



STAFF REPORT ACTION REQUIRED

Improving Response to Infill Construction Sites: Work Plan

Date:	June 3, 2015
To:	Planning and Growth Management Committee
From:	Executive Director and Chief Building Official, Toronto Building
Wards:	All
Reference Number:	PG15007

SUMMARY

This report responds to Council’s request to develop a strategy to deal with problem residential infill construction sites. Construction sites that impact the community with nuisance issues such as noise, parking, dust, debris, and safety are often considered to be problem sites for many residents and city staff. Because these issues often involve multiple regulations administered by different divisions, it can be difficult for staff to provide a strategic and effective approach to responding to these issues and in the end, achieve compliance with a number of city regulations. Furthermore, where these issues are ongoing and repeating, the situation can be more problematic.

The Executive Director and Chief Building Official will take a lead role in consulting with other City divisions and key building industry stakeholders to develop a more strategic and effective approach for City staff to respond to problem construction sites. Staff will commence consultations on a proposed strategy in the third quarter of 2015. The findings of the research and consultations will be reported to the Planning and Growth Management Committee by December 2015.

As directed by Council, the proposed strategy will consider, among other issues, the identification of a lead city staff person to liaise with concerned parties and coordinate an interdivisional response and effective enforcement measures to ensure compliance with applicable legislation and all relevant city by-laws and policies. The strategy will also consider the feasibility of requiring builders to post key information on sites such as permitted construction times, parking permissions, contact information, tree protection

requirements and other site safety details that are relevant to the immediate neighbourhood.

RECOMMENDATIONS

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

1. The Planning and Growth Management Committee receive this report for information.

Financial Impact

There is no financial impact expected from this report beyond what has already been approved in the current year's budget. However, should there be any financial impacts related to implementation, they will be brought forward as part of the 2016 Budget.

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

DECISION HISTORY

At its meeting of June 19, 2014, the Planning and Growth Management Committee referred the item "Residential Infill Construction Sites – Improving our Response" to staff for a report back.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.PG34.23>

At its meeting of May 20, 2014, the Parks and Environment Committee referred the item (PE27.5) "Taking Action on Dust Suppression" to staff for a report back.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.PE27.5>

In considering the response to PE27.5 staff from the Environment & Energy Division met with staff from Toronto Building, Municipal Licensing and Standards and Public Health. Staff agreed that a City response to dust control from construction would be most appropriately addressed through this co-ordinated strategy to address infill construction issues.

ISSUE BACKGROUND

While Toronto Building is responsible for the issuance of building permits under provincial regulation to allow construction in the City, many of the typical nuisance issues associated with residential infill construction relate to matters that are regulated by City by-laws and administered by other divisions. These issues may relate to concerns such as parking, noise, dust debris, tree protection and safety. As a result, residents often struggle to identify the appropriate division to direct their concerns. A key avenue for residents to have their concerns directed to the appropriate division is through the assistance of 311.

Other avenues for residents to raise their concerns include approaching inspectors on site from various City divisions, or approaching the office of their local Councillor, or the Mayor. When residents contact the building inspector directly about their concerns even when the issue is not one that is enforced by Toronto Building, Toronto Building has established protocols in place with other divisions such as Municipal Licensing and Standards to handle the matter. As a result, the inspector will typically respond to these issues by speaking with contractors and/or the property owner with whom the inspector has developed a working relationship with through the delivery of building inspection service requests. While it may be possible for the building inspector to achieve verbal compliance with contractors and/or the property owner, the inspector must refer issues that he or she cannot resolve to staff in other divisions who have the appropriate enforcement tools to gain compliance. As noted above, this referral is done in accordance with established protocols that are in place between the building inspector and staff in other City divisions.

COMMENTS

Due to the broad range of nuisance type issues and multiple City divisions involved in residential infill construction sites, it is sometimes difficult for the City to effectively manage and resolve construction related problems when they arise. This can be even more challenging when staff are dealing with ongoing or recurring issues at a construction site. In addition, it is difficult for community members to identify the appropriate division to direct their concerns.

For these reasons, Toronto Building has developed a work plan and consultation plan involving other City divisions and key stakeholders in order to develop a more strategic, effective and coordinated approach to addressing residents' issues. This work plan will include a review of the regulatory context and best practices in the development of a strategy that will make it easier for residents to refer their concerns to the City, understand the rules and regulations governing construction activity and allow city staff to manage and expeditiously respond to nuisance type issues at residential infill construction sites.

The overall goals of the proposed work plan are to:

- Develop an effective enforcement strategy to resolve issues in a timely and coordinated manner in order to minimize the impact of residential infill construction on neighbouring residents and properties; and,
- Identify an effective means of informing residents about the rules and regulations related to construction activity while making it easier for residents to refer their concerns to the City.

The proposed work plan for the development of this framework will be led by Toronto Building and carried out in the following phases:

Phase 1 – Best Practice Review

(Phase Duration, Present to July 2015)

Toronto Building will carry out a review of best practices that have been established in other jurisdictions to keep residents informed about construction activity as well as approaches used to manage and minimize the impact of construction nuisances on the community.

Phase 2 – Research and Issues Identification

(Phase Duration, July 2015 to August 2015)

An interdivisional staff team will be formed with representation from the various City divisions who have a role in managing nuisance issues related to residential infill construction sites. The interdivisional staff team will include representation from the following divisions: Environment & Energy Division, Engineering & Construction Services, Legal, Municipal Licensing and Standards, Public Health, Toronto Water, Toronto Building, Transportation Services, Urban Forestry and any other divisions that may be identified during the course of the review. This staff team will identify key issues along with the by-laws and policies currently in place to regulate construction activity and related nuisances. Through this review, staff will identify any gaps in the regulations and policies that may need to be addressed in order to better manage the impact of these sites on neighbouring properties and residents. The interdivisional staff team will explore the possibility and practicality of identifying a lead staff person to liaise with concerned parties and coordinate resolution of issues. The staff team will also consider the feasibility of requiring contractors to provide a notification board at construction sites, as well as links to electronic information to inform the community of issues such as permitted construction times, parking permissions, contact information, tree protection requirements and other site safety details that are relevant to the immediate neighbourhood.

Phase 3 – Consultation

(Phase Duration, September 2015 to October 2015)

The consultation process will include facilitated meetings with key building industry stakeholders and ratepayer groups to seek their feedback on approaches to better manage nuisances at residential infill construction sites. Toronto Building will work with the Building Industry Land Development Association (BILD) to identify appropriate industry stakeholders who can provide relevant feedback on this issue and will engage key city-wide ratepayers' organizations in the discussion.

Phase 4 – Analysis and Report Back

(Phase Duration, October 2015 to November 2015)

Staff will analyze results of the research, issues identification, best practice review and consultations and bring forward recommendations to the Planning and Growth Management Committee on a proposed strategy and approach to manage residential infill

construction sites by the end of 2015. The overall goal of this strategy will be to improve the City's response to nuisance type issues at residential infill construction sites.

CONTACTS

Will Johnston, P.Eng.
Director and Deputy Chief Building
Official
Toronto Building
Phone: 416.395.7518
Email: wjohnst2@toronto.ca

Dylan Aster
Program Manager
Office of the Chief Building Official
Toronto Building
Phone: 416.338.5737
Email: daster@toronto.ca

SIGNATURE

Ann Borooah
Executive Director and Chief Building Official
Toronto Building