

## REQUEST FOR DECISION

**DATE:** September 18, 2015

Report No. CSS-15-017

**TO:** Laurie Hurst, Chief Administrative Officer

**FROM:** Blair McDonald, Director, Community Safety Services

**SUBJECT:**

Bylaw No. 2856 – A Bylaw to Amend Bylaw No. 2538, cited as the “Building Code Bylaw, 2002, No. 2538

**RECOMMENDATION:**

That Council gives first, second and third readings to Bylaw No. 2856 – A Bylaw to Amend Bylaw No. 2538, cited as the “Building Code Bylaw 2002 No. 2538

**RELEVANT POLICY:**

Building Code Bylaw 2002 No. 2538

**STRATEGIC RELEVANCE:**

This matter does not relate directly to Council’s Strategic Goals or Priorities.

**BACKGROUND:**

On August 17th, 2015, a delegation appeared before Council expressing concern relating to the surety deposit required when a building permit is issued. As a result of the delegation’s request, Council directed staff to prepare a report to clarify the issue at hand.

At the September 14<sup>th</sup>, 2015 regular Council meeting, staff presented a report illustrating that collection of the surety deposit was a requirement of the Building Code Bylaw 2002 No. 2583 and as a result, staff had no flexibility to waive the surety. Staff also recommended Council direct the revision of the bylaw to allow the Chief Building and Plumbing inspector the discretion to waive the surety in those instances where it was apparent that, due to the type of construction taking place, that damages to municipal works were unlikely to occur. Council directed staff to prepare this bylaw amendment for Council’s decision.

## ISSUES:

### 1. Rationale for Selected Option

[Allowing the Senior Plumbing and Building Inspector to review building permit applications and make a determination as to the likelihood of damage to municipal works, allows for more flexibility in determining when to collect the surety. Providing this flexibility will allow the Senior Plumbing and Building Inspector to waive the surety on those projects where it is unlikely that any damage to municipal works will occur. (IE: those jobs which are not adjacent to municipal works or those that will not involve heavy machinery crossing sidewalks etc.) This flexibility will lead to improved service to the community by not imposing a surety for what is often perceived as being “for no reason”.

Damage to municipal works does not occur often (four instances in the past five years). In those instances, it is valuable to have the surety to conduct required repairs; however, they are in the minority and almost always involve major construction projects as opposed to smaller renovations.

The Senior Plumbing and Building Inspector is well positioned to make the determination as to those projects that it is most appropriate to waive or to collect the surety. He has the requisite knowledge of construction practices and is knowledgeable as to when and how municipal works may be put at risk as a result of those practices.

In any instance where a surety was not collected, and municipal works are damaged, the Township still has the ability to seek recovery of any repair costs from the permit holder. This has been done in the past through invoice. ]

### 2. Organizational Implications

[An additional step is required wherein the Senior Plumbing and Building Inspector assesses the likelihood of damage to municipal works. It is anticipated that this additional step will not delay the building permit process nor create a significant additional amount of work for the Senior Plumbing and Building Inspector. ]

### 3. Financial Implications

[There are no significant financial implications.]

### 4. Sustainability & Environmental Implications

[There are no sustainability or environmental implications.]

### 5. Communication & Engagement

[As this change will only affect those applying for building permits, a change to the building permit application form will include a clause that a \$2500.00 surety may be charged if in the opinion of the Senior Plumbing and Building Inspector, that damage to municipal works MAY occur as a result of the construction.

**ALTERNATIVES:**

1. That Council gives first, second and third readings to Bylaw No. 2856 – A Bylaw to Amend Bylaw No. 2538, cited as the “Building Code Bylaw 2002 No. 2538
2. That Council directs any amendments it considers appropriate to Bylaw No. 2856 prior to giving it first, second and third readings as amended.
3. That Council refers Bylaw No. 2856 back to staff to further revision.