

## The Corporation of the City of Richmond Hill

### By-Law 9-20

A By-law to appoint a Chief Building Official and inspectors pursuant to the "Building Code Act", delegate Council's authority to appoint inspectors to the Chief Building Official and to set out a Code of Conduct for Building Officials

Whereas Subsection 3(1) of the *Building Code Act, 1992* (the "Act") Council of the Corporation of the City of Richmond Hill (the "City") is responsible for the enforcement of the Act;

And Whereas Subsection 3(2) of the Act requires that Council of the City ("Council") appoint a chief building official and such inspectors as are necessary for the enforcement of the Act;

And Whereas Subsection 7.1(1) of the Act requires Council, as the principal authority referred to in that section, to establish and enforce a code of conduct for the chief building official and inspectors;

And Whereas Section 77 of the *Legislation Act, 2006* provides for the power to appoint a deputy with the same powers as the holder of a public office, subject to specified conditions, or with limited powers as specified;

And Whereas Subsection 23.1(1) of the *Municipal Act, 2001* provides that a municipality may delegate its powers and duties under that act or any other act to a person or body, subject to certain restrictions;

And Whereas Council deems it appropriate to delegate the appointment of inspectors pursuant to the Act to the chief building official;

#### **Now Therefore The Council Of The Corporation Of The City Of Richmond Hill Enacts As Follows:**

Section 1.

Definitions

1.1 Each of the words and terms in quotations in this By-law has,

- (a) the same meaning as in Subsection 1 (1) of the "Act", if not defined in Clause (b) or (c),
- (b) the same meaning as in the Building Code, or
- (c) the following meaning for the purposes of this By-law:

"Act" means the *Building Code Act, 1992*, S.O. 1992, c.23, as amended or superceded;

"City" means the Corporation of the City of Richmond Hill

"Council" Means the council of the City; and

"Deputy Chief Building Official" means a person who is qualified and registered with the Ministry of Municipal Affairs and Housing to exercise the duties and responsibilities of the "chief building official" and who is appointed as an inspector under the authority of the "Act" by the City of Richmond Hill and holds the position of Manager, Plans Review & Compliance and/or Manager of Inspections.

## Section 2.

### Appointments

- 2.1 David Finbow is hereby appointed as the “chief building official” for the “City” and shall exercise the powers and duties of a “chief building official” as set out in the “Act” and the “Building Code”.
- 2.2 The “chief building official” is hereby delegated the authority to appoint “inspectors” pursuant to the “Act”.
- 2.3 “Inspectors” shall exercise those powers and duties of an “inspector” as set out in the “Act” and the “Building Code” in accordance with the class of registration and category of qualification for which they are registered.
- 2.4 Those persons who are employees of the City of Richmond Hill Fire Service and who are qualified and registered with the Ministry of Municipal Affairs and Housing shall be appointed by the “chief building official” as “inspectors” upon the written recommendation of the Fire Chief or his/her designate.
- 2.5 Those “inspectors” holding the positions of Manager, Plans Review and Compliance, and Manager of Inspections are hereby appointed as “deputy chief building officials” for the “City”.
- 2.6 Subject to Section 2.7, any person appointed as a “deputy chief building official” shall exercise the powers and duties of the “chief building official” in the absence of the “chief building official”. The “chief building official” shall identify the “deputy chief building official” to act in his/her absence.
- 2.7 The “chief building official” may limit the powers and duties of a “deputy chief building official” and/or impose conditions upon the “deputy chief building official” when the “deputy chief building official” is acting in the place of the “chief building official”.
- 2.8 “Inspectors” shall work under the express authority of the “chief building official” when conducting plans examination, inspections and enforcement pursuant to the “Act” and the “Building Code”.

## Section 3.

### Code of Conduct

- 3.1 The “chief building official” and each “inspector” shall be governed by the “code of conduct” set out in Schedule A to this By-law with respect to exercising powers and performing duties under the “Act” and is in addition to any “City” code of conduct that may apply.

## Section 4.

### Validity

- 4.1 Should any Section, Subsection, Clause or provision of this By-law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this By-law as a whole or any part thereof, other than the part so declared to be invalid.

Passed this 12<sup>th</sup> day of February, 2020.

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Dave Barrow  
Mayor

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Stephen M.A. Huycke  
City Clerk

# SCHEDULE “A” TO BY-LAW 9-20

## Code of Conduct for Chief Building Official and Inspectors Appointed Pursuant to the *Building Code Act*

### Purpose

1. To promote appropriate standards of behaviour and enforcement actions by the “chief building official” and “inspectors” in the exercise of a power or the performance of a duty under the *Building Code Act* or the “Building Code”.
2. To prevent practices, which may constitute an abuse of power, including unethical or illegal practices, by the “chief building official” and “inspectors” in the exercise of a power or the performance of a duty under the *Building Code Act* or the “Building Code”.
3. To promote appropriate standards of honesty and integrity in the exercise of a power or the performance of a duty under the *Building Code Act* or the “Building Code” by the “chief building official” and “inspectors”.

### Enforcement Guidelines

The “chief building official”, “deputy chief building officials” and “inspectors” shall comply with this code of conduct. Any appointed “chief building official”, “deputy chief building official” or “inspector” who fails to act in accordance with the provisions of this code may be subject to disciplinary action appropriate to the seriousness of the breach. All allegations concerning a breach of this code shall be made in writing.

Any person who has reason to believe that this code of conduct has been breached may bring the matter to the attention of the “chief building official”. Where the allegation concerns the actions of the “chief building official”, the matter may be brought to the attention of the Commissioner to whom the “chief building official” reports.

Any “chief building official” or senior staff person who receives information in writing concerning a significant breach of this code of conduct shall investigate the matter, and where appropriate, shall commence disciplinary action in accordance with the employment standards of the place of work. All communications received by a “chief building official” or senior staff person concerning a breach of this code of conduct shall be held in confidence. The “chief building official” or senior staff person shall advise “Council”, in writing, about the particulars of the alleged breach, its investigation and the final disposition of the matter upon its conclusion.

### Code of Conduct

This Code of Conduct applies to the “chief building official” for the “City” and “inspector” appointed by him/her and is to be used in conjunction with any applicable employee working agreement and employee code of conduct.

In exercising powers and performing duties under the *Building Code Act*, the “chief building official”, “deputy chief building officials” and “inspectors” shall:

1. Exercise powers in accordance with the provisions of the *Building Code Act*, the “Building Code” and other applicable law that governs the authorization, construction, occupancy and safety of buildings and designated structures, and the actions, duties and qualifications of “chief building officials”, “deputy chief building officials” and “inspectors”;
2. Act to identify and enforce compliance where contraventions of the “Act” or regulations are known to exist;
3. Apply all relevant building laws, regulations and standards in a consistent and fair manner, independent of any influence by interested parties;
4. Obtain the counsel of persons with expertise where the “chief building official”, “deputy chief building official” or “inspector” does not possess sufficient knowledge to make an informed judgment; and
5. Act honestly, reasonably and professionally in the discharge of their duties.