



Corporation of the Municipality of Temagami

Memo No
2021-M-007

Memorandum to Council

☒ **Staff**

Subject: Proposed amendments to the Building By-law

Agenda Date: **January 21, 2021**

Attachments: Building By-law 08-782, as amended

RECOMMENDATION

BE IT RESOLVED THAT Council consider approving an amendment to the Building By-law 08-782, as amended, that notification of inspection is not deemed effective till it has actually been received by the CBO;

AND FURTHER THAT Council consider approving an amendment to the Building By-law 08-782. As amended, to require photos of the building project which satisfy the requirements of the building inspector the when inspections cannot be completed due to the seasonal concerns of Temagami;

AND FURTHERMORE should Council approve amending the Building By-law 08-782, as amended, staff be directed to prepare an amended Building By-law to be brought forward to the next Council Meeting for Council's consideration.

INFORMATION

Staff have been addressing issues with building projects in the Municipality of Temagami due to the weather, predominately winter freeze-up and spring ice out. Staff have encountered projects requesting inspections during the periods when inspection is not possible. Due to the time restraints put in place under the Ontario Building Code, we are bound to inspect within 2 days of being notified that a project is ready for inspection. Failing to meet the requirement results in the work being deemed as accepted and approved. A recent request occurred right after it was announced that Bear Island was suspending the shuttle till it was safe to travel by ice. The requester advised that we were bound to inspect or his project could proceed and would be deemed approved. It was deemed as unsafe for staff to attempt a crossing.

The concerns with our situation have been raised with Ministry of Municipal Affairs and Housing (MMAF).

The City of Windsor was addressing similar concerns but for a different reason and addressed the concerns with an amendment their by-law which deemed that the notification was not effective until the notice was actually received by the Chief Building Official (CBO). This change still maintains the 48 hour inspection requirement but the clock does not start ticking upon being notified but sets the timer with the CBO and the time period is maintained in accordance with Ontario Building Code Act (OBC).

Staff are of the opinion that the by-law should also reflect that in times when staff cannot meet the inspection requirements as provided for in the OBC, that the by-law be amended to require the Permit Holder provide photographic proof of the work done before the continuing with the build. The Building Inspector will review the information provided in much the same manner as an actual inspection before granting permission to continue the build or if the photos do not provide sufficient clarity, request further photos. The time frames will remain consistent with the OBC.

Staff recommend that the Building By-law 08-782, as amended, be amended to require photos of the building project which satisfy the requirements of the building inspector the when inspections cannot

be completed due to the seasonal concerns of Temagami and that notification of inspection is not deemed effective till it has actually been received by the CBO.

Furthermore Staff recommend amending the Building By-law 08-782, to include a penalty clause which is inclusive of set fines and short form wordings as approved by the Chief Justice.

Respectfully Submitted:
Daryl Bell,
Municipal Law Enforcement Officer