

EXTRACT FROM COUNCIL MEETING MINUTES OF JANUARY 24, 2017

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The Committee of the Whole recommends approval of the recommendation contained in the following report of the Deputy City Manager, Planning & Growth Management, the Director of Building Standards, the Director of Development Engineering and Infrastructure Planning and the Director of By-law & Compliance, Licensing & Permit Services, dated January 17, 2017:

The Deputy City Manager, Planning & Growth Management, the Director of Building Standards, the Director of Development Engineering and Infrastructure Planning, and the Director of By-law & Compliance, Licensing & Permit Services recommend:

1. THAT Fill By-law 189-96 be amended to transfer authority from the Chief Building Official to the Director of Development Engineering and Infrastructure Planning to administer the By-law.

This report is consistent with the priorities previously set by Council in the Green Directions Vaughan Community Sustainability Environmental Master Plan.

Objective: 1.3.2 - Ensure protection of remaining natural features.

Objectives 2.2 - To develop Vaughan as a City with maximum greenspace and an urban form that supports our expected population growth.

There is no economic impact as a result of this report. With the transfer of authority under the Fill By-Law from Building Standards to Development Engineering and Infrastructure Planning, the fees collected under the fill permits have been moved from the Building By-Law to Schedule "K" of the User Fees and Charges By-Law, By-law No. 171-2013.

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Communications Plan

Through annual industry workshops, the BSD announced various departmental changes and service delivery improvements, which included plans to transfer responsibility for the Fill By-law to DEIP.

The BSD will include information on its webpage to notify the public of the changes made to the Fill By-law. Formal and informal communication with the development industry is also taking place on a regular basis. Information related to changes to the administration and permit issuance under the Fill By-law will also be detailed on both the BSD and DEIP's webpages.

Purpose

To transfer responsibility for the Fill By-law from the Chief Building Official to the Director of Development Engineering and Infrastructure Planning in order to:

1. Align administrative responsibilities related to the Fill By-law with the appropriate City Department;
2. Meet legislative requirements under the Building Code Act whereby building permit fees collected must relate to delivery of services in the course of the administration and enforcement of the Building Code Act and Ontario Building Code;
3. Comply with legislative requirements of the Chief Building Official to establish a Sewage System Maintenance Inspection Program under the Ontario Building Code; and
4. Improve efficiency in operations and customer service delivery resulting in increased satisfaction for applicants.

Background - Analysis and Options

Currently, the authority to administer the Fill By-law lies with the Chief Building Official and the BSD. The principal mandate of the BSD is to administer the municipal building permit process to ensure that construction and use of buildings and land meet Ontario Building Code (OBC) regulations and associated standards. The BSD issues permits where submissions conform with building code, municipal zoning by-laws and other applicable laws. DEIP on the other hand is responsible for the review, approval, inspection and processing of municipal services for land development before any construction takes place. Therefore, the administration of the Fill By-law, which regulates the placing or dumping of fill in the City, is commonly a precursor to land development and is more properly aligned with the activities of DEIP.

In addition, new legislative requirements relating to water protection (i.e., *Clean Water Act* and the *Lake Simcoe Protection Act*) have also resulted in new requirements under the Building Code Act to re-inspect all on-site sewage systems constructed before January 1, 2011 by January 1, 2016 and to further require that a maintenance inspection program be established. Given the specialized expertise required, Ontario Building Code regulated on-site sewage systems are undertaken by the same staff administering the Fill By-law. The transfer of the Fill By-law to DEIP will allow the BSD to focus on its statutory responsibilities, including the on-going administration of a Sewage System Maintenance Inspection Program.

Finally, the *Building Code Statute Law Amendment Act, 2002* (Bill 124), and related Ontario Regulation 305/03, limit municipal building permit fees to the anticipated reasonable cost to administer and enforce the Building Code. Thus, a permit, and related administrative and enforcement activities, under the Fill By-law cannot be financed through building permit revenues. To date, fees collected under the Fill By-law have not covered the costs associated with implementation and enforcement of the Fill By-law. A review and comparison of current fill permit

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fees will be conducted in 2017 as part of a fulsome by-law review, in accordance with the *By-Law Strategy*, carried out by the By-law and Compliance Licensing and Permit Services (“BLCLPS”) Department. An updated fee structure will subsequently be implemented to ensure the City generates sufficient revenue to fund the annual operating expenses associated with the fill permit process. The updated fee structure will take into account fee structures and practices in other comparable GTA municipalities.

The transfer of the administration of the Fill By-law to DEIP will have an immediate and positive impact on service delivery, since earthworks are at an earlier phase in the lifespan of a development project. Synergies can be realized by DEIP staff who already process development applications specifically with regards to erosion and sediment control and currently provide technical review comments and are circulated on Fill Permit applications. Coincidentally, DEIP staff also conducts site inspections and are therefore better positioned to process and manage the fill permit process and maintain a consistent level of service throughout the project's lifespan. Impacts to roads can be better mitigated by DEIP staff as well who will have first-hand knowledge of projects starting up and be able to manage mud tracking and other related issues. It is anticipated that the timing and transfer of the Fill Permit Process to DEIP will be rolled out to the industry some-time in the first quarter of 2017 following the adoption of the bylaw. For the BSD, the transfer will mean the ability to redeploy a resource and more actively address the department's new obligations under the *Building Code Act* pertaining to on-site sewage systems.

This re-alignment of authority in the Fill By-law reflects best practices in neighboring GTA municipalities such as Markham, Whitby and Stouffville.

Relationship to Term of Council Service Excellence Strategy Map (2014-2018)

This report relates to the Term of Council Service Excellence Strategy by supporting the following initiatives:

- Ensure the safety and well-being of citizens by developing an on-site sewage system maintenance program
- Promote efficiency and continuous service delivery
- Supports a one window approach for proposed land alterations

This proposed transfer of authority of the Fill By-law from BSD to DEIP contributes to the objective of organizational excellence, as this initiative is seen by staff as a positive step towards efficiency and customer service.

This measure also supports customer service objectives and reflects previous input received from development industry stakeholders as part of the Public Service Renewal process where industry representatives indicated a preference for a one window approach for applicants seeking to make site alterations to their lands.

Regional Implications

Not applicable.

Conclusion

Staff recommend moving forward with the technical amendments to the Fill By-law transferring the responsibility for administering the Fill By-law from the Chief Building Official to the Director of Development Engineering and Infrastructure Planning.

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Attachments

None

Report prepared by:

Ben Pucci, Manager of Inspections, ext. 8872

Frank Suppa, Manager of Development Inspection & Grading, ext. 8073

Rudi Czekalla-Martinez, By-law Policy Manager, ext. 8782

COMMITTEE OF THE WHOLE JANUARY 17, 2017

TECHNICAL AMENDMENT TO FILL BY-LAW 189-96 A BY-LAW TO PROHIBIT OR REGULATE THE PLACING OR DUMPING OF FILL ALL WARDS

Recommendation

The Deputy City Manager, Planning & Growth Management, the Director of Building Standards, the Director of Development Engineering and Infrastructure Planning, and the Director of By-law & Compliance, Licensing & Permit Services recommend:

1. THAT Fill By-law 189-96 be amended to transfer authority from the Chief Building Official to the Director of Development Engineering and Infrastructure Planning to administer the By-law.

Contribution to Sustainability

This report is consistent with the priorities previously set by Council in the Green Directions Vaughan Community Sustainability Environmental Master Plan.

Goal 1: Supports enhanced standards for storm water management,

Objective: 1.3.2 - Ensure protection of remaining natural features.

Goal 2: Ensures sustainable development and redevelopment.

Objectives 2.2 - To develop Vaughan as a City with maximum greenspace and an urban form that supports our expected population growth.

Economic Impact

There is no economic impact as a result of this report. With the transfer of authority under the Fill By-Law from Building Standards to Development Engineering and Infrastructure Planning, the fees collected under the fill permits have been moved from the Building By-Law to Schedule "K" of the User Fees and Charges By-Law, By-law No. 171-2013.

Transferring authority under the Fill By-law from the Building Standards Department ("BSD") to Development Engineering and Infrastructure Planning ("DEIP") will allow the BSD to reallocate necessary resources within the BSD to meet legislative water protection and building code requirements affiliated with on-site sewage systems. The transfer of the fill permit process and subsequent by-law and permit fee reviews to DEIP will ensure the City continues to provide timely engineering reviews of development applications, including infrastructure planning, design review, contract preparation and construction oversight of development projects.

Communications Plan

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Attachments

None

Report prepared by:

Ben Pucci, Manager of Inspections, ext. 8872

Frank Suppa, Manager of Development Inspection & Grading, ext. 8073

Rudi Czekalla-Martinez, By-law Policy Manager, ext. 8782

Respectfully submitted,

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Deputy City Manager
Planning & Growth Management

JASON SCHMIDT-SHOUKRI
Director of Building Standards
Chief Building Official

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THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 007-2017

A By-law to amend by-law 189-96 to prohibit or regulate the placing or dumping of fill in areas of the City of Vaughan, as amended.

WHEREAS Section 142 of the Municipal Act 2001, S.O. 2001, C.25, as amended, authorizes municipal corporations to prohibit or regulate the placing of fill, the removal of topsoil and the alteration of the grade of land;

AND WHEREAS the Council of the Corporation of the City of Vaughan enacted by-law 189-96 to prohibit and regulate the placing or dumping of fill in the City of Vaughan on the 8th day of July, 1996;

NOW THEREFORE the Council of the Corporation of Vaughan ENACTS AS FOLLOWS:

THAT by-law 189-96 is hereby amended as follows:

1. By deleting the definition of “Chief Building Official” in Section 1.(2) and replacing it with the following:

“Director” means the Director of Development Engineering and Infrastructure Planning Department.
2. By deleting the definition of “Inspector” in Section 1.(7) and replacing it with the following:

“Inspector” means the Municipal Services Inspectors in the Development Engineering and Infrastructure Planning Department.
3. By deleting all references in the By-law to the “Chief Building Official” and replacing them with “Director”.

Enacted by City of Vaughan Council this 24th day of January, 2017.

Hon. Maurizio Bevilacqua, Mayor

Jeffrey A. Abrams, City Clerk

Authorized by Item No. 7 of Report No. 2
of the Committee of the Whole
Adopted by Vaughan City Council on
January 24, 2017.