

TO:	CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE MEETING ON DECEMBER 14, 2015
FROM:	GEORGE KOTSIFAS, P.ENG. MANAGING DIRECTOR, DEVELOPMENT AND COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL
SUBJECT	DESIGNATION OF APPOINTMENT AUTHORITY

RECOMMENDATION

That, on the recommendation of the Managing Director, Development and Compliance Services and Chief Building Official, the following actions be taken with respect to the designation of appointment authority:

- a) the proposed by-law attached as Appendix "A" to this report BE INTRODUCED at the Municipal Council Meeting on December 21, 2015 to amend By-law No. B.-92-16, as amended, to delegate the administrative function of appointing building inspectors for the enforcement of the *Building Code Act, 1992*, as amended, to the Chief Building Official and to adopt a new method of revising and publishing the City's complement of building inspectors appointed pursuant to the *Building Code Act, 1992*, as amended;
- b) the proposed by-law attached as Appendix "B" to this report BE INTRODUCED at the Municipal Council Meeting on December 21, 2015 to amend By-law No. A.-5895-232, as amended, to delegate the administrative function of appointing property standards officers for the enforcement of the *Building Code Act, 1992*, as amended, to the Chief Building Official, and to adopt a new method of revising and publishing the City's complement of property standards officers appointed pursuant to the *Building Code Act, 1992*, as amended;
- c) the proposed by-law attached as Appendix "C" to this report BE INTRODUCED at the Municipal Council Meeting on December 21, 2015 to amend By-law No. A.-5896-233, as amended, to delegate the administrative function of appointing municipal law enforcement officers under the *Police Services Act*, to the Chief Building Official and to adopt a new method of revising and publishing the City's complement of municipal law enforcement officers appointed pursuant to the *Police Services Act*, as amended;
- d) the proposed by-law attached as Appendix "D" to this report BE INTRODUCED at the Municipal Council Meeting on December 21, 2015 to amend By-law No. A.-5273-82, as amended, to delegate the administrative function of appointing municipal law enforcement officers (parking) under the *Police Services Act*, as amended, to the Chief Building Official and to adopt a new method of revising and publishing the City's complement of municipal law enforcement officers (parking) appointed pursuant to the *Police Services Act*, as amended; and,
- e) the proposed by-law attached as Appendix "E" to this report BE INTRODUCED at the Municipal Council Meeting on December 21, 2015 to amend By-law No. A.-5709-40, as amended, to delegate the administrative function of appointing weed inspectors for the enforcement of the *Weed Control Act*, as amended, to the Chief Building Official and to adopt a new method of revising and publishing the City's complement of weed inspectors appointed pursuant to the *Weed Control Act*, as amended.

PREVIOUS REPORTS PERTINENT TO THIS MATTER

None.

BACKGROUND

The purpose of this report is to recommend that Municipal Council adopt a more efficient means of appointing certain inspectors and officers in the City of London, rather than the current by-law amendment process. This recommendation would provide for the appointment of:

- Building Inspectors under the *Building Code Act, 1992, as amended*;
- Property Standards Officers under the *Building Code Act, 1992, as amended*;
- Municipal Law Enforcement Officers under the *Police Services Act, as amended*; and,
- Weed Inspectors under the *Weed Control Act, R.S.O. 1990, c.W.5, as amended*.

Currently, the City has five consolidated by-laws that list by name, each inspector or officer for each type of appointment. As Civic Administration changes occur, these by-laws are required to be routinely updated through Municipal Council adopted revisions in order to maintain a current list.

In addition to the Civic Administration time involved in the preparation of amending bylaws and reports, there is a delay that occurs when staff are hired or redeployed as inspectors or officers because they must wait until the by-law amendment is approved by Municipal Council in order to be appointed and commence duties. This is a cumbersome and inefficient process that other municipalities have moved away from.

The *Municipal Act, 2001* provides Municipal Council with, among other things, the authority to delegate certain administrative functions. Municipal Council may utilize this authority to streamline the administrative appointment process. In consultation with the City Clerk and the City Solicitor's Office, it is recommended that a more efficient means of appointing inspectors and officers be adopted by delegating the administrative function of inspector and officer appointments to the Chief Building Official, with certain restrictions.

The delegation of authority would be conditional on the Chief Building Official maintaining an up-to-date list of appointed inspectors through the City Clerk and publishing the names on the City of London's website. Anyone appointed by the Chief Building Official would continue to be required to satisfy any qualification requirements as necessary to perform the functions of the appointed positions. The Chief Building Official will appoint inspectors and officers within the approved operating budget or provisions contained in the City's procurement policies.

The delegation of the authority to appoint inspectors and officers 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. Municipal Council will continue to appoint these individuals.

The recommendation contained in this report proposes a new streamlined process that is consistent with what is now done in the City of Toronto and Hamilton.

STATUTORY FRAMEWORK

The *Municipal Act, 2001*, commencing at section 23.1, provides Municipal Council with the authority to delegate certain administrative functions, as follows:

General power to delegate

[23.1 \(1\)](#) Without limiting sections 9, 10 and 11, those sections authorize a municipality to delegate its powers and duties under this or any other Act to a person or body subject to the restrictions set out in this Part. 2006, c. 32, Sched. A, s. 15.

It is open to Municipal Council to consider delegation of the administrative function of appointment of:

- Building Inspectors under section 3(2) of the *Building Code Act, 1992, as amended*;
- Property Standards Officers under section 15 of the *Building Code Act, 1992, as amended*;
- Municipal Law Enforcement Officers under the Section 15(1) of the *Police Services Act, as amended*; and,
- Weed Inspectors under section 8(1) of the *Weed Control Act, R.S.O. 1990, c.W.5, as amended*.

Under Section 3 of the *Building Code Act, 1992* it is the responsibility of Municipal Council to appoint such Building Inspectors as are necessary for the enforcement of the *Building Code Act, 1992* in the area in which the municipality has jurisdiction. The duties of an "inspector" are defined in the *Building Code Act, 1992* and 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 that Act unless he or she has obtained the qualifications set out in the Building Code for the position.

Similarly, under section 15 of the *Building Code Act, 1992* Municipal Council may assign Property Standards Officers to administer and enforce that section and any property standards by-law passed thereunder. "Officers" are defined in *Building Code Act, 1992* and are granted certain inspection and enforcement powers under section 15 of that Act as well as by the City of London Property Standards By-law CP-16.

Section 15(1) of the *Police Services Act* provides Municipal Council with the power to appoint persons to enforce the by-laws of the municipality. Such by-laws include, but are not limited to the Zoning By-law, Vital Services By-law, Fence By-law, Swimming Pool Fence By-law, Noise By-law, and Sign & Canopy By-law. Parking By-laws are enforced by Parking Officers who are also appointed under section 15(1) of the *Police Services Act*.

Lastly, municipalities are responsible for administration and enforcement of the *Weed Control Act*, and may appoint Weed Inspectors to enforce this Act in the area within a municipal council's jurisdiction in accordance with section 8(1) of the Act.

CONCLUSION

It is recommended that Municipal Council delegate to the Chief Building Official, the authority to perform the administrative function of appointing inspectors and officers under the Acts identified above, in accordance with the proposed by-laws attached to this report.

A condition of this recommendation would be the requirement that the Chief Building Official, through the City Clerk, maintain an up-to-date list of inspectors on the City's website for public access. This condition is in keeping with the statutory requirements under each Act requiring the municipality to appoint such inspectors and officers as are necessary for the enforcement of those Acts and municipal by-laws, respectively, in the areas in which the municipality has jurisdiction.

PREPARED BY:
GEORGE KOTSIFAS, P.ENG. MANAGING DIRECTOR, DEVELOPMENT AND COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL

APPENDIX “A”

Bill No.
2016

By-law No. B.-92()-___

A by-law to amend By-law No. B.-92-16 to delegate the administrative function of appointing building inspectors for the enforcement of the *Building Code Act, 1992*, as amended, in the City of London to the Chief Building Official and to adopt a new method of revising and publishing the City's complement of building inspectors appointed pursuant to the *Building Code Act, 1992*, as amended.

WHEREAS under section 3 of the *Building Code Act, 1992*, as amended, it is the responsibility of Municipal Council of the City of London to appoint a chief building official and such inspectors as are necessary for the enforcement of the *Building Code Act, 1992*, as amended, in the City of London;

AND WHEREAS Municipal Council has appointed a Chief Building Official for the City of London;

AND WHEREAS inspectors must have the legislated qualifications for their position prior to being appointed as an inspector under section 3 of the *Building Code Act, 1992*, as amended;

AND WHEREAS Municipal Council has maintained a list of currently appointed inspectors in By-law No. B.-92-16, as amended;

AND WHEREAS section 23.1 of the *Municipal Act, 2001*, as amended, empowers Municipal Council to delegate certain administrative powers to a person or body, including the administrative function of appointing inspectors pursuant to the *Building Code Act, 1992*, as amended;

AND WHEREAS it is desirable to adopt a more efficient means for administering the appointment of inspectors pursuant to the *Building Code Act, 1992*, as amended;

AND WHEREAS it is desirable for an up to date list of the City's complement of inspectors appointed pursuant to the *Building Code Act, 1992*, as amended, to be published on the City of London website rather than periodically updating and amending By-law No. B.-92-16;

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

1. By-Law No. B.-92-16 is hereby amended by deleting section 3 in its entirety and by replacing it with the following new section 3:

“3. 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 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 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.”

2. By-Law No. B.-92-16 is hereby further amended by deleting section 4 in its entirety and by replacing it with the following new section 4:

“4. The City Clerk shall maintain a public registry of all appointed inspectors, such public registry to be posted on the City’s website.”

3. The amendments of By-law No. B.-92-16 as provided for in section 1 and 2 above, shall not impact the status of appointment of any previously appointed inspector, provided the inspector’s name appears on the list of currently appointed inspectors as described in paragraphs 1 and 2 herein.

4. This by-law comes into force on December 21, 2015.

PASSED in Open Council on December 21, 2015.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading – December 21, 2015
Second Reading – December 21, 2015
Third Reading – December 21, 2015

APPENDIX “B”

Bill No.
2016

By-law No. A.-5895()-___

A by-law to amend By-law No. A.-5895-232 to delegate the administrative function of appointing property standards officers for the enforcement of the *Building Code Act, 1992*, as amended, in the City of London to the Chief Building Official, and to adopt a new method of revising and publishing the City's complement of property standards officers appointed pursuant to the *Building Code Act, 1992*, as amended.

WHEREAS under section 15 of the *Building Code Act, 1992*, as amended, Municipal Council of the City of London may appoint such officers as are necessary for the enforcement of section 15 *Building Code Act, 1992*, as amended, and the City of London Property Standards By-law CP-16, in the City of London;

AND WHEREAS Municipal Council has appointed a Chief Building Official for the City of London;

AND WHEREAS Municipal Council has maintained a list of currently appointed property standards officers in By-law No. A.-5895-232, as amended;

AND WHEREAS section 23.1 of the *Municipal Act, 2001*, as amended, empowers Municipal Council to delegate certain administrative powers to a person or body, including the administrative function of appointing officers pursuant to the *Building Code Act, 1992*, as amended;

AND WHEREAS it is desirable to adopt a more efficient means for administering the appointment of officers pursuant to the *Building Code Act, 1992*, as amended;

AND WHEREAS it is desirable for an up to date list of the City's complement of officers appointed pursuant to the *Building Code Act, 1992*, as amended, to be published on the City of London website rather than periodically updating and amending By-law No. A.-5895-232;

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

1. By-Law No. A.-5895-232 is hereby amended by deleting section 1 in its entirety and by replacing it with the following new section 1:

- “1. The power of appointment of property standards officers, including the revocation of appointment, under section 15 of the *Building Code Act, 1992*, as amended, for the purposes of enforcement of the property standards provisions of the *Building Code Act, 1992*, as amended and any regulations thereunder, and the City of London Property Standards By-law CP-16, is hereby delegated from 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 property standards officers appointed under section 15 of the *Building Code Act, 1992*, as amended, for the purpose of enforcement of the property standards provisions of the *Building Code Act, 1992*, as amended, and the City of London Property Standards By-law CP-16, in the City of London; and,
- b. Prior to their appointment, each candidate for appointment as property standards officer must hold the necessary legislated qualifications for the position to which they are to be appointed.”

2. By-Law No. A.-5895-232 is hereby further amended by adding a the following new section 1.1:

“1.1. The City Clerk shall maintain a public registry of all appointed property standards officers, such public registry to be posted on the City’s website.”

3. The amendment of By-law No. A.-5895-232 outlined in sections 1 and 2 above, shall not impact the status of appointment of any previously appointed property standards officer, provided the property standards officer’s name appears on the list of currently appointed inspectors as described in paragraphs 1 and 2 herein.

4. This by-law comes into force on December 21, 2015.

PASSED in Open Council on December 21, 2015.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading – December 21, 2015
Second Reading – December 21, 2015
Third Reading – December 21, 2015

APPENDIX “C”

Bill No.
2016

By-law No. A.-5896()-___

A by-law to amend By-law No. A.-5896-233 to delegate the administrative function of appointing municipal law enforcement officers under the *Police Services Act*, as amended, in the City of London to the Chief Building Official and to adopt a new method of revising and publishing the City's complement of municipal law enforcement officers appointed pursuant to the *Police Services Act*, as amended.

WHEREAS under section 15(1) of the *Police Services Act*, as amended, Municipal Council of the City of London may appoint such municipal law enforcement officers as are necessary for the enforcement of the by-laws duly enacted by Municipal Council within the City of London;

AND WHEREAS Municipal Council has appointed a Chief Building Official for the City of London;

AND WHEREAS Municipal Council has maintained a list of currently appointed municipal law enforcement officers in By-law No. A.-5896-233, as amended;

AND WHEREAS section 23.1 of the *Municipal Act, 2001*, as amended, empowers Municipal Council to delegate certain administrative powers to a person or body, including the administrative function of appointing municipal law enforcement officers pursuant to the *Police Services Act*, as amended;

AND WHEREAS it is desirable to adopt a more efficient means for administering the appointment of municipal law enforcement officers pursuant to the *Police Services Act*, as amended;

AND WHEREAS it is desirable for an up to date list of the City's complement of municipal law enforcement officers appointed pursuant to the *Police Services Act*, as amended, to be published on the City of London website rather than periodically updating and amending By-law No. A.-5896-233;

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

1. By-Law No. A.-5896-233 is hereby amended by deleting section 1 in its entirety and by replacing it with the following new section 1:

- “1. The power of appointment of municipal law enforcement officers, including the revocation of appointment, under section 15(1) of the *Police Services Act*, as amended, for the purposes of enforcement of the by-laws duly enacted by Municipal Council within the City of London is hereby delegated from 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 municipal law enforcement officers appointed under section 15(1) of the *Police Services Act*, as amended, for the purpose of enforcement of the by-laws duly enacted by Municipal Council within the City of London; and,
- b. Prior to their appointment, each candidate for appointment as municipal law enforcement officer must hold the necessary legislated qualifications for the position to which they are to be appointed.”

2. By-Law No. A.-5896-233 is hereby further amended by deleting section 2 and replacing it with a new section 2 as follows:

“2. The City Clerk shall maintain a public registry of all appointed municipal law enforcement officers, such public registry to be posted on the City’s website.”

3. The amendment of By-law No. A.-5896-233 shall not impact the status of appointment of any previously appointed municipal law enforcement officer, provided the municipal law enforcement officer’s name appears on the list of currently appointed municipal law enforcement officers as described in paragraphs 1 and 2 herein.

4. This by-law comes into force on December 21, 2015.

PASSED in Open Council on December 21, 2015.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading – December 21, 2015
Second Reading – December 21, 2015
Third Reading – December 21, 2015

APPENDIX “D”

Bill No.
2016

By-law No. A.-5273()-___

A by-law to amend By-law No. A.-5273-82 to delegate the administrative function of appointing municipal law enforcement officers (parking) under the *Police Services Act*, as amended, in the City of London to the Chief Building Official and to adopt a new method of revising and publishing the City's complement of municipal law enforcement officers (parking) appointed pursuant to the *Police Services Act*, as amended.

WHEREAS under section 15(1) of the *Police Services Act*, as amended, Municipal Council of the City of London may appoint such municipal law enforcement officers as are necessary for the enforcement of the parking by-laws duly enacted by Municipal Council within the City of London;

AND WHEREAS Municipal Council has appointed a Chief Building Official for the City of London;

AND WHEREAS Municipal Council has maintained a list of currently appointed municipal law enforcement officers in By-law No. A.-5273-82, as amended;

AND WHEREAS section 23.1 of the *Municipal Act, 2001*, as amended, empowers Municipal Council to delegate certain administrative powers to a person or body, including the administrative function of appointing municipal law enforcement officers pursuant to the *Police Services Act*, as amended;

AND WHEREAS it is desirable to adopt a more efficient means for administering the appointment of municipal law enforcement officers pursuant to the *Police Services Act*, as amended;

AND WHEREAS it is desirable for an up to date list of the City's complement of municipal law enforcement officers appointed pursuant to the *Police Services Act*, as amended, to be published on the City of London website rather than periodically updating and amending By-law No. A.-5273-82;

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

1. By-Law No. A.-5273-82 is hereby amended by deleting section 1 in its entirety and by replacing it with a new the following new section 1:

- “1. The power of appointment of municipal law enforcement officers, including the revocation of appointment, under section 15(1) of the *Police Services Act*, as amended, for the purposes of enforcement of the parking by-laws duly enacted by Municipal Council within the City of London is hereby delegated from 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 municipal law enforcement officers appointed under section 15(1) of the *Police Services Act*, as amended, for the purpose of enforcement of the parking by-laws duly enacted by Municipal Council within the City of London; and,
- b. Prior to their appointment, each candidate for appointment as municipal law enforcement officer must hold the necessary legislated qualifications for the position to which they are to be appointed.”

2. By-Law No. A.-5273-82 is hereby further amended by deleting section 2 in its entirety and by replacing it with the following new section 2:

- “2. The City Clerk shall maintain a public registry of all appointed municipal law enforcement officers, such public registry to be posted on the City’s website.”

3. The amendment of By-law No. A.-5273-82 as set out in sections 1 and 2 above, shall not impact the status of appointment of any previously appointed municipal law enforcement officer, provided the municipal law enforcement officer’s name appears on the list of currently appointed municipal law enforcement officers as described in paragraphs 1 and 2 herein.

4. This by-law comes into force on December 21, 2015.

PASSED in Open Council on December 21, 2015.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading – December 21, 2015
Second Reading – December 21, 2015
Third Reading – December 21, 2015

APPENDIX “E”

Bill No.
2016

By-law No. A.-5709()-___

A by-law to amend By-law No. A.-5709-40 to delegate the administrative function of appointing weed inspectors for the enforcement of the *Weed Control Act*, as amended, in the City of London to the Chief Building Official and to adopt a new method of revising and publishing the City's complement of weed inspectors appointed pursuant to the *Weed Control Act*, as amended.

WHEREAS under section 8(1) of the *Weed Control Act*, as amended, it is the responsibility of Municipal Council of the City of London to appoint such inspectors as are necessary for the enforcement of the *Weed Control Act*, as amended, in the City of London;

AND WHEREAS Municipal Council has appointed a Chief Building Official for the City of London;

AND WHEREAS Municipal Council has maintained a list of currently appointed weed inspectors in By-law No. A.-5709-40, as amended;

AND WHEREAS section 23.1 of the *Municipal Act, 2001*, as amended, empowers Municipal Council to delegate certain administrative powers to a person or body, including the administrative function of appointing weed inspectors pursuant to the *Weed Control Act*, as amended;

AND WHEREAS it is desirable to adopt a more efficient means for administering the appointment of weed inspectors pursuant to the *Weed Control Act*, as amended;

AND WHEREAS it is desirable for an up to date list of the City's complement of weed inspectors appointed pursuant to the *Weed Control Act*, as amended, to be published on the City of London website rather than periodically updating and amending By-law No. A.-5709-40;

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

1. By-Law No. A.-5709-40 is hereby amended by deleting section 1 in its entirety and by replacing it with the following new section 1:

“1. The power of appointment of weed inspectors, including the revocation of appointment, under section 8(1) of the *Weed Control Act*, as amended, for the purposes of enforcement of the *Weed Control Act*, as amended and any regulations thereunder is hereby delegated from 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 weed inspectors appointed under section 8(1) of the *Weed Control Act*, as amended, for the purpose of enforcement of the *Weed Control Act*, as amended, in the City of London;
- b. Prior to their appointment, each candidate for appointment as weed inspector must hold the necessary legislated qualifications for the position to which they are to be appointed.”

2. By-Law No. A.-5709-40 is hereby further amended by adding the following new section 1.1:

“1.1 The City Clerk shall maintain a public registry of all appointed weed inspectors, such public registry to be posted on the City’s website.”

3. The amendment of By-law No. A.-5709-40 as set out in sections 1 and 2 above, shall not impact the status of appointment of any previously appointed weed inspector, provided the weed inspector’s name appears on the list of currently appointed inspectors as described in paragraphs 1 and 2 herein.

4. This by-law comes into force on December 21, 2015.

PASSED in Open Council on December 21, 2015.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading – December 21, 2015
Second Reading – December 21, 2015
Third Reading – December 21, 2015