

# **THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS**

## **STAFF REPORT**

**DATE:** April 23, 2024  
**TO:** Committee of the Whole  
**FROM:** Jon Wilson, Chief Building Official  
**SUBJECT:** New Building By-law

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### **RECOMMENDATION:**

**THAT Committee of the Whole recommend to Council that the 2018 Building By-law be repealed and replaced with the Building By-law, similar in effect to Attachment A.**

### **BACKGROUND:**

Since the previous update to the Building By-law in 2018, a complete staff turnover has taken place in the Building Department including the Chief Building Official, Inspectors and Building Clerk. The current staff contingency has been in the place for a reasonable amount of time and have taken the time to evaluate the current procedures and processes that were implemented by previous staff. After thorough review of the current Building Code Act and Ontario Building Code along with changes to both the construction industry and building inspection processes, staff are of the opinion that it is time to bring a new Building By-law forward which better represents current industry standards and regulations, and which implements the operational vision of the Department.

A Building By-law is one of the main pieces that enables the Building Department to legally operate. As a result, it is important that this By-law be concise and provide clear direction to staff, applicants and the public. Additionally, the By-law should not be over-reaching in its scope or include items which are not enforceable by the Chief Building Official and Building Department staff.

Since the existing Building By-law was passed in 2018, many changes to the Building Code Act and Ontario Building Code have been brought into effect. In addition, there have also been significant changes within the construction industry. The review of the current by-law determined that there were multiple items which were regulated through other Provincial Acts and Regulations which are considered 'applicable law' under the Ontario Building Code. The issue that staff have raised regarding these items is that they are not enforceable because these items are regulated through other Acts and Regulations.

## **DISCUSSION:**

After careful consideration and review of the existing By-law with all Building Department staff, it is the opinion of staff that it would be more efficient and clearer to implement a new Building By-law, rather than via a series of amendments to the existing By-law.

To clarify and simplify the By-law, the proposed Building By-law has been fully rewritten and reformatted. The proposed By-law is a more formulated and relevant document that considers every aspect of the Building Department's day-to-day operations and is grounded specifically in the relevant Acts and Regulations that the Chief Building Official is permitted to enforce and regulate.

The primary changes that were incorporated into the proposed by-law include:

- Defining the classes of permits in a more simplified and concise nature.
- Correction, revision and insertion of applicable definitions.
- Clarification on required supporting documents for permit submissions.
- Clarification on required document properties (formatting) and requirements for digital submissions, e-permitting and how the Department will maintain official records.
- Clarification and direction on permit submission requirements including changes for digital signatures, file formats, maximum size of hard copy plans etc.
- Clarification on how and when a permit is deemed incomplete or complete as well as when the cancellation of a permit can take place if a file is not complete or is dormant.
- Clearer information on permit issuance and the process to transfer permits from one applicant to another.
- Inspection requirements and process (reference to internal policy).
- Clarification on refund procedures.
- Official complaint process.

The improved clarification, information, and detail in this new By-law allows the Chief Building Official and their staff to better manage the day-to-day activities of the Building Department by having a concise and complete guidance document.

The proposed By-law has been reviewed by the Municipality's solicitor to ensure that there are no legal errors and addresses all requirements of the Act.

## **OPTIONS:**

Option 1 – Approve the recommendation. Staff recommend this option to provide an updated Building By-law which will be in place prior to the bulk of the 2024 construction season.

Option 2 – Deny the recommendation. If denied, the 2018 version of the Building By-law will remain in place.

Option 3 – Refer back to staff for modifications.

### **FINANCIAL IMPLICATIONS:**

The Building By-law is not appealable under the Act and so there are no anticipated financial impacts to adopting the proposed By-law.

### **STRATEGIC PLAN**

The proposed Building By-law is related to the following strategic plan initiatives:

- Modern Efficient and Effective Municipal Operations
- Accountable and Transparent Governance

The By-law proposes a modernized format and approach removing unnecessary requirements for the building permit process and continues to build upon governance which is accountable and transparent:

### **PUBLIC ENGAGEMENT**

Public engagement is not a requirement under the Act.

### **SUMMARY:**

In summary, this proposed Building By-law will provide an up-to-date framework which addresses key issues and changes to the Building Department since the previous By-Law was passed in 2018. The proposed Building By-law provides the entire Department with clear and concise direction to carry out their day-to-day duties and enforcement.

Respectfully submitted by,



Jon Wilson  
Chief Building Official

Reviewed by:



Melanie Knight  
Director of Development Services and  
Engineering

### **ATTACHMENTS:**

1. Attachment A - Building By-law