

# Staff Report



---

|              |   |
|--------------|---|
| To           | <b>Committee of the Whole</b>                       |
| Service Area | Infrastructure, Development and Enterprise Services |
| Date         | Monday, March 1, 2021                               |
| Subject      | <b>Building By-law Update</b>                       |

---

## Recommendation

1. That the Amending By-law, included as Attachment 1, be enacted to amend the Building By-law.
- 

## Executive Summary

### Purpose of Report

The purpose of this report is to amend the City's Building By-Law to provide authority for the Chief Building Official to transfer in-force building permits to subsequent property owners, in line with the Building our Future Strategic Plan Priority of helping to ensure that strong, vibrant, safe and healthy communities continue to be built.

### Key Findings

The Building Code Act, 1992 authorizes municipal councils to make by-laws which, among other things, require a person specified in the building code to give notice to the Chief Building Official of the readiness for inspection of a building at specified stages of construction, and prescribes the period of time after such notice is given during which an inspection shall be carried out;

The timely inspection of buildings during their construction is an essential component of ensuring that the safety and quality assurance provisions of the Ontario Building Code, being O. Reg. 322/12, as amended (the "OBC") are followed and any deficiencies are addressed in a timely way;

Responsibility for providing notice of readiness for inspection falls on "prescribed persons", which under OBC are defined as those to whom a permit has been issued;

Section 7(h) of the Building Code Act, 1992, authorizes a municipal council to make bylaws providing for transfer of permits when land changes ownership;

The City's Building By-Law (2015)-19985 (the "Building By-law") contains provisions authorizing the transfer of in-force building permits on the application of

the person to whom a permit has been issued, but does not currently authorize the Chief Building Official ("CBO") to transfer a permit on the CBO's own initiative;

Giving the power and discretion to the CBO to transfer a permit, on notice, to a new owner when land changes ownership is significant to the ability of the CBO to ensure that timely inspections are carried out on buildings under construction.

## **Financial Implications**

Not Applicable

---

## **Report**

It is recommended that the Building By-law be amended to authorize the Chief Building Official ("CBO") to transfer an in-force building permit, on notice, to the new owner of a property on the CBO's own initiative and at their discretion.

While the Building Code Act ("BCA") and Ontario Building Code ("OBC") have provisions and requirements that apply to the new owner(s) of a property, the requirement to call for inspections remains with the person to whom the permit has been issued, which could be the previous owner, unless the permit has been transferred.

Often the previous owner no longer has a vested interest in the property and the requirement to call for inspections needs to be transferred to the current owner of the property.

While this proposed amendment to allow the CBO to transfer a building permit would apply where a property is sold during active construction on a site, it will also apply and is especially critical where there is an open, sometimes dormant, building permit on a property which has not been closed.

Older open building permits pose a significant risk to the municipality. Over the past decade, Building Services has worked to minimize the number of older open permits through the Inactive Permits Program. The goal of this program is to close an average of 150 more building permits each year than are issued, by working with owners of properties to complete the outstanding items and/or call for inspections.

Over time this has and will continue to reduce the number of open building permits. In 2012, staff estimated that there were approximately 6,000 inactive/dormant building permits. Efforts since that time have helped to reduce this by approximately 1800 permits or over 25%. In general, staff prioritize permits which pose the highest risk to safety of life. This helps to reduce risks to both citizens and the City.

It has come to the attention of Building staff that, for building permits issued to a previous owner, the requirement to call for inspections does not lie with the current owner of the property unless the permit is transferred to them. However, there is currently no ability for the CBO to transfer a permit, on notice, to a new owner when land changes ownership. This proposed amendment to the By-law allows this to occur on the CBO's own initiative and at their discretion.

The timely inspection of buildings is an essential component of ensuring that the safety and quality assurance provisions of the Ontario Building Code are followed and any deficiencies are addressed in a timely way.

## **Financial Implications**

Not Applicable.

## **Consultations**

Allison Thornton, Associate Solicitor, Legal, Realty and Court Services

## **Strategic Plan Alignment**

“Building our Future” to help ensure that strong, vibrant, safe and healthy communities continue to be built.

## **Attachments**

Attachment-1 - 2021-29 Amending By-Law - Building By-Law

## **Report Author**

Jeremy Laur, Chief Building Official, Building Services

## **This report was approved by:**

Krista Walkey, MCIP, RPP

General Manager, Planning and Building Services

Infrastructure, Development and Enterprise Services

519-822-1260 extension 2395

krista.walkey@guelph.ca

## **This report was recommended by:**

Kealy Dedman, P.Eng., MPA

Deputy Chief Administrative Officer

Infrastructure, Development and Enterprise Services

519-822-1260 extension 2248

kealy.dedman@guelph.ca