

COMMUNICATION 131043

Received From: Lennox Smith, Chief Building Official
Addressed To: Committee of the Whole
Date: March 10, 2020
Topic: Amendment to Fees By-Law 120-2019

SUMMARY

The Chief Building Official recently discovered an omission in the Building Department's fees in the Town's Fees and Charges By-Law 120-2019. In order for the Town to be able to recover costs for orders and agreements registered on title under the Building Code Act, a cost recovery provision must be included in the Town's Fees and Charges By-law. The Chief Building Official is recommending that the Fees and Charges By-law be amended to include a provision for cost recovery to ensure the Town is able to recoup its costs related to orders and agreements which are registered on title.

BACKGROUND

The Building Code Act allows a municipality's Chief Building Official to issue an order when necessary to ensure compliance with Ontario Building Code requirements or to enter into building related agreements with property owners. By registering orders or agreements on title, potential purchasers of property have full disclosure of any issues pertaining to the property under the Building Code Act. By registering on title, the onus is transferred to a new owner to rectify the situation to which an order relates, or assume responsibility for an agreement registered on title should they decide to proceed with purchasing a property as they should have been aware of the order/agreement prior to transfer of title.

Section 7 of the Building Code Act requires a public meeting, and adequate advanced notice be given for changes to permit fees, however these requirements do not relate to provisions related to administrative matters such as cost recovery or agreements. The reason for this is that this is not a building permit fee being charged but simply a mechanism for the Department to recoup its costs in the event a property owner does not rectify an order issued by the Department or for registering an agreement on title. Standard practice throughout the province is that the Building Departments, through their Fees By-Laws, have full cost recovery for the process of registering an order or agreement on title and removing it when necessary.

The Chief Building Official is requesting the Fees and Charges By-Law 120-2019 be amended to include the following line item:

“Registration of an Order or Agreement on Title – full cost recovery by the property owner based on proof of costs incurred by the Town.”

FINANCIAL IMPLICATIONS

By including this proposed provision in the Town's Fees and Charges By-law, there would be no financial implications to the Town as staff would be able to recoup its legal fees associated with registering and removing from title orders and agreements.

STAFF RECOMMENDATION

THAT Fees and Charges By-Law 120-2019 be amended to include a provision under the Building Department section of the By-law to allow for cost recovery of all Orders and Agreements that are to be registered on /removed from title.