TORONTO **Member Motion**

City Council

Motion without Notice

MM27.12	ACTION			Ward:All

Appointment of Director and Deputy Chief Building Official - by Councillor Peter Milczyn, seconded by Councillor Adam Vaughan

**** Notice of this Motion has not been given. A two-thirds vote is required to waive notice.***
**** This Motion is subject to referral to the Planning and Growth Management Committee. A two-thirds vote is required to waive referral.***
This Motion has been deemed urgent by the Chair.

Recommendations

Councillor Peter Milczyn, seconded by Councillor Adam Vaughan, recommends that:

1. City Council appoint John Franklin Heggie as Deputy Chief Building Official for the City of Toronto, with all the powers and duties of the Chief Building Official within the district of the City of Toronto assigned by the Chief Building Official.

2. City Council rescind the appointment of Steven W. Franklin as Deputy Chief Building Official for the City of Toronto effective immediately.

3. City Council authorize and direct appropriate City officials to take the necessary action to give effect to this Motion including the introduction in Council of any necessary bills.

Summary

Steven W. Franklin has resigned from the position of Director and Deputy Chief Building Official effective December 31, 2011. A competition was held and John Franklin Heggie was selected to fill the vacancy.

Subsection 3(2) of the *Building Code Act, 1992*, requires the council of each municipality to appoint a chief building official and under section 77 of the *Legislation Act, 2006* words directing the appointment of a public officer to administer an Act also include the power of

appointing a deputy to have all the powers and authority of the public officer of such limited powers and authority as the instrument appointing him or her prescribes. Under By-law 10-1999, Steven W. Franklin was appointed Deputy Chief Building Official for the City of Toronto.

By-law No. 10-1999 set out assigned areas where each Deputy Chief Building Official would exercise their powers and duties. As assigning areas in a by-law is no longer required, directors will be assigned to an area by the Chief Building Official in accordance with operational requirements.

This motion is urgent to provide all districts with the powers of the Deputy Chief Building Official as soon as possible.

(Submitted to City Council on October 30 and 31, 2012 as MM27.12)