

STAFF REPORT: PLANNING & BUILDING SERVICES



REPORT TO: Planning & Building Committee
MEETING DATE: July 6th, 2009
REPORT NO.: SRB.09.14
SUBJECT: Appointment of a Municipal Law Enforcement Officer & CBO – Greg Miller
PREPARED BY: Sharon Long, Administrative Assistant Planning & Building Services

A. Recommendations

THAT Council receive Staff Report SRB.09.14 for information purposes respecting the appointment of a Chief Building Official, Deputy Chief Building Official and a Municipal Law Enforcement Officer and enact By-laws designating:

1. Greg Miller as Chief Building Official;
2. David Finbow as Deputy Chief Building Official; and,
3. Greg Miller as a Municipal Law Enforcement Officer.

B. Background

Chief Building Official

As Council is aware, David Finbow assumed the role of Director, Planning & Building Services in February of this year. With this new responsibility, in particular Planning Services, there is a potential for conflict with his role as the Chief Building Official (CBO). In particular, the Building Code Act requires that:

The chief building official shall issue a permit referred to in subsection (1) unless,

- (a) the proposed building, construction or demolition will contravene this Act, the building code or any other applicable law;
- (b) the applicant is a builder or vendor as defined in the *Ontario New Home Warranties Plan Act* and is not registered under that Act;
- (c) a person who prepared drawings, plans, specifications or other documents or gave an opinion concerning the compliance of the proposed building or construction with the building code does not have the applicable qualifications, if any, set out in the building code or does not have the insurance, if any, required by the building code;
- (d) the plans review certificate, if any, required for the application does not contain the prescribed information;
- (e) the application for the permit is not complete; or
- (f) any fees due have not been paid. 2002, c. 9, s. 14 (2).

In rare instances and due to his statutory obligations pursuant to the Building Code Act, the CBO may be required to issue a permit that is not in the best interests of the community and be in conflict with the role of the Director, Planning & Building Services (which includes making recommendations to council on the orderly and proper growth of the municipality). Given this, it is recommended that Council appoint Greg Miller, currently the Deputy Chief Building Official (DCBO), as the CBO. This appointment will recognize the admirable job that Greg Miller has performed for sometime in managing and leading the day-to-day operations of the Town's Building Code Program. As to Provincial Qualifications, Greg is fully qualified for the position.

With respect to a Deputy Chief Building Official (DCBO), it is in the best interests of the Town to have a person who is able to act in the absence of the CBO. Given that David Finbow is the only other member of Town staff Provincially Qualified for the position, it is recommended that he be appointed to this position.

Municipal Law Enforcement Officer

As Greg Miller is now actively involved in managing By-law Enforcement, it is appropriate that he be appointed as a Municipal Law Enforcement Officer.

C. The Blue Mountains' Strategic Plan

"Providing a strong, well managed municipal government."

D. Budget Impact

N/A

E. Addendums

1. Amending Appointment By-law - Chief Building Official and Deputy Chief Building Official.
2. Amending Appointment By-law - Municipal Law Enforcement Officer.

Prepared by:

Respectfully submitted by:

Sharon Long
Administrative Assistant
Planning & Building Services

David Finbow
Director, Planning & Building Services

CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS

BY-LAW NO. 2009-

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

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

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

AND WHEREAS the *Interpretation Act*, R.S.O. 1990, Chapter 1.11 empowers a public officer or functionary to do an act or thing, or otherwise applying to the public officer by his or her name of office, includes his or her successors in office and lawful deputy;

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

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

1. Greg Miller is hereby appointed as the Chief Building Official.
2. David Finbow is hereby appointed as the lawful deputy to the Chief Building Official.
3. David Finbow, Greg Miller, Doug Bumstead, Al Woolnough and Leah Hewgill are hereby appointed as inspectors with such powers and duties as are prescribed in Schedule "A" attached hereto.
4. Wayne DeWitt is hereby appointed as an inspector for the purposes of enforcing Sections 8, 10, 11, 12, 13 and 14 of the *Building Code Act*.
5. Mina Tesseris is hereby appointed as an inspector *pro tempore* with such powers and duties as are prescribed by the Regulations for which he has the necessary qualifications.
6. By-law No.s 1996-15, 2000-30, 2000-31, 2003-74, 2004-114, 2005-81 and 2006-3 are hereby repealed.

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

Enacted and passed this _____ day of _____, 2009.

Ellen Anderson, Mayor

Stephen Keast, Clerk

I hereby certify that the foregoing is a true copy of By-law No. _____ as enacted by the Council of the Corporation of the Town of The Blue Mountains on the _____ day of _____, 2009.

DATED at _____

this _____ day of _____, 2009.

Signed: _____
Stephen Keast, Clerk

SCHEDULE "A"

Category of Qualification as per Section 2.16 and Table 2.20.2.1. of the Ontario Building Code	David Finbow	Greg Miller	Doug Bumstead	Al Woolnough	Leah Hewgill
House	√	√	√	√	√
Small Buildings	√	√	√	√	
Large Buildings	√	√			
Complex Buildings	√	√			
Plumbing – House	√	√	√	√	√
Plumbing – All Buildings	√	√	√		
HVAC - House	√	√	√		√
Building Services	√	√			
Building Structural	√	√		√	
On-Site Sewage Systems	√	√		√	

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

BY-LAW NO. 2009 -

Being a By-law to appoint a Municipal Law Enforcement Officer.

WHEREAS of the Municipal Act, 2001, authorizes the council of a local municipality to enact by-laws respecting matters within its sphere of jurisdiction;

AND WHEREAS Council of the Town of The Blue Mountains deems it expedient to enact a By-law to appoint Greg Miller as a Municipal Law Enforcement Officer for the purpose of enforcing municipal By-laws;

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

1. Greg Miller is hereby appointed as a Municipal Law Enforcement Officer for the purpose of enforcing the municipal by-laws for the Municipality.

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

Enacted and passed this _____ day of _____, 2009.

Ellen Anderson, Mayor

Stephen Keast, Clerk