

**INFRASTRUCTURE & DEVELOPMENT SERVICES DIVISION
BUILDING SERVICES DEPARTMENT**

CORE SERVICES REVIEW

BENCH MARKING

- Municipal Performance Measurement Program (MPMP): no factors available.
- Changes to the Building Regulatory System, Ontario Regulation 403/97 as amended (Bill 124) have been implemented to streamline the building permit approvals process, increase the safety and quality of building construction and create a more transparent regulatory environment for the construction industry.
- The provisions include:
 - Legislated time frame for the issuance of building permits as per OBC 2.4.1.1b.
 - Legislated time frame for prescribed inspections as per OBC 2.4.5.3.
 - Legislated qualifications for building official and inspectors as per OBC 2.16.1.
 - Legislated requirement that municipalities provide an annual report to ensure that permit fees do not exceed enforcement costs as per OBC 2.23.1.1.

BEST PRACTICES

- No specific information available.
- The Ontario Centre for Municipal Best Practices has currently only produced Best Practice Reports in the areas of Roads, Transit, Waste Management, Water and Sewer

PROVINCIAL FUNDING COMMITMENTS

- No provincial funding is available for the administration and enforcement of the Building Code Act or the Ontario Building Code.

ALTERNATIVE SOURCES OF DELIVERY

- Option 1 – Existing Service Delivery Model (in-house with County Staff)
- Option 2 – Enforcement by Registered Code Agency (RCA)
- Option 3 – Download All Service Delivery From The County to Each Local Municipality (including Plumbing, Septic & Woodland By-Law)
- Option 4 – Download All Service Delivery From The County (including Plumbing, Septic & Woodland By-Law) and Local Municipalities Enter Into Joint Service Agreements
- Option 5 – Regional Service Delivery At The County Level Based on Full Cost Recovery (includes City of Sarnia)
- Option 6 - Regional Service Delivery At The County Level Based on Full Cost Recovery (excludes City of Sarnia)

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**Option 1 - EXISTING SERVICE DELIVERY MODEL
(in-house with County staff)**

- County is responsible for the administration and enforcement of the building code regarding the issuance of plumbing and septic permits, including inspections, for all municipalities throughout the County.
- County is responsible for providing input to planning applications with respect to private sewage systems.
- County provides administration and enforcement of the building code regarding the issuance of building permits, including inspections, for all local municipalities on a contractual basis, except for the City of Sarnia which has its own building services department.
- County is responsible for the administration of the County Bylaw to Prohibit or Regulate the Destruction or Injuring of Trees (Woodland Bylaw).
- County is responsible for administration of the Weed Act.
- County provides administration and enforcement of property standards, zoning and other local bylaws on a contractual basis for all municipalities except for the City of Sarnia and Lambton-Shores.

Advantages

- County has the staff and expertise to administer and enforce the building code and applicable law on behalf of the local municipalities and provide coverage for inspectors when they are absent due to vacation, training, illness, etc.
- All County inspectors have all legislated plumbing, septic and building code qualifications.

- Single tier approach provides uniform and consistent interpretation of codes, bylaws and regulations regarding permit issuance, enforcement and input to planning applications.
- Only one chief building official is required instead of one for each local municipality.
- County is better positioned to manage changes to legislation affecting building code administration and enforcement.
- Local municipalities benefit from low cost of building service delivery based on hourly rate plus mileage.
- Regional service delivery at the County level provides uniform one window approach regarding administration and enforcement of the Woodlands Conservation Bylaw and Weed Act.
- Local municipalities assume all liability for permits issued.

Disadvantages

- There is a lack of consistency amongst local municipalities with regards to bylaws such as zoning, building bylaw, permit fees, etc. A uniform approach would lead to higher efficiency regarding zoning and bylaw review during the permit process.
- Building permit fees are not consistent across the County. Permit fees are regulated at the local municipal level creating differences in permit fees charged by the municipalities.
- Current County staffing levels cannot meet the ever increasing service level expectations of the local municipalities who have requested that inspectors spend more time in their local offices to provide customer service and deal with increased development and building activity since amalgamations.

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- Minimal staffing commitment to administer the Woodlands Conservation Bylaw (0.3 FTE).
- County utilizes the levy for direct and indirect costs such as training, administration support, overhead, etc., for the administration and enforcement of the building code on behalf of local municipalities.
- There is some inefficiency regarding the issuance of plumbing and septic permits within the City of Sarnia which has its own building department staff.
- All municipalities are required to provide individual annual report of permit fees.

Comments

- Property standards administration and enforcement remains a good fit with the core services of the building services department.
- Existing service model does not fully address the desire of local municipalities for increased customer service at the local level. Inspectors are required to be accessible for consultations and meetings to discuss code requirements and applicable law issues. Inspectors are becoming more involved in planning matters including subdivision approvals, severances, and minor variances with respect to septic systems.
- Existing service model is not positioned to deal with future downloading of additional responsibilities such as the proposed septic system re-inspection program introduced under the proposed Clean Water Act.
- The core duties of the building services department are focused on building code administration and enforcement. Administration of the

Woodlands Conservation Bylaw is not a good fit with respect to the core services of the Building Services Department

- Existing service model provides only minimal staffing with regards to enforcement of the Woodlands Conservation Bylaw. County should consider appointing a “County Forester” to administer the program effectively.
- No impact on current linkage with County planners.

Option 2 - ENFORCEMENT BY REGISTERED CODE AGENCY (RCA)

- The council of a local municipality, or County council, may enter into an agreement with an RCA authorizing them to perform the functions specified in the agreement with respect to the construction of any building or class of building.
- An RCA must be registered by the Province including having qualified staff, minimum insurance, adherence to conflict of interest rules and standards of conduct, as well as meeting a Quality Management Plan.
- The council of each municipality, or County council, would still require a chief building official who continues to have responsibilities for key functions including the issuance of permits, determining applicable law, issuing unsafe orders and undertaking prosecutions.
- The County or local municipality would provide inspectors in the area not specified in the agreement with the RCA.

Advantages

- If the RCA agreement is with the County , only one chief building official with administration support is required.

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- If the RCA agreement is with local municipalities, each local municipality requires a CBO with administration support.
- The RCA must provide qualified staff and minimum insurance coverage.
- The RCA is responsible for adherence to legislated time frames for permit issuance and inspections.
- The RCA assumes liability for all permits and inspections issued under their authority.
- County inspectors are only required for the areas that the County still has jurisdiction in.

Disadvantages

- Not viable. No RCAs are registered in the Province.
- Requires appointment of RCA by council.
- The RCA must register annually with MMAH.
- If the RCA appointment is terminated, the local municipality or County council is responsible for ensuring that the remaining functions are performed by municipality or another RCA.
- Cost of permit fees would be higher due to high insurance premiums, RCA overhead and profit.
- County or local municipality still retains some overhead costs such as CBO, administrative support, enforcement costs.
- Inspectors may still be required to administer the areas not covered by the agreement with the RCA.

Comments

- Unavailable or prohibitive insurance costs have prevented the creation of RCAs in the Province.
- The agreement with the RCA may only include specified class of buildings.
- In-house inspectors may still be required to address other classes of buildings not specified in the agreement.
- Not a clear linkage with planning staff.
- Not seen as a viable option.

**Option 3 - DOWNLOAD ALL SERVICE DELIVERY FROM THE COUNTY
TO EACH LOCAL MUNICIPALITY (including Plumbing, Septic
and Woodland By-law)**

- Each local municipality becomes fully responsible for and provides own administration and enforcement of the building code regarding the issuance of building, plumbing and septic permits, including inspections.
- Each municipality provides own administration and enforcement of property standards, zoning and other local by-laws.
- Each municipality is responsible for providing input to planning applications with respect to private sewage systems.
- Each municipality is responsible for administration of the Weed Act.
- Each municipality is responsible for the administration of the Woodland Bylaw.

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Advantages

- Single tier approach at the local municipal level provides good customer service “one window approach”.
- County reduces work force by 9.6 FTE.
- Reduction of County levy of approximately \$390,000.

Disadvantages

- County would have to repeal current septic and plumbing bylaws. Local municipalities would have to create and/or amend numerous bylaws to administer the program effectively (many local municipalities do not even have building bylaws).
- Lack of uniform interpretation, administration and enforcement of the code and applicable law.
- Each municipality must appoint a CBO, a number of inspectors and administration support required to administer and enforce the building code.
- Local municipalities, except for the City of Sarnia, currently do not have any qualified building inspectors. Hiring of adequate number of CBOs and inspectors would be difficult due to shortage of qualified, registered and experienced inspectors in Ontario.
- There would be a large increase in staffing levels if each local municipality acquired the minimum staffing levels, ie. Minimum 30 FTE (1 CBO + 1 inspector + 1 admin support for each of the 10 municipalities). This does not include current staffing levels (approx. 6 FTE) of the City of Sarnia building services department.
- This staffing level increase would result in large increases in permit fees for all municipalities in order to be cost neutral.

- Local municipalities are not positioned to manage changes to legislation affecting building code administration and enforcement.
- Benefits of a larger inspection team are lost due to a lack of collaboration, flexibility, and little expertise of complex projects.

Comments

- Existing County staff would have opportunities to be re-assigned to local municipalities although there would not be enough to satisfy demand.
- This delivery model is not positioned to deal with future downloading of additional responsibilities, i.e. the proposed septic system re-inspection program introduced under the proposed Clean Water Act.
- City of Sarnia building department may require additional staff to support plumbing and septic, permits/inspections.
- No direct linkage with County planners.

**Option 4 - DOWNLOAD ALL SERVICE DELIVERY FROM THE COUNTY
(including Plumbing, Septic and Woodland By-law) AND
LOCAL MUNICIPALITIES ENTER INTO JOINT SERVICE
AGREEMENTS**

- Local municipalities can enter into a joint service agreement and become fully responsible for the administration and enforcement of the building code regarding the issuance of building, plumbing and septic permits, including inspections.
- There are a number of possible combinations of local municipalities that can enter into an agreement.

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- The joint service agreement would also provide for the administration and enforcement of property standards, zoning and other local bylaws.
- The joint service agreement would also provide for the input to planning applications with respect to private sewage systems.
- The joint service agreement would also include administration of the Weed Act.
- Local municipality is responsible for the administration of the Woodland Bylaw.

Advantages

- Single tier approach at the local municipal level provides good customer service “one window approach “.
- County reduces work force by 9.6 FTE’s
- Reduction of County levy of approximately \$390,000.
- Permit fees under joint service agreement can be adjusted to need, including full cost recovery.

Disadvantages

- County would have to repeal current septic and plumbing bylaws.
- County would have to appoint/hire or delegate administration of the Woodlands Conservation Bylaw.
- Lack of uniform interpretation, administration and enforcement of the code and applicable law.
- Under Joint Service Agreement, local municipalities must appoint a CBO and inspectors required to administer and enforce the building code and applicable law to ensure compliance with legislated time

frames for permit issuance and provide coverage for inspectors when they are absent due to vacation, training, illness, etc.

- Collaboration amongst municipalities is required to foster a partnership to enter into a joint service agreement. The agreement must specify the level of service, nature of enforcement, cost and revenue sharing.
- Joint service agreements must also address issues concerning allocation of liability and consider an opting-out plan.
- Local municipalities, except for the City of Sarnia, currently do not have any qualified building inspectors. Hiring of CBOs and inspectors would be difficult due to shortage of qualified, registered and experienced inspectors.
- It is anticipated that there would be a significant increase from current staffing levels and increases in permit fees across the County in order for service to be cost neutral.
- Benefits of a larger inspection team are lost due to a lack of collaboration, flexibility, and little expertise of complex projects.

Comments

- Local municipalities would have to create and/or amend numerous bylaws to administer the program effectively. (Many local municipalities currently do not even have building bylaws).
- Existing County staff would have opportunities to be re-assigned to local municipalities.
- Joint service agreement model is not able to deal with future downloading of additional responsibilities, i.e. the proposed septic system re-inspection program introduced under the proposed Clean Water Act.
- No direct linkage with County planners.

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**Option 5 - REGIONAL SERVICE DELIVERY AT THE COUNTY LEVEL
BASED ON FULL COST RECOVERY (includes City of Sarnia)**

- Combine County and Sarnia building departments into a Regional program administered at the County level.
- County is totally responsible for the administration and enforcement of the building code regarding the issuance of plumbing and septic permits, including inspections throughout the County.
- Local municipalities have no jurisdiction or responsibilities.
- County is responsible for providing input to planning applications with respect to private sewage systems.
- County is responsible for the administration of the County Bylaw to Prohibit or Regulate the Destruction or Injuring of Trees (Woodland Bylaw).
- County is responsible for administration of the Weed Act.
- County provides administration and enforcement of property standards, zoning and other local bylaws on a contractual basis.

Advantages

- Building inspection service would be based on full cost recovery.
- Permit fees would be applied equitably across the County to suit full cost recovery.
- Reduction of County levy to \$00.
- Combined departments have the human resources and expertise to administer and enforce the building code and applicable law and provide coverage for inspectors when they are absent due to vacation, training, illness, etc.

- All County inspectors have all legislated plumbing, septic, and building code qualifications.
- Single tier approach provides uniform and consistent interpretation of codes, bylaws and regulations regarding permit issuance, enforcement and input to planning applications.
- Only one chief building official is required instead of one for each local municipality.
- County is better positioned to manage changes to legislation affecting building code administration and enforcement.
- Local municipalities do not assume any liability for permits issued.
- Benefits of a larger inspection team are maintained with focus on specialized areas and expertise of complex projects.

Disadvantages

- Political acceptance at the local level would be difficult.
- County would have to create and/or amend numerous bylaws to administer the program effectively.
- Local municipalities would have to repeal applicable bylaws.
- There may be a modest increase in staffing levels depending on the desired level of customer service and the amount of collaboration of the local municipalities.
- County assumes all liability regarding issuance of building permits.

Comments

- Direct linkage with County planners is maintained.
- Regional service could be administered at local “service centres” to provide the desired level of customer service.

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- City of Sarnia building department staff may require additional training to support plumbing and septic, permits/inspections.
- The core duties of the building services department are focused on building code administration and enforcement. Administration of the Woodlands Conservation Bylaw is not a good fit with respect to the core services of the Building Services Department
- Existing service model provides only minimal staffing with regards to enforcement of Woodlands Conservation Bylaw. County should consider appointing a “County Forester” to administer the program effectively.
- Building permit revenues can only be applied to direct and indirect costs of building permit administration, inspection and enforcement, and can not be applied to property standards, zoning and bylaw enforcement and administration.

**Option 6 - REGIONAL SERVICE DELIVERY AT THE COUNTY LEVEL
BASED ON FULL COST RECOVERY (excludes City of Sarnia)**

- County is responsible for the administration and enforcement of the building code regarding the issuance of plumbing and septic permits, including inspections throughout the County, excluding City of Sarnia.
- Delegate plumbing and septic permits to the City of Sarnia to create “one window approach” for all Sarnia property owners.
- Other local municipalities have no jurisdiction or responsibilities.
- County is responsible for providing input to planning applications with respect to private sewage systems, except Sarnia.

- County is responsible for the administration of the County Bylaw to Prohibit or Regulate the Destruction or Injuring of Trees (Woodland Bylaw).
- County is responsible for administration of the Weed Act.
- County provides administration and enforcement of property standards, zoning and other local bylaws on a contractual basis.

Advantages

- Building inspection service would be based on full cost recovery.
- Permit fees would be applied equitably across the County to suit full cost recovery. Sarnia would develop and administer its own fee structure.
- Reduction of County levy of approximately \$390,000.
- County has the staff and expertise to administer and enforce the building code and applicable law and provide coverage for inspectors when they are absent due to vacation, training, illness, etc.
- All County inspectors have all legislated plumbing, septic, and building code qualifications.
- Single tier approach provides uniform and consistent interpretation of codes, bylaws and regulations regarding permit issuance, enforcement and input to planning applications.
- Only one chief building official is required instead of one for each local municipality.
- County is better positioned to manage changes to legislation affecting building code administration and enforcement.
- Local municipalities do not assume any liability for permits issued.
- Benefits of a larger inspection team are maintained with focus on specialized areas and expertise of complex projects.

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- Building permit revenues can only be applied to building functions and can not be applied to property standards, zoning and bylaw enforcement and administration.

Disadvantages

- Political acceptance at the local level would be required.
- County would have to create and/or amend numerous bylaws to administer the program effectively.
- The County would still have two building departments. There may be a lack of uniform interpretation, administration and enforcement of the code and applicable law.
- Local municipalities would have to repeal applicable bylaws.
- There may be a modest increase in staffing levels depending on the desired level of customer service and the amount of collaboration of the local municipalities.
- County assumes all liability regarding issuance of building permits, except those administered by Sarnia.

Comments

- Direct linkage with County planners is maintained.
- Regional service could be administered at local “service centres” to provide the desired level of customer service.
- City of Sarnia building department may require additional training/staff to support plumbing and septic, permits/ inspections.
- The core duties of the building services department are focused on building code administration and enforcement. Administration of the Woodlands Conservation Bylaw is not a good fit with respect to the core services of the Building Services Department

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RECOMMENDATIONS

1. The following steps should be considered a prerequisite to implementation of the balance of the recommendations:
 - a) Discussion of the new model with all local municipalities; and
 - b) Acceptance and agreement by all local municipalities; and
 - c) Review of business practices by a consultant to determine full costs and including permit fee review, revenue projections, and best service delivery model at the local and County level; and
 - d) Perform necessary ground work and planning for target start-up commencing in 2008.
2. That Council consider the Regional Service Delivery Model alternative, and consider consolidation of existing County and Sarnia building service departments in conjunction with planning consolidation. Regional service should be administered at local “service centres” to provide the desired level of customer service. The single tier regional approach also provides uniform and consistent interpretation of codes, bylaws and regulations regarding permit issuance, enforcement and input to planning applications. Existing County and Sarnia building staff would be utilized with little disruption to service.
3. The delivery of building services should be based on a one-tier “one window approach” to provide optimum service. The one window approach should consist of a core group located in a central geographic location for the area they have jurisdiction. The core group includes administrative support, permit administration, plan review, inspection and enforcement. The core group would provide administration and enforcement of property standards including enforcement of zoning, County and local bylaws.
4. Building permit fees should be the same across the County. Currently building permit fees vary from one municipality to the next.
5. Interpretation and enforcement should be consistently applied across the entire County. The one-tier approach maintains consistency.
6. The delivery of building services and enforcement should be based on a full cost recovery model. Under the existing fee structure, rate payers are subsidizing building permit fees in the County.
7. The linkage between the building services function and the planning function should be direct.