



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Building Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	May 17, 2016
SUBJECT/REPORT NO:	Appointment By-law under the <i>Building Code Act, 1992</i> (PED16111) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Jorge M. Caetano (905) 546-2424 Ext. 3931
SUBMITTED BY:	Jason Thorne General Manager Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That the By-law, respecting the Appointment By-law under the *Building Code Act, 1992*, attached as Appendix “A” to Report PED16111, be enacted.

EXECUTIVE SUMMARY

The *Municipal Act* provides Council with the ability to delegate certain administrative powers to staff. Staff are recommending that Council delegate to the Chief Building Official the authority to carry out the administrative function of appointing Inspectors under Section 3 of the *Building Code Act, 1992*. This would result in a more efficient means for appointing Inspectors instead of the current by-law amendment process. This would only apply to the appointment of Inspectors; the appointment of the Chief Building Official and Deputy Chief Building Officials would continue to be made by Council.

This delegation would be conditional on the Chief Building Official maintaining an up-to-date list of appointed Inspectors and ensuring that each candidate for appointment has the necessary legislated qualifications to be an Inspector.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Not Applicable.

Staffing: Not Applicable.

Legal: The recommendation has no legal implications.

HISTORICAL BACKGROUND

Currently Council, by way of an Appointment By-law, appoints the Chief Building Official, Deputy Chief Building Officials and Inspectors in accordance with Section 3 of the *Building Code Act, 1992*. However, due to frequent staff changes, this Appointment By-law is required to be routinely updated through Council by way of an amendment to add and delete Inspectors. Newly hired staff, who are Provincially qualified, must wait until the Appointment By-law is amended to be able to carry out their duties under the *Building Code Act, 1992*. Additionally, the Appointment By-law is also amended due to retirements and resignations.

The process of preparing a report for Planning Committee so that the necessary recommendation can be made to Council and then obtaining approval from Council does not allow for the timely appointment of newly hired staff by the Building Division. Depending on the City's report deadline calendar, there may be a delay of several weeks before an individual is appointed as an Inspector.

POLICY IMPLICATONS AND LEGISLATED REQUIREMENTS

Approval of this recommendation will not alter or contravene any City Policy or legislated requirements.

RELEVANT CONSULTATION

Legal Services Division was consulted in the preparation of this Report and By-law.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Section 23.1 of the *Municipal Act* provides Council with the ability to delegate certain administrative functions to staff. Staff are recommending that Council delegate to the Chief Building Official the authority to carry out the administrative function of appointing Inspectors under Section 3 of the *Building Code Act, 1992*. This would also include the revocation of appointments due to retirements or resignations. The Chief Building Official will be required to maintain an up-to-date list of all Inspectors appointed under Section 3 of the *Building Code Act, 1992*, and to be satisfied that each candidate holds the necessary legislated qualifications under the Ontario Building Code.

Delegating the administrative function to appoint Inspectors to the Chief Building Official will result in a more streamlined process allowing newly hired staff to carry out their duties under the *Building Code Act, 1992* as soon as they meet the Provincially

legislated requirements, instead of having to wait for an amending by-law to be passed by Council.

The delegation of the authority to appoint Inspectors to the Chief Building Official will not change the current process by which the Chief Building Official or the Deputy Chief Building Officials are appointed. City Council will continue to appoint these individuals.

ALTERNATIVES FOR CONSIDERATION

Not Applicable.

ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN

Strategic Priority #1

A Prosperous & Healthy Community

WE enhance our image, economy and well-being by demonstrating that Hamilton is a great place to live, work, play and learn.

Strategic Objective

- 1.6 Enhance Overall Sustainability (financial, economic, social and environmental). The appointment of a Chief Building Official, Deputy Building Officials, and Inspectors to enforce the Ontario Building Code assists in the protection of public safety.

Strategic Priority #3

Leadership & Governance

WE work together to ensure we are a government that is respectful towards each other and that the community has confidence and trust in.

Strategic Objective

- 3.2 Build organizational capacity to ensure the City has a skilled workforce that is capable and enabled to deliver its business objectives. Permit review and inspections are carried out in a timely manner by qualified individuals.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” – Proposed Appointment By-law

JMC:jmc