

## Planning and Growth Management Committee – Item 20.2

*Considered by City Council on December 1, 2 and 3, 2008*

PG20.2	Amended			Ward: All
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### **Municipal Code Chapter 363, Construction and Demolition By-law: Technical and Fee Schedule Amendments**

#### **City Council Decision**

City Council on December 1, 2 and 3, 2008, adopted the following motions:

1. City Council adopt the amendments to Chapter 363 of the Municipal Code, largely itemized in the form attached (Appendix A) to implement necessary technical and administrative changes required as a result of the 2006 Ontario Building Code, as outlined in the report, including fees to recover the costs of:
  - a. the review and approval of alternative solutions and building materials under the objective based code format (effective January 1, 2009);
  - b. administrative work related to remediating former marijuana grow operation properties (effective January 1, 2009); and
  - c. public requests for the disclosure of plans and records (effective April 1, 2009).
2. The funding outlined in the report, in the amount of \$779.0 thousand gross, \$0 net, be referred to the Budget Committee for consideration with the 2009 Operating Budget process to permit Toronto Building:
  - a. to conduct inspections of former marijuana grow operations, as required by the City of Toronto Act, 2006; and
  - b. to provide expanded routine disclosure of building permit records and plans.
3. The “alternative solution” fee (\$2,000.00) and “evaluation of alternative material or solution” fee (\$5,000.00) be also applied to applications where the building permit fee is more than \$50,000.00 and such revenues be used to offset or reduce these fees for smaller properties.

4. The Chief Building Official and Executive Director, Toronto Building, report to the Planning and Growth Management Committee on this matter in one year, including recommended fee adjustments.
5. The Chief Building Official and Executive Director, Toronto Building, be requested to develop a schedule of “innovative solutions and alternative methods” that prove successful over a period of time, with a view to allowing them to be used without additional fees.

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### **Committee Recommendations**

The Planning and Growth Management Committee recommends that:

1. City Council adopt the amendments to Chapter 363 of the Municipal Code, largely itemized in the form attached (Appendix A) to implement necessary technical and administrative changes required as a result of the 2006 Ontario Building Code as outlined in the report including fees to recover the costs of:
  - a. the review and approval of alternative solutions and building materials under the objective based code format (effective January 1, 2009);
  - b. administrative work related to remediating former marijuana grow operation properties (effective January 1, 2009);
  - c. public requests for the disclosure of plans and records (effective April 1, 2009).
2. The funding outlined in the report, in the amount of \$779.0 thousand gross, \$0 net, be referred to the Budget Committee for consideration with the 2009 Operating Budget process to permit Toronto Building:
  - a. to conduct inspections of former marijuana grow operations, as required by the City of Toronto Act, 2006; and
  - b. to provide expanded routine disclosure of building permit records and plans.

### **Committee Decision Advice and Other Information**

The Planning and Growth Management Committee:

1. held a public meeting on November 13, 2008, and notice was given in accordance with the Municipal Code and Ontario Building Code;
2. requested the Chief Building Official and Executive Director, Toronto Building, to report and address the issue of Public Health Charges in the by-law when it is considered by City Council on December 1 and 2, 2008, with a mechanism to

co-ordinate with Toronto Public Health the fees collected for the administrative work related to remediating former marijuana grow operation properties;

3. requested Deputy City Manager Richard Butts and the Chief Building Official and Executive Director, Toronto Building, to report to the Committee in a year's time on the resources required and the workload of any new staff.

### **Origin**

(October 30, 2008) Report from Chief Building Official and Executive Director, Toronto Building

### **Summary**

The purpose of this report is to recommend Council approval of amendments and additions to Municipal Code Chapter 363 that would:

- Introduce necessary technical and administrative amendments resulting from changes made in the 2006 Ontario Building Code, including a cost recovery fee to facilitate approval of "alternative solutions" under the objective based code format.
- Provide Toronto Building with the ability to recover the cost of administering remedial work to former marijuana grow operation properties.
- Enable Toronto Building to improve the efficiency and timeliness to public requests for the disclosure of plans and records, and provide the authority to recover costs.

Municipal Code Chapter 363 has not been significantly revised since the Building Code Statute Law Amendment Act (Bill 124) came into force at the end of 2005. Following these amendments to Municipal Code Chapter 363, the revised Ontario Building Code came into force.

It is necessary to make a number of administrative and technical changes to the Municipal Code to ensure consistency with the provincial regulations. The other changes pertaining to fees are consistent with the requirements of the Building Code Act. The Act requires that building permit fees be used for the purpose of administering and enforcing the Act and Code. The level of service associated with the marijuana grow operations and routine disclosure will support increased staffing levels required to deliver on the new service levels.

### **Background Information (Committee)**

Municipal Code Chapter 363, Construction and Demolition By-law: Technical and Fee Schedule Amendments

(<http://www.toronto.ca/legdocs/mmis/2008/pg/bgrd/backgroundfile-16863.pdf>)

Appendix A

(<http://www.toronto.ca/legdocs/mmis/2008/pg/bgrd/backgroundfile-17483.pdf>)