

The Corporation of the City of Kawartha Lakes
Council Report

Report Number BLDG2017-004

Date: October 24, 2017

Time: 2:00 p.m.

Place: Council Chambers

Ward Community Identifier: All

Subject: Use of Section 4.2 of Building Code Act (BCA)

Author: Susanne Murchison, Chief Building Official

Recommendations:

RESOLVED THAT Report **BLDG2017-004, Use of Section 4.2 of Building Code Act (BCA)**, be received.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

On June 6, 2017 the Chief Building Official brought forward to Council proposed amendments to the Building By-law. During discussion generated from that Council report was a question from Council regarding the use of Registered Code Agencies (RCA's). Specifically Council enquired about the use of RCA's by applicants as referenced in Section 4.2 of the Building Code Act (BCA). The relevant sections of the Act have been attached to this report for reference purposes as Appendix A.

This report addresses that enquiry.

Rationale:

In 2005 the Ministry of Municipal Affairs implemented major changes to the Building Code Act and Ontario Building Code centering on qualifications and registration for code practitioners. One aspect that was introduced was the Registered Code Agency giving municipalities an option of including, within their building by-law, language permitting the use of a ministry approved third party firm for certain functions performed by the municipal building department.

The options are set up with two different streams:

1. Section 4.1, being an appointment by the municipality to perform certain functions on behalf of the municipality, in respect to construction of any building or specific class of building. Section 4.1 has a couple of main uses for a municipality, to act as support staff during a labour disruption or in the case of a smaller municipality, to address larger, infrequent, project types such as large commercial or institutional projects, like hospitals. CKL is fortunate enough to maintain a diversified field of qualified professionals that span all aspects of the code and therefore this outsourcing is not necessary for our day to day operations.
2. Section 4.2, being an option for an applicant to appoint a registered code agency to perform specific functions outlined elsewhere in the Building Code Act.

This report addresses the enquiry respecting Section 4.2 of the Act, however it is important for Council to understand the limitations that would be placed on the municipality should this option be adopted. Currently there is only one firm within the province located west of Toronto and this firm has been the only registered firm since the inception of this option in 2005. In the event of a potential labour disruption the City's Business Continuity Plan contains language that appoints a contractor to perform some of the duties of the unionized staff. A registered code agency was used during the 2007 labour disruption and remains the solution for future emergency scenarios.

Should the municipality include within their by-law the option for an applicant to use 4.2 of the Act and the need arises that the municipality also requires an

RCA, there is conflict language that will prevent the firm acting on behalf of the second party to the table.

The role of the RCA may include reviewing plans, issuing certificates, inspecting construction and performing other functions in accordance with the Act and code. The RCA may not issue permits, revoke permits, issue stop work orders, issue orders to uncover or carry out duties where there is a conflict of interest identified, these functions remain the role of the Chief Building Official. If the Chief Building Official recognizes a flaw in the duties performed by the RCA they still have the power to deny the issuance or revoke a permit.

The intent of Section 4.2 is to give the applicant the opportunity to hire a third party for certain aspects of the process in order to save time or money. In the case of Kawartha Lakes, the City Building Division is at full staff, is continually meeting and exceeding the provincially mandated issuance timeframes for complete applications and our permitting fees are in line with the legislation and other municipalities. Therefore, it doesn't appear that the use of a RCA would accomplish either a time or cost savings.

The single firm available for use as a RCA is located in Mississauga and referencing their fee schedule, the following costs are associated with a permit application:

- fee per square meter of building area for plans review
- fee per fixture and per linear meter of pipe for plumbing
- fee per hour for building inspection
- fee per hour for administrative fees
- building inspection travel mileage
- plus additional incidental disbursements, such as accommodations, blueprints, courier charges
- copying and disbursements.

Additionally, with the use of the RCA there are still permit fees to the City for administering the process. The round trip from the office of the RCA to Lindsay, for example, is 282 km and 3.5 hours, and the average permit encompasses anywhere from a minimum of 7-12 inspections and with non-residential or multi-residential builds, can easily exceed 20 inspections.

In researching this topic building by-laws were sampled throughout the province and those that included a reference to registered code agencies did so only with respect to delegating authority to their CBOs to enter into service agreements on behalf of the municipality with an RCA. The author could not find a single municipality that has incorporated Section 4.2 into their by-law.

Other Alternatives Considered:

No other alternatives have been considered at this time.

Financial/Operation Impacts:

Should Council introduce the option found in Section 4.2 of the Building Code Act, the cost to the applicant will include fees, mileage and disbursements to the RCA, as well as a fee to the City for the processing of the file.

Relationship of Recommendation(s) to the 2016-2019 Strategic Plan:

This report aligns with the strategic enabler of Municipal Service Excellence.

Consultations:

Ministry of Municipal Affairs

Attachments:

Appendix A – Relevant Building Code Act Sections



BCA 4.2 relevant
sections.docx

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