

Building Code Regulations Covering Retaining Walls on Private Properties

(City Council on February 29, March 1 and 2, 2000, adopted this Clause, without amendment.)

The Planning and Transportation Committee recommends that the Province of Ontario be requested to include in the Building Code Regulations, a provision to cover retaining walls built on private properties that are more than 1 metre in exposed height.

The Committee reports, for the information of Council, having requested the Chief Building Official to report directly to Council for its meeting on February 29, 2000 on this matter.

The Planning and Transportation Committee submits the following motion (undated) from Councillor Gloria Lindsay Luby:

Whereas the Ontario Building Code currently regulates retaining walls that are more than one metre in exposed height adjacent to public property, access to a building, or private property to which the public is admitted; and

Whereas there are no Building Code regulations covering retaining walls on private properties, other than as stated above;

Now therefore be it be resolved that the Province be requested to include in the Building Code, regulations to cover retaining walls built on private properties that are more than one metre in exposed height.

(City Council on February 29, March 1 and 2, 2000, had before it, during consideration of the foregoing Clause, the following report (February 21, 2000) from the Chief Building Official:

Purpose:

This report describes current Ontario Building Code regulations for retaining walls that are adjacent to public properties and outlines the benefits of expanding such regulations to private properties.

Financial Implications and Impact Statement:

There are no financial implications.

Recommendations:

It is recommended that:

- (1) the Province of Ontario include in the Ontario Building Code (O. Reg. 403/97) provisions to regulate retaining walls built on private properties that are more than 1 metre in exposed height; and*

- (2) *the appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.*

Background:

The Planning and Transportation Committee at its meeting of February 7, 2000, passed a motion by Councillor Lindsay Luby regarding a request to the Province to include regulations within the Ontario Building Code for retaining walls on private properties that are more than 1 metre in exposed height, and requested the Chief Building Official to report directly to Council for its meeting on February 29, 2000 on this matter.

Comments:

The Ontario Building Code regulates a retaining wall as a “designated structure” when the wall is more than one metre in height and adjacent to public property, or used to provide access to a building or on private property to which the public is admitted. It does not regulate other retaining walls that are built totally within private properties. The objectives of the code provisions are to ensure safety of the public along roadways, sidewalks, parking lots and entrances to all buildings, where a significant grade change occurs and retaining walls are constructed to maintain stability of the soil.

Regulations on private property to ensure safety of the users and visitors of buildings has been restricted to buildings and “designated structures”. The Code provides minimum standards for the design and construction to ensure healthy, safe and functional living or working spaces. Controls against spread of fire within or outside of the building as well as safe egress or occupants of buildings are also regulated by the Building Code.

Recently, large retaining wall structures have been constructed on private residential properties for the purpose of creating additional lands on which to build or provide additional landscaped amenity space. Retaining walls are typically constructed along sloped lands adjacent to ravines or into the sides of hills. In most cases retaining walls are less than a metre in height and do not pose significant structural or safety issues. However, when retaining walls exceeding 1 metre in height are constructed for the purpose of creating lands on which to build a building or structure, a review of the walls’ structural design capacity would be appropriate to ensure the structural integrity of the lands on, or adjacent to, the building to be constructed. The requirement to obtain a building permit prior to construction, along with appropriate design regulations contained within the Building Code would provide assurance that retaining walls are constructed in a safe manner.

Conclusions:

The proposed introduction of regulations for retaining walls which are more than 1 metre in exposed height and located on private lands would provide for both the requirement to obtain building permits prior to the construction of such walls and assurances that the walls are constructed in a structurally sound manner. This could be achieved by including retaining walls on private properties as a “designated structure” in the Building Code.

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