
SUBJECT: Delegation of Appointment of Chief Building Official,
Deputies and Inspectors

PREPARED BY: Stephanie Di Perna, Director of Building Standards, ext. 3940

RECOMMENDATION:

- 1) That by-law 2021-x, respecting the appointment of 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 Building Code be approved,
- 2) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

EXECUTIVE SUMMARY:

N/A

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.

BACKGROUND:

Section 3 of the Building Code Act, 1922 (BCA) requires that each municipality appoint a Chief Building Official and as many Inspectors as are necessary for the enforcement of the BCA and the Ontario Building Code (OBC). Such appointment is made through a Bylaw that authorizes employees of the City to enforce the BCA and the OBC. As a result of staff turnover, the By-law must be amended regularly in response to staff changes.

OPTIONS/ DISCUSSION:

In accordance with subsection 3.(2) of the BCA, as with all municipalities in the province, City of Markham staff who enforce the BCA and the OBC, 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. The regular cycle of amendments 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 which in turn affect the ability for qualified persons hired to fulfill all statutory duties of their job function.

A number of municipalities in the province 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 28(o) of the Interpretation Act, 1990, 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, 2015-163 as amended by 2020-143, would streamline the process to appoint building officials in the Building Standards Department. When individuals that possess the qualifications required by the BCA and OBC 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 BCA.

FINANCIAL CONSIDERATIONS

Adopting recommendations in this report will bring more efficiencies to the appointment process.

HUMAN RESOURCES CONSIDERATIONS

N/A

ALIGNMENT WITH STRATEGIC PRIORITIES:

N/A

BUSINESS UNITS CONSULTED AND AFFECTED:

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

RECOMMENDED BY:

Arvin Prasad

Andy Taylor

ATTACHMENTS:

Draft By-law to appoint Building Officials