

Staff Report to Committee of the Whole of the Town of Perth



Date Presented: February 7, 2023
From: Joanna Bowes, Director of Development Services
Brian Gass, Chief Building Official
Subject: Development Services Department - Enforcement
Report Number: 2023- COW-4.10

For Information Only: No
Delegation: No
Presentation: No
Attachment(s): Yes

Recommendation:

As recommended by the Committee of the Whole, be it resolved that the Council of the Town of Perth receive for information the Development Services Department - Enforcement Report, as presented in Report 2023-COW-4.10.

Executive Summary:

The Development Services Department has fielded complaints from the public, or in the performance of duties, has noted non-complying issues in both the realm of planning and building. Currently, only critical life safety issues are being addressed, but the department is looking towards additional education and enforcement when required, in order to ensure the health and safety of the residents of the Town of Perth.

Strategic Plan:

Transparency: We are committed to sharing business functions and operating decisions with our citizens, partners, and investors. We will seek opportunities to communicate matters related to our community.

Greenhouse Gas Reduction Plan 2016-2030:

N/A

Background/Discussion:

Please see attached power point.

Options:

Option 1: Recommended

As recommended by the Committee of the Whole, be it resolved that the Council of the Town of Perth receive for information the Development Services Department - Enforcement Report, as presented in Report 2023-COW-4.10.

Option 2: Not Recommended

Do not receive the report and presentation.

Financial Considerations:

There is a potential for enforcement to end up in litigation.

Applicable Policy/Legislation:

Ontario Building Code Act

Planning Act

Others Consulted:

Directors

Attachments:

[Attachment 1-Presentation-Development Services Department-Enforcement-07Feb2023](#)

Respectfully submitted,

Joanna Bowes, Director of Development Services

Brian Gass, Chief Building Official

Approved by,

Michael Touw, CAO

Enforcement

Council Information Session # 2

Joanna Bowes, MCIP RPP
Director of Development Services



Background

THE PLANNING ACT AND THE BUILDING CODE ACT BOTH REGULATE PUBLIC SAFETY

Planning Act tools such as Zoning By-laws ensures a new proposed property use will be compatible and safe to neighboring existing properties

E.g. A new proposed factory may be prohibited from being built adjacent to a hospital

Building Code Act ensures buildings are constructed for the safety of the occupants with the appropriate Fire, Life & Health Safety Systems installed compatible to the new buildings intended use.

E.g. A new factory may be mandated by the code to install a sprinkler system, but a sprinkler system is not required in the construction of a new home.

Current Situation

The Department has only been reviewing enforcement with respect to items that are an immediate fire, health & life safety issue. Even so, these items do become political and may result in litigation.

Currently Perth is actively enforcing items such as parking, property standards and other miscellaneous items on a complaint driven basis.

Development related enforcement matters have stalled due to the staff turnovers in the department.

As unpleasant as enforcement actions can be, sometimes it is necessary to achieve Provincially mandated health and safety objectives as detailed in various Provincial Acts and Regulations, we, the TOWN are mandated to enforce.

Why is enforcement by Development Services difficult to deal with?

Development is always top of mind for any Council. Sometimes current Provincial or Municipal regulations may be viewed as cost prohibitive to an individual developer - for example, hooking up to sewer and water as required under planning and building code.

We must remember that these Provincial regulations are for the greater public good from a health and safety perspective. This can add costs to an individual development over the short term. However, cost recovery will be realized by the developer upon sale of land or business. For example, a serviced lot has a greater resale value than an unserviced lot.

Why is enforcement by Development Services difficult to deal with?

STAFF CURRENTLY FIND THEMSELVES REACTIVELY ENFORCING PREVIOUSLY APPROVED DEVELOPMENT.

Staff have received legal advice that some past registered Planning Agreements are non-enforceable.

Unfortunately, some of these past approvals are hindering processing and approvals of both Planning and Building permit applications at these properties.

Staff must take the time to research, seek legal advice and implement appropriate move forward proposals with the applicant. This is a point of frustration for not only the applicants, but staff as well.

Why is enforcement by Development Services difficult to deal with?

Reactive only enforcement practices can lead to a public conception that enforcement is not applied equally across the municipality.

Some general enforcement has been completed by the building department with respect to building without permit or change of use without permit. For example, in 2022, there were about 22 retail tenancy changes, 16 of which were initiated without the benefit of planning of building department approvals and serious FIRE, LIFE and HEALTH SAFETY matters were uncovered.

“Non- Structural” all built without permit

**COVERING A HEAT DETECTOR OF A FIRE ALARM SYSTEM IN A
OCCUPIED BUILDING**



Development Services Enforcement

Planning is, at present, working with several property owners to bring their developments, or the development of those they rent to, into compliance. The majority of the property owners who have received notification are due to life safety issues (floodplain, fire hazards, etc).

The Development Services department is set now to work more diligently towards enforcement of existing site plan agreements and building code matters which were not addressed due to understaffing or turnover of staff. These enforcements are viewed as the bare minimum requirements for enforcement under both Planning Act and Building Code Act.

What to do with a Complaint from the Public

If the public should approach you with complaints about development matters, please feel free to discuss the matter with the Chief Administrative Officer, who will in turn bring the matter forward to the appropriate senior staff.

Please e-mail him at: cao@perth.ca