breach of the Code of Conduct shall be submitted in writing and filed with the Chief Administrative Officer.* In response to any allegation of a breach of this code, the *Chief Building Official* shall direct an investigation and where appropriate, recommend disciplinary action against the Building Official who fails to comply with this code of conduct. Where the allegation is against the *Chief Building Official*, Council will direct the investigation and make such recommendations as are reasonable. In determining the appropriate discipline, the *Chief Building Official* or Council

will have regard to the relevance of the conduct to the Building Official's powers and responsibilities as well as the severity of any misconduct.

**PRESENTATION TO PLANNING & BUILDING COMMITTEE
BY THE WATERSHED TRUST ON MAY 4, 2011
RE ENVIRONMENTAL PEER REVIEWS**

The Watershed Trust has monitored developments and/or site alterations that could potentially harm the natural environment and its features or functions. We have been actively involved in the Castle Glen proposals and approvals, the Terrasan proposal, the Havens proposal and Georgian Gate. We have observed that The Town of The Blue Mountains, supported by the County of Grey, retains a private peer reviewer for environmental matters as well as receiving peer review comments on natural heritage from the Conservation Authority and, where applicable, the Niagara Escarpment Commission. In our experience, the Town relies heavily upon their own peer reviewer rather than the CA or NEC. This appears to be understandable since the Town's consultant is acting directly for the Town. We note that the costs for the Town's peer reviewer are charged back to the developer in most cases. Thus those costs reduce the developer's profit or are passed along to the new residents.

We have also monitored similar development proposals in the Town of Collingwood. They rely solely on the environmental peer reviews of the Conservation Authority and do not hire an additional reviewer. Their experience with this approach is excellent according to the Town Planning Department and the CAO. [We have attached their confirmation of this point dated March 23, 2011]

In our experience, The Blue Mountains' private peer reviewer consistently recommends environmental protection which is less stringent than the independent agencies, that is, the Conservation Authority or the NEC. This was very apparent in the Castle Glen case where the NEC opposed the Phase II Application. It was also apparent with the Terrasan proposal and Havens. (See footnote for specific examples). The Georgian Gate proposal is still under study. Why should the various peer reviewers have such different opinions?

Upon further reflection, it is not surprising that a peer reviewer hired by the municipality, and frequently charged to the developer, would form opinions and make judgments that would facilitate the sometimes conflicting objectives of promoting development and maintaining environmental integrity. This peer reviewer will invariably be conscious of the desires of the clients. Protection of the environment is not entirely a science-based activity. This is self-evident when one observes the range of opinions and judgments reached by the developers' consultants and the various other consultants based on the same facts. That is why we strongly support the use of impartial independent agencies such as the CA and NEC to provide the environmental peer reviews. To clarify further, we do not accuse anyone of distorting the facts; but, it is very clear that opinions and judgments can be different for various reasons.

Therefore, we request that the Town and County discontinue the engagement of their own peer reviewers and utilize exclusively the Conservation Authority and, where applicable, the NEC for environmental peer reviews for these reasons:

1. The CA and NEC are independent agencies charged with protection of the environment from inappropriate development and site alteration and are not compromised by other priorities;
2. When making judgments, the private reviewer will always be conscious of the perceived desires of the client.

3. It is the duty of the municipality, and not the peer reviewer, to make any necessary compromises between the objectives of development and environmental protection.
4. It is a waste of scarce resources to duplicate peer reviews when we have capable independent agencies at our disposal; and
5. The municipality should strongly support a fully-funded Conservation Authority in these times when natural habitats are under serious threat and many species are at risk.

As a final note on what the CA's can do for you, we wish to draw your attention to a project that is being conducted by NVCA for the Town of Collingwood. The purpose of the project as stated in the town's staff report is: *THAT Council retain the services of NVCA to assist with an update to the Town's Natural Heritage System mapping and strategy. This will form the basis for updating the Official Plan's Environmental Protection mapping and policies.* The project is being conducted in three phases and is currently nearing the end of Phase 2. The results are expected to be very useful to the Town, to developers and to the general public. We would recommend this approach to any municipality who wishes to have an orderly plan for development and for protection of natural heritage. The budget for the project is \$30,000.

FOOTNOTE

Examples of Blue Mountains peer reviewer recommending less stringent protection.

Case 1 - Castle Glen Phase 2: The Blue Mountains peer reviewer accepted the proponents natural heritage study however the NEC peer reviewer stated several problems, namely, there had not been an appropriate natural heritage systems approach, insufficient regard for species at risk, and an unacceptable reduction in wildlife corridors resulting in a recommendation for much reduced area of development.

Case 2 - Terrasan project: The Blue Mountains peer reviewer recommended setbacks from the Wetland of 10 metres and, in some cases, 15 metres. The NEC recommended a minimum of 15 metres. The NEC and GSCA also disagreed with the Town's peer reviewer on the degree of protection that should be provided for species at risk.

Case 3 - Havens proposal: The Blue Mountains peer reviewer accepted a 10 metre buffer from the Wetland whereas the GSC recommended a minimum 15 metre buffer and, in addition, a much reduced building envelope due to onsite vernal ponds suitable for amphibians.

In all of these cases, there were other points of difference and in no case was The Blue Mountains peer reviewer presenting a more stringent position than GSCA or NEC.

Sharon Long

From: Nancy Farrer [nfarrer@collingwood.ca]
Sent: March 23, 2011 12:14 PM
To: 'Donald Kerr'
Subject: FW: Environmental peer reviews

Don – some comment from Kim and I follow:

As you know Collingwood and a number of other municipalities do not have staff with the scientific background to be able to review environmental reports. Also, we do not need someone with this expertise often enough to justify hiring a biologist. I would suggest that using the NVCA as our peer reviewer has resulted in there being a standardized approach to reviewing development applications across the municipality. It also ensures that the response to development pressures is consistent throughout the watershed and it is not impacted by local political boundaries. Implementation by CA staff of the organization's mandate leads to the preparation of reviews which are thorough, of high quality and impartial.

(Planning program provides environmental planning expertise to guide municipal and other land-use planning decisions on a watershed basis, consistent with current applicable federal and provincial legislation and policies, authority policy and municipal planning policy. NVCA web site)

Kim Wingrove and Nancy Farrer

From: Donald Kerr [mailto:djkerr9@sympatico.ca]
Sent: Saturday, March 19, 2011 11:48 AM
To: Nancy Farrer
Cc: Kim Wingrove
Subject: Environmental peer reviews

Nancy:

I have attached a presentation that we plan to make to The Blue Mountains Planning & Development Committee. No date has been set yet for the presentation.

Please notice the second paragraph where we say that *Their experience with this approach [relying upon the NVCA for peer reviews] is excellent according to the Town Planning Department and the CAO.*

Before producing a final draft, I need your agreement that this statement is correct and, if possible, a statement from you by email that notes your agreement.

Your response would be most helpful.

Don

subject property.

The effect of this variance is to permit the construction of a maximum 97.94 square metre foot print area addition onto the existing dwelling, to be located a minimum distance of 2.95 metres from the rear lot line. It should be noted that the lands are zoned Residential (R3) in the former Township of Collingwood Zoning By-law No. 83-40; and that Schedule 'AA' of the By-law requires a minimum rear yard setback of 9.0 metres for a single detached dwelling in the Residential (R3) Zone.

The land affected by this application is described as Lot 46, Plan 822; (129 St. Moritz Crescent).

Secretary/Treasurer stated that the Public Notice was circulated in accordance with the Planning Act. The Notice was provided to the applicants agent and was posted on the subject property.

Comments were received from the following:

Grey County Planning Dept. – no concerns

Grey Sauble Conservation Authority – no objection; would require a permit from them prior to any site alterations on the property;

Niagara Escarpment Commission – no objection;

TOTBM Engineering & Public Works – no comment;

TOTBM Planning Dept. – recommends refusal of the minor variance as it does not meet the four tests of the Planning Act.

Mr. Morgado, applicant, was in attendance. He stated that it is his intention to tear down the two old sheds in the rear of the property to allow for the proposed addition.

Bryan Pearce, Town Planner, reviewed Planning Staff Report No. PL.11.19 indicating that this particular subdivision is unique in that the lot fabric is known as being "keyhole", meaning the front yard of one neighbour is the back yard of the neighbour in front. As it is a recommendation of the Town to refuse this minor variance application, Bryan discussed in detail how, in the Town's opinion, the application did not meet the four tests of the Planning Act, i.e. intent and purpose of the official plan, intent and purpose of the zoning by-law, if the application is minor in nature and if the variance is desirable development and use of the land.

Mr. Morgan indicated that, in his opinion, the proposed addition is not minor in nature and would appear to be double the size of the existing dwelling. He felt the proposal is highly undesirable and would have a significant impact on the surrounding neighbours.

Mr. Morgado stated that he did not see any other way around the matter other than tearing down the existing house and starting over, which he said was not an option to him.

Mr. Remus also stated that he thought the proposed variance was not minor and suggested that Mr. Morgado's architect re-visit the proposal and incorporate the proposed addition to blend in with the existing house to not look so onerous to its surroundings.

Mr. Waind stated that there is no legal right to a view, however, this proposed addition would have a significant impact on the neighbours property to the rear. An application before the Committee is a privilege not a right. He noted that there is considerable land mass on either side of the Morgado property which lends to other options to reconfigure the proposal on the lot. Further, he noted that the lots were designed to ensure that there was plenty of area for a building envelope without going too close to the rear lot lines. It was also noted that it was unfortunate that the existing dwelling was built significantly back from the road. Mr. Waind suggested that should the applicant wish to pursue with the proposal, enquiring with the Town's Planning Department as to whether or not a zoning by-law amendment would be possible, might be beneficial.

It was reiterated that a minor variance application must meet all four tests of the Planning Act. Even if one test was not met, the application would be refused.

Kristine Loft, agent for Nancy Cohen and Robert Gallant, was in attendance. Ms. Loft stated that from the discussions just heard, she was satisfied that the Committee had covered her clients concerns, and that, in her opinion, the application did not meet the four tests of the Planning Act, as already stated. Ms. Loft noted that through her review of the application she felt there was ample room within the building envelope for an expansion, but that the proposal just needed to be reconfigured. She agreed that the plan of subdivision was unique in its 'keyhole' design.

Robert Gallant, neighbour at 131 St.Moritz Crescent – He stated that he was disappointed that Mr. Morgado did not meet with his neighbours prior to submitting the application as he felt some dialogue with him would have been helpful. In that Mr. Gallant and his wife are both architects, they would have been happy to have had some discussion with the Morgado's and offer them some neighbourly advice. He further stated that he did welcome Mr. Morgado's efforts in making improvements to the property.

Val Evert, agent for 127 St.Moritz Crescent – objects to the size of the proposal. The owners of 127 St.Moritz Cres. originally had a 500 sq.ft. dwelling in which they tore down and re-built, which incurred a lot of time and money. This proposal would come very close to their dwelling taking away the privacy that

they have. Also, the owners of 127 St. Moritz Cres have had to deal with a lot of drainage issues and fear that this proposal would create more drainage problems.

No other members of the public were in attendance to speak either in favour or in opposition to the application. Chairman Waind then closed the hearing portion of the public meeting.

Motion to adopt Planning Staff Report No: PL.11.19.

Moved by: David Morgan Seconded by: Bill Remus Carried.

Moved by: Bill Remus Seconded by: David Morgan

THAT the Committee of Adjustment **REFUSE** Minor Variance Application No. A04-2011 to permit the construction of a maximum 97.94 square metre foot print area addition onto the existing dwelling, to be located a minimum distance of 2.95 metres from the rear lot line on the subject property.

REASON FOR DECISION:

The Committee is not satisfied that the application meets the four tests for minor variance, as noted in the Planning Staff Report PL.11.19. Carried.

Chairman Waind then closed the public meeting.

A05-2011 – Interesting Ventures Inc, Lot 21, Plan 634, Grey Road 19

Chairman Waind called the meeting to Order and read aloud the applications purpose and effect of the variance which is to consider a request by the applicant to construct an open-to-the-sky tennis court by removing the existing dwelling and detached garage on the subject property, as the owner/applicant also has deeded title of Lot 20, Plan 634 (796530 Grey Road 19) with an existing residence on the lands. The proposed accessory use open-to-the-sky tennis court would be built prior to (without, as removing the existing dwelling and detached garage) the main building (the single detached dwelling) on the subject property.

The effect of this variance is to permit the construction of a maximum 669.78 square metre open-to-the-sky tennis court, to be located a minimum distance of 4.6 metres from the front lot line, 7.5 metres from the westerly interior lot line, 4.6 metres from the easterly interior lot line and 4.3 metres from the rear lot line. It should be noted that the lands are zoned Residential (R3) in the former Township of Collingwood Zoning By-law No. 83-40 and that Section 5.2(x) of the By-law requires that accessory uses shall be constructed prior to the main building (the single detached dwelling).

The land affected by this application is described as Lot 21, Plan 634; (106 Craigleith Road).

Secretary/Treasurer stated that the Public Notice was circulated in accordance with the Planning Act. The Notice was provided to the applicants agent and was posted on the subject property.

Comments were received from the following:

Grey County Planning Dept.- Section 5.2.2(6)(f) of the County Official Plan states that any application for development adjacent to a County Road must be referred to the appropriate approval authority to determine if the use, siting, and/or right-of-way width are adequate and meet the provisions of the Plan. Comments should be received from the County Transportation and Public Safety Department (TAPS).

The County could support the application if the lot was merged with the lot in which the use would be affiliated. Should the two lots not merge the County thought it to be more appropriate to go through a zoning by-law amendment application.

County of Grey Ministry of Transportation – no objection

Grey Sauble Conservation Authority – no objection provided the applicant obtain a permit from them prior to any site alterations within the regulated area;

Niagara Escarpment Commission - no objection;

Historic Saugeen Metis – no further interest;

TOTBM Engineering & Public Works – may need a turning lane at some point; 3 metre road widening required; Craigleith Road is a Collectors road;

TOTBM Planning Dept. – recommend refusal of the application as it does not meet the four tests of the Planning Act.

Stephen Young, agent for the applicant, was in attendance. He indicated that the applicant had spoken to the surrounding neighbours prior to submitting the application for variance. It is his clients intention to tree-in the tennis court and has no problem with merging the two lots together, should that be the desire of the Committee, however, it has been thought that it might be better to leave it as two lots to keep the character of the subdivision. This could also be a better scenario should the applicant wish to sell the one lot in the future. Having said that, the applicant is still willing to merge the two lots together if that is more desirable.

Bryan Pearce, Town Planner, reviewed Planning Staff Report No. PL.11.20. He referenced specific policies in the Official Plan, being Section 3.5, accessory uses. The property is zoned Residential R3 which permits a single family dwelling, accessory uses and home occupancy. It was noted that an accessory use could be a tennis court. It was noted in the application that it is the intent of the applicant to demolish the existing dwelling and garage for the tennis court.

In reviewing the four tests of the Planning Act, Mr. Pearce further indicated that the allowable lot coverage in the zoning by-law is 30% and 5% allowable for an accessory use. In this case, the tennis court would be covering 45% of the lot, being nearly half of the area. Therefore, the proposed tennis court could not be deemed minor in nature.

The surrounding area identifies many existing private and public recreational facilities which would lend this proposal as being undesirable and an inappropriate use of lands. Further, when this lot was created by plan of subdivision, it was the intent that the lot(s) be used for a new dwelling rather than a tennis court.

Bill Remus disagreed with the Planners Report stating that he did not see why someone couldn't have their own recreational facility and that the report was getting 'too technical'. Mr. Waind replied that there are in fact two legal lots being the reason the application is before the Committee.

David Morgan questioned whether or not the Planning Report would change in its opinion should the two lots be merged, with Bryan Pearce replying that a Deeming By-law would likely have to be processed. As well the size and prominence of the tennis court as a use not a structure would have to be taken into consideration, as would the required setbacks.

It was thought that an accessory use, if the two lots merged, would be more appropriate in this instance.

Sharon Johnstone, #107 Craigleith Road – is more concerned about the lighting and noise rather than the tennis court itself. She noted that up until the meeting she hadn't had the benefit of the diagram showing the tree line and lighting proposed.

Brad Henderson, #105 Craigleith Road – is concerned with the lighting and noise. He stated that the lights would shine in his living room and bedroom as they face the roadway. He is also concerned that the lights would be on throughout the night. Although they had been canvassed by the applicant, it was for a hockey rink not a tennis court.

Stephen Young noted that with regard to lighting, it is the intent of the applicant to install a full cut off lighting design. Further, that there are new designed lights that will not illuminate outwards. However, since this new style of lighting doesn't illuminate outwards, it is necessary to install eight lights rather than the usual six in order to obtain adequate lighting.

David Morgan questioned the size and maturity of the trees being proposed;

The Committee is not satisfied that the application meets the four tests for minor variance, as noted in the Planning Staff Report PL.11.20". Carried.

Chairman Waind closed the public meeting.

A06-2011 – Patti Howlett, Lot 1, Plan 1068, 1 Pioneer Lane

Chairman Waind called the meeting to Order and read aloud the applications purpose and effect of the variance which is to construct a single detached dwelling. The proposed dwelling would be within the minimum setback from the centreline of County Road Allowance (Grey Road 19) and exceeds the maximum permitted height on the subject property.

The effect of this variance is to permit the construction of a maximum 305.7 square metre foot print area dwelling, to be located a minimum distance of 23.0 metres from the centreline of County Road allowance; and a maximum height of 9.43 metres. It should be noted that the lands are zoned Residential (R2) in the former Township of Collingwood Zoning By-law No. 83-40; and that Schedule 'AA' of the By-law requires a minimum 27.0 metre setback from the centreline of County Road allowance (Grey Road 19) for a single detached dwelling in the Residential (R2) Zone. Section 5.7(c)(i) of the By-law requires that the maximum height (measured from the average finished grade of the front elevation (Pioneer Lane) to the mid-point between the eaves and ridge) of the dwelling shall not be more than 2 stories, up to a maximum height of 8.0 metres.

The land affected by this application is described as Lot 1, Plan 1068; (Pioneer Lane).

Secretary/Treasurer stated that the Public Notice was circulated in accordance with the Planning Act. The Notice was provided to the applicants agent and was posted on the subject property.

Comments were received from the following:

Grey County Planning Dept.- parcel contains a "Special Policy Area" identified in Section 2.8.4 of their Official Plan and would therefore require a soil test to identify if there is any karst topography. If so, an Environmental Impact Study (EIS) would be required, the study being to the satisfaction of the County and local Municipality; the application would be premature until Section 2.8.4 is addressed;

Section 5.2.2(6)(f) of the County Official Plan states that any application for development adjacent to a County Road must be referred to the appropriate approval authority to determine if the use, siting, and/or right-of-way width are adequate and meet the provisions of the Plan. Comments should be received from the County Transportation and Public Safety Department (TAPS).

County of Grey Ministry of Transportation – no objection provided the proposed

structure conforms to the County setback standard of 23 meters from the centerline of the travelled road (County Road 19);
Grey Sauble Conservation Authority – no objection provided the applicant obtain a permit from them prior to any site alterations;
Niagara Escarpment Commission - no objection;
Historic Saugeen Metis – no further interest;
TOTBM Engineering & Public Works – no comments
TOTBM Planning Dept. – recommends approval subject to the conditions stated in Planning Report No. PL.11.21.

Miriam Vasni, agent for the applicant was in attendance. She indicated that the proposal is for a single family dwelling on a vacant lot. Relief is being sought from Section 5.7 of the municipal zoning by-law pertaining to height. The proposal is a 1.5 storey dwelling however with the topography of the land, it would be 4.7 feet (1.43 metres) higher than the 8 metre limit. It was further noted that this is the last vacant lot of a 20 year old plan of subdivision. This particular lot has a drainage ditch running along side of it, of which the Grey Sauble Conservation Authority now regulates.

Bob Waind noted that the Zoning By-law does not have a definition of a 'loft' which appears to be 50-60% of the area given in the drawings. Bryan Pearce indicated that he was correct in that there was no definition of a "loft" however there are definitions for "storey", "half storey", "cellar or basement".

Miriam Vasni reviewed the four tests of the Planning Act and, in her opinion, the application meets all four tests.

Clarification was given to Schedule "AA" of the Zoning By-law regarding the minimum and maximum height in the R2 zone.

Pamela Bell - #107 Craigmere Crescent – she has concerns with the proposed height as well as the volume of noise coming off of the mountain. She noted that there is a mature tree line on the lot and wondered if the Municipality has a Tree Preservation By-law and if the tree line would be disturbed at all during construction. Miriam Vasni replied that the applicant wishes to maintain the existing tree line with no disturbance to it.

Bob Oldfield - #113 Craigmere Crescent - he has a concern with the visual of the proposed dwelling as it appears much bigger than what is proposed.

Paul Kershaw - #105 Pioneer Lane – he feels the proposed dwelling is massive in size, looking more like a 3 storey dwelling than a 1.5 storey structure. There is concern that if the height restriction is 8 metres why then can the applicant not stay within it.

Discussion was had regarding the pitch of the roof, being 12:12. It was stated that even if the pitch was reduced the proposed dwelling would still be above what was allowable, therefore still requiring relief from the height.

Bryan Pearce explained how “height” is determined.

Through further dialogue with the Committee members it was felt that due to the slope of the land the determination of the height will change. If the land was flat and a two storey block building was built, a minor variance would not be required because it would already be complied with, and in fact, the height would be higher than what is being applied for in this application.

No other members of the public were in attendance to speak either in favour or in opposition to the application. Chairman Waind then closed the hearing portion of the public meeting.

Chairman Waind then closed the public portion of the meeting.

Motion to adopt Planning Staff Report No. PL.11.21

Moved by: Bill Remus Seconded by: David Morgan Carried.

Moved by: David Morgan Seconded by: Bill Remus

“THAT the Committee of Adjustment GRANT Minor Variance Application No. A06-2011 in order to permit the construction of a maximum 305.7 square metre foot print area dwelling, to be located a minimum distance of 23.0 metres from the centreline of County Road allowance (rear yard setback of 7.5 metres for the structure); and a maximum height of 9.43 metres on the subject property.

CONDITIONS:

1. That the proponent conduct a karst topography investigation to determine if shallow overburden with karst topography does exist in the development area, to the satisfaction and clearance of the County of Grey Planning and Development Department and the Town’s Planning Division. The investigation is twofold; to determine if in fact that the shallow overburden with karst topography does exist. This may be accomplished simply by an on-site test hole. If the test holes reveal karst topography with shallow overburden then an Environmental Impact Study is necessary to assess the impacts and mitigation measures on the surface and ground water supply of the planning application. The karst investigation shall be completed to the satisfaction of the County of Grey Planning and Development Department and the Town’s Planning Division.

2. That the single detached dwelling be constructed substantially in accordance with the drawings submitted to the Town on February 3, 2011 and February 4, 2011 with Minor Variance Application No. A06-2011 as further attached to Planning Staff Report PL.11.21.

REASON FOR DECISION:

The Committee is satisfied that the application meets the four tests for minor variance, as noted in the Planning Staff Report PL.11.21". Carried.

Chairman Waind closed the public meeting.

D. Correspondence: none

E. New & Unfinished Business: none

F. Next Meeting Date – March 17, 2011

G. Adjournment:

Moved by: Bill Remus

Seconded by: David Morgan

THAT this Committee of Adjustment meeting now be adjourned. Carried.