

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MAY 23, 2018

Item 12, Report No. 18, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on May 23, 2018.

12 APPOINTMENT OF BUILDING OFFICIALS

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Deputy City Manager, Planning and Growth Management, dated May 8, 2018:

Recommendations

1. That a By-law substantially in the form of Attachment 1 to appoint a Chief Building Official, Deputy Chief Building Officials and to delegate Council authority to appoint inspectors to the Chief Building Official, for the enforcement of the Building Code Act, 1992, and the Building Code be enacted.

(A copy of the attachments referred to in the following report have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

Item:



Committee of the Whole Report

DATE: Tuesday, May 08, 2018

WARD(S): ALL

TITLE: Appointment of Building Officials

FROM:

Jason Schmidt-Shoukri, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

The proposed By-law would amend the list of building officials authorized to enforce the Building Code Act and the Building Code and is therefore considered a routine administrative matter.

Recommendations

1. That a By-law substantially in the form of Attachment 1 to appoint a Chief Building Official, Deputy Chief Building Officials and to delegate Council authority to appoint inspectors to the Chief Building Official, for the enforcement of the *Building Code Act, 1992*, and the Building Code be enacted.

Report Highlights

- The proposed By-law to appoint City staff, as required, to enforce the Building Code Act addresses staff changes in the Building Standards Department and Vaughan Fire and Rescue Service.
- The By-law also proposes to reduce the administrative burden on Council and senior management by delegating Council authority to appoint inspectors, to the Chief Building Official.

Background

Subsection 3.(2) of the *Building Code Act, 1992* (Act) requires that each municipality appoint a Chief Building Official and as many Inspectors as are necessary to enforce the Act and the Building Code. Such appointment is made through a By-law that authorizes employees of the City to enforce the Act and Building Code.

As a result of staff turnover, the By-law must be amended regularly, often two or more times per year in response to staff changes. Select staff from both the Building Standards Department (BSD) and Vaughan Fire and Rescue Service (VFRS) are appointed to enforce the Act and Building Code.

Previous Reports/Authority

https://www.vaughan.ca/council/minutes_agendas/AgendaItems/CW1107_17_10.pdf

Analysis and Options

In accordance with subsection 3.(2) of the Act, as with all municipalities in the province, City of Vaughan staff who enforce the Act and Building Code, must be appointed by Council before they can fulfill the roles for which they were hired. As a result, amendments to the By-law which appoints building officials must be made on a regular basis. In 2017, the By-law was amended twice.

The regular cycle of amendments as staff depart and are replaced, results in Council having to take time in order to perform this routine administrative task. The process to amend the by-law has inherent delays of a month or more. This results in a delay between the time a qualified person is hired and when they can be fully productive.

A number of municipalities in the province, including Burlington and Toronto, utilize existing legislative authority to streamline the appointment process by naming specific positions which will automatically be appointed, when hired into a particular role with the City. These include the Chief Building Official and Deputy Chief Building Officials. For inspectors, Council delegates its authority to make appointments, to the Chief Building Official.

Section 77 of the *Legislation Act, 2006*, authorizes the appointment of Deputy Chief Building Officials with the same powers as the Chief Building Official; and, Section 23.1 of the *Municipal Act, 2001*, authorizes a municipality to delegate its powers and duties.

The proposed By-law to repeal and replace current By-law, 144-2017, would streamline the process to appoint building officials in the BSD and VFRS. When individuals that possess the qualifications required by the Act and Building Code are hired, they would automatically be appointed into their legislated role. This would enable new staff to immediately be productive and eliminate the need for Council to regularly perform this

administrative task. The Chief Building Official would be required to maintain an up to date list which names the persons appointed to the various roles legislated by the Act.

Financial Impact

Adopting the recommendations in this report will bring more efficiencies to the appointment process and will result in administrative cost savings.

Broader Regional Impacts/Considerations

N/A

Conclusion

The appointment of building officials is necessary to ensure that the City complies with the legislative requirements set out in the Building Code Act. Adopting the recommendation in this report will streamline the process to appoint individuals into their legislated roles and reduce the administrative burden on Council.

This report has been prepared in consultation with the Office of the City Solicitor

For more information, please contact: Nadim Khan, Manager, Policy and Regulatory Services, Building Standards Department ext. 8232

Attachments

1. Draft By-law to Appoint Building Officials.

Prepared by

Nadim Khan, Manager, Policy & Regulatory Services, Building Standards Department ext. 8232

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Prepared by

Nadim Khan, Manager, Policy & Regulatory Services, Building Standards Department ext. 8232

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER XXX-2018

A by-law to repeal and replace By-Law 144-2017, and a by-law to appoint the Chief Building Official, Deputy Chief Building Officials, and Inspectors, for the enforcement of the *Building Code Act, 1992*, as amended for the City of Vaughan.

WHEREAS subsection 3(2) of the *Building Code Act, 1992, S.O. 1992, c. 23*, as amended, directs the council of each municipality to appoint a Chief Building Official and such Inspectors as are necessary for the enforcement of the Act in the areas in which the municipality has jurisdiction;

WHEREAS section 77 of the *Legislation Act, 2006, S.O. 2006, c. 21, Sched. F* authorizes the appointment of Deputy Chief Building Officials with the same powers as the Chief Building Official;

AND WHEREAS section 23.1 of the *Municipal Act, 2001, S.O. 2001, c. 25* authorizes a municipality to delegate its powers and duties;

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

1. The person holding the title of Director of Building Standards in the Building Standards Department is hereby appointed the Chief Building Official for the City of Vaughan.
 - (1) The persons holding the following positions in the Building Standards Department are hereby appointed Deputy Chief Building Official;
 - (a) Manager of Inspection Services;
 - (b) Manager of Policy & Regulatory Services; and,
 - (c) Manager of Technical Services
 - (2) As directed by the Chief Building Official or when the Chief Building Official is absent, the Deputies listed in subsection 1(1) above have all of the powers and may perform all of the duties of the Chief Building Official.

- (3) Prior to their appointment, each position listed in this section must hold the necessary legislated qualifications for the position to which they are to be appointed.
2. The administrative authority to appoint inspectors under section 3 of the *Building Code Act, 1992*, including the authority to revoke the appointment of inspectors, is delegated to the Chief Building Official for the City of Vaughan, subject to the following conditions:
- (1) the Chief Building Official must maintain an up to date list of all inspectors appointed under section 3 of the *Building Code Act, 1992* in the City of Vaughan;
- (2) prior to their appointment, each candidate for appointment must hold the necessary legislated qualifications for the position to which they are to be appointed.
3. At the time this By-Law is enacted and comes into force, By-Law 144-2017 is repealed.

Enacted by City of Vaughan Council this 23rd day of May, 2018.

Hon. Maurizio Bevilacqua, Mayor

Todd Coles, City Clerk

Authorized by Item No. ____ of Report No. ____
of the Committee _____
Adopted by Vaughan City Council on
