

Building and Planning Department

Barbara Waldron, Director of Building and Planning,
Chief Building Official



Our Building Team and Duties

- **Chief Building Official: Barbara Waldron, CBCO**
 - 23 years experience in the role of CBO in rural municipalities
 - 3 years experience in the role as Director of Building and Planning
 - 36 years experience as an Architectural Designer with 23 of these years operating a private design business
 - Board of Director for the Ontario Building Officials Association for 7 years- my focus being Rural Building Officials and education



Chief Building Official duties

- Enforce Legislation through the Ontario Building Code Act and all applicable law
- **Protect the Municipality from liable situations**
- Attend Council meetings, write and present reports
- Complete building inspections
- Plan review and issuance of building permits
- Budget preparation and accountability for budget throughout the year



CBO duties cont'd

- Attend court when required, prep for and provide information to legal team and provide evidence
- Manage staff and provide direction
- Problem solve issues as they arise
- Provide assistance to the public on building matters, code information and process



Deputy Chief Building Official

- **Deputy Chief Building Official / Building Inspector:
Matthew Wesley, CBCO**
 - 7 Years experience as an Inspector
 - 12 Years experience as a Licensed Carpenter
 - Acts in the capacity of CBO in her absence
 - Provides on-site building inspection services
 - Ensures public safety through safe building standards



Deputy Chief Building Official

- Conducts investigations for illegal construction
- Completes and maintains inspection reports
- Other duties as assigned by the CBO



Building and Planning Assistant

- **Derek Bertram**
- Working in this role for 6 years
- Provide front-line customer service
- Receives all types of applications, inquiries and complaints
- Coordinates with other staff and external agencies
- Maintains departmental records



Building and Planning Assistant Cont'd

- Updates and maintains building and planning pages on website
- Books inspections
- Invoicing coding for review
- Renewal invoices building permits and planning application invoicing
- Manage Cloud Permit
- Create forms, applications and information packages



By-law Enforcement Officer

- **Mackenzie Smallwood-** Contract Position
 - Receives and investigates all complaints received related to Property Standards, License of Occupation, and Short-Term Rental.
 - Reviewing existing enforcement by-laws and creation of new by-laws as part of the 2022 work plan
 - Maintains files and records
 - Assists Building and Planning Assistant during absences



Contracted Agencies

- Municipal Planning Services- Planning Consultant Chris Jones
- Kawartha Conservation- Environmental planning and review services
- Peterborough Public Health- sewage systems & re-inspection program
- Peterborough Humane Society- animal services
- OPP- police services



Building Department: What We Do

- Ensure that all structures are constructed to the minimum standards of the Ontario Building Code for Ontarians to be safe and to prevent and mitigate the Municipality from liable situations.
- We often protect people from themselves, even if they don't realize it, especially home-owners performing their own work and any subsequent owners of the property

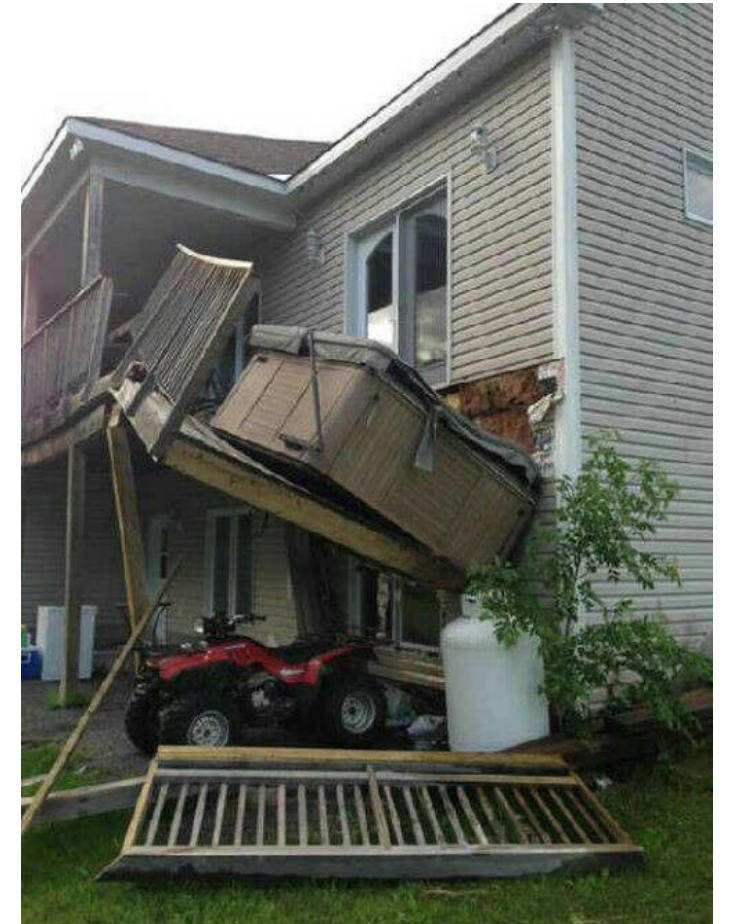


What We Do

- Provide a first point of contact for all development related inquiries
- Enforce building, planning, and property standards legislation
- Maintain records of development projects
- Coordinate with other departments and agencies
- Provide professional services in-house and on-site
- Issue permits and complete inspections



What We Do



[insert name, title, department here]

Education Requirements

- Education requirement
- Qualifications
- Professional Designations & Associations (OBOA, CBCO)
- Experience



Legislation and Policies- Building

The Building Code Act (BCA)



Legislation & Policies- Building

The Building Code Act (BCA)

- Authorizes the Province to make the Ontario Building Code
- Assigns responsibility for its enforcement to municipalities
- Assigns duties & powers and describes roles of various persons
- Grants the means to obtain compliance
- Provides mechanisms for dispute resolution



Legislation & Policies- Building

The Ontario Building Code (OBC)

- Establishes minimum standards of construction, including:
 - Public health and safety
 - Fire protection
 - Structural sufficiency
 - Conservation and environmental integrity
 - Accessibility



CBO- Persona Designata

- The CBO is an employee of the municipality but is also a statutory officer who is responsible to enforce the OBC Act which is Provincial Legislation.
- Judicial Authority confirms the independence of the Chief Building Official from Council when performing their statutory duty



Property Standards and Bylaw Enforcement



Property Standards

BCA 15.1-15.8



Property Standards

Property Standards (BCA 15.1-15.8)

- Administratively the legislation for property standards is contained within the Building Code Act
- Practically it is separate and distinct from the remainder of the Act
- Assigns duties & powers and describes roles of various persons
- Grants the means to obtain compliance



Council and the Department

- BCA 3.(1) “The council of each municipality is responsible for the enforcement of this Act in the municipality, except where otherwise provided by this Act.”
- BCA 3.(2) “The council of each municipality shall appoint a chief building official and such inspectors as are necessary for the enforcement of the act in the areas in which the municipality has jurisdiction.”



Council and the Department

BCA 7.1(1) “A principal authority shall establish and enforce a code of conduct for the chief building official and inspectors.”

BCA 1.1(6) It is the role of the chief building official, ...to exercise powers and perform duties in an independent manner and in accordance with the standards established by the applicable code of conduct.”



Council and the Department

BCA 7.(1) “The council of a municipality...may pass by-laws...applicable to the matters for which the municipality...has jurisdiction for the enforcement of this Act,...”

BCA 35.(1) “this Act and the building code supersede all municipal by-laws respecting construction or demolition of buildings.”



Council and the Department

- BCA 7.(2) “The total amount of fees authorized under clause (1)(c) must not exceed the anticipated reasonable cost of the principal authority to administer and enforce this Act in its area of jurisdiction.”
- Setting fees to cover costs and a contingency in the form of a reserve for slower years and / or unexpected costs to the department.



Council support..how can you assist us?

- When a complaint or concern is received, please do not try to solve the problem, refer them to building staff. The code is a complex document to be enforced.
- Often Council is contacted when the individual is not happy with a Building Code decision.
- The Code is prescriptive but at the same time, staff tries to be reasonable where possible, but never compromise the intent of the Building Code.
- Come in and talk to us to hear the entire issue. We will be happy to provide you with the information so that you can understand the issues
- The message needs to be sent to the public is that when it comes to the Ontario Building Code, Council cannot intervene.



2023 Goals for Building Department

- Continue to improve and streamline the Cloud permit process
- Implement enquiry forms for building and general zoning questions
- Responses in writing in the form of letters to control our own documents from being manipulated
- Hire a second qualified building inspector to provide outside inspections and by-law enforcement
- Continue to address illegal building
- Update the Building By-law



2023 Goals for Building Department

- Provide Building Code information letter to builders and designers to address code issues we see on site often, new code information, and issues we see on drawings often to assist the public and in turn cut down on staff time
- Continue to complete older building permits for liability reasons
- Improve the Building and Planning web pages for easy access to documents
- Improve on turn around times for completed applications through education to the public, builders and designers on what constitutes a complete application.



Council and the Department

Property Standards

BCA 15.1-15.8

And Enforcement of other By-laws



Council and the Department

- **BCA 15.1(3)**

“The council of a municipality may pass a by-law...Prescribing standards for the maintenance and occupancy of a property...Requiring property that does not conform with the standards to be repaired and maintained...or the site to be cleared of all buildings, structures, debris or refuse...”

- **(BCA 15.1-15.8)**

Council is responsible for establishing a Property Standards Appeal Committee to review property standards orders that are appealed by the recipient of an order.



Council and the Department

Types of Complaints

- Messy yards- debris, derelict vehicles
- Disputes between neighbours, landlords and tenants
- Noise complaints
- Short Term Rental complaints
- Location of docks (currently a zoning matter)
- The state of older damaged or abandoned buildings



Enforcement of other By-laws

- All enforcement By-laws are being reviewed as part of the 2022 Work Plan.
- Bylaws include: Property Standards, Parking By-law, Snow clearing By-law, Fire Works By-law, Burning By-law, Noise By-law, Licensing of Dogs and Kennels, Sign By-law, Swimming pool enclosures By-law (new), Site Alteration By-law (new), Nuisance By-law (new)
- Staff is reviewing the AMPS process



Enforcement

- Enforcement is first pursued through the by-laws put in place by Council, which include appeal processes in some cases
- Building Code appeals- Building Code Commission
- Zoning non-compliance- enforcement through the courts
- Property Standards- Appeals heard through a Property Standards Committee
- Muzzle Order Appeals
- Court / BCC / PS proceedings are lengthy and expensive



Council Support- Property Standards

- Understanding that most complaints start with a dispute between neighbours and one party usually tries to use the PS By-law as a tool to their advantage
- It is important to allow staff to solve the issue through the by-law if possible because if it elevates to the PS Committee level, a member may be compromising their position and decision making if they intervene in the situation.
- Sometimes the answer back to the complainant from staff is that after investigation there is no issue as determined by staff



2023 Goals for By-law Enforcement

- Update the Property Standards By-law
- Address disputes between neighbours, landlords and tenants when there is a clear dispute taking place so limit using Municipal resources
- Complete the process of by-law review and present finished draft by-laws to Council for consideration of passage
- Implementing and AMPS process
- Keep Council abreast of issues related to Short Term Rentals and the path forward as directed by the previous Council



Planning Department

Planning Act, R.S.O. 1990, c. P.13



Planning Department

- **Adele Arbour, MCIP, RPP- Senior Planner**
- **Sarah Dilamarter- Junior Planner**
- Adele has worked in the municipal sector for 40 years as a Professional Planner including 12 years in the position of Director of Planning, Building and By-law
- Sarah started working with TL in Sept 2021 after graduating with a 3-year degree in Geological Sciences and Engineering and is now working towards obtaining her RPP



Planning Departmental Duties

Key Function - Planning

- Planning and Development Approvals
- Process Planning Applications i.e. OPA, ZBA, Site Plan, Development Agreements, Removal of Hold, Minor Variances and comment on Plans of Subdivision/Condominium
- Process CIP Applications
- Comment on Consents - MAF
- Respond to public planning/zoning inquiries
- Conduct Pre-Consultations
- Enforce Zoning By-Law Provisions and Planning Act Legislation
- Maintain Official Plan, Zoning By-Law, Community Improvement Plan
- Consult with public, external agencies, departments regarding planning matters
- Letters of Compliance
- Secretary-Treasurer to Committee of Adjustment and Appeals Committee
- Prepare Reports to Council
- Inform Council of changing Planning Legislation
- Improve Planning processes
- Create record for OTL appeals



Legislation

- The Planning Act, R.S.O. 1990, c. P.13, as amended
- Provincial Policy Statement (PPS), 2020
- A Place to Grow, Growth Plan for the Greater Golden Horseshoe, 2020
- Other related legislation – Ontario Heritage Act, Environmental Protection Act, Aggregate Resources Act, Development Charges Act
- **How does this impact our role/department** - staff need to reference legislation and keep up to date with changes to legislation and effects on municipal processes and to understand other related legislation



Policies

- County of Peterborough Official Plan existing and new OP pending Ministry approval
- Trent Lakes Official Plan, 2011
- Comprehensive Zoning By-Law B2014-070
- Buckhorn Community Improvement Plan, 2016
- Site Plan Control By-Law
- Committee of Adjustment/Appeals Committee Procedural By-Law
- Municipal Policies approved by Council



Council and the Department

Planning Act , R.S.O. 1990, c. P.13

- Council shall have regard to matters of provincial interest
- Decisions of Council shall:
 - have regard to matters of provincial interest (S. 2)
 - be consistent with provincial policy statements (S. 3(5)a) - PPS
 - conform to provincial plans (S. 3(5)b) – Growth Plan
 - Shall comply with the County Official Plan and Municipal Official Plan



Council and the Department

S. 44 (1) Committee of Adjustment – “...the council of the municipality may, by by-law, constitute and appoint a committee of adjustment...”

s. 45 (3) Power of committee to grant minor variances – “a council that has constituted committee of adjustment may by by-law empower the committee of adjustment to grant minor variances from the provisions of any by-law of the municipality that implements an official plan...”



Council and the Department

- Planning staff assist the Public through the planning application process which includes Pre-consultation
- Pre-consult phase is extremely important to ensure the Planning Department has all of the required information thereby providing the applicant with clear direction of requirements for the processing of an application.



Bill 109- More Homes for Everyone Act 2022

- Council adopted OPA 60 on November 8, 2022 which includes the addition of complete application policies
- Allows the Municipality to determine complete application requirements for zoning by-law amendments, site plans, sets out requirements for consultation and provides authority for delegation to staff for minor zoning by-law amendments



Bill 23- More Homes Built Faster- Ontario's Housing Supply Action Plan- 2022-2023

- Changes to the Conservation Authorities Act
 - a Conservation Authority will no longer be able to review and comment on development applications
 - exempt development authorized under the Planning Act from requiring a permit under the CA Act
 - reduce time frame to appeal a non-decision



Bill 23 continued

- Development Charges Act
 - exemption from DCs for affordable and attainable residential units, non-profit housing developments, inclusionary zoning residential units
 - reduction to DCs
 - cap on interest charged by municipalities
 - Municipalities in 2023 and each subsequent calendar year require to spend or allocate 60% of monies in reserve fund for servicing



Bill 23 continued

- Ontario Heritage Act
 - new criteria for listing a property on a municipal heritage register and length of time it can remain on list
 - 2 year designation process
 - freeze on designation process in response to a “prescribed event”
 - changes to designation of Heritage Conservation Districts



Bill 23 continued

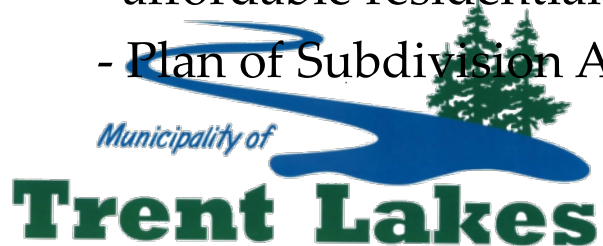
- Ontario Land Tribunal Act
 - expand the Tribunal's authority to dismiss proceedings without a hearing
 - awarding costs



Bill 23 continued

- **Planning Act**

- elimination of 3rd party appeal rights, retroactive to October 25, 2022
- two year moratorium lifted on seeking OPA and ZBA for aggregate projects
- planning powers of upper-tier municipalities
- cap on community benefits charges contribution
- Site Plan Control – excludes 10 residential units and less, exterior design and features on municipally owned lands
- parkland dedication – changes to calculations, if development includes affordable residential units, Park Plan, Spending of Parkland Monies
- Plan of Subdivision Application – eliminate Public Meeting



Future Plans

- 2023 Work Plan:
 - Community Improvement Plan Review and Update
 - Consolidate Zoning By-Law B2014-070 and Zone Schedules with approved amendments
 - New Comprehensive Zoning By-law once County Official Plan is approved
 - Review and Update Planning Application Fees
 - Outstanding Council Resolutions re: Tree Protection/Preservation Policy, Telecommunication Towers Protocol, Cannabis Policy



Future Plans Continued.....

- Improve and Update Planning Application Forms
- Develop Policy regarding Complete Application
- Development Charges By-Law (5 Year Review)
- Administrative Monetary Penalty System (AMPS)
- Nogies Creek Flood Hazard Identification Mapping Program
- Miskwaa Ziibi River Flood Hazard Identification Mapping Program
- Planning Cloud Permit System
- Short Term Rental- 3 year phased plan



Budget- Building Department

Building Budget: 2022- Expenses \$507,991

- Is set up to be a cost recovery system
- Bill 124 gave Municipalities the avenue to set up fees to be cost recovery
- Development should be paying for itself...not other tax payers
- Fees need to be calculated and justified to cover cost of department
- Fee increases are required to be advertised
- Fees to be reviewed for the 2023 year



Budget- Planning Department

Planning budget 2022- \$273,765

- Currently the planning budget is not set up as a cost recovery system
- Planning fees to be reviewed for the 2023 year to provide for more development paying for development



Budget- Other costs

- Policing costs
- By-law Enforcement budget
- Animal control
- Conservation levies
- Development charges- review
- Community Improvement Plan



Cloud Permit

- Cloud permit is the building permit software used to process permits
- Cloud permit will be expanded to include a Planning Module in early 2023.
- Blue beam is used to mark up digital drawings



Our Role Serving the Public

Where the Planning and Building Department
Come together to work as a cohesive team to ensure that all applicable
Law is met prior to a building permit being able to be issued as
Per the Ontario Building Code Act.



Legal Issues

- We do have some active legal files that are or will be heading to the court room platform.
- These are contentious issues that will be time consuming and expensive



Final Comments

- During Covid, Building Departments were deemed as essential service so the work of the department continued but with protection from COVID.
- COVID isolated people which in turn seems to have had the effect of impacting reasonableness of the public.
- The majority of the people we deal with seem to have a sense of entitlement, quick to anger, the “me” attitude where they do not understand that their file or complaint does not automatically move up the top of the pile.
- Rude behaviour towards all municipal staff



Final Comments

- Our staff will continue to provide the best possible service but rude behaviour will not be tolerated.
- We will always act in a professional manner



Final Comments

- We look forward to working with Council over the next four years
- Please feel free to reach out to me to discuss any matter and we will provide you with as much information as we can without compromising any legislation or your position as a member of Council
- We are pleased to answer any additional questions.



Thank You