



STAFF REPORT ACTION REQUIRED

Appointment of Building Inspectors: Recommendation to Delegate Authority

Date:	September 30, 2013
To:	Planning and Growth Management Committee
From:	Chief Building Official and Executive Director, Toronto Building
Wards:	All
Reference Number:	P:\2013\Cluster B\BLD\Office of Chief Building Official\PG13016

SUMMARY

The purpose of this report is to recommend that City Council adopt a more efficient means for appointing building inspectors for the enforcement of the *Building Code Act, 1992* (the Act) in the City of Toronto, rather than the current by-law amendment process.

In 2004, City Council adopted By-law 131-2004 which harmonized the appointment of building inspectors across the City. The By-law contains the list of inspectors appointed for enforcement of the Act in Toronto. Due to ongoing staffing changes, however, the By-law is required to be routinely updated through City Council adopted revisions in order to maintain a current list of inspectors. Staff are hired by the City and provincially qualified, yet they must wait until the By-law is amended in order to be appointed. This is a cumbersome process.

The *City of Toronto Act, 2006* provides City Council with the ability to delegate certain administrative powers to staff, including the administrative function of appointing building inspectors pursuant to the Act. The City Solicitor has reviewed this report and agrees with the comments respecting the authority of City Council to delegate the administrative function of appointing building inspectors.

In order to more effectively and efficiently maintain the roster of appointed inspectors, this report recommends that City Council delegate the administrative function of appointing inspectors (under the Act) to the Chief Building Official, with certain restrictions. The delegation would be conditional on the Chief Building Official maintaining an up-to-date list of appointed inspectors on the Toronto Building website.

RECOMMENDATIONS

The Chief Building Official and Executive Director, Toronto Building recommends that City Council:

1. Change the method of revising the City's list of appointed Inspectors under the *Building Code Act, 1992*, from amending By-law 131-2004, to publishing a list on the Toronto Building Division website.
2. Delegate authority to appoint Inspectors, under the *Building Code Act, 1992* to the Chief Building Official subject to the following conditions:
 - a. The number of appointed inspectors be within the Toronto Building budget, as approved by City Council,
 - b. Any person appointed as an inspector have the qualifications set out in the Building Code for the position, and
 - c. The Chief Building Official update the list of appointed inspectors as required and ensure that it is current.
3. Direct the City Solicitor to prepare the necessary bill(s) to make such by-law amendments as may be required to give effect to the recommendations in this report.

Financial Impact

The recommendations in this report will have no financial impact beyond what has already been approved in the current year's budget.

DECISION HISTORY

At its meeting on January 27, 28 and 29, 2004, City Council adopted Planning and Transportation Committee Report No. 1 setting out the provisions for a harmonized by-law for the appointment of Building Inspectors city-wide and repealing previous appointing by-laws established prior to the amalgamation of the City of Toronto.

<http://www.toronto.ca/legdocs/2004/agendas/council/cc040127/plt1rpt/cl005.pdf>

ISSUE BACKGROUND

Under Section 3 of the *Building Code Act, 1992*, it is the responsibility of the Council of each municipality to appoint such inspectors as are necessary for the enforcement of the Act in the area in which the municipality has jurisdiction. The duties of an "inspector" as defined in the *Building Code Act, 1992* include reviewing plans, inspecting construction and issuing orders in accordance with the *Building Code Act, 1992* and the Building Code. Further, a person is not eligible to be appointed as an inspector under the Act unless he or she has obtained the qualifications set out in the Building Code for the position.

In 2004, City Council adopted a harmonized by-law to repeal the by-laws of the former municipalities and appointing the inspectors as necessary. Since then, City Council has periodically amended the list of individuals appointed in 2004 appointed as "inspectors". This is necessary due to retirements, resignations, hiring and changes in responsibility. Under the current process, the Chief Building Official prepares a report for City Council recommending that City Council grant the authority for the introduction of a Bill to revise the list of individuals appointed under By-law 131-2004.

Section 20 of the *City of Toronto Act, 2006* has since provided City Council with the power to delegate certain administrative matters, to a person or body.

COMMENTS

Maintaining an up-to-date list of appointed inspectors is necessary for the efficient and effective enforcement of the *Building Code Act, 1992* and the Building Code in the City of Toronto. The *Building Code Act, 1992* provides inspectors with specific authorities necessary to carry out their duties.

The current process involves the preparation of a staff report to standing committee which is then considered by City Council as a whole to amend the By-law. It is both time consuming and cumbersome. The process does not allow for the expeditious appointment of an individual upon their hiring by the Toronto Building Division, or obtaining the required qualification. Depending on the City Council calendar, there may be a time lag before the individual's name is included in the list of inspectors in By-law 131-2004.

The *City of Toronto Act, 2006*, among other things, provides City Council with authority to delegate certain administrative functions. City Council may utilize these powers to streamline the appointment process of individuals as inspectors under the Act.

It is recommended that City Council delegate to the Chief Building Official the authority to perform the administrative function of appointing inspectors. A condition of this recommendation would be the requirement that the Chief Building Official maintain an up-to-date list of inspectors on the Division's website for public access. It is also recommended that a condition of the delegation authority be that the Chief Building Official only appoint as many inspectors as City Council has permitted through the approved annual Toronto Building Division budget. This condition is in keeping with the Act's identification that it is the responsibility of the municipality to appoint such

inspectors as are necessary for the enforcement of the Act in the area in which the municipality has jurisdiction.

The delegation of the authority to appoint building inspectors to the Chief Building Official would 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.

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SIGNATURE

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