

Report to Planning & Environment Committee

To: Chair and Members
Planning & Environment Committee

From: Scott Mathers, MPA, P. Eng
Deputy City Manager, Planning and Economic Development

Subject: Adjustments to Appointment By-Law for Deputy and Chief Building Officials

Date: August 26, 2024

Recommendation

That, on the recommendation of the Deputy City Manager, Planning and Economic Development, the proposed by-law, attached hereto as Appendix "A", **BE INTRODUCED** at Municipal Council meeting on September 24, 2024, to repeal and replace By-law No. B.-98-166, being "A by-law to appoint the Chief Building Official and Inspectors under the *Building Code Act*, 1992, S.O. 1992, c.23, for the purposes of enforcement of the said Act", and to repeal By-law No. A.-8114-165, being "A by-law to appoint Peter Kokkoros as the Chief Building Official."

Executive Summary

This report proposes adjustments to the existing appointment by-law to enable the Chief Building Official to swear in Deputy Chief Building Officials in a manner similar to Building Inspectors, the proposed by-law update also includes the appointment of Alan Shaw as the new Chief Building Official. This change aims to simplify the appointment process, facilitate quicker updates, and align with current operational practices within the By-law.

Linkage to the Corporate Strategic Plan

- **Growing our Economy:** Streamlining administrative processes to support efficient city operations.
- **Leading in Public Service:** Enhancing flexibility in administrative practices to improve responsiveness and service delivery.

Analysis

1.0 Background Information

The Chief Building Official (CBO) oversees the enforcement of building codes, standards, zoning by-laws, issues permits, conducts inspections, and ensures public safety. They provide expert advice on building regulations and lead the building department staff to maintain the quality and safety of the built environment.

As well, the Deputy Chief Building Official supports the Chief Building Official (CBO) by helping enforce building codes, standards, and zoning by-laws. They assist with issuing permits, conducting inspections, and ensuring public safety. Additionally, the Deputy CBO provides regulatory guidance and helps manage building department staff, stepping in for the CBO when necessary.

The current bylaw requires that the names of Deputy Chief Building Official be included in the text of the bylaw requiring a new bylaw be adopted by Council every time a new Deputy Chief Building Official is assigned.

The existing by-law for the appointment of Deputy Chief Building Officials is rigid and less adaptive to the dynamic needs of urban development and administrative efficiency. The proposed change aligns the appointment process with that of Building Inspectors, which has proven effective and flexible. Additionally, the by-law change will officially appoint Alan Shaw as the new Chief Building Official.

2.0 Discussion and Considerations

2.1 Current Appointment Process

The current by-law requires a formal council approval for each appointment of Deputy Chief Building Officials, a process that can be time-consuming and less responsive to immediate operational needs.

2.2 Proposed Adjustment

The adjustment to the by-law would allow the Chief Building Official to maintain a list of appointed Deputy Chief Building Officials and update it as needed without requiring immediate council approval. This process is currently used successfully for Building Inspectors and offers several advantages:

- **Efficiency:** Reduces administrative delays in the appointment process.
- **Flexibility:** Allows for quick adjustments to staffing based on operational needs.
- **Consistency:** Standardizes the appointment process across similar roles within the department.

Additionally, the by-law limits the appointment of no more than two Deputy Chief Building Officials at any given time, ensuring focused leadership and clear accountability within the Building Division.

3.0 Analysis

The proposed adjustments to the by-law will provide the flexibility needed to manage and deploy Deputy Chief Building Officials effectively. The adjustments also include the formal appointment of Alan Shaw as the new Chief Building Official. This aligns with best practices and improves administrative efficiency, particularly in how leadership roles are structured and maintained within the Building Division.

Conclusion

The adjustments to the by-law are necessary to maintain a responsive and efficient operational framework within the Building Division. This change provides a more efficient and flexible process for assigning Deputy Chief Building Officials.

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Planning and Economic Development

Recommended by: Scott Mathers, MPA, P.Eng.
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Appendix A – By-law Amendment

Bill No. (number to be inserted by Clerk's Office
2024

By-law No. B.-XXXX-

A by-law to repeal and replace By-law No. B.-98-166, being "A by-law to appoint the Chief Building Official and Inspectors under the Building Code Act, 1992, S.O. 1992, c.23, for the purposes of enforcement of the said Act", and to repeal By-law No. A.-8114-165, being "A by-law to appoint Peter Kokkoros as the Chief Building Official."

WHEREAS subsection 3(1) of the Building Code Act, 1992, S.O. 1992, c.23, as amended, (the 'Act'), provides that the Council of each municipality is responsible for the enforcement of the Act in the municipality;

AND WHEREAS subsection 3(2) of the Act provides that the Council of each municipality shall appoint a Chief Building Official and Inspectors for the purposes of the enforcement of the Act in the areas where the municipality has jurisdiction;

AND WHEREAS pursuant to section 77 of the Legislation Act, 2006, the Council is empowered to appoint a Deputy Chief Building Official for the purpose of the enforcement of the Building Code Act, 1992, as amended;

AND WHEREAS it is deemed expedient to appoint the officials mentioned as aforesaid;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. Alan Shaw is hereby appointed Chief Building Official for The Corporation of the City of London for the purpose of enforcement of the Building Code Act, 1992, as amended, and the regulations thereunder.
2. For the purposes of enforcement of the Building Code Act, 1992, as amended, in addition to any other remedies available under the Act or the Building Code, the Chief Building Official is hereby authorized to execute, on behalf of The Corporation of the City of London, limiting distance agreements as provided for in the Building Code.
3. Notwithstanding section 4(e) of By-law No. CPOL.-154-406, the power of appointment of Deputy Chief Building Officials, including the revocation of appointment, for the purposes of enforcement of the Building Code Act, 1992, as amended, and any regulations thereunder, with all the powers and duties conferred on the Chief Building Official to be exercised in such manner and upon such occasions as are specified by the Chief Building Official, is hereby delegated from the Municipal Council to the Chief Building Official for the City of London, subject to the following conditions:
 - a. The Chief Building Official must maintain a current list, which shall be provided to the City Clerk, of all Deputy Chief Building Officials as appointed under this By-law, as amended, for the purpose of enforcement of the Building Code Act, 1992, as amended, in the City of London;
 - b. Prior to their appointment, each candidate for appointment as Deputy Chief Building Official must hold the necessary legislated qualifications for the position to which they are to be appointed; and,
 - c. The number of Deputy Chief Building Officials shall not exceed two.
4. The power of appointment of inspectors, including the revocation of appointment, under section 3(2) of the Building Code Act, 1992, as amended, for the purposes of enforcement of the Building Code Act, 1992, as amended, and any regulations thereunder is hereby delegated from

the Municipal Council to the Chief Building Official for the City of London, subject to the following conditions:

- a. The Chief Building Official must maintain a current list, which shall be provided to the City Clerk, of all inspectors appointed under section 3(2) of the Building Code Act, 1992, as amended, for the purpose of enforcement of the Building Code Act, 1992, as amended, in the City of London; and,
 - b. Prior to their appointment, each candidate for appointment as inspector must hold the necessary legislated qualifications for the position to which they are to be appointed.
5. The City Clerk shall maintain a public registry of all appointed Deputy Chief Building Officials and all inspectors, such public registry to be posted on the City's website.
6. By-law No. B.-98-166 being " A by-law to appoint the Chief Building Official and Inspectors under the Building Code Act, 1992, S.O. 1992, c.23, for the purposes of enforcement of the said Act", is hereby repealed and replaced.
7. By-law No. A.-8114-165 being "A by-law to appoint Peter Kokkoros as the Chief Building Official" is hereby repealed.
7. This by-law comes into effect on the day it is passed subject to the provisions of PART VI.1 of the Municipal Act, 2001.

Passed in Open Council on September 24, 2024 subject to the provisions of PART VI.1 of the Municipal Act, 2001.

Josh Morgan
Mayor

Michael Schulthess
City Clerk