

Bill 124 - Changes To The Building Code

As of January 1, 2006, municipalities will now have to comply with an additional three aspects of Bill 124 the Building Code Statute Law Amendment Act, 2002. All other elements of this Act have previously been brought into force.

Reg 389/05 2.16

Chief Building Officials and Inspectors must have completed the applicable examinations and have filed the information with the director of the Building and Development branch of the Ministry of Municipal Affairs and Housing. Inspectors must have completed the appropriate examinations prior to being able to conduct those specific inspections.

Reg 389/05 2.4.1

Municipalities are required to issue or refuse a building permit application within set times as indicated in the Table 2.4.1.1B of Regulation 389/05. These deadlines range from 10 working days for single detached houses and townhouses up to 30 days for high-rise buildings. The reasons for a refusal must be provided in writing. With these strict deadlines, municipalities must consider staffing issues (vacations, illness, pregnancy, training) to ensure there is adequate, trained staff able to approve and write reasons for refusals within the allotted time frame.

Reg 389/05 2.23.1.1

Building permit fees must be transparent to cover only the direct and indirect costs of the Municipality related to the administration and enforcement of the Ontario Building Code. A Report must be submitted annually to the Ministry. Within the Report Municipalities must break out their direct costs (review of applications for permits, inspections, reasons for refusing an application, etc) and their indirect costs (clerical support, overhead, etc). No longer will building fees be permitted to generate revenue to offset other municipal operations. However, Municipalities will be able to keep a reserve fund if it has been established specifically related to the administration and enforcement of the Act.

The council of each municipality is responsible for the Enforcement of the Building Code. The councils of two or more municipalities can enter into an agreement for the appointment of a chief building official and inspectors on a shared cost arrangement. Upper-tier municipalities can enforce the code on behalf of lower tier municipalities on a contracted basis and appoint a chief building official as well as inspectors for the lower tier municipality.

Contractual agreements should not only address contracted services and respective fee payments but should also address the assumption of liability. We strongly recommend consultation with legal counsel when drafting the agreement. The agreements should include a Hold Harmless and Indemnity Clause as well as responsibility for errors and omissions, liability insurance and WSIB.