



Dufferin
county

BUILDING SERVICES DIVISION

**ENFORCEMENT &
COMPLIANCE
PROCEDURES**



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1.0 DEFINITIONS

Ontario Building Code: Ontario Building Code is a regulation under the Building Code Act. It establishes detailed technical and administrative requirements, and minimum standards for building construction.

Building Code Act: Is the legislative framework governing the construction, renovation and change-of-use of a building in the Province of Ontario. Ontario Building Code is a regulation under the Building Code Act. It establishes detailed technical and administrative requirements.

Repeat Offender: For the purposes of laying charges, we consider this as a person or corporation that violates the Ontario Building Code more than once on any property in which the accused has an interest. For the purposes of prosecution and sentencing through the court, a repeat offender is considered when a person or corporation has been previously convicted of a similar offence.

Corporation: A corporation is a legally established entity that can enter into contracts, own assets and incur debt, as well as sue and be sued—all separately from its owner(s)

Dwelling: Dwelling unit means a suite operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities.

2.0 INTRODUCTION

The County of Dufferin Building Division is a regulatory service department governed by the Ministry of Municipal Affairs and Housing. Our job is to ensure all buildings defined under the Ontario Building Code comply to the minimum standards set out by the Province, to protect the public health, safety and general welfare, as they related to the construction and occupancy of buildings and structures.

Building Inspectors are tasked with investigating complaints around building code violations. This manual is a tool that provides clear direction to staff when initiating legal action, to ensure that enforcement is applied fairly and equally to all people and corporations involved.

3.0 CODE OF CONDUCT FOR BUILDING OFFICIALS

The purpose of having a Code of Conduct, is to ensure every matter is being treated fair and to provide behaviour standards for Building Officials.

SCHEDULE C TO BY-LAW 2020-14

CODE OF CONDUCT CODE OF CONDUCT FOR BUILDING OFFICIALS

PURPOSE:

The County of Dufferin Building Department maintains this Code of Conduct in accordance with the provisions of the Building Code Act. In addition to Article 5: "Code of Conduct" in the County's Personnel Policy Manual, which applies to all county staff, this Code of Conduct for Building Officials applies to the Chief Building Official and all Building Officials appointed under the Building Code Act in the performance of their duties under the Building Code Act and the Building Code.

This Code of Conduct promotes the appropriate standards of behaviour by Building Officials in the exercise of their powers and the performance of their duties. It prevents practices which may constitute an abuse of power including unethical or illegal practices and promotes appropriate standards of honesty and integrity.

STATEMENT:

Building Officials are exposed to potential conflicts of interest because of the special powers conferred on them. The County of Dufferin Building Department is committed to the highest standards of professionalism, technical competence, skill, honesty, fairness and independence. The County's Building Officials observe both the letter and the spirit of this Code of Conduct as it pertains to situations that arise in the performance of their duties.

PROCEDURES:

County of Dufferin Building Officials undertake at all times to:

1. Act in the public interest, particularly with regard to the safety of building works and structures;
2. Avoid situations where there may be, or where there may reasonably appear to be, a conflict between their duties to their clients, their profession, their peers and the public at large and their personal interests;
3. Avoid any conduct that could bring the Building Officials, the County of Dufferin or any of the County's Local Municipalities into disrepute;
4. Extend professional courtesy to all;
5. Not divulge any confidential or sensitive information or material that they become privy to in the performance of their duties, except in accordance with the laws governing the Municipal Freedom of Information and Protection of Privacy Act. Any requests for information that is not considered public information will be referred to the County Co-ordinator of the Municipal Freedom of Information and Protection of Privacy Act;
6. Apply all relevant building laws, regulations and standards strictly and without favour and independent of the influence of interested parties;
7. Comply with the provisions of the Building Code Act, the Building Code and any other Act, Law or By-Law that regulates or governs Building Officials or their functions;
8. Maintain their knowledge and understanding of the best current building practices, building laws and regulations by committing to a process of continuous education;
9. Perform their inspections and certifying duties impartially and in accordance with the highest professional standards; and
10. Not act beyond their level of competence or outside their area of expertise.

Responding to Allegations of Misconduct

The Building Code Act provides that the performance of Building Officials will be measured against this Code of Conduct. In response to any allegation of a breach of this Code, the Chief Building Official shall direct an investigation and, where appropriate, recommend disciplinary action against any Building Official who fails to comply with this Code of Conduct. Where an allegation is made against the Chief Building Official, the Chief Administrative Officer will direct the investigation and make such recommendations as are reasonable. Disciplinary action arising from violations of this

Code of Conduct will be based on the severity and frequency of the violation in accordance with County Policies, and relevant employment laws and standards.

4.0 BEFORE WE INITIATE LEGAL ACTION

As Building Officials, we have been given power through the province under the Building Code Act to enforce the Ontario Building Code. While we obtain this power, our objective is to make sure people are safe and in compliance with the OBC. It is important to provide a service to the public by educating others on what is required by legislation before construction, demolition or changing the use of a building.

4.1 The approach:

1. Provide resources on how compliance can be achieved. This will be provided in the form of a handout attached to the inspection report or handed out on site. This handout will inform them that if they do not obtain compliance, an Order may be issued.
2. Follow up to confirm if a permit has been submitted. The follow up timeframe will look different, based on the level of risk.
 - a. Low Risk: Up to a month.
 - b. Medium Risk: Up to two weeks.

If an application has not been submitted, follow up with an email requesting the status of their application and approximate timeframe they will have it submitted.

If compliance has not be achieved and an application has not been made after several attempts, you may then issue an order.

This approach method should be used where:

- The violation does not pose a threat to life safety,
- the person or corporation is not a repeat offender, or
- the nature of the violation is considered low or medium.

5.0 DETERMINATION OF RISK

Low Risk

Examples:

- Shed
- Detached garage
- Deck less than 4' from grade
- Finishes within a home
- Non res suite (not including restaurants)
- Temporary tents
- Solar panels.

Medium Risk

Examples:

- Additions
- Decks over 4' above grade
- Roofed porch
- Suite finishes for restaurants or assembly occupancies and care occupancies with less than 60 occupants

High Risk

Examples:

- Bedrooms in basement without windows or inadequate egress
- Addition of residential units within a building
- Grease hood
- Balcony guards
- Fire alarm
- Solid-fuel burning appliance and chimneys
- Spray booths
- Ventilation systems that constitute a fire hazard
- Suite finishes in assembly and care occupancies with more than 60 occupants

6.0 HANDOUT

HOW TO OBTAIN A BUILDING PERMIT

You are receiving this handout as a result of a site visit conducted by one of our inspection staff. We are here to help you gain compliance and provide you with a positive experience with your permitting process. Our objective is to ensure people are safe and that everyone is in compliance with the Ontario Building Code and Building

HOW TO SUBMIT AN ONLINE APPLICATION

1. Visit www.dufferincounty.ca/building-services/apply-online to create a profile.
2. Ensure you have all the documentation required for your building permit. **Remember that incomplete applications will not be reviewed.**
3. Click "Apply for a Building Permit" and the Portal will walk you through the process. Follow the steps and upload your documents.
4. Complete applications will be reviewed by staff from your local municipality and by a County Building Official.
5. If everything is approved, your permit will be issued through the Portal. Print out the permit card and approved plans.
You're ready to start construction!

QUESTIONS?

519-941-2816 ext 2700
building@dufferincounty.ca

Visit our website: <https://www.dufferincounty.ca/services/building-services#applications-amp-permits> Where you will find:

Inspection Information

Forms

Permit Application Process

Portal Application Help

Permit Application Checklist

Fees

For assistance with language translation:

Immigrant Services Guelph Wellington Jean Chow 519 836 2222 x226 jchow@is.gw.ca or

MCIS Language Solutions www.mcislanguages.com 1 888 990 9014 or (416) 467 3097

IF COMPLIANCE IS NOT ACHIEVED, AN ORDER MAY BE ISSUED.

7.0 INITIATING LEGAL ACTION

7.1 Building Code Act Offences

Due to the number of offences possible under the *Building Code Act*, an example of the most common *Building Code Act* violation is noted below. The example provides an understanding of how enforcement tools may reasonably be applied while taking into consideration the seriousness of the offence and the risk posed to life safety.

Example: Construction without a Building Permit

In general, where construction or demolition occurs without a building permit being issued, an inspection report is emailed to the owner and contractor (if known) advising that work is to cease and a building permit is to be obtained within a specified period.

Depending on the level of risk and nature of the work, issuing an Order to Comply may be appropriate followed by a Stop Work Order the next day.

Should work continue despite these efforts, charges may be laid.

See Section 13 for Repeat Offenders.

8.0 EXTENSIONS FOR ORDERS

Low Risk:

Up to two extensions can be granted up to a maximum of 6 months total from date of offence.

Medium Risk:

Only one extension can be granted up to a maximum of 3 months from date of offence.

High Risk:

No extensions can be granted.

Accessibility Needs: If someone requires accessibility services (ex. language interpretation), provide an additional 5-10 days to allow for accommodations.

Note: The Chief Building Official may grant extensions beyond what's noted above based on unforeseen circumstances.

Request for extensions on orders must be provided by the offender in the form of a written request. The request must be saved in CityView and documented within its enforcement file via inspector attempt.

9.0 BUILDING CODE ACT OFFENCES AND ORDERS

Due to the number of offences possible under the *Building Code Act*, an example of the most common Building Code Act Violations is noted below. The example provides an understanding of how enforcement tools may reasonably be applied while taking into consideration the seriousness of the offence and the risk posed to life safety.

11.1 Construction Without a Building Permit

In general, where construction or demolition occurs without a building permit being issued, an inspection report is emailed to the owner and contractor (if known) advising that work is to cease and a building permit is to be obtained within a specified period.

Depending on the nature of the work, issuing an Order to Comply may be appropriate followed by a Stop Work Order the next day. Issuance of an Order triggers additional administrative fees to the permit applicant. – see building by-law.

Unsafe Orders may be issued under sections 15.9 and 15.10 of the Building Code Act which should be considered in the most serious high risk cases. Consult with the Chief Building Official and depending on the situation, consult with Legal before initiating an Unsafe Order which could incur liability risk to the County.

Until a permit has been obtained, the inspector must make regular site visits to ensure construction does not continue. In some circumstances when an order is issued to a repeat offender, site visits will be required to occur more regularly

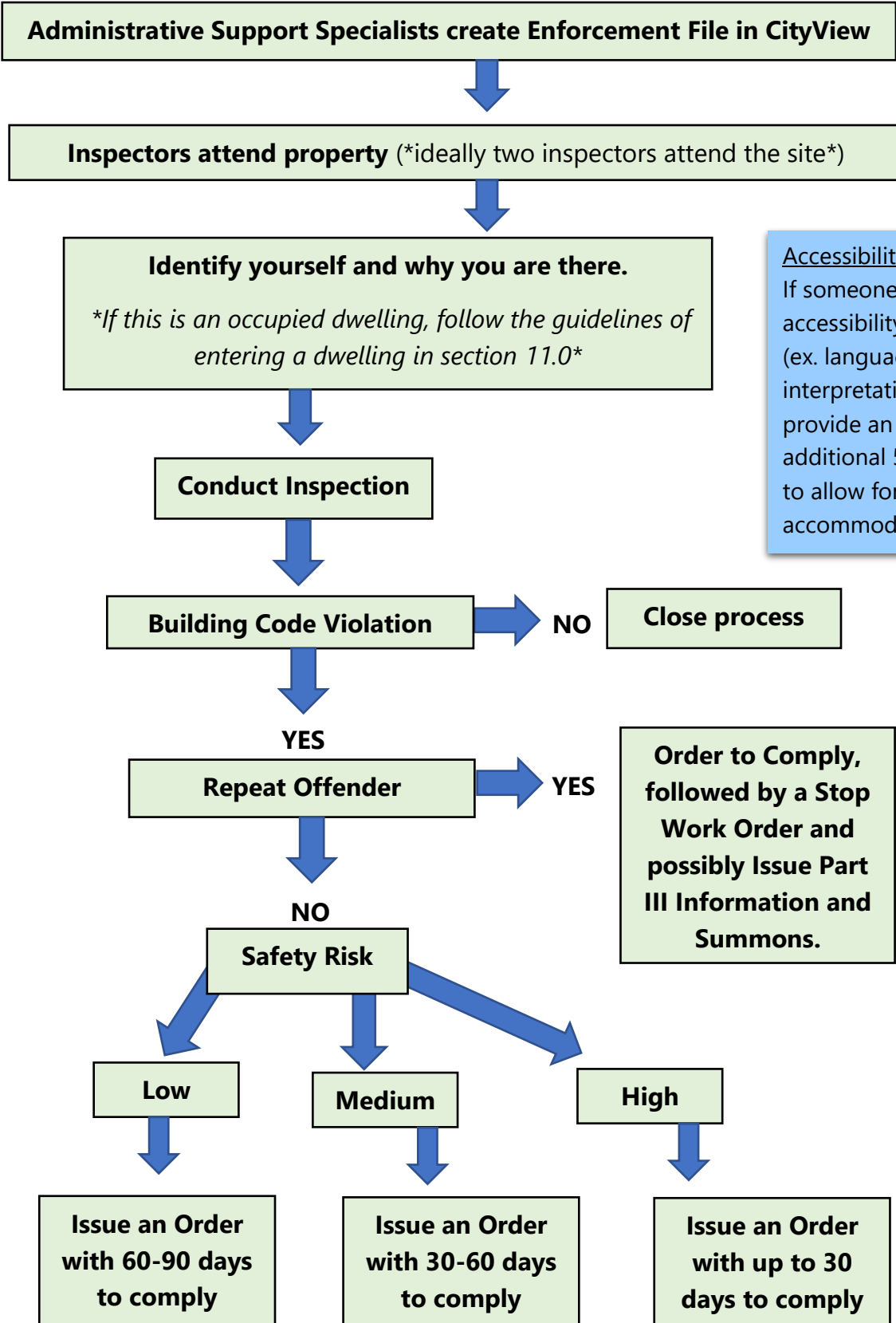
For repeat offenders

Inspectors may proceed immediately with the issuance of an Order and a Charge. Prior to laying any charges, the approval of the Chief Building Official or designate is required.

Refer to flow chart: "*Building Code Act Violations and Enforcement Process Flowchart*"

See Section 12 for Repeat Offenders.

10.0 BUILDING CODE INSPECTION AND ENFORCEMENT PROCESS



Accessibility Needs:
If someone requires accessibility services (ex. language interpretation), provide an additional 5-10 days to allow for accommodations.

11.0 RIGHT OF ENTRY

Building Code Act section 12(1) An inspector may enter upon land and into building at any reasonable time without a warrant for the purpose of inspecting the building site to determine whether or not the following are being complied with:

1. This Act
2. The Building Code
3. An order made under the Act. 2017, c. 34, Schedule 2, s. 6(1)

13.1 Identification

Duty to carry identification

- The chief building official, inspectors and persons authorized by a registered code agency to exercise powers and perform functions on its behalf shall carry their certificate of appointment or authorization, as the case may be, when performing their duties and shall produce them for inspection upon request.
- Always display your identification clearly, hold up to security cameras/doorbell cameras
- Display when walking into backyard of properties/loudly identify yourself

Caution Statement

My name is_____.

- I am here based on a _____complaint
- I would like to enter to conduct an inspection
- If a violation is found an order/charge may result
- If not the file will be closed
- You have the right to refuse me entry
- You can tell me to leave at any time
- May I come in?

Note: the occupier providing consent must be at least 18 years of age, in possession of the property and informed of their right to refuse.

12.0 REPEAT OFFENDERS

Inspectors may proceed immediately with the issuance of an Order and a Charge. Prior to laying any charges, the approval of the Chief Building Official or designate is required. Refer to flow chart: *"Building Code Act Violations and Enforcement Process Flowchart"*

In some circumstances when an order is issued to a repeat offender, site visits will be required to occur more regularly

14.1 Zero Tolerance for Repeat Offenders

Applying a zero tolerance in relation to the Building Department, there is a zero tolerance approach for enforcement activity on medium to high risk violations. This applies to any properties in the County that a person is associated with through ownership or property management functions. This approach allows immediate commencement of legal action or prosecution to the extent that statutory requirements allow.