



DEVELOPMENT AND INFRASTRUCTURE SERVICES/PLANNING & BUILDING SERVICES  
TOWN OF NEWMARKET  
395 Mulock Drive www.newmarket.ca  
P.O. Box 328 info@newmarket.ca  
Newmarket, ON L3Y 4X7 905.895.5193

June 22, 2017

**INFORMATION REPORT (2017-02)**  
**DEVELOPMENT AND INFRASTRUCTURE SERVICES/PLANNING AND BUILDING SERVICES**

TO: Mayor & Members of Council  
SLT/OLT

SUBJECT: Appointment By-law Under the *Building Code Act*

ORIGIN: Chief Building Official

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The purpose of this report is to recommend a new Appointment By-law under the *Building Code Act* that would delegate certain authority to the Chief Building Official to appoint Inspectors as required. The new Appointment By-law is included at the end of this report.

**COMMENTS**

In accordance with Section 3 of the *Building Code Act, 1992*, Council appoints the Chief Building Official, Deputy Chief Building Official and Inspectors by way of an Appointment By-law.

However, to accommodate new hires, retirements and resignations, the Appointment By-law must be routinely updated through an amendment to reflect staff changes. This affects newly hired, provincially qualified staff that must wait until the Appointment By-law is amended to perform their duties under the *Building Code Act, 1992*.

Under The *Municipal Act*, Council may delegate certain administrative powers to staff. Staff recommends that Council delegate the authority to carry out the administrative function of appointing Inspectors to the Chief Building Official.

This would only apply to the appointment of Inspectors; the appointment of the Chief Building Official and Deputy Chief Building Officials would continue to be made by Council.

This delegation would be conditional on the Chief Building Official maintaining an up to date list of appointed Inspectors and ensuring that each candidate for appointment has the necessary legislated qualifications to be an inspector.

Hamilton, London, Oakville and Guelph currently have delegated authority provisions in place and a number of other municipalities are in the process of amending their by-laws to allow for similar delegation.

### **BUSINESS PLAN AND STRATEGIC PLAN LINKAGES**

This report supports Council's Strategic Priorities by following the theme of "Efficiency/Financial Management" and the specific priority of "Ensuring Effective and Efficient Management". It also supports the Town's Strategic Plan linkages of being "Well Equipped and Managed" by implementing processes that reflect sound fiscal responsibility.

### **COMMUNITY CONSULTATION**

Not applicable to this Information Report.

### **HUMAN RESOURCE CONSIDERATIONS**

Not applicable to this Information Report.

### **BUDGET IMPACT**

No budget impact

### **CONTACT**

For more information on this report, contact: Dave Potter, Chief Building Official, ext. 2402  
[dpotter@newmarket.ca](mailto:dpotter@newmarket.ca)



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Chief Building Official



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Director of Planning & Building Services



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Commissioner of Development and Infrastructure Services

CORPORATION OF THE TOWN OF NEWMARKET  
BY-LAW NUMBER 2017-\_\_\_\_\_

A BY-LAW TO APPOINT A CHIEF BUILDING OFFICIAL, DEPUTIES AND INSPECTORS

WHEREAS section 3 of the *Building Code Act, 1992* provides for the appointment of a Chief Building Official and Inspectors, and section 77 of the *Legislation Act, 2006*, provides for the appointment of Deputies;

AND WHEREAS Section 23.1 of the *Municipal Act* authorizes a municipality to delegate its powers and duties;

AND WHEREAS Council deems it necessary to provide for the appointment of a Chief Building Official, or Deputy Chief Building Officials, to assist in carrying out the duties of the Chief Building Official, and of Inspectors;

AND WHEREAS David Potter, Curtis Greenham and Naythan Nunes have met the qualifications of Section 3.1 Division C of the Building Code and are registered with the Ministry of Municipal Affairs.

THEREFORE BE IT ENACTED by the Municipal Council of the Corporation of the Town of Newmarket as follows:

1. THAT David Potter (BCIN 10030) be appointed Chief Building Official for the Town of Newmarket;
2. a) AND THAT Curtis Greenham (BCIN 21893) is hereby appointed as inspector and to act in place and stead of David Potter as Chief Building Official under the Act in respect to the administration of the Act when David Potter is absent from the municipal offices;  
b) AND THAT Naythan Nunes (BCIN 15057) is hereby appointed an inspector and to act, in place and stead of David Potter as Chief Building Official under the Act in respect to the administration of the Act when both David Potter and Curtis Greenham are absent from the municipal offices;  
c) AND THAT for the purposes of this section “absent” includes when the Chief Building Official is ill or unavailable for any reason, or when the office is vacant;  
d) AND THAT the Chief Building Official is authorized to carry out the administrative function of appointing Inspectors, including the function of revoking such appointments, under Section 3 of the *Building Code Act, 1992*, subject to the following conditions:
  - i. The Chief Building Official maintains an up to date list of Inspectors; and
  - ii. Prior to their appointment, each candidate for appointment hold the necessary legislated qualifications for an inspector.

4. AND THAT By-law 2012-58 be repealed.

ENACTED THIS

DAY OF