

## PLANNING, PUBLIC WORKS AND TRANSPORTATION COMMITTEE AGENDA

**Meeting #:** PPT-01-2020  
**Date:** Tuesday, January 14, 2020, 3:00 p.m.  
**Location:** Halton Hills Town Hall, Council Chambers  
1 Halton Hills Drive  
**Members:** Mayor R. Bonnette, (Ex-Officio), Councillor M. Albano, Chair,  
Councillor C. Somerville, Councillor J. Fogal, Councillor B. Lewis,  
Councillor M. Johnson, Councillor B. Inglis

### Pages

#### 1. CALL TO ORDER

##### a. Election of Vice Chair

#### 2. DISCLOSURE OF PECUNIARY INTEREST

#### 3. COMMITTEE DELEGATIONS/PRESENTATIONS

#### 4. REPORTS & MEMORANDUMS FROM OFFICIALS

Vet Reports to be considered by the Planning, Public Works and Transportation Committee.

Reports will be automatically held when there is a presentation or delegation on the matter.

##### a. REPORT NO. PD-2020-0001

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PLANNING AND DEVELOPMENT REPORT NO. PD-2020-0001 dated December 20, 2019 regarding Intention to Designate under Part IV, Section 29 of the Ontario Heritage Act - Barrett Barn, 98 Confederation Street.

##### b. REPORT NO. PD-2020-0002

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PLANNING AND DEVELOPMENT REPORT NO. PD-2020-0002 dated December 20, 2019 regarding Intention to Designate under Part IV, Section 29 of the Ontario Heritage Act – Hyde Family Home, 18 Queen Street.

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**c. REPORT NO. PD-2020-0003**

PLANNING AND DEVELOPMENT REPORT NO. PD-2020-0003 dated December 20, 2019 regarding Amendment of a Designating By-law 2017-0048: Norval Presbyterian Manse and Cottage, 402-404 Draper Street.

**d. REPORT NO. PD-2020-0005**

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PLANNING AND DEVELOPMENT REPORT NO. PD-2020-0005 dated January 6, 2020 regarding Recommendation Report for proposed Official Plan and Zoning By-law Amendments to permit accessory outdoor storage on a portion of 12144 Steeles Avenue (Premier Gateway Employment Area).

**e. REPORT NO. TPW-2020-0001**

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TRANSPORTATION AND PUBLIC WORKS REPORT NO. TPW-2020-0001 dated December 17, 2019 regarding Award of Tender T-122-19 for the Rehabilitation of Main Street North Bridge over CNR, Site #13.

**f. REPORT NO. TPW-2020-0002**

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TRANSPORTATION AND PUBLIC WORKS REPORT NO. TPW-2020-0002 dated December 9, 2019 regarding Transforming and Modernizing the Delivery of Ontario's Building Code Services Update.

**5. CLOSED SESSION**

**Committee to Convene into Closed Session if necessary.**

**6. RECONVENE INTO OPEN SESSION**

Motion to approve items pertaining to Closed Session.

**7. ADJOURNMENT**

## REPORT

**REPORT TO:** Chair and Members of the Planning, Public Works and Transportation Committee

**REPORT FROM:** Laura Loney, Senior Heritage Planner

**DATE:** December 20, 2019

**REPORT NO.:** PD-2020-0001

**RE:** Intention to Designate under Part IV, Section 29 of the Ontario Heritage Act - Barrett Barn, 98 Confederation Street

### RECOMMENDATION:

THAT Report PD-2020-0001 dated December 20, 2019 and titled "Intention to Designate under Part IV, Section 29 of the Ontario Heritage Act – Barrett Barn, 98 Confederation" be received;

AND FURTHER THAT Council state its intention to designate the property at 98 Confederation Street, legally described as "PT LT 21, CON 9 ESQ , AS IN 487944 ; HALTON HILLS/ESQUESING ; SUBJECT TO EXECUTION 92-00217, IF ENFORCEABLE", under Part IV, Section 29 of the Ontario Heritage Act as recommended by Heritage Halton Hills;

AND FURTHER THAT Clerks staff proceed with serving a Notice of Intention to Designate as mandated by Section 29(3) of the Ontario Heritage Act;

AND FURTHER THAT once the 30-day objection period has expired, and if there are no objections, a designation by-law for the property at 98 Confederation Street be brought forward to Council for adoption.

### BACKGROUND:

The subject property is located at 98 Confederation Street (refer to location map in Appendix A of this report). The property includes a residential building constructed c.1875, which has been heavily altered, and a barn constructed c.1919, known as the Barrett Barn.

The property at 98 Confederation Street is not currently listed on the Town's Municipal Heritage Register. The property was identified as having cultural heritage value through communications with the current property owners and through an evaluation of the property under Ontario Regulation 9/06 Criteria for Determining Heritage Value or Interest.

Upon request for designation by the current property owners, Heritage Halton Hills prepared a Designation Report (attached as Appendix B). The Designation Report describes the cultural heritage value of the property as:

The property at 98 Confederation Street, Glen Williams has historical and associative value as it includes the barn and landscape that formed part of the painting “Old Man in a Rocker” by the Group of Seven artist A.J. Casson. This is one of a number of paintings that were made of villages in Southern Ontario by A. J. Casson.

The artist A. J. Casson was one of Canada’s famous Group of Seven. The McMichael Canadian Art Collection website notes that: “Collectively they agreed: Canada’s rugged wilderness regions needed to be recorded in a distinctive painting style. This style would break from European tradition and reflect an increasingly nationalistic sentiment. Today, these men are among Canada’s most famous artists. For many, their works have come to symbolize what is the distinctly Canadian identity.”

A. J. Casson is one of Canada’s most prominent and most loved Canadian landscape painters. He is best known for his depictions of landscapes, forests and farms of southern Ontario. This included a number of paintings of Glen Williams and Norval. He stayed in the area for a period in the 1930’s when the paintings were completed. The property at 98 Confederation Street, Glen Williams is of historic and associative value as it has a direct association with an artist of national significance. The barn and landscape depicted in the “Old Man in a Rocker” by A. J. Casson are still largely intact. The work by A. J. Casson in Glen Williams and Norval reflects the traditional rural character of these village communities. These characteristics are still treasured by many of the current residents of these communities.

Heritage Halton Hills first reviewed a Designation Report prepared by committee member J. Mark Rowe for the property at 98 Confederation Street at its meeting of May 15, 2019, and the following motion was carried:

**Recommendation No. HERITAGE-2019-0013**

THAT Heritage Halton Hills receive the Barrett Barn Designation Report 2019, authored by J.M. Rowe;

AND FURTHER THAT Heritage Halton Hills supports the designation of Barrett Barn, located at 98 Confederation, Glen Williams, as presented;

AND FURTHER THAT staff prepare a cover report to advise Council of the committee’s recommendation to designate Barrett Barn, located at 98 Confederation, Glen Williams, under Part IV of the Ontario Heritage Act.

The original Designation Report reviewed at the May 15, 2019 meeting of Heritage Halton Hills was subsequently revised in November 2019 by J.M. Rowe and Town staff to clarify the wording of several identified heritage attributes. The property owners of 98 Confederation Street were provided with the updates to the Designation Report by Heritage Halton Hills committee members and staff. The revised Designation Report for the property at 98 Confederation Street was reviewed by Heritage Halton Hills at its meeting of November 20, 2019 and no concerns with the revisions were identified.

## **COMMENTS:**

As described in the Designation Report, the heritage attributes of the property at 98 Confederation Street include:

- The setback, placement and orientation of the Barrett Barn is at the end of a driveway on the south-western side of Confederation Street in the village of Glen Williams. A hill rises on the north-west side and continues downward on the south-east side. The garage door opening faces Confederation Street. The second story of the building is level with the lawn on the top of the hill.
- The scale, form and massing of the two-storey form barn with cross gable pitched roof, one running east-west on the front section, and a second running north-south on the rear section of an L-shaped building

## **EASTERLY (FRONT) SECTION:**

- Front gabled wing with wide barn/garage door opening at the first storey, with four/three fixed pane window on the second storey, all facing Confederation Street
- Southerly side door opening with one ground floor window and a second-floor window in line with the first-floor door opening
- Barn board cladding on the principal (easterly) and southerly side elevations

## **WESTERLY (REAR) SECTION:**

- Original wooden door opening facing Confederation Street (currently covered in metal siding)
- Original window opening facing Confederation Street (currently covered in metal siding)
- On the southerly elevation, paired rectangular window openings with fixed pane wood windows with 3/2 divided panes

NOTE: The c.1875 residential building within the property at 98 Confederation Street has been significantly altered and is not identified as a heritage attribute.

If Council decides to proceed with designation, a Notice of Intention to Designate will be served on the property owner and the Ontario Heritage Trust, and will be published in the local newspaper. Any person may object to the Notice of Intention to Designate within 30 days of its publication. If there are no objections within the 30-day period, the designation by-law for the property at 98 Confederation Street will be brought forward to Council for approval.

### **RELATIONSHIP TO STRATEGIC PLAN:**

This report relates to the implementation of the Strategic Direction D. to Preserve, Protect, and Promote Our Distinctive History, the goal of which is to preserve the historical urban and rural character of Halton Hills through the conservation and promotion of our built heritage, cultural heritage landscapes and archaeological resources. This report directly relates to the following Strategic Objectives:

D.1. To require and develop a planning framework for the conservation of significant built heritage, cultural landscapes and archaeological resources.

D.2. To encourage the preservation and enhancement of the historical character of the Town's distinctive neighbourhoods, districts, hamlets and rural settlement areas.

### **FINANCIAL IMPACT:**

There is no financial impact associated with this particular report.

### **CONSULTATION:**

Consultation between Heritage Halton Hills, Town staff, and the current property owners of 98 Confederation Street led to the preparation of this report.

### **PUBLIC ENGAGEMENT:**

No public consultation was required as part of the preparation of this report.

### **SUSTAINABILITY IMPLICATIONS:**

The Town is committed to implementing our Community Sustainability Strategy, Imagine Halton Hills. Doing so will lead to a higher quality of life.

The designation of the property at 98 Confederation Street under Part IV of the *Ontario Heritage Act* will further the Town's goal of identifying and protecting significant heritage buildings and resources. This report supports the Cultural Vibrancy pillar of Sustainability and the theme of Valued Heritage Legacy. In summary, the alignment of this report with the Community Sustainability Strategy is Good.

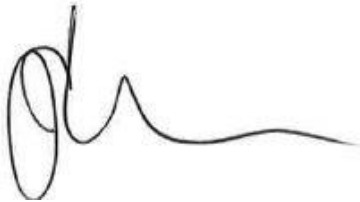
**CONCLUSION:**

It is recommended that Council indicate its intent to designate the property at 98 Confederation Street under Part IV of the Ontario Heritage Act.

Reviewed and Approved by,

A handwritten signature in cursive script that reads "Bronwyn Parker".

**Bronwyn Parker, Manager of Planning Policy**

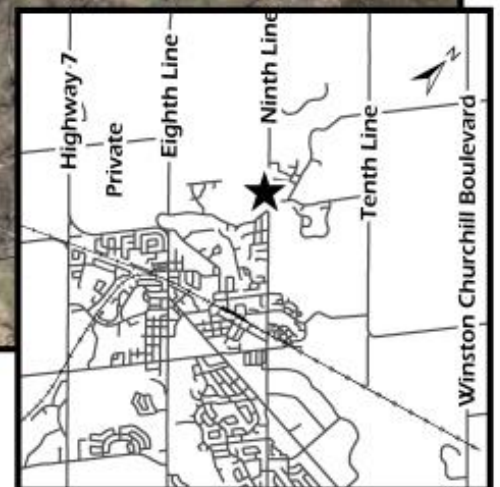
A handwritten signature in cursive script, appearing to be "John Linhardt".

**John Linhardt, Commissioner of Planning and Development**

A handwritten signature in cursive script that reads "Brent Marshall".

**Brent Marshall, Chief Administrative Officer**







# BARRETT BARN



## Heritage Halton Hills Designation Report 2019

By John Mark Rowe

## Location

The Barrett Barn is located at 98 Confederation Street, Glen Williams, Ontario, in the Town of Halton Hills, PIN#25012-0063. The property includes the original frame house. They are registered as part of Esquesing Township Lot 21, Con. 9.

## Historical Background

Although Esquesing Township was opened for settlement in 1819, Lot 21 in Concession 9 was vacant, being transferred by the Crown to the Canada Company in 1829. Neighbouring miller Benajah Williams purchased the 200 acres in 1833. One reason for purchasing the 200 acres was to open a road between Trafalgar Road, 8<sup>th</sup> Line and 9<sup>th</sup> Line to allow access to Charles Kennedy's sawmill at Wildwood and to the Williams saw and flour mill in Williamsburg (Glen Williams). Consequently, he divided the lot from east to west. The northerly 110 acres went to his son Jacob, then in 1875 to James Bradley and in 1883, the easterly 55 acres were sold to Daniel and William Reid.

A pump manufactory had been built on the property at 100 Confederation, owned by James Bradley and must have been leased. Robert Brown had a pump business at 504 Main Street (see Williams-Holt Building Designation Report, 2011) as did the Glen Williams family of Ackerts who moved their business to Ballinafad. A house was built about 1875 adjoining (98 Confederation). Daniel and William Reid were



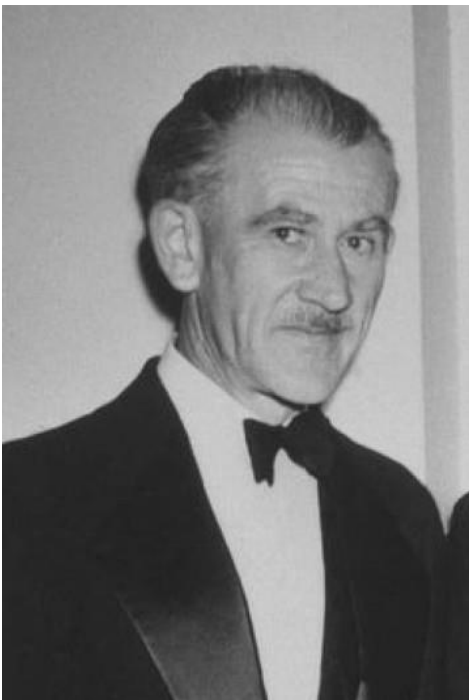
98 Confederation Street  
Photo by Anne Fisher

young men who probably took over the pump factory, securing orders to supply the Waterous Engine Works Co., based in Brantford, Ontario since 1864. They built steam portable engines. The Reid brothers agreed to a lien on their newly acquired 55 acres five months after the purchase.



100 Confederation Street  
Photo by J. Mark Rowe

Having discharged the lien, the brothers sold a ½ acre parcel to Joseph Marchment in 1889 who built a frame house there (86 Confederation - demolished 2016). After both Daniel and William married, they dissolved their partnership,



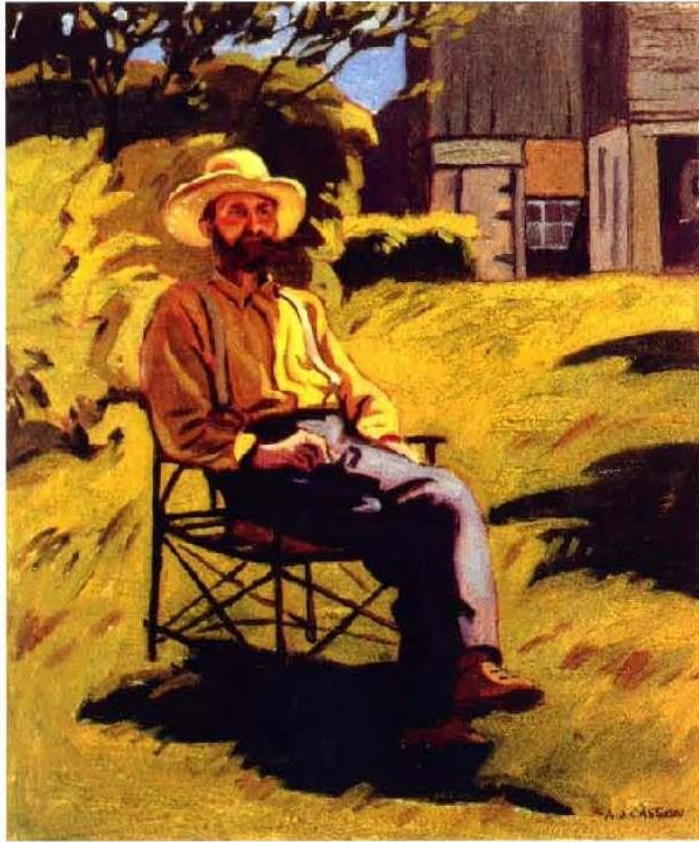
A. J. Casson 1898-1982

transferring the remaining 54½ acres to Daniel and Janet (Binnie) Reid. The Reid's farmed the land while continuing to sever off half-acre lots. In 1919, the former pump factory was sold to Lucy and Percy Wagstaffe (100 Confederation). They acquired the remainder of the farm in 1925 after the death of Daniel Reid. It was probably the 1919 sale that prompted Daniel Reid to build the barn behind the house at 98 Confederation.

Daniel Reid sold his modest home and barn in 1921 to Harry Barrett. Barrett, born in Staffordshire, England moved to Glen Williams and married the widow of James Alexander, Annie. He got to know a visiting artist named Alfred Casson.



Alfred Joseph Casson, OC (1898-1992) was the youngest member of the Group of Seven. A.J. Casson got his first job in 1919 at a Toronto commercial art firm as Franklin Carmichael's apprentice. Carmichael had the greatest influence on Casson as an artist, taking him sketching and camping, and introducing him to members of the Group of Seven, including Lawren Harris and J.E.H. MacDonald. Along with Carmichael and F.H. Brigden, Casson revived and championed the watercolour medium.



In 1926 Casson was invited to join the Group. He also bought his first car and began exploring villages near Toronto. He often stayed in Glen Williams, using it as a base for his explorations. The painting, "old Man in a Rocker" has been dated to about 1930 and features Harry Barrett himself in front of the barn.

Casson painted several landscapes of Glen Williams, Norval and surrounding areas over the years he stayed here. Glen Williams paintings include a view of Forester and Main Streets, Main and Joseph Streets, Fallbrook Trail and the Miller barn on 8<sup>th</sup> Line.

When Harry became ill, his wife nursed him until his death in 1938. Annie Barrett stayed here until 1948, when she moved to Thornhill, where she died in 1958.

Annie Barrett sold the 9<sup>th</sup> Line property to Waldo Diggins. He sold it in 1961 to Roy and Dorothy Shields, who transferred it in 1968 to Michael and Joanne Byrne. David and Dale Cox purchased the property, now known as 98 Confederation Street on 13 September 1978.



ABOVE: Dave Cox stands in front of the Barrett Barn at 98 Confederation.

RIGHT: “Old Man Off His Rocker”, an adaptation of the original painting by Dave Cox, featuring Dave Cox and his car in 1988.

Photos by J. Mark Rowe





## Site Analysis

The house was constructed c.1875 but has been greatly altered. There is little of the original house remaining.



The barn was built c. 1919. The lower level is of poured concrete. The front half was designed for a motor car (one is visible in the painting). On the south side is a doorway (door is missing) and a four-pane window. A wood frame upper storey with a cross gable pitched roof, sits on the concrete base. It is clad in barn board. It features a large four-pane by three-pane window on the front (east) and a four-pane window, matching the lower storey window on the south side.



The back half, of similar proportion is at right angles to the garage wing. It features a side door and front window (covered in metal cladding at present) and two banks of three by two pane windows. The upper floor is supported by round logs with the bark intact (see photo above). The two original areas are open to the front half. A concrete block addition, containing stalls for cows, was added at a later date and the upper roof line was altered to create a lean-to effect. These facts illustrate that the barn is not of sufficient design or physical value to designate without further reasons. The inclusion of the barn in the A.J.

Casson painting is the principal reason the barn should be designated. Since only the front of the barn is visible in the painting, that facade should be emphasized in the designation.



Upper window on south side of front wing.

Photo by J. Mark

The original barn features on the section oriented east-west are still visible and

restoration is to be encouraged. The two side window openings (upper and lower) and the side door opening are also visible in the painting. However, since no detail of the side windows, side door and garage door are visible, replacement units need only be sympathetic to the front window and the door hidden beneath the metal sheathing.

The section with the north-south orientation has been sheathed in metal siding. Examination from the inside reveals the original door, as shown in the painting, is still extant, as is the window opening. The chest height bank of windows appears to have original windows and should be included in the designation. This section was originally clad in barn board (see painting) and restoration is encouraged.

The more recent concrete block addition provides no value to the heritage designation of the barn. If this section is removed, the upper cross gable pitched roof line should be restored.

The barn as seen from Confederation Street (East side)  
Photo by Anne Fisher







CLOCKWISE: East façade of front wing (JMR)  
 The back of the barn (AF)  
 The south side of the barn. The original door and window opening (visible in painting) are behind the metal sheeting. (AF)  
 The north side of the barn (AF)

Photos by Anne Fisher (AF) & John Mark Rowe (JMR)



# SCHEDULE OF DETERMINING CRITERIA

## Description of Property

The property at 98 Confederation Street, Glen Williams has historical and associative value as it includes the barn and landscape that formed part of the painting "Old Man in a Rocker" by the Group of Seven artist A.J. Casson. This is one of a number of paintings that were made of villages in Southern Ontario by A. J. Casson.

## Statement of Cultural Heritage Value or Interest

By Anne Fisher

The artist A. J. Casson was one of Canada's famous Group of Seven. The McMichael Canadian Art Collection Web site notes that:

*"Collectively they agreed: Canada's rugged wilderness regions needed to be recorded in a distinctive painting style. This style would break from European tradition and reflect an increasingly nationalistic sentiment.*

*Today, these men are among Canada's most famous artists. For many, their works have come to symbolize what is the distinctly Canadian identity."*

A. J. Casson is one of Canada's most prominent and most loved Canadian landscape painters. He is best known for his depictions of landscapes, forests and farms of southern Ontario. This included a number of paintings of Glen Williams and Norval. He stayed in the area for a period in the 1930's when the paintings were completed. The property at 98 Confederation Street, Glen Williams is of historic and associative value as it has a direct association with an artist of national significance. The barn and landscape depicted in the "Old Man in a Rocker" by A. J. Casson are still largely intact. The work by A. J. Casson in Glen Williams and Norval reflects the traditional rural character of these village communities. These characteristics are still treasured by many of the current residents of these communities.

## **Description of Heritage Attributes**

- The setback, placement and orientation of the Barrett Barn is at the end of a driveway on the south-western side of Confederation Street in the village of Glen Williams. A hill rises on the north-west side and continues downward on the south-east side. The garage door opening faces Confederation Street. The second story of the building is level with the lawn on the top of the hill.
- The scale, form and massing of the two-storey form barn with cross gable pitched roof, one running east-west on the front section, and a second running north-south on the rear section of an L-shaped building

### **EASTERLY (FRONT) SECTION:**

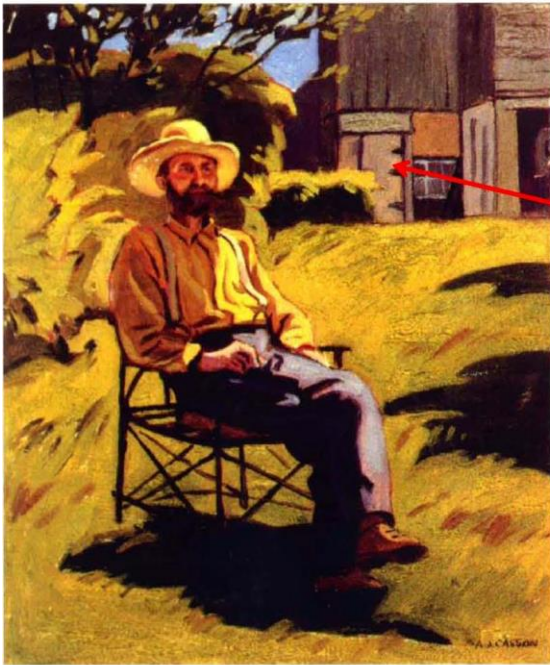
- Front gabled wing with wide barn/garage door opening at the first storey, with four/three fixed pane window on the second storey, all facing Confederation Street
- Southerly side door opening with one ground floor window and a second-floor window in line with the first-floor door opening
- Barn board cladding on the principal (easterly) and southerly side elevations

### **WESTERLY (REAR) SECTION:**

- Original wooden door opening facing Confederation Street (currently covered in metal siding)
- Original window opening facing Confederation Street (currently covered in metal siding)
- On the southerly elevation, paired rectangular window openings with fixed pane wood windows with 3/2 divided panes



NOTE: The c.1875 residential building within the property at 98 Confederation Street has been significantly altered and is not identified as a heritage attribute.



Original door still remains under metal siding

## Documentation

"98 Confederation Street, Glen Williams Designation," Anne Fisher, Powerpoint Presentation for Heritage Halton Hills Meeting, 18 April 2018.

Esquesing Assessment Rolls 1884, Esquesing Town Clerk, Halton Hills Public Library

Census Records for Esquesing Township, Dominion of Canada, Library and Archives Canada, <https://www.onland.ca/ui/20/books/search> 2019

Glen Williams: An Oasis in the Credit Valley, John Mark Benbow Rowe, Esquesing Historical Society: 2014

ONLAND, Ontario Land Registry Access, <https://www.onland.ca/ui/20/books/search> 2019

"Waterous Engine Works Co. Ltd," *Wikipedia*, <https://en.wikipedia.org/wiki/> 2019

"Williams-Holt House Designation Report," John Mark Rowe, Glen Williams: 2011; Halton Hills rpt-PDS-2011-0095 (Designation of Williams-Holt Property, 504 Main Street).

### **Current Owners**

The Barrett Barn and the house at 98 Confederation Street is the property of David and Dale Cox.

### **RECOMMENDATION**

It is the recommendation of the author of this report to Heritage Halton Hills to consider designation of the barn only, under Part IV of the Ontario Heritage Act.



## REPORT

**REPORT TO:** Chair and Members of the Planning, Public Works and Transportation Committee

**REPORT FROM:** Laura Loney, Senior Heritage Planner

**DATE:** December 20, 2019

**REPORT NO.:** PD-2020-0002

**RE:** Intention to Designate under Part IV, Section 29 of the Ontario Heritage Act – Hyde Family Home, 18 Queen Street

### RECOMMENDATION:

THAT Report PD-2020-0002 dated December 20, 2019 and titled “Intention to Designate under Part IV, Section 29 of the Ontario Heritage Act – Hyde Family Home” be received;

AND FURTHER THAT Council state its intention to designate the property at 18 Queen Street, legally described as “PT LT 8, PL 37, NW OF ALBERT ST; PT LT 8, PL 37, SE OF QUEEN ST, AS IN 800956, T/W 800956, S/T 800956; HALTON HILLS”, and known as the Hyde Family Home, under Part IV, Section 29 of the Ontario Heritage Act as recommended by Heritage Halton Hills;

AND FURTHER THAT Clerks staff proceed with serving a Notice of Intention to Designate as mandated by Section 29(3) of the Ontario Heritage Act;

AND FURTHER THAT once the 30-day objection period has expired, and if there are no objections, a designation by-law for the property at 18 Queen Street be brought forward to Council for adoption.

### BACKGROUND:

The subject property is located at 18 Queen Street, Georgetown (refer to location map in Appendix A of this report). The property includes a residential building constructed c. 1913.

The property at 18 Queen Street was listed on the Town of Halton Hills’ Heritage Register in 2011 as part of the Halton Hills Heritage Register Update – Phase 2. The listing report for the property included the following description of the property:

Good example of the vernacular style including prominent chimney on the façade; This structure sits on a lot that was included in the vast McCannah estate. Edward McCannah was responsible for the construction of several of the houses on Queen Street; Part of historic residential streetscape of Queen Street.

Upon request for designation by the current property owners, Heritage Halton Hills prepared a Designation Report (attached as Appendix B to this report). The Designation Report describes the cultural heritage value of the property as:

The house at Part Lot 8 Plan 37 in Georgetown was built about 1913. It is a good representative example of a late nineteenth century vernacular house displaying the influence of the Edwardian Classicism style of architecture.

Edwardian classicism was prevalent in Ontario at the beginning of the twentieth century and its simple balanced designs represent a reaction to the decorative excess of the late Victorian era. Edwardian Classical houses in Ontario are typically constructed of smooth red brick. They are box-like in their massing and are a full two storeys in height with hipped roofs above. They are largely devoid of exterior ornament except for generous verandas which often feature stout classical columns and chunky railings.

The house at 18 Queen Street has the plain box-like two-and-a-half storey form that is characteristic of Edwardian houses and originally included an alcove-like porch with a stout column. Its construction in wood was another challenge to the Edwardian style by McCannah who built #26 of logs and used stone for #22 and #24. Its prominent front chimney shows the influence of the Arts and Crafts movement. This chimney is clad in rock-faced concrete blocks that were very popular during the early twentieth century. They gave the appearance of stone while being considerably less expensive.

Heritage Halton Hills first reviewed a Designation Report for the property at 18 Queen Street at its meeting of June 19, 2019, and the following motion was carried:

**Recommendation No. HERITAGE-2019-0020**

THAT Heritage Halton Hills receive the Hyde Family Home Designation Report 2019, authored by J.M. Rowe;

AND FURTHER THAT Heritage Halton Hills supports the designation of Hyde Family Home, located at 18 Queen Street, Georgetown, as presented;

AND FURTHER THAT staff prepare a cover report to advise Council of the committee's recommendation to designate Hyde Family Home, located at 18 Queen Street, Georgetown, under Part IV of the Ontario Heritage Act.

The Designation Report reviewed at the June 19, 2019 meeting of Heritage Halton Hills was revised in November 2019 by Town Staff and the Heritage Halton Hills committee to clarify the wording of several identified heritage attributes. The property owners of 18 Queen Street were provided the updated report by Heritage Halton Hills committee members and staff. The revised Designation Report for the property at 18 Queen Street was reviewed by Heritage Halton Hills at their committee meeting of November 20, 2019 and no concerns with the revisions were identified.



## **COMMENTS:**

As described in the designation report, the heritage attributes of the property at 18 Queen Street include:

- The setback, placement and orientation of the Hyde Family Home is in an elevated position on the south-eastern side of Queen Street, in line with the neighbouring houses. It has a terraced front yard with stone steps to the front door but does not include a driveway.
- The scale, form and massing of the building is a two and -a-half storey rectangular form building with combination gable and hipped roof with wide eaves and gable-roofed dormer on the rear (south) elevation.
- Two-bay front (north) elevation with evidence of an enclosed former front porch
- Front (north) elevation chimney in rock-faced concrete block.
- Concrete block foundation.
- Original flat-headed door opening inside the enclosed former porch.
- Original window openings on the front (north) elevation being the ground floor west window and two second floor windows.
- On the rear (south) elevation door and window openings reflecting their placement on the front elevation.
- On the east elevation three original second floor window openings with one corresponding window opening at the rear of the ground floor. One small square window corresponding to the interior stair landing.
- On the west elevation four original window openings, two on each floor aligned with each other. One small square window on the second floor.

If Council decides to proceed with designation, a Notice of Intention to Designate will be served on the property owner and the Ontario Heritage Trust, and will be published in the local newspaper. Any person may object to the Notice of Intention to Designate within 30 days of its publication. If there are no objections within the 30-day period, the designation by-law for the property at 18 Queen Street will be brought forward to Council for approval.

## **RELATIONSHIP TO STRATEGIC PLAN:**

This report relates to the implementation of the Strategic Direction D. to Preserve, Protect, and Promote Our Distinctive History, the goal of which is to preserve the historical urban and rural character of Halton Hills through the conservation and promotion of our built heritage, cultural heritage landscapes and archaeological resources. This report directly relates to the following Strategic Objectives:

D.1. To require and develop a planning framework for the conservation of significant built heritage, cultural landscapes and archaeological resources.

D.2. To encourage the preservation and enhancement of the historical character of the Town's distinctive neighbourhoods, districts, hamlets and rural settlement areas.

**FINANCIAL IMPACT:**

There is no financial impact associated with this particular report.

**CONSULTATION:**

Consultation between Heritage Halton Hills, Town staff, and the current property owners of 18 Queen Street led to the preparation of this report.

**PUBLIC ENGAGEMENT:**

No public consultation was required as part of the preparation of this report.

**SUSTAINABILITY IMPLICATIONS:**

The Town is committed to implementing our Community Sustainability Strategy, Imagine Halton Hills. Doing so will lead to a higher quality of life.

The designation of the property at 18 Queen Street under Part IV of the *Ontario Heritage Act* will further the Town's goal of identifying and protecting significant heritage buildings and resources. This report supports the Cultural Vibrancy pillar of Sustainability and the theme of Valued Heritage Legacy. In summary the alignment of this report with the Community Sustainability Strategy is Good.

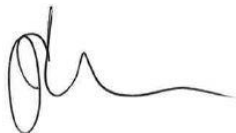
**CONCLUSION:**

It is recommended that Council indicate its intent to designate the property at 18 Queen Street under Part IV of the Ontario Heritage Act.

Reviewed and Approved by,



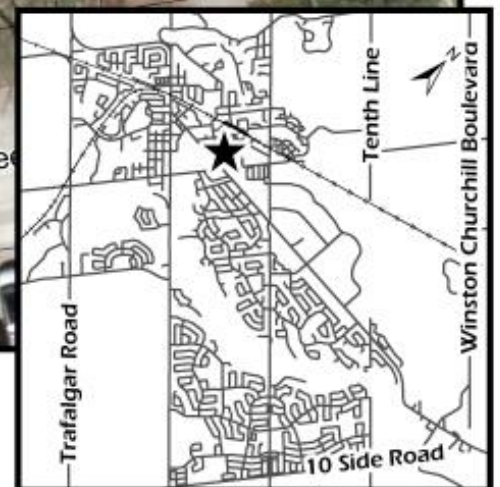
**Bronwyn Parker, Manager of Planning Policy**



**John Linhardt, Commissioner of Planning and Development**



**Brent Marshall, Chief Administrative Officer**





# HYDE FAMILY HOME



## Heritage Halton Hills Designation Report 2019

By John Mark Rowe

## Location

The Hyde Family Home is located at 18 Queen Street, Georgetown, Ontario, in the Town of Halton Hills, PIN#25040-0079. The property is registered as part of Lot 8 Plan 37, NW of Albert Street; part Lot 8 Plan 37, SE of Queen Street, as in 800956, T/W 800956, S/T 800956; Halton Hills.

## Historical Background

The residence at 18 Queen Street, Georgetown sits on Esquesing Concession 9, Lot 18 which was purchased by George Kennedy. George Kennedy, a veteran of the War of 1812 was granted 100 acres at Lot 20, Concession 8, Esquesing by the Crown for his services. Not being inclined to farming, he sold that lot and purchased the 200 acres of Lot 18, Concession 9 from John Moore, in 1823. This land had been designated as a mill seat by the surveyor, Charles Kennedy (his brother), and so he dammed Silver Creek and built a mill. The place struggled (called Hungry Hollow) until 1827 when the Toronto to Guelph Road (Guelph Street) was opened through the centre of his property. Business picked up enabling Kennedy sell his mill and dam to the Barber brothers in 1837, who named the place Georgetown, in his honour.

The selection of Georgetown as a station on the proposed Toronto to Guelph railway route in 1852 increased Kennedy's land values. He laid





out a plan of subdivision in 1854. Several lots, including Lots 8 and 9 of George Kennedy's survey were sold to George C. Kennedy who built the fine brick residence at 20 Queen Street. Kennedy was the owner of the village foundry and was living in the brick one-storey house in the 1861 census with his wife Eliza and five children.

Kennedy sold his property to Thomas and Barbara Crawford in 1870. A large portion of the Crawford land was sold in 1889 to Edward McCannah, the station agent for the Grand Trunk Railway at Georgetown. He built the magnificent mansion named "Grey Vernon" at the centre of the lot, numbered 5 Queen Street (today having the address of 5 Albert Street). Mrs. Crawford died on 25 April 1898 in her 83<sup>rd</sup> year. The executors of Barbara Crawford sold her remaining land to Grand Trunk Railway Station Agent Edward McCannah in 1898. He proceeded to build 22, 24 and 26 Queen Street. In 1912, McCannah severed part of Lot 8 off to create a lot on which to build 18 Queen Street.



In October 1912, McCannah took out a mortgage on Lot 8 to the value of \$2000. The house construction would have started in the Spring of 1913. This became another rental property for McCannah, as were his houses at 20, 22, 24 and 26 Queen Street.

Edward McCannah retired from the Grand Trunk Railway in 1907 after 37 years in the business and became involved in local politics. His wife Claire (Bailey) McCannah died at *Grey Vernon* in 1925 at 67 years of age. He lived alone in his mansion until his death in 1932 at 80 years of age.

The house at 18 Queen Street was acquired by William John and Hazel (Huntley) Hyde on 2 July 1937 for \$1500 from the McCannah Estate.



They would make this house the family home for the next 48 years. William Hyde was a member of the Georgetown Fire Department. He was appointed Fire Chief from January 1952 until the end of 1956. He was joined on the department by his son William Reginald Hyde and Robert Hyde. Robert would later become Deputy Fire Chief. William and Hazel Hyde raised five children here at 18 Queen Street. After a life-time together Hazel Hyde died in April 1982, followed by her husband William in March 1983. The house was sold that same year.

William J. Hyde in 1967 EHS04515



This postcard shows Queen Street as an overgrown dirt lane with two gentlemen posing for the camera on the sidewalk. Shown (left to right) are the corner of #26, #24, #22 and the white quoins of the red brick house at #20 Queen Street.

EHS13481



## Site Analysis

This house is one of the several houses built by Edward McCannah in the early years of the 20<sup>th</sup> century. It is elevated on a hill above Queen Street, contributing to the character of the street. It is a large vernacular Edwardian 2½ storey house set between two Gothic style Victorian red-brick houses. The centre of the house is dominated by a concrete block chimney in an Arts and Crafts style. This chimney is clad in rock-faced concrete blocks popular in the early twentieth century.



The front of the house appears box-like and devoid of ornamentation or distinctive features, save the chimney. However, it was not built like this. A porch open to two sides was typical of the Edwardian era. The protrusion above the current front door and front windows suggest a structural overhang – a porch roof. A fine square wooden upright supports the corner of the porch.

This typical Edwardian feature can be seen in three neighbouring houses built by McCannah. The alcove-type porch was built into the stone twins at 22 and 24 Queen Street. One has since been closed in. It is also a feature of the log house at 26 Queen Street.

Residents of 22 Queen Street enjoy the cool alcove porch in 2001. HHH photo





The red arrow (left) highlights the protrusion that was the porch roof overhang. Photo by Anne Fisher



RIGHT: The corner post of the alcove porch now has windows on either side. Photo by J.M. Rowe

The exterior Edwardian features remaining include balanced windows on the Queen Street with a pitched roof and gable end, into which two sliding windows have been inserted at a later time. The eaves are wide around the roof.

Travelling to the rear of the house, the rear roof is hipped with a gable dormer window. The current  $\frac{3}{4}$ -length porch replaced the original full porch which may have had solid supports like the front porch. The 1922 Fire Insurance map shows the full-length porch on the rectangular





frame house. The colours indicate #16 of solid brick, #18 and 26 of wood, #20 is brick-clad and blue indicates stone (#22 & 24).



This unusual configuration at the rear is similar to the front of many Edwardian houses but consider there is no driveway from Queen Street. Carriage or motor car access was from Albert Street, as it is today.

Entering the house at 18 Queen Street confirms its Edwardian heritage. The wooden grand staircase is anchored by a square newel post and simple staircase trim emphasize the attributes valued at the time. The gentle curve of the baseboard up the stairs highlights the carpentry skills of the craftsman who built the house.

The rounded feature of the window and door frames speak of the fine workmanship. The doors are solid wood panel doors in a horizontal style typical of the Edwardian era. There are also two fireplaces using the large chimney – one in the front room and one upstairs in the master bedroom.

However, there are areas where the trim and stair railings become simple. There may have been budget restraints



introduced during the building process by McCannah. Other factors that may suggest this change in fortune are the use of concrete block rather than stone and the lack of

ornamental stained glass. Another factor may be the building date, particularly if interior work was taking place after the declaration of war on 4 August 1914.

Although the Queen Street façade of the Hyde Family Home at 18 Queen Street appears very simple, a careful analysis of the home in conjunction with expected Edwardian features and the porches of the neighbouring houses built by McCannah suggests a building unique to Queen Street with Arts and Crafts influence set in an Edwardian vernacular style.



View into the house from the vestibule (originally the porch) through the original door opening.

# **SCHEDULE OF DETERMINING CRITERIA**

## **Description of Property**

The house at 18 Queen Street, Georgetown has design and architectural value as it includes a good example of a vernacular house displaying the influence of Edwardian Classicism style of architecture. Contextual value is evident by the positioning of the house. It is set back and elevated from Queen Street and has shared attributes with three neighbouring houses built by the same owner.

## **Statement of Cultural Heritage Value or Interest**

The house at Part Lot 8 Plan 37 in Georgetown was built about 1913. It is a good representative example of a late nineteenth century vernacular house displaying the influence of the Edwardian Classicism style of architecture.

Edwardian classicism was prevalent in Ontario at the beginning of the twentieth century and its simple balanced designs represent a reaction to the decorative excess of the late Victorian era. Edwardian Classical houses in Ontario are typically constructed of smooth red brick. They are box-like in their massing and are a full two storeys in height with hipped roofs above. They are largely devoid of exterior ornament except for generous verandas which often feature stout classical columns and chunky railings.

The house at 18 Queen Street has the plain box-like two-and-a-half storey form that is characteristic of Edwardian houses and originally included an alcove-like porch with a stout column. Its construction in wood, was another challenge to the Edwardian style by McCannah who built #26 of logs and used stone for #22 and #24. Its prominent front chimney shows the influence of the Arts and Crafts movement. This chimney is clad in rock-faced concrete blocks that were very popular during the early twentieth century. They gave the appearance of stone while being considerably less expensive.

## **Description of Heritage Attributes**

- The setback, placement and orientation of the Hyde Family Home is in an elevated position on the south-eastern side of Queen Street, in line with the neighbouring houses. It has a terraced front yard with stone steps to the front door but does not include a driveway.
- The scale, form and massing of the building is a two and -a-half storey rectangular form building with combination gable and hipped roof with wide eaves and gable-roofed dormer on the rear (south) elevation.
- Two-bay front (north) elevation with evidence of an enclosed former front porch
- Front (north) elevation chimney in rock-faced concrete block
- Concrete block foundation
- Original flat-headed door opening inside the enclosed former porch
- Original window openings on the front (north) elevation being the ground floor west window and two second floor windows.
- On the rear (south) elevation door and window openings reflecting their placement on the front elevation
- On the east elevation three original second floor window openings with one corresponding window opening at the rear of the ground floor. One small square window corresponding to the interior stair landing.
- On the west elevation four original window openings, two on each floor aligned with each other. One small square window on the second floor.

## **Documentation**

"18 Queen Street, Georgetown Designation," Anne Fisher, Powerpoint Presentation for Heritage Halton Hills Meeting, 18 April 2018.  
Halton Hills Municipal Heritage Register, 2019, page 290.  
Georgetown Urban Inventory – Phase II Queen and Albert Streets, 1999 & 2001.  
Land records for George Kennedy Survey, Georgetown, Halton County (microfilm held by Georgetown Public Library)  
Georgetown Assessment Rolls (various)  
Census Records for Georgetown Village, Halton County, Dominion of Canada, Library and Archives Canada -on-line (various).  
ONLAND, Ontario Land Registry Access,  
<https://www.onland.ca/ui/20/books/search> 2019  
Ontario Architecture, <http://www.ontarioarchitecture.com/Styles.html>  
2019  
*The Acton Free Press*  
*The Georgetown Herald*  
Archives of the Esquesing Historical Society, Georgetown, ON  
Photographs by Anne Fisher (2018) and John Mark Rowe (2019)  
Jean Marc Raymond

## **Current Owners**

The house at 18 Queen Street, Georgetown is currently owned by Jean Marc Raymond.

## **RECOMMENDATION**

It is the recommendation of the author of this report to Heritage Halton Hills to consider designation, under Part IV of the Ontario Heritage Act.



## REPORT

**REPORT TO:** Chair and Members of the Planning, Public Works and Transportation Committee

**REPORT FROM:** Laura Loney, Senior Heritage Planner

**DATE:** December 20, 2019

**REPORT NO.:** PD-2020-0003

**RE:** Amendment of a Designating By-law 2017-0048: Norval Presbyterian Manse and Cottage, 402-404 Draper Street

### RECOMMENDATION:

That Report PD-2020-0003 dated December 20, 2019, titled “Amendment of a Designating By-law 2017-0048: Norval Presbyterian Manse and Cottage, 402-404 Draper Street” be received;

AND FURTHER THAT Council state its intention to amend By-law 2017-0048 to revise the legal description of the property at 402-404 Draper Street to read “PT LTS 2 & 3 EAST OF DRAPER ST PL NORVAL PT 1 20R20592 TOWN OF HALTON HILLS” in accordance with Section 30.1(1,2) of the Ontario Heritage Act;

AND FURTHER THAT Clerks staff proceed with serving the owner of the property at 402-404 Draper Street written notice of the proposed amendment to the designating by-law in accordance with Section 30.1(3) of the Ontario Heritage Act;

AND FURTHER THAT once the 30-day objection period for the owner of the property has expired, and if there are no objections, the amended Designating By-law for the Norval Presbyterian Manse and Cottage at 402-404 Draper Street as contained within Appendix A of this report be brought forward to Council for adoption;

AND FURTHER THAT Council repeal the original Designating By-law for the property at 402-404 Draper Street, By-law 2017-0048.

### BACKGROUND:

In 2017, the Town of Halton Hills enacted By-law 2017-0048 to designate the property at 402-404 Draper Street under Part IV, Section 29 of the Ontario Heritage Act, following recommendations from staff in a report to Council dated March 27, 2017, entitled “Intent to Designate the Norval Presbyterian Manse and Cottage under Part IV of the Ontario Heritage Act, 402-404 Draper Street, Norval” (attached as Appendix A).

Section 29(6) of the Ontario Heritage Act directs the Council of a Municipality to register a designation by-law on title at the land registry office. Upon attempting to register the designation by-law on title, staff have subsequently identified that the legal description of Designating By-law 2017-0048 does not reference the subject property at 402-404 Draper Street, rather the adjacent property at 499 Guelph Street within which the Norval Presbyterian Church is located. In order to register this By-law on title, the legal description within the By-law must be amended.

#### **COMMENTS:**

The proposed Designation By-law for the property at 402-404 has been amended to include the correct legal description of the property to allow the Designating By-law to be registered on title at the land registry office. The draft amended By-law is included in Appendix B.

#### **RELATIONSHIP TO STRATEGIC PLAN:**

This report relates to the implementation of the Strategic Direction D. to Preserve, Protect, and Promote Our Distinctive History, the goal of which is to preserve the historical urban and rural character of Halton Hills through the conservation and promotion of our built heritage, cultural heritage landscapes and archaeological resources. This report directly relates to the following Strategic Objectives:

D.1. To require and develop a planning framework for the conservation of significant built heritage, cultural landscapes and archaeological resources.

D.2. To encourage the preservation and enhancement of the historical character of the Town's distinctive neighbourhoods, districts, hamlets and rural settlement areas.

#### **FINANCIAL IMPACT:**

There is no financial impact associated with this particular report.

#### **CONSULTATION:**

Clerks staff were consulted in the preparation of the updates to this By-law and the preparation of this report.

#### **PUBLIC ENGAGEMENT:**

No public consultation was required as part of the preparation of this report.

#### **SUSTAINABILITY IMPLICATIONS:**

The Town is committed to implementing our Community Sustainability Strategy, Imagine Halton Hills. Doing so will lead to a higher quality of life.

The amendment of the Designating By-law for the property at 402-404 Draper Street will continue to further the Town's goal of identifying and protecting significant heritage

buildings and resources. This report supports the Cultural Vibrancy pillar of Sustainability and the theme of Valued Heritage Legacy. In summary the alignment of this report with the Community Sustainability Strategy is Good.

#### **COMMUNICATIONS:**

The Town's Heritage Register will be updated to include the Designating By-law amendment for the property at 402-404 Draper Street.

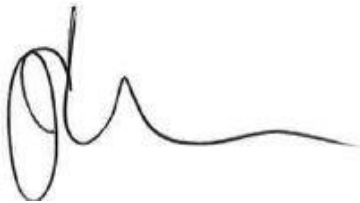
#### **CONCLUSION:**

It is recommended that Council approve the amendment of the Designating By-law for the property at 402-404 Draper Street to allow the registration of the Designating By-law on title at the land registry office.

Reviewed and Approved by,

A handwritten signature in dark ink, appearing to read "Bronwyn Parker". The script is cursive and fluid.

**Bronwyn Parker, Manager of Planning Policy**

A handwritten signature in dark ink, appearing to be a stylized "JL". The script is cursive and fluid.

**John Linhardt, Commissioner of Planning and Development**

A handwritten signature in dark ink, appearing to read "Brent Marshall". The script is cursive and fluid.

**Brent Marshall, Chief Administrative Officer**



**BY-LAW NO. 2020-xxxx**

A By-law to designate the Norval Presbyterian Manse and Cottage, located at 402-404 Draper Street (Norval), under Part IV of the Ontario Heritage Act as being of cultural heritage value or interest.

**WHEREAS** Section 29 of the Ontario Heritage Act, R.S.O. 1990, c.O.18 authorizes the Council of a municipality to enact a by-law to designate real property, including all of the buildings and structures thereon, to be of cultural heritage value or interest;

**AND WHEREAS** authority was granted by the Council for the Corporation of the Town of Halton Hills to designate the property located at 402-404 Draper Street (Norval), legally described in Schedule A and known as the Norval Presbyterian Manse and Cottage, as being of cultural heritage value or interest;

**AND WHEREAS** the Council for the Corporation of the Town of Halton Hills has caused to be served upon the owners of the land and premises known as the Norval Presbyterian Manse and Cottage located at 402-404 Draper Street (Norval), and upon the Ontario Heritage Trust, Notice of Intention to designate the property and has caused Notice of Intention to be published in a newspaper having a general circulation in the Municipality as required by the Ontario Heritage Act;

**AND WHEREAS** the reasons for designation are set out in Schedule “B” of this by-law;

**AND WHEREAS** on May 9, 2017, Council for the Town of Halton Hills approved Report No. P&I-2017-0045, dated March 27, 2017, in which certain recommendations were made relating to the designation of the Norval Presbyterian Manse and Cottage, 402-404 Draper Street (Norval), under Part IV of the Ontario Heritage Act;

**AND WHEREAS** on January 20, 2020, Council for the Town of Halton Hills adopted Report No. PLS-2020-0003 dated December 20, 2019, in which certain recommendations were made relating to repealing and replacing By-law 2017-0048.

**NOW, THEREFORE, BE IT RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE TOWN OF HALTON HILLS ENACTS AS FOLLOWS:**

1. THAT the Norval Presbyterian Manse and Cottage located at 402-404 Draper Street (Norval), and further described in Schedule “A”, is hereby designated under Part IV of the Ontario Heritage Act as being of cultural heritage value or interest for the reasons set out in Schedule “B” attached to and forming part of this by-law;
2. THAT a copy of this by-law together with reasons for the designation be registered against the property and served in accordance with Section 29 of the Act;
3. THAT a notice of this by-law be published in accordance with Section 29 of the Act.

**BY-LAW** read and passed by the Council for the Town of Halton Hills this 20<sup>th</sup> day of January, 2020.

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MAYOR – RICK BONNETTE

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CLERK – SUZANNE JONES



**SCHEDULE “A” TO BY-LAW NO. 2020-xxxx**

**LEGAL DESCRIPTION**

PIN: 25059-0412

PT LTS 2 & 3 EAST OF DRAPER ST PL NORVAL PT 1 20R20592 TOWN OF  
HALTON HILLS

## **SCHEDULE “B” TO BY-LAW NO. 2020-xxxx**

### **REASONS FOR DESIGNATION**

#### **Statement of Cultural Heritage Value or Interest**

##### **Design or Physical Value**

The design or physical value of the properties is reflected in the 1888 two-storey neo-Italianate red brick Manse and the many original aspects of the interior of the house. The simple c. 1840 frame 1½ storey cottage is in contrast to the Manse design.

##### **Historical or Associative Value**

The historical and associative value of these properties is at two extremes. The caretaker’s cottage reflects the early residents of the evolving pioneer village of Norval and the succeeding caretakers of the property. The value of the Manse is two-fold. It reflects the long association with the congregation of the Norval and Union Presbyterian Churches, its Ministers and its use by the community for many events attended by the public. Secondly, its value reaches an international status because it was the residence of L. M. Montgomery, one of Canada’s most famous fictional authors, who also wrote her journals about the Manse, the community, and daily life in that era.

##### **Contextual Value**

The Manse has contextual value in its setting next to the soaring spire of the Norval Presbyterian Church, its relationship to the Credit River and its coup d’oeil of the surrounding hillside, which includes “Russell’s Hill of Pines”, as described by L.M. Montgomery. The cottage is set in contrast to the large Manse but then blends perfectly into the rest of Draper Street as a simple home.

#### **Description of Heritage Attributes**

The heritage attributes of the Norval Presbyterian Manse and Cottage to be designated under Part IV of the Ontario Heritage Act consist of:

- two-storey red brick Manse built in 1888 in the Italianate style with hip roof;
- two ornate fret and spool porch roofs and corresponding posts;
- eaves brackets;
- second storey raised course of bricks with window headers;
- foundation raised brick plinth;
- front door with transom and sidelights;
- original wood trim and mouldings;
- plaster lamp escutcheons in the front foyer and living room;
- period hanging lamps in the front foyer, living room, and study;
- wooden mantle with iron and tile fireplace insert in the living room;
- back staircase;
- main staircase with newel posts, railing and spindles; and,
- Caretaker’s Cottage c. 1840.

## **REPORT**

**REPORT TO:** Chair and Members of the Planning, Public Works and Transportation Committee

**REPORT FROM:** Tony Boutassis, Senior Planner – Development Review

**DATE:** January 6, 2020

**REPORT NO.:** PD-2020-0005

**RE:** Recommendation Report for proposed Official Plan and Zoning By-law Amendments to permit accessory outdoor storage on a portion of 12144 Steeles Avenue (Premier Gateway Employment Area)

### **RECOMMENDATION:**

THAT Report No. PD-2020-0005 dated January 6, 2020, regarding the “Recommendation Report for proposed Official Plan and Zoning By-law Amendments to permit accessory outdoor storage on a portion of 12144 Steeles Avenue (Premier Gateway Employment Area)”, be received;

AND FURTHER THAT Town of Halton Hills Official Plan Amendment No. 39, which amends the Town of Halton Hills Official Plan, for the lands municipally known as 12144 Steeles Avenue (Premier Gateway Employment Area), as generally shown in SCHEDULE 3 – OFFICIAL PLAN AMENDMENT, be adopted as an exempt Local Official Plan Amendment;

AND FURTHER THAT the Zoning By-law Amendment, to amend Town of Halton Hills Zoning By-law 57-91, as amended by By-law 00-138, for the lands municipally known as 12144 Steeles Avenue (Premier Gateway Employment Area), as generally shown in SCHEDULE 4 – ZONING BY-LAW AMENDMENT, be approved;

AND FURTHER THAT in accordance with Section 34 (17) of the Planning Act, no further notice is determined to be necessary.

### **BACKGROUND:**

#### **1.0 Purpose of the Report:**

The purpose of this report is to provide Council with recommendations concerning the final disposition of Official Plan and Zoning By-law Amendment applications submitted

by Toromont Industries (the Applicant) to permit accessory outdoor storage on a portion of the lands municipally known as 12144 Steeles Avenue in the Premier Gateway Employment Area.

## **1.0 Location & Site Characteristics:**

The lands at 12144 Steeles Avenue are known as the TransCanada Energy property and are occupied by a power plant. The Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) applications are intended to apply to a vacant portion of the property located at the southeast corner of Steeles Avenue and Westbridge Drive. This part of the property recently received Consent approval (File No. D10CON19.004H) to create a new lot (subject lands) to be sold to Toromont Industries.

The new lot subject to the OPA/ZBA applications is located on the south side of Steeles Avenue, generally east of Westbridge Drive and north of Highway 401; see **SCHEDULE 1 – LOCATION MAP**. The irregularly shaped lot will have an approximate area of 5.39 hectares (13.32 acres) and have roughly 92 metres (302 feet) of frontage along Steeles Avenue and also contain frontage on Westbridge Drive.

Surrounding land uses to the intended property include:

To the North:	Rural residential uses
To the East:	TransCanada Energy Generating Station, a woodlot and additional industrial lands
To the West:	Warehouse and distribution centres
To the South:	Highway 401 and a truck inspection station

## **2.0 Development Proposal:**

As identified earlier, 12144 Steeles Avenue recently received approval of a Consent application to create a new lot. Once the Applicant has cleared the conditions of approval, the lot can formally be created and transferred to Toromont.

On November 15, 2019, the Town deemed complete Official Plan Amendment (File No. D09OPA19.002) and Zoning By-law Amendment (File No. D14ZBA19.008) applications submitted by the Applicant. The applications seek to obtain the necessary land use approvals to permit accessory outdoor storage on the south portion of the intended new lot.

Through a future Site Plan application, the Applicant is proposing to construct a 7,850m<sup>2</sup> (84,497 sq. ft.) manufacturing facility with accessory office space intended to accommodate the relocation of their corporate head office; see **SCHEDULE 2 – SITE PLAN CONCEPT**. The Applicant manufactures industrial and recreational refrigeration equipment for use in the food, dairy, cold storage and beverage sectors as well as artificial ice and snow surfaces for hockey, curling, skating and skiing.



The proposed operation of the site would include outdoor storage of finished products (compression units on skids) awaiting shipment; racked materials to be used in the manufacturing process; and, packages. It is estimated by the Applicant that roughly six (6) finished products may be stored on site at any given time, as they are built for specific orders and then shipped. The maximum height of the products stored outdoors is 3 metres. The proposed outdoor storage area would be located behind and to the south of the anticipated manufacturing facility and to the north of Highway 401.

The Official Plan Amendment seeks to apply a site specific Special Policy Area designation to the lands to permit the accessory outdoor storage component as the manufacturing facility and accessory office space are already permitted uses; see **SCHEDULE 3 – OFFICIAL PLAN AMENDMENT**.

Additionally, to accommodate the accessory outdoor storage use, the Applicant is proposing to apply a site specific 401 Corridor Prestige Industrial (M7) Zone to the lands; see **SCHEDULE 4 – ZONING BY-LAW AMENDMENT**. Through the Zoning Amendment, a new Holding (H) Provision will also be applied to the entirety of the newly created lot. The conditions of this new Holding (H) Provision are discussed later in this report.

Should the Official Plan and Zoning By-law Amendment applications be approved, the proposed development will require the submission of a Site Plan application.

## **COMMENTS:**

This section of the report will identify, analyze and respond to key matters of interest associated with the Official Plan and Zoning By-law Amendment applications. The section is broken down into the following three subsections:

- 1.0 Planning Context and Policy Framework
- 2.0 Town Department and External Agency Comments
- 3.0 Public Comments

### **1.0 Planning Context and Policy Framework:**

The purpose of this section is to evaluate the proposed Official Plan and Zoning By-law Amendment applications against the relevant Provincial, Regional and Town policy framework to determine conformity with the applicable policies and guidelines.

#### **1.1 Provincial Policy Statement (PPS):**

The 2014 Provincial Policy Statement (PPS) provides broad based policies that promote an appropriate range and mix of employment, including industrial and commercial uses, to meet the long-term needs of residents and make appropriate use of infrastructure to support the development of healthy communities. The proposal is required to be consistent with the relevant policies of the PPS in accordance with Section 3 of the Planning Act.

Planning staff is of the opinion that the proposed Official Plan and Zoning By-law Amendment applications are consistent with the policies of the 2014 PPS.

## **1.2 Growth Plan for the Greater Golden Horseshoe:**

The Growth Plan directs new growth to locations that make efficient use of transportation and servicing infrastructure and sets out general policies for employment and commercial lands. Under the 2019 Growth Plan, the subject lands fall within the new Provincially Significant Employment Zone, which is considered an area of high economic output that is strategically located to provide stable, reliable employment across the Region.

Planning staff is of the opinion that the proposed development is in conformity with the Growth Plan for the Greater Golden Horseshoe.

## **1.3 Region of Halton Official Plan (ROP):**

The 2009 Regional Official Plan designates the subject lands as Urban Area with an Employment Area overlay. Section 76 of the ROP states that the range of permitted uses and creation of lots within the Urban Area are to be in accordance with Local Official Plans and Zoning By-laws. With regards to the Employment Area Overlay, the ROP includes a number of objectives that speak to providing an appropriate range and balance of employment uses including industrial, office and retail and institutional uses to meet the long-term needs. More detailed policies for Employment Areas are set out in Section 77.1 of the ROP.

Regional staff has confirmed that the applications are in conformity with the ROP.

## **1.4 Town of Halton Hills Official Plan (HHOP):**

The subject lands are located within the Town's Premier Gateway Employment Area and are designated Prestige Industrial Area. The goal of the Prestige Industrial Area designation is that the predominant use of land will be for employment uses, located in well-designed buildings and structures established on landscaped lots in a visually attractive environment.

The Prestige Industrial Area designation permits a number of employment type uses including manufacturing and warehousing facilities as well as business and professional office uses; however, accessory outdoor storage is not permitted. To accommodate the accessory outdoor storage on the southern portion of the newly created property the Official Plan Amendment seeks to change the designation to a site specific Prestige Industrial Special Policy Area.

Historically outdoor storage has not been permitted in the Premier Gateway because it is seen as having the potential to create unsightly views, especially from Steeles Avenue and Highway 401, and considered incompatible with the vision for the prestige industrial nature of the Gateway. Planning staff generally agrees with the approach to not permit outdoor storage in the Gateway. However, staff is supportive of the proposed

site specific Official Plan Amendment to allow accessory outdoor storage on this individual property for the following reasons:

- Toromont's manufacturing and office facility is the type of employment use that is desirable for the Town and the Premier Gateway. The accessory outdoor storage represents a small component of their operation;
- The accessory outdoor storage would be limited to finished products and some racked materials used in the manufacturing process. The products and materials would be no taller than 3 metres in height and would not remain outside for long periods of time;
- The portion of the site dedicated to outdoor storage is limited in size and located behind the proposed industrial building;
- The subject lands provide a number of existing conditions that will provide natural screening of the outdoor storage area from both Steeles Avenue and the 401 that do not exist on most properties in the Gateway. A relatively large woodlot on the TransCanada property will be maintained that will obstruct views of the site from Steeles Avenue, while an existing berm and other natural vegetation exists adjacent to Highway 401 to provide screening. Toromont has agreed that through the Site Plan process they will also supplement the existing screening, where needed, to further ensure the outdoor storage is not visible from either roadway.

Staff's support for the proposed Official Plan Amendment is specific to Toromont's proposal. For this reason, the permission for accessory outdoor storage on this site will be restricted to a manufacturing/office use only to ensure that the permission could not be used by a less desirable operation should Toromont's plans to relocate their office to this site not occur for some reason.

### **1.5 Town of Halton Hills Zoning By-law 00-138:**

The subject lands are zoned 401 Corridor Prestige Industrial (M7) Zone under Zoning By-law 00-138. The M7 Zone permits a wide range employment type uses including manufacturing facilities and office uses but prohibits outdoor storage. The Applicant is proposing to re-zone the property to a site specific 401 Corridor Prestige Industrial (M7) Zone to permit accessory outdoor storage.

Staff supports the proposed Zoning Amendment for the same reasons the site specific Official Plan Amendment is seen as appropriate.

A Holding (H) Provision also applies to a portion of the subject lands that is subject to the following provisions:

- an appropriate Site Plan Agreement has been executed;
- payment of the required securities has occurred; and,
- the ability to connect to Regional water and wastewater services.

Through the Zoning Amendment, the Holding (H) Provision will be extended across the entire new lot and be modified to also include the following provision:

- The appropriate studies and actions have been undertaken to address the requirements of the Region's Protocol for Reviewing Development Applications with Respect to Contaminated or Potentially Contaminated Sites, to the satisfaction of the Region of Halton.

## **2.0 Town Department and External Agency Comments:**

The proposed Official Plan and Zoning By-law Amendment applications were circulated to Town departments and external agencies for review and comment on November 21, 2019. Staff from various departments and agencies have completed their review and indicated that they have no concerns or objections with the proposed Official Plan and Zoning By-law Amendments.

## **3.0 Public Comments:**

The development proposal was presented to the public by way of Report No. PLS-2019-0079 through a Statutory Public Meeting on December 9, 2019. There were approximately two (2) interested persons in attendance at the meeting, one (1) of whom spoke at the meeting and also submitted a letter outlining their position.

The following sections outline the individual's comments and provide a staff response:

### **3.1 Location and Function of Outdoor Storage:**

The member of the public indicated that the outdoor storage should be limited to the southern portion of the site (between Highway 401 and the proposed manufacturing facility) and that the outdoor storage should be directly linked to the use of the manufacturing facility.

#### ***Staff Response***

The Official Plan and Zoning By-law Amendments have been prepared so that the outdoor storage is linked directly with a manufacturing/office use and the Zoning Amendment requires the outdoor storage to be situated behind the proposed building.

### **3.2 Other Issues and Concerns:**

The member of the public also outlined the following site specific issues and concerns:

- Screening of the outdoor storage;
- Limiting noise associated with the use of the outdoor storage (e.g. forklifts, reverse alarms);
- Limiting light spill-over associated with the outdoor storage;
- Restricting traffic access to Westbridge Drive;
- Widening the landscape buffer along Steeles Ave. to incorporate existing mature trees.



### **Staff Response**

The above issues are all items that Town staff have flagged and will address through the Site Plan process. However, Toromont has confirmed that they have every intention of developing the site in a way that will address these concerns.

### **RELATIONSHIP TO STRATEGIC PLAN:**

The proposed development is most closely aligned with Strategic Direction C – Foster a Prosperous Economy, the goal of which is:

*To maintain and enhance the economic vitality of the Town through the provision of a wide range of opportunities for economic development.*

The Strategic Direction is to be achieved as it relates to this application in part through Strategic Objectives:

- C1.** *To ensure an adequate supply of employment lands to provide flexibility and options for the business community and provide a range of job opportunities.*
- C4.** *To protect strategic employment lands from conversions to non-employment uses.*
- C7.** *To promote the Town's strategic location in the Greater Golden Horseshoe for economic development purposes.*
- C8.** *To facilitate the establishment of a competitive business environment that is easily able to adapt to changing circumstances and priorities.*

### **FINANCIAL IMPACT:**

There is no immediate financial impact to the Town budgets as a result of this application.

### **CONSULTATION:**

Planning staff has consulted with the appropriate Town Departments and the Region of Halton in the preparation of this Report.

### **PUBLIC ENGAGEMENT:**

The proposed Official Plan and Zoning By-law Amendment applications were presented to the Public through a Statutory Public Meeting on December 9, 2019 (Report No. PLS-2019-0079).

### **SUSTAINABILITY IMPLICATIONS:**

The Town is committed to implementing our Community Sustainability Strategy, Imagine Halton Hills. Doing so will lead to a higher quality of life. The recommendation outlined in this report advances the Strategy's implementation.

This report supports the Environmental Health and Economic Prosperity pillars of Sustainability and in summary the alignment of this report with the Community Sustainability Strategy is Very Good.

Compliance with the Town's Green Development Standards will be addressed through the approval of the required Site Plan application for the proposed manufacturing facility and accessory office space. The application of the Green Development Standards to this project will help achieve energy and water efficiencies with other sustainable objectives.

#### **COMMUNICATIONS:**

Public Notice of Council's decision regarding the passage of the Official Plan and Zoning By-law Amendments will be completed in accordance with the requirements of the Planning Act.

#### **CONCLUSION:**

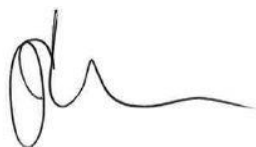
Staff has completed our review of the proposal to allow accessory outdoor storage on a portion of 12144 Steeles Avenue. Relevant policies, supporting documentation and public comments were all considered and staff is of the opinion that the proposal has merit and should be supported.

For these reasons, Planning staff recommends that Council approve the Official Plan Amendment as generally shown in **SCHEDULE 3** of this Report and also approve the Zoning By-law Amendment generally shown in **SCHEDULE 4** of this Report.

Reviewed and Approved by,



**Jeff Markowiak, Manager of Development Review**

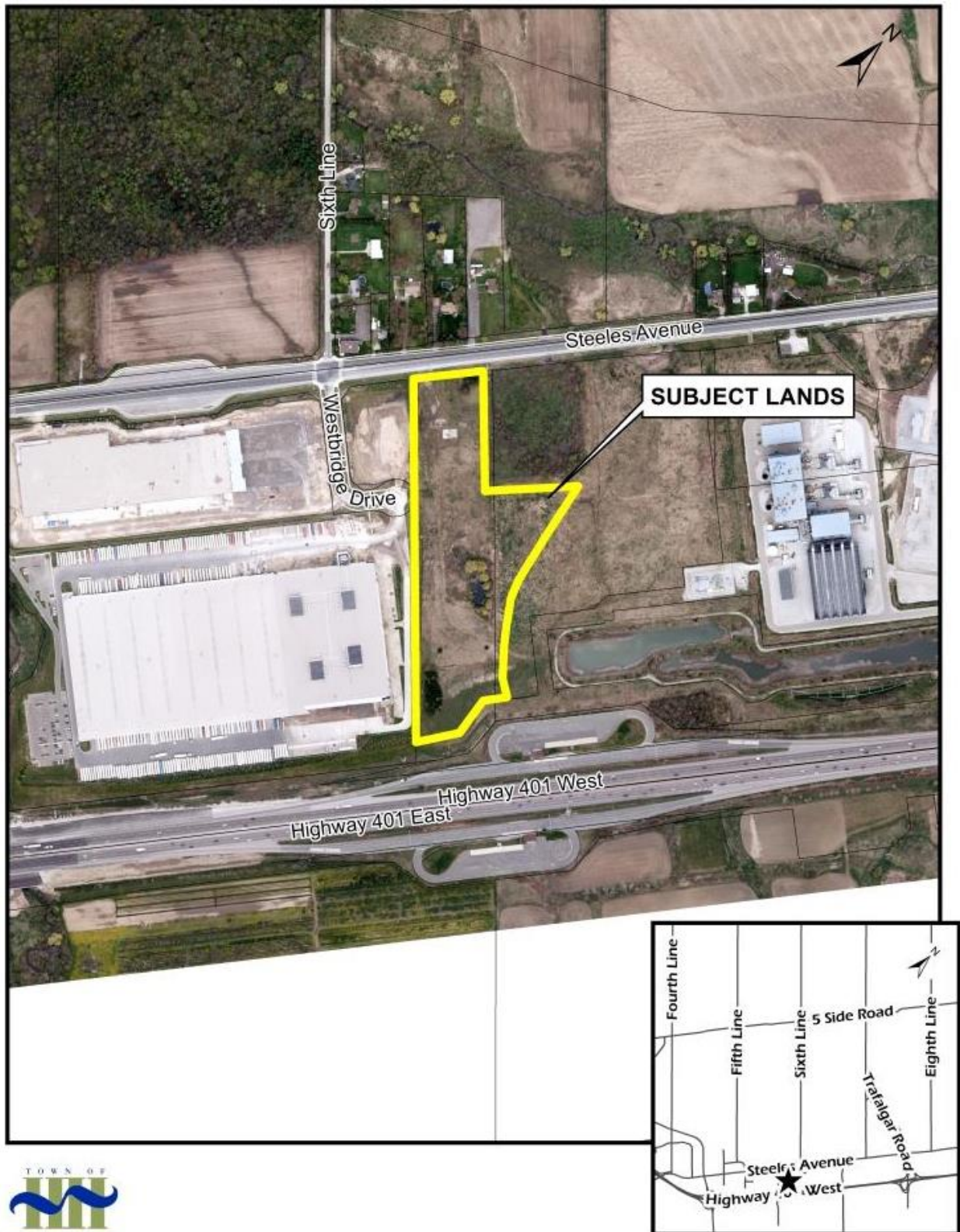


**John Linhardt, Commissioner of Planning and Development**

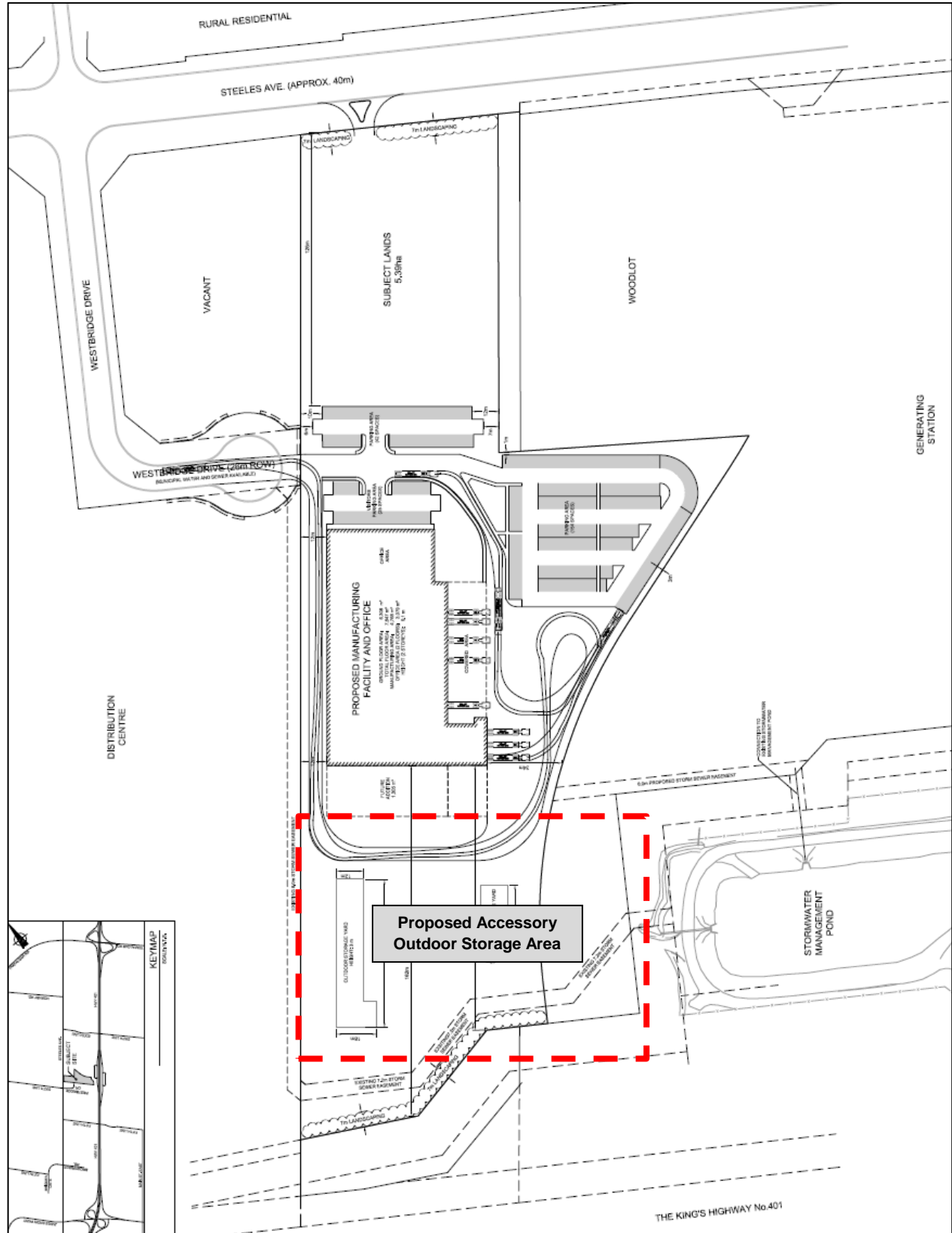


**Jane Diamanti, Acting Chief Administrative Officer**

## SCHEDULE 1 – LOCATION MAP



## SCHEDULE 2 – SITE PLAN CONCEPT





## SCHEDULE 3 – OFFICIAL PLAN AMENDMENT



### BY-LAW NO. 2020-

A By-law to adopt Amendment No. 39 to the Official Plan of the Town of Halton Hills, 12144 Steeles Avenue (Premier Gateway Employment Area), Part of Lot 15, Concession 6, Town of Halton Hills, Regional Municipality of Halton  
(File: D09OPA19.002)

**WHEREAS** the Council of the Corporation of the Town of Halton Hills, is empowered to enact this By-law by virtue of the provisions of the Planning Act, 1990, R.S.O., c.p. 13, as amended;

**AND WHEREAS** the Regional Municipality of Halton, as the approval authority, has exempted this Official Plan Amendment from their approval;

**AND WHEREAS** on January 20, 2020, Council for the Town of Halton Hills approved Report No. PD-2020-0005, dated January 6, 2020, in which certain recommendations were made relating to 12144 Steeles Avenue (Premier Gateway employment Area).

**NOW, THEREFORE, BE IT RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE TOWN OF HALTON HILLS ENACTS AS FOLLOWS:**

1. That Amendment No. 39 to the Official Plan of the Town of Halton Hills, being the attached text and schedules is hereby approved;
2. That the Town Clerk is hereby authorized to circulate the Official Plan Amendment as provided for by the Planning Act regulating the appeal process.

**BY-LAW** read and passed by the Council for the Town of Halton Hills this 20<sup>th</sup> day of January, 2020.

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MAYOR – RICK BONNETTE

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CLERK – SUZANNE JONES

**OFFICIAL PLAN AMENDMENT No. 39**  
**TO THE OFFICIAL PLAN FOR THE TOWN OF HALTON HILLS**

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**PART A:**     **THE PREAMBLE** does not constitute part of this Amendment

**PART B:**     **THE AMENDMENT** consisting of the following Schedule and Text  
constitutes Amendment

**AMENDMENT NO. 39 TO THE OFFICIAL PLAN  
OF THE TOWN OF HALTON HILLS**

The attached text and schedules constitute Amendment No. 39 to the Official Plan of the Town of Halton Hills, which was adopted by the Council of the Town of Halton Hills by By-law 2020-\_\_\_\_\_ in accordance with the provisions of the Planning Act, 1990. R.S.O., c.P. 13, as amended;

THE CORPORATION OF THE TOWN OF HALTON HILLS

\_\_\_\_\_  
MAYOR – R. Bonnette

\_\_\_\_\_  
CLERK – S. Jones

## **PART A – THE PREAMBLE**

### **PURPOSE OF THE AMENDMENT**

The purpose of this Amendment is intended to permit accessory outdoor storage on a portion of the lands municipally known as 12144 Steeles Avenue (“subject lands”) within the Premier Gateway Employment Area of the Town of Halton Hills.

Under the Town of Halton Hills Official Plan the subject lands are currently designated *Prestige Industrial Area*.

The approved policies for the Official Plan do not allow outdoor storage. The Amendment proposes to add a new Special Exemption to allow accessory outdoor storage on a portion of the property, as shown in Schedule 1 attached to and forming part of this By-Law.

### **LOCATION AND SITE DESCRIPTION**

The subject site is legally described as Part of Lot 15, Concession 6, Town of Halton Hills, Regional Municipality of Halton and is municipally known as 12144 Steeles Avenue (Premier Gateway Employment Area). The subject lands are located on the south side of Steeles Avenue, generally east of Westbridge Drive and north of Highway 401. The lot has an approximate area of 5.39 hectares (13.32 acres) and has roughly 92 metres (302 feet) of frontage along Steeles Avenue. The proposed subject lands also contain frontage on Westbridge Drive and the rear of the lands abut Highway 401.

Surrounding land uses to the property include:

- To the North: Rural residential uses
- To the East: TransCanada Energy Generating Station, a woodlot and additional industrial lands
- To the West: Warehouse and distribution centres
- To the South: Highway 401 and a truck inspection station

The subject lands are currently vacant.



## **PART B – THE AMENDMENT**

All of this part of the document consisting of the following Schedule and Text constitutes Amendment No. 39 of the Official Plan for the Town of Halton Hills.

### **DETAILS OF THE AMENDMENT**

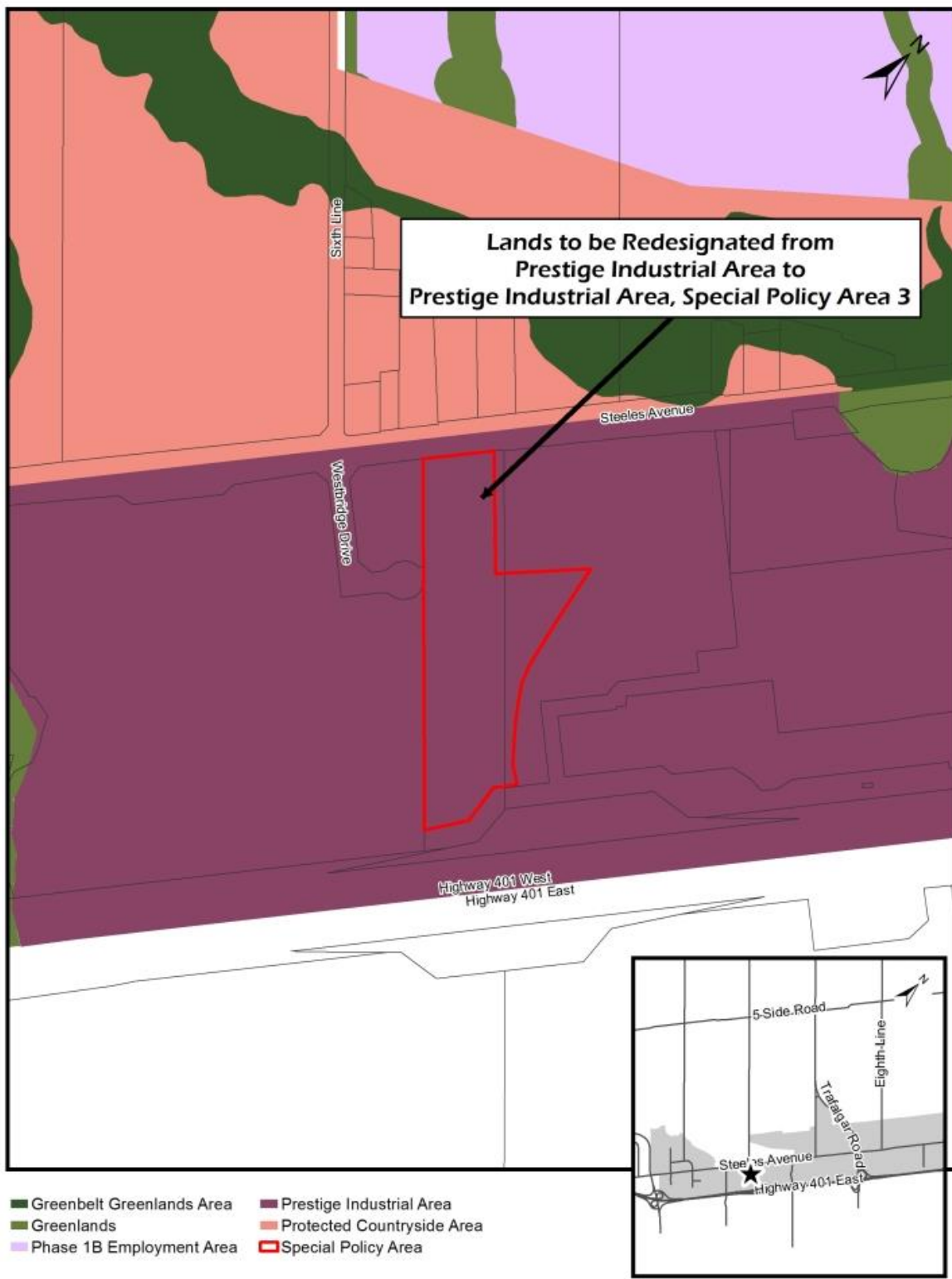
The Official Plan for the Town of Halton Hills is amended as follows:

1. That Schedule A8 – Premier Gateway Employment Area Land Use Plan is hereby amended by marking with a number “3” and adding a solid red line around the lands shown in Schedule ‘1’ to this amendment, municipally known as 12144 Steeles Avenue (Premier Gateway Employment Area).
2. That Section D3.5.6, Special Policy Areas, of the Official Plan for the Town of Halton Hills is hereby amended by adding a new subsection, which shall read as follows:

#### **“D3.5.6.3 Special Policy Area 3**

**Outdoor storage that is accessory to a permitted manufacturing and business office use is allowed on lands designated as Prestige Industrial Area and identified as Special Policy Area 3, as shown on Schedule A8 of this Plan.”**

# SCHEDULE 1 to OPA No. 39



## SCHEDULE 4 – ZONING BY-LAW AMENDMENT



### BY-LAW NO. 2020-

A By-law to Amend Zoning By-law 57-91, as amended by By-law 00-138, for the lands described as Part of Lot 15, Concession 6, Town of Halton Hills, Regional Municipality of Halton 12144 Steeles Avenue (Premier Gateway Employment Area)

**WHEREAS** Council is empowered to enact this By-law by virtue of the provisions of Section 34 of the Planning Act, R.S.O.1990, as amended;

**AND WHEREAS** on January 20, 2020, Council for the Town of Halton Hills approved Report No. PD-2020-0005, dated January 6, 2020, in which certain recommendations were made relating to amending Zoning By-law 00-138;

**AND WHEREAS** Council has recommended that Zoning By-law 57-91, as amended by By-law 00-138, be amended as hereinafter set out;

**AND WHEREAS** said recommendation will conform to the Official Plan for the Town of Halton Hills;

**NOW, THEREFORE, BE IT RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE TOWN OF HALTON HILLS ENACTS AS FOLLOWS:**

1. That Schedule "1" of Zoning By-law 57-91, as amended by 00-138, is hereby further amended by re-zoning the lands described as Part of Lot 15, Concession 6, Town of Halton Hills, municipally known as 12144 Steeles Avenue from '401 Corridor Prestige Industrial (M7) Zone' and 'Holding 401 Corridor Prestige Industrial ((H)M7) Zone' to 'Holding 401 Corridor Prestige Industrial Special ((H6)M7-1) Zone' as shown on Schedule "1" attached to and forming part of this By-law;
2. That Section 13 of Zoning By-law 57-91, as amended by By-law 00-138, is hereby further amended by adding a new subsection 13.138 which shall provide as follows:

**13.138    Municipally known as "12144 Steeles Ave"**  
**Part lot 15, Concession 6**  
**Town of Halton Hills (401 Corridor)**

### **13.138.1 Holding Provision (H6)**

- (i) Until the removal of the (H6) Holding Provision, no land, building or structure shall be used for any purpose other than that for which it was lawfully used prior to the passing of this By-law with the exception of a use by a public authority, and no new building or structures will be permitted while a Holding (H6) provisions is in effect excepting a use by a public authority.
- (ii) The (H6) Holding provision shall only be lifted when:
  - i. An appropriate Site Plan agreement has been executed;
  - ii. Payment of the required securities has occurred;
  - iii. The appropriate studies and actions have been undertaken to address the requirements of the Region's Protocol for Reviewing Development Applications with Respect to Contaminated or Potentially Contaminated Sites, to the satisfaction of the Region of Halton; and,
  - iv. Municipal water and wastewater capacity and the ability to connect to Regional services is confirmed by the Region of Halton.

### **13.138.2 Permitted Uses**

- (i) All uses permitted by the 401 Corridor Prestige Industrial (M7) Zone in accordance with Section 7.6.1 of By-law 57-91 as amended,
- (ii) outdoor storage that is accessory to a manufacturing use conducted wholly within an enclosed building and only located in a rear yard.

### **13.138.3 Zone Provisions**

The provisions of Section 7.5.2 of Zoning By-law 57-91, as amended, shall apply except for the following provisions:

- (i) The lot lines for the lands zoned 401 Corridor Prestige Industrial Special (M7-1) Zone are defined as follows;
  - a) Front Lot Line: Steeles Avenue
  - b) Rear Lot Line: furthest away from and opposite the front lot line, i.e the lot line abutting Highway 401
  - c) Interior Side lot line: all other lot lines
- (ii) That notwithstanding Section 7.5.2.13 iii) there shall not be a

restriction on the percentage of required parking provided in a yard abutting Steeles Avenue.

**BY-LAW** read and passed by the Council for the Town of Halton Hills this 20<sup>th</sup> day of January, 2020.

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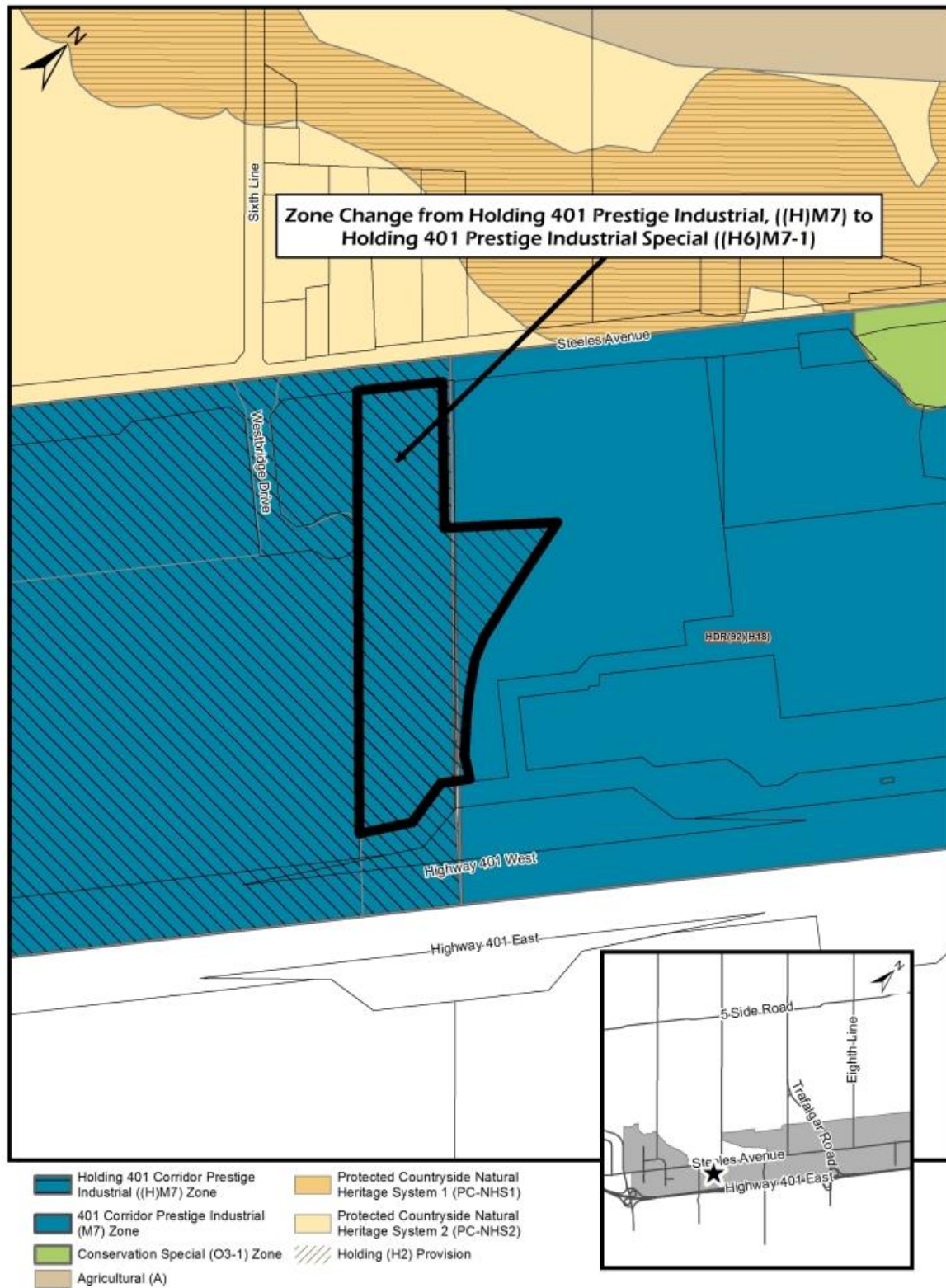
MAYOR – RICK BONNETTE

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CLERK – SUZANNE JONES



SCHEDULE 1 to By-law 2020-\_\_\_\_\_



## **REPORT**

**REPORT TO:** Chair and Members of the Planning, Public Works and Transportation Committee

**REPORT FROM:** Michelle Mathies, Project Manager, Municipal Infrastructure

**DATE:** December 17, 2019

**REPORT NO.:** TPW-2020-0001

**RE:** Award of Tender T-122-19 for the Rehabilitation of Main Street North Bridge over CNR, Site #13

### **RECOMMENDATION:**

THAT Report No. TPW-2020-0001, dated December 17, 2019, regarding Award of Tender T-122-19 for the Rehabilitation of Main Street North Bridge over CNR, Site #13, be received;

AND FURTHER THAT Torbridge Construction Ltd., 61 Steinway Blvd., Toronto, Ontario, M9W 6H6, be awarded Contract No. T-122-19, Rehabilitation of Main Street North Bridge over CNR, Site #13, at a total amount of \$2,335,398.23 (plus applicable taxes);

AND FURTHER THAT Council authorizes the Mayor and Clerk to execute the necessary contract documents for this project.

### **BACKGROUND:**

In July 2019, the Town of Halton Hills was awarded funding from the Ministry of Transportation Program for the design update, contract administration, inspection, and construction for the rehabilitation of the Main Street North over CNR Bridge, Site #13, Rehabilitation in Halton Hills (Georgetown), in the amount of \$2,962,787.00 (excluding HST). This represents funding up to 90% of the estimated net eligible project costs.

### **COMMENTS:**

Staff issued Tender T-122-19 Rehabilitation of Main Street North Bridge over CNR, Site #13 on November 26, 2019. Bids were posted on the Town's website and advertised on the bids and tenders website. A total of fifty-three (53) plan takers and thirteen (13) bids were received. The tenders closed on December 17, 2019. Bids were received as follows:

<b>Contractor</b>	<b>Subtotal</b>	<b>HST</b>	<b>Total</b>
Torbridge Construction Ltd. 61 Steinway Blvd. Toronto ON, Canada M9W 6H6	\$2,335,398.23	\$ 303,601.77	\$ 2,639,000.00
Belor Construction Ltd. 160 Admiral Boulevard Mississauga ON, Canada L5T 2N6	\$2,703,511.90	\$ 351,456.55	\$ 3,054,968.45
Alliance Verdi Civil Inc. 91 Parr Boulevard Bolton ON, Canada L7E 4E3	\$3,233,870.90	\$ 420,403.22	\$ 3,654,274.12
Landform Civil Infrastructures Inc. 75 Cascade St. Hamilton ON, Canada L8E 3B7	\$3,274,778.00	\$ 425,721.14	\$ 3,700,499.14
National Structures Inc. 15 Kellwood Cres. Napane ON, Canada K7R 4A1	\$3,310,982.00	\$ 430,427.66	\$ 3,741,409.66
Clearwater Structures Inc. and Municipal Sewer Services 397 Frankcom Street Ajax ON, Canada L1S 1R4	\$3,330,730.00	\$ 432,994.90	\$ 3,763,724.90
Nuroad Construction Limited 36 Progress Court Brampton ON, Canada L6S 5X2	\$3,447,895.00	\$ 448,226.35	\$ 3,896,121.35
Bob Hendricksen Construction Ltd. 20 Easy St. Port Perry ON, Canada L9L 0A1	\$3,805,750.50	\$ 494,747.57	\$ 4,300,498.07
Graham Bros. Construction Limited 297 Rutherford Road South Brampton ON, Canada L6W 3J8	\$ 3,979,213.29	\$ 517,297.73	\$ 4,496,511.02
KAPP Infrastructure Inc. 161 Trade Valley Drive Vaughan ON, Canada L4H 3N6	\$ 3,993,280.00	\$ 519,126.40	\$ 4,512,406.40
2274084 ONTARIO LTD o/a GMP CONTRACTING 23 Graymar Ave. Toronto ON, Canada M3H3B5	\$ 4,189,296.76	\$ 544,608.58	\$ 4,733,905.34
Dufferin Construction Company, A division of CRH Canada Group Inc. 585 Michigan Drive, Unit #1 Oakville ON, Canada L6L 0G1	\$ 4,436,860.30	\$ 576,791.84	\$ 5,013,652.14

<b>Contractor</b>	<b>Subtotal</b>	<b>HST</b>	<b>Total</b>
Marbridge Construction Ltd. 300 - 2233 Argentia Road Mississauga ON, Canada L5N 2X7	\$ 4,683,518.00	\$ 608,857.34	\$ 5,292,375.34

## RELATIONSHIP TO STRATEGIC PLAN:

There are a number of objectives within the Town's Strategic Plan that are directly related to the implications involved with the award of the Ministry of Transportation's Connecting Link Funding Program:

- H.1 To provide infrastructure and services that meets the needs of our community in an efficient, effective and environmentally sustainable manner.
- H.6 To work with other orders of government to ensure the provision of a safe, diverse and integrated transportation system.

## FINANCIAL IMPACT:

The table below, from the approved Connecting Link funding application, outlines the financial information.

<b>Section 10 - Project Financial Information</b>	
Refer to Program Guide for information about project eligible costs	
<b>Total Project Costs</b> (Include any water, wastewater, utility work and HST)	\$3,655,605.43
<b>Total Project Costs</b> (Exclude any third party contributions. Include HST)	\$0.00
<b>Eligible Connecting Link Project Costs</b> (Include HST)	\$3,655,605.43
<b>Eligible Connecting Link Project Net Costs</b> (Exclude HST Rebate)	\$3,291,985.91
<b>Amount of Provincial Funding Requested</b> (No greater than 90% of eligible project costs to maximum of \$3 million)	\$2,962,000.00
<b>Provincial Funding as % of Eligible Project Net Costs</b> (Maximum of 90%)	90%

<b>Section 11 - Project Cost Details</b>				
Refer to Program Guide for information about eligible project costs.				
<b>Activities</b> (Include HST)	<b>Fiscal Year</b>			<b>Total Costs</b>
	<b>April 1, 2019 – March 31, 2020</b>	<b>April 1, 2020 – March 31, 2021</b>	<b>April 1, 2021 – March 31, 2022</b>	
Environmental Assessment / Permits (if any)				
Engineering/Design	\$16,000.00			
Project Management / Contract Administration		\$250,000.00		
Construction		\$2,969,049.05		
Miscellaneous				
<b>Total Eligible Costs*</b> (Include HST)				\$3,655,605.43
Estimated HST Rebate				\$363,619.51
<b>Total Net Eligible Costs*</b> (Exclude HST Rebate)				\$3,291,985.91

The totals presented in the above Tender summary table include a \$300,000.00 contingency amount and a Provisional Item for CNR Flagging for \$45,000.00.

The lowest bid received is within the approved funding allocation from the Connecting Links fund received from the Ministry of Transportation.

In accordance with the Connecting Link Agreement, the Town is responsible for a minimum of 10% of the net eligible costs or \$233,539.82 (excluding HST) based on the lowest bid received. This amount will be drawn from Capital Replacement Reserve for the Main Street North over CNR Bridge, Site 13 as approved in Report No. TPW-2019-0024 and the 2020 Capital Budget.

### **CONSULTATION:**

Staff consulted with Ontario Ministry of Transportation staff regarding the Contribution Agreement, schedule, project milestones, and reporting requirements.

Internally, staff consulted with the Town Clerk and Manager of Accounting in the preparation of this report.

The Manager of Purchasing is in agreement with this recommendation.

The Manager of Accounting and Town Treasurer is in agreement with this recommendation.

The Manager of Transportation is aware of the project.

### **PUBLIC ENGAGEMENT:**

Public engagement is not applicable.

### **SUSTAINABILITY IMPLICATIONS:**

The Town is committed to implementing our Community Sustainability Strategy, Imagine Halton Hills. Doing so will lead to a higher quality of life.

The recommendation outlined in this report advances the Strategy's implementation.

This report supports two pillars of sustainability by providing economic prosperity through infrastructure renewal and provides social well-being by providing relievable transportation. The alignment of this report with the Community Sustainability Strategy is good.

### **COMMUNICATIONS:**

Notice of Construction letters will be hand-delivered to affected residents and businesses. Additional notices will be sent to residents and businesses informing of any delays in work. The work zone will be staged; one side of the bridge completely closed



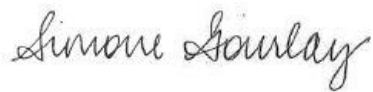
and allowing one lane of traffic permitted in each direction. Emergency services will be notified of the lane closures.

Town staff will work closely with the successful contractor to ensure the work is carried out in accordance with the contract documents and with as little disruption to the local community and public traffic, as possible.

**CONCLUSION:**

The bid document submitted by Torbridge Construction Ltd. meets our specifications in all regards. Staff recommends Council Award Tender T-122-19, Rehabilitation of Main Street North Bridge over CNR, Site #13.

Reviewed and Approved by,



**Simone Gourlay, Senior Manager of Purchasing and Risk Management**



**Wendy O'Donnell, Deputy Treasurer-Manager of Revenue and Taxation**



**Bill Andrews, Director of Engineering**



**Chris Mills, Commissioner of Transportation and Public Works**



**Brent Marshall, Chief Administrative Officer**



## **REPORT**

**REPORT TO:** Chair and Members of the Planning, Public Works and Transportation Committee

**REPORT FROM:** Slavica Josipovic, Chief Building Official

**DATE:** December 19, 2019

**REPORT NO.:** TPW-2020-0002

**RE:** Transforming and Modernizing the Delivery of Ontario's Building Code Services Update

### **RECOMMENDATION:**

THAT Report No. TPW-2020-0002, dated December 9, 2019, regarding Transforming and Modernizing the Delivery of Ontario's Building Code Services be received;

AND FURTHER THAT the Town forward their concerns, as listed in this report, respecting the proposed transforming and modernizing the delivery of Ontario's Building Code services to the Minister of Municipal Affairs and Housing;

AND FURTHER THAT this report be circulated to the Town of Oakville, City of Burlington, Town of Milton and the Association of Municipalities of Ontario.

### **BACKGROUND:**

On September 24, 2019 the Minister of Municipal Affairs and Housing (the Ministry) released a discussion paper "Transforming and Modernizing the Delivery of Ontario's Building Code Services". The discussion paper is attached to this report as Appendix A.

The Minister of Municipal Affairs and Housing discussion paper outlines existing code services, identifies concerns that have been raised regarding their delivery, and proposes enhanced and new services to the building sector.

The proposed transformation and modernization of building codes services is expected to:

- streamline customer service and approval processes;
- strengthen public safety;
- deliver sector-driven services;
- provide timely and modern tools and products;
- promote consistency across the province; and
- enhance integrity in the system.

## **COMMENTS:**

As per the discussion paper, the proposed enhanced and new user-driven building code services would:

- modernize the current Building Code examination program to ensure that building code professionals have the required legal and technical knowledge so that public safety is protected;
- support the delivery of pre-qualification training;
- improve the current public registry & registration process by making it more streamlined and user-friendly;
- require Building Code professionals to complete Continuing Professional Development activities regularly to maintain knowledge in their areas of practice;
- improve compliance enforcement & increase transparency of disciplinary actions to ensure that building code professionals are meeting their qualification and registration requirements;
- help support municipalities with recruitment & retention of Building Code professionals
- enhance municipal enforcement to promote public safety by allowing the use of administrative penalties to help municipalities address non-compliance and contraventions of the *Building Code Act, 1992* and the Building Code;
- support building service delivery for smaller, rural & northern municipalities;
- provide more active enforcement in unincorporated areas;
- enable modern, digital services that meets the needs of users and supports municipal efforts to reduce building permit approval timelines;
- promote a consistent understanding and application of building code requirements by looking into additional and more comprehensive tools and services in a timely manner to provide clear, standardized, technical advice and interpretation;
- potentially introduce the use of Coordinated Professionals to coordinate work of professionals involved in a project;
- potentially introduce the use of Certified Professionals to ensure Code compliance and streamline the permit approval process; and
- improve the quality and quantity of building industry data and research.

The Ministry is proposing to establish a new Administrative Authority which is intended to be

- private;
- not-for-profit corporation;
- managed by independent board of directors;
- designated by legislation; and
- operationally independent & self-funded (fees for directly delivered services would be added to municipal building permit fees).

#### Concerns/Comments on the transformation and modernization proposals:

As identified in the discussion paper the Ministry is responsible for:

- setting policy direction and establishing regulatory building standards;
- overseeing the qualification and registration of building practitioners;
- providing support to consumers (i.e. Code interpretations, Intent statements, Guidelines and Technical bulletins); and
- publishing guides and resources and explaining policy intents of code requirements).

Historically, the Ministry has been providing these services but over time the delivery of these services has not kept pace with the needs of the sector. The majority of the existing and new services listed in the discussion paper will be provided by the new Administrative Authority. Based on the information provided by the new Director of Policy Branch, the Ministry will retain only the services identified in the first bullet above (the development of the Building Code), which represents downsizing of the Ministry and downloading costs on to municipalities/users.

An additional concern is that there was no consultation conducted with the public respecting the model to create the Administrative Authority (in order to maintain the integrity of the Building Code Act and the Ontario Building Code more suitable model would be similar to Ontario Fire Marshall). Also, costs to the municipalities and building permit applicants associated with the proposed changes are unknown at this time; due to the scope of the enhanced & proposed services the cost of services provided by the Administrative Authority may significantly exceed the original estimate.

The Ministry's "Process Mapping for Development in Ontario" conducted in 2019 through consultation with the building industry noted concerns with Site Plan Approvals, Ministry of the Environment, Culture and Parks, Ministry of Transportation, Conservation Authorities, etc which are required to be satisfied prior to issuing the building permit. The Building Code already sets out the timeframes for the issuance of permits for which complete applications have been submitted.

Currently engineers and architects in Ontario are not required to be qualified building code practitioners and code expertise lies with building officials. In order to improve

permit availability the Ministry proposes to create a new category of “Certified Professionals” who would take additional building code training and examinations to perform plans review and potentially site inspections. However, this measure will not bring the expected benefits as the reasons for most permit delays rest with external jurisdictions and other applicable law over which the Certified Professionals have no influence.

Based on past experience with PEO, requiring engineers to be qualified code practitioners would be a significant challenge. This proposal is a copy of the British Columbia model which requires 8 months additional training and 16 hours of examinations. Only 3 of 162 municipalities in BC have used this model/option.

It should be also noticed that this program is similar to the existing voluntary provision of a Registered Code Agency that was introduced in the Ontario Building Code in 2006 and has rarely, if ever, been used.

Should this model be accepted, the municipality’s liability needs to be seriously considered as building and occupancy permits would still be issued by municipalities based on “letters of assurance” issued by the Certified Professionals.

Currently only municipal building officials and some categories of buildings designers are required to be qualified and registered with the Ministry. Architects, professional engineers and builders are exempt from registration as well as from continuous professional development requirements.

## **RELATIONSHIP TO STRATEGIC PLAN:**

This report is for information purposes and is not directly related to the Strategic Plan.

## **FINANCIAL IMPACT:**

The proposed Administrative Authority would be financially self-sustaining and would operate on a full cost recovery basis. A levy calculated on estimated construction value on top of municipal building permit fees would be collected. The impact/cost to the Town and building permit applicants associated with the proposed changes is unknown at this time.



## **CONSULTATION:**

The discussion paper was reviewed at the Large Municipality Chief Building Officials (LMCBO) Workshop in November 2019. In attendance was the Director of the Building Branch who provided the members with greater detail and clarity on the transformation and modernization proposal.

On November 22, 2019 the LMCBO submitted comments in response to the discussion paper.

## **PUBLIC ENGAGEMENT:**

On September 24, 2019 the “Transforming and Modernizing the Delivery of Ontario’s Building Code Services” document was posted on the Ministry’s website and also sent directly to the CAO’s and CBO’s of all municipalities in Ontario. Only four information sessions were held for the entire Province.

Public consultation comments were to be submitted by November 25, 2019. Based on discussions, the Ministry is still accepting comments.

## **SUSTAINABILITY IMPLICATIONS:**

The Town is committed to implementing our Community Sustainability Strategy, Imagine Halton Hills. Doing so will lead to a higher quality of life.

The recommendation outlined in this report is not applicable to the Strategy’s implementation.

## **COMMUNICATIONS:**

Information on the discussion paper was presented to the Town’s Senior Management Team in December.

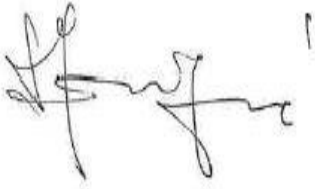
## **CONCLUSION:**

The “Transforming and Modernizing the Delivery of Ontario’s Building Code Services” discussion paper released in September 2019 proposes enhanced and new services to the building sector along the following four themes:

- Getting people working in the building sector
- Promoting sustainability and transparency in the Building Code profession
- Building Code administration and enforcement
- Improving building sector supports

However, the proposed measures raise a number of concerns that should be addressed in greater detail prior to finalizing the changes and which require balanced representation of all stakeholders, regulators and general public.

Reviewed and Approved by,

A handwritten signature in black ink, appearing to read 'Slavica Josipovic'.

**Slavica Josipovic, Chief Building Official**

A handwritten signature in black ink, appearing to read 'Chris Mills'.

**Chris Mills, Commissioner of Transportation and Public Works**

A handwritten signature in black ink, appearing to read 'Brent Marshall'.

**Brent Marshall, Chief Administrative Officer**

# Transforming and Modernizing the Delivery of Ontario's Building Code Services

## Discussion Paper

Ministry of Municipal Affairs  
and Housing

Fall 2019 Consultation

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# A New Path Forward for Building Code Services

The building sector is a \$38 billion industry and a key driver of Ontario's economy. It is essential that the people working in this sector have the support they need to keep Ontario's economy growing. Building sector stakeholders have been asking for better, more modern and timely services and resources to support their ability to understand and apply the highly technical and complex building code requirements.

Historically, the Ministry of Municipal Affairs and Housing (the ministry) has provided a suite of building code services. However, over time, the delivery of these services has not kept pace with the needs of the sector, making this model unsustainable. The ministry needs to implement a model that will enable the delivery of improved services to promote consistency and better support the sector.

To do this, the ministry is proposing to establish a new administrative authority to deliver a suite of enhanced and new user-driven services.

## What is an Administrative Authority?

Administrative authorities are private, non-profit corporations, that deliver regulatory programs on a cost-recovery basis.

Transferring service delivery to an administrative authority would enable new, modern, user-driven services to be delivered to the building sector. An administrative authority can scale and deliver services more nimbly and would also be tasked with providing streamlined customer service to all Ontarians. It would also promote a consistent approach to building code interpretation and application, while still protecting public health and safety. To achieve this the administrative authority would operate on a full cost recovery basis, funded by the sector.



## What is the Building Code Act, 1992?

The Building Code Act, 1992 (BCA) and Ontario's Building Code govern the construction of new buildings and the renovation of existing buildings, by promoting the safety of buildings with reference to public health, fire protection, accessibility, and structural sufficiency.

The building code first came into effect in 1975 and since then its scope and policy intent have continued to expand to address the ongoing and growing needs of the building sector.

The ministry is responsible for:

- Setting policy direction and establishing regulatory building standards;
- Overseeing the qualification and registration of building practitioners; and
- Providing support to consumers (e.g., publishing guides and resources and explaining policy intent of code requirements)

Enforcement of the Building Code is the responsibility of principal authorities, primarily municipalities, which issue building permits and conduct inspections during construction.

## About this Consultation

The transformation and modernization of building code services would:

- strengthen public safety
- streamline customer service and approval processes
- deliver sector-driven services
- provide timely and modern tools and products
- promote consistency across the province
- enhance integrity in the system

The ministry wants to hear from people across Ontario about their experiences with building code services and the proposed changes that are being considered.

This discussion paper outlines existing building code services, identifies concerns that have been raised regarding their delivery, asks questions about how they might be improved or enhanced, and proposes potential changes. In addition, the discussion paper outlines areas where there might be a need for new services to be delivered.

Your feedback will help inform enhancements to current building code services and the development of new services.

There are several ways that you can provide feedback. For additional details on how to provide your feedback, please see page 25 of this document, or visit the Environmental Registry of Ontario.

## 1. Getting People Working in the Building Sector

In 2006, the ministry implemented the building code qualification and registration program to promote public safety by ensuring that building code professionals have the required legal and technical knowledge for their area of practice. To become a qualified building code professional in Ontario, generally, individuals are required to pass a building code examination on the legal requirements of the Building Code Act, 1992 (BCA), as well as in every area of the Building Code they wish to practice (e. g., House, Small Buildings, Large Buildings, Plumbing, Structural, Septic Systems, etc.).

The ministry is responsible for developing 16 technical and legal examinations, which are delivered through Humber College. Each examination consists of 75 questions. Individuals are allowed three hours to complete each examination, and a minimum mark of 70% must be achieved.

Examination outlines are posted publicly through Ontario.ca, detailing the content areas that each examination covers. Although building code professionals are not required to take formal training, the ministry, through an agreement with George Brown College of Applied Arts and Technology, offers building code training courses to help people prepare for building code examination. George Brown College offers self-study manuals, as well as online training courses and in-class training courses.

## What is a Qualified Building Code Professional?

**The Building Code Act, 1992 requires the following practitioners be qualified and registered:**

- Chief Building Officials (CBO)
- Inspectors
- Designers (other than engineers and architects)
- Registered Code Agencies (RCA)
- Persons engaged in the business of constructing, installing, repairing, servicing, cleaning or emptying on-site sewage systems

## Overview of Building Code Exams

- General Legal/Process
- Powers and Duties of CBO
- Powers and Duties of RCA
- Designer Legal/Process
- House
- Small Buildings
- Large Buildings
- Complex Buildings
- HVAC-House
- Detection, Lighting and Power
- Building Services
- Building Structural
- Plumbing-House
- Plumbing-All Buildings
- Fire Protection
- On-site Sewage Systems

Building sector associations also offer training that building code professionals may opt to take to either support them with their examinations or to keep their building code knowledge current. For example, the Ontario Building Officials Association (OBOA) provides extensive training to support people who wish to take building code examinations, but also in a variety of other areas to help people get a better understanding of what is required in their areas of practice.

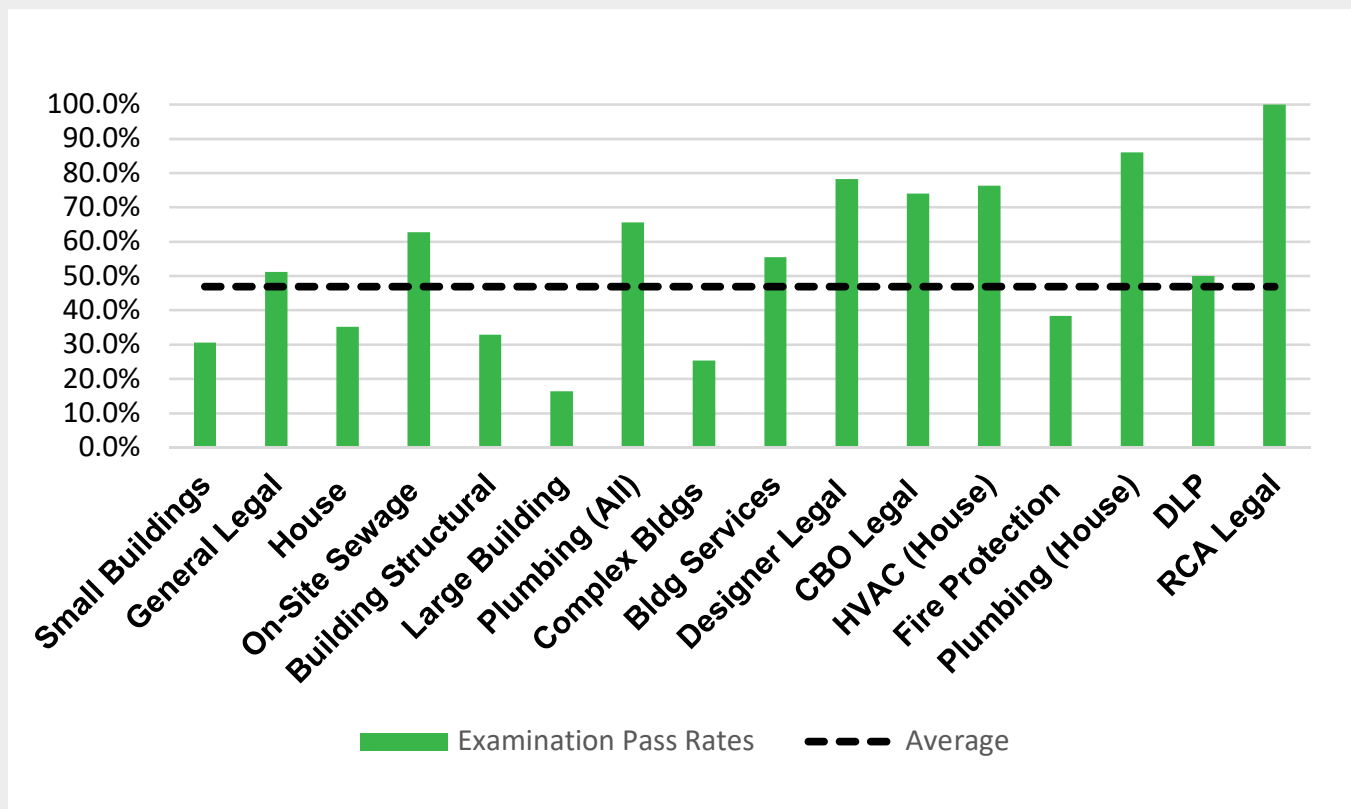
### 1.1 Examination Development & Delivery

Stakeholders have raised concerns about the clarity of questions and the lack of sufficient time provided to complete the examinations, given the complexity of the questions. Overall, examination statistics have demonstrated a relatively low pass rate across the 16 examination categories.

Factors that may be contributing to the low pass rates, could include:

- The varying amount of materials covered across the 16 examination categories (e.g., some examinations cover as few as 280 pages of content, while others cover as many as 1,255 pages - yet all examinations contain 75 questions to be completed within 3 hours)
- The current structure of examinations may be inefficient. Current examinations that have "nesting" may contribute to confusion for stakeholders on what classes of buildings they can perform work on.
- The suitability of current examination questions for areas of practice given the wide range of professionals that take the exam.

## Examination Pass Rates



## What is Nesting Qualification?

Nesting is when you can qualify for two classes by writing one examination. For example, the “House” Examination is nested under the “Small Buildings” examination. Therefore, if an individual passes the “Small Buildings” examination they are qualified for both small buildings and houses. However, if a person passes the “House” examination they are not qualified under “Small Buildings.”

## What Do You Think?

1. How could the current examination design, content and/or delivery be improved?

## 1.2 Pre-Qualification Training

In 2014, the ministry entered into an agreement with George Brown College to develop and deliver building code training courses to assist individuals preparing to write building code examinations. The training courses can be taken either online or in-class (2-week courses). Sector associations representing various building code professions also deliver training to support their membership. For example, the Ontario Building Officials Association and the Ontario Onsite Wastewater Association both develop and deliver training to support their respective members in taking building code examinations. Other jurisdictions, such as Alberta and some U.S. states, require building professionals to complete some form of mandatory training prior to or as a requirement of qualification.

The ministry is considering ways to improve building code training programs that are currently administered through George Brown College, support sector associations to better meet individuals' needs, and help maintain confidence in the safety of Ontario's buildings.

### What Do You Think?

1. Are the current training offerings meeting your needs? If not, how could they be improved?
2. Do you see a role for the administrative authority in the delivery of training for building code professionals?

## 1.3 Recruiting Experienced Building Code Professionals

Municipalities, Boards of Health and Conservation Authorities have indicated that there are not enough building code professionals employed or entering the sector with the necessary technical knowledge and/or experience to enforce the building code as a building official. This is particularly evident in rural and northern Ontario.

Currently, there is no educational program offered to specifically support becoming a building official, rather, post-secondary institutions across the province offer educational programs that complement the career path, such as Construction Engineering Technician/Technologist, Architectural Technician/Technologist, Engineering and Architecture. It is unclear if people moving through the education system would be aware of a building official as a viable career, given there is no direct educational pathway.



To support challenges with building sector recruitment, the ministry has entered into agreements with the Ontario Building Officials Association and the City of Ottawa to implement internship programs for building officials, including training and development. Those enrolled in an internship program may be exempt from examination requirements if they conduct the work of building inspectors in municipalities under the supervision of an appropriately qualified inspector or Chief Building Official. Generally, enrolment in these internship programs has declined since their implementation.

Other jurisdictions that have also experienced similar recruitment issues have taken steps to address the problem. For example, Florida offers provisional licences for new municipal employees entering the building sector as an opportunity to conduct plans review and other duties associated with a building official.

Ontario municipalities have generally indicated a desire to modernize, promote, and/or increase internship programs and opportunities.

## What are provisional licences?

A provisional licence is a temporary licence that allows practitioners to gain on-the-job experience before attempting the ministry exams and becoming fully qualified.

## What Do You Think?

- 1a. What factors could contribute to the low take-up of the current internship programs?
- 1b. What role could an administrative authority play in internship programs?
2. Would implementing a provisional licence framework help with municipal recruitment challenges and what should be considered?
3. Are there other ways to help building code enforcement bodies attract and retain experienced building professionals?

## 1.4 Using Coordinating Professionals

Stakeholders have indicated that lengthy approval processes delay the construction of buildings, costing significant time and money. For example, there may be disputes about building code interpretations, or permit applications may be incomplete or may not comply with building code requirements. The government is committed to streamlining the development approval process, including building permit approvals. Over the years, stakeholders have asked the government to consider leveraging professional expertise to support building code enforcement.

The Elliot Lake Commission of Inquiry Report, released in 2014, recommended that owners designate a Professional Engineer or Architect to the role of "Prime Consultant" who would coordinate designs and field work (e.g., coordinate inspections) of professionals involved in a project. Prime consultants could be contracted to ensure designs are complete, ensure designs are in compliance with the technical requirements of the building code, and act as a one-window contact for development projects, thereby supporting quicker approvals.

The use of professional expertise has been cited in industry-led reports as an opportunity to improve approval processes in the province, including the use of professional design coordination, like British Columbia's Certified Professional program.

In British Columbia, engineers and architects who have taken additional building code training and examination(s) can review building plans and perform site inspections for large buildings to support the building permit process. Municipalities in British Columbia may voluntarily choose to run their own programs where Certified Professionals take on some of the traditional functions of the Chief building official, but with enhanced documentation through "letters of assurance". Letters of assurance are required before building permits or occupancy permits are granted by the Chief building official for buildings using Certified Professionals, to confirm code compliance. Municipalities with such programs are still involved in the approval process. They coordinate with Certified Professionals to determine what permits and inspections are needed, confirm all letters of attestation have been signed, and are responsible for issuing permits. Certified Professionals could help to promote building innovation(s) and the streamlining of permit approval processes, which, in turn, may reduce permit delays and help protect public health and safety.

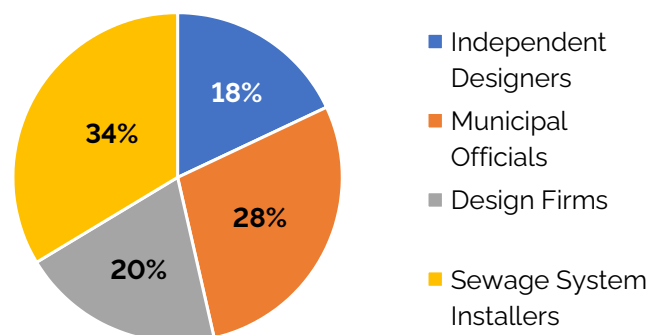
## What Do You Think?

1. Do you think the use of a Prime Consultant, under certain circumstances, would support a more streamlined building permit application process?
2. Do you think the use of Certified Professionals, under certain circumstances, would support a more streamlined building permit application process?
3. If the ministry decides to move forward and allow the use of such professionals, what do you think needs to be considered in implementing this change?

## 2. Promoting Sustainability and Transparency in the Building Code Profession

Once qualified, building code professionals must register in the Qualification and Registration Tracking System (QuARTS) Registry. The QuARTS Public Search Registry manages the registration of over 7,000 individuals and firms and serves as a consumer information tool to verify the qualification information and registration status of building code professionals in Ontario. Individuals, municipalities and design firms can be searched using information such as unique Building Code Identification Numbers (BCIN), organization name, or categories individuals are qualified to practice in.

The ministry takes a self-reporting and individual-based approach to regulating building code professionals. This means that individuals are required to ensure that the information they enter into the public registry is accurate and that their annual registration fees are paid.



## What is a BCIN?

The Building Code Identification Number (BCIN) identifier allows individuals and firms to register and renew their qualifications, receive registration renewal and expiry notices, upload insurance forms to the registry and receive notification of applications and transitions. It is the unique identifier by which the ministry keeps track of all building code professionals in the province.

A registration will remain active and searchable on the public registry for a 12-month period, at which time all individuals must re-register and pay an annual registration fee. While registrations and payments are individually-based, municipalities that have multiple registered individuals employed by their organization can submit registration fees for all their registered employees in one-time bulk payment as a means of streamlining the registration process.

Currently, building code professionals that are qualified and registered through QuARTS are not required to undertake any additional education or professional development activities once they have completed their mandatory pre-qualification examinations. However, the building code provides for the ability to require knowledge maintenance in the form of an examination. Rather than ordering knowledge maintenance examinations, the ministry has taken an educational approach by providing resource material to help the sector understand amendments to the building code.

In 2012, a rooftop parking garage collapsed in Elliot Lake resulting in the deaths of two people and injuries to several others. In response, the Elliot Lake Commission of Inquiry made a series of recommendations to government and other bodies. The Commission's recommendations directed to the ministry, included implementing a continuing professional development program for building officials and greater oversight and enforcement abilities related to qualification and registration of building code professionals. The Building Code Act, 1992 was amended in December 2017 to partially address these recommendations.

The Building Code Act, 1992 permits enforcement actions to be taken in certain circumstances, including where conditions of an individual's registration have not been met. If registration compliance or enforcement actions need to be taken, the available options are limited to either refusing, suspending, or revoking a building code professional's registration, or prosecution through the courts. The ministry has no formal process to receive and investigate complaints about bodies that enforce the building code

(i.e., municipality, Conservation Authorities, Boards of Health) and no ability to intervene in local administration and enforcement of the building code. Additionally, only building officials are subject to a code of conduct, while other registered building code professionals are not.

## 2.1 Public Registry and Registration Process

Stakeholders have identified concerns with the user-interface of the public registry, indicating that the system is not intuitive and can be confusing when inputting information. Since information is self-reported, the technical difficulties associated with navigating the registration software can result in incomplete or inaccurate information being displayed on the public registry.

In addition, some building code professionals have had trouble determining which registration class to select as there is little clear guidance available to individuals during the registration process. For example, building code professionals self-register online once they are qualified, and designers often encounter challenges in determining their particular designer category (e.g., "Independent Designer" vs. "Other Designer") which can lead them to improperly registering, potentially risking their professional reputation and public safety. Streamlining the registration process can make it easier for building code professionals to navigate the registration system and provide better consumer protection and awareness.

The individual-based approach allows the ministry to keep track of the individual qualification and registration status of building code professionals and protects the security and privacy of their personal and financial information. Only ministry staff or individual registrants have the ability to update their information on QuARTS, which can result in a delay in having current information in the system. Inaccurate or out-of-date information on the registry creates a gap in consumer awareness.

Service transformation offers an opportunity to modernize the current registry to make it more user- focused and easy to navigate, without adding burden to existing processes. The ministry is proposing to transform the user interface of the public registry to help simplify and modernize the registration system. Changes to the public registry and registration process can also offer additional functionalities, such as storing and displaying information on continuing professional development and disciplinary action.

## What Do You Think?

- 1a. If you are a registered building code professional, what are the key issues you face with the current QuARTS system?
- 1b. What registration functionality would you find helpful that is not currently available in QuARTS?
2. As a member of the public, what information would you like to see made publicly available on the registry to help you make an informed decision on hiring a qualified building code professional?

## 2.2 Continuing Professional Development

Continuing professional development (CPD) is a common mandatory requirement for a number of professions (e.g., architects, lawyers, etc.) to ensure an individual's knowledge is up-to-date with new developments in their respective fields and to support maintaining licences to practise. In other professions, CPD is required to maintain professional accreditation with a governing association and the use of a title (e.g., Construction Engineering Technologist, Registered Interior Designer, etc.). However, it is not mandatory for qualified and registered building code professionals to take CPD courses or join these associations.

Generally, CPD requires a mix of formal and informal learning, training or other types of educational activities (e.g., in-class courses, online training, reading professional journals, attending work conferences or meetings) related to the respective field. Some CPD programs in other jurisdictions require minimal activity (6-8 hours) while others require 30 to 60 hours over a 3 to 5-year period. Fulfillment of these CPD requirements is then monitored by the regulating body or association to ensure they are being met.

Some building officials in Ontario choose to be part of the Ontario Building Officials Association (OBOA) Certification Program, which requires completion of a mix of informal and formal activities over a 3-year cycle to receive the professional designation of Certified Building Code Official (CBCO) or the professional designation of Building Code Qualified (BCQ). The program requires members every 3 years to complete 60 credits, based on the type of activity. For example, OBOA courses are worth 1 credit per hour and mentoring is worth 1 credit per hour, with a maximum of 15 per cycle. Members are required to track their total credits earned and compliance is monitored through random audits on 1-3% the membership by asking for proof of total credits earned.



Similarly, some designers are members of the Ontario Association of Certified Engineering Technicians and Technologists (OACETT), which has a certification program requiring one formal activity and three additional activities to be completed every 3 years. Formal activities consist of prescriptive self-directed or in-class courses concerning technical knowledge or leadership/management training. Other activities include contributions to informal learning and development that contribute to the profession or connect professionals within and across multiple jurisdictions.

To further support the Elliot Lake Commission recommendation and building code knowledge maintenance, the ministry is considering CPD requirements for all types of qualified building code professionals. For example, having qualified building code designers maintain knowledge through CPD requirements could help improve the quality of designs submitted to municipal building department counters, potentially speeding up review and approval timelines.

Designing a CPD program for a wide variety of building practitioners can be challenging and needs to be fair. There are numerous categories of practice that building practitioners can be qualified in (up to 12 categories). For example, a septic system installer may be required to complete fewer CPD activities than a Chief Building Official who may be qualified in multiple technical qualification categories. Additionally, the CPD program would need ensure there is no undue burden or duplication with knowledge maintenance requirements .that a building code professional may be required to meet as part of their membership or accreditation in a professional association.

## Other Regulated Professionals That Require CPD

- Lawyers
- Chartered Professional Accountants
- Architects
- Teachers

## What Do You Think?

1. How many activities or hours of CPD do you feel is reasonable to require of building code professionals?
2. What is the right mix of formal and informal CPD activities that building code professionals should be required to complete (e.g., courses, training, examinations, reading professional/technical journals or documents, volunteering in the sector, attending relevant conferences, etc.)?
3. What is a reasonable timeframe for completing CPD requirements to ensure knowledge is maintained (e.g., annually, at every new Building Code cycle which is usually 5-7 years, other)?
4. Are there already mechanisms, materials, or offerings that would give building code professionals options on how they could meet their CPD requirements?

## 2.3 Registration Compliance and Enforcement

Registration requirements are only effective if they are actively monitored. Ensuring that building code professionals are meeting their qualification and registration requirements and are operating appropriately in the sector is essential to promoting public safety.

Some of the issues the ministry has heard and experienced include individuals practising as a building code professional without being qualified, poor-quality and non-compliant building designs delaying permit issuance and processing, and the improper use of Building Code Identification Numbers (BCIN) by unregistered individuals.

The Building Code does not define expectations for building code professionals' behaviour and quality of work, which can limit certain enforcement actions that can be taken. Expected behaviour and standards for professionals are instead generally laid out in professional codes of conduct. The Building Code Act requires municipalities to have codes of conduct in place for their building officials. While municipal building officials are subject to a code of conduct, the absence of clear conduct standards for other building code professionals may contribute to poor quality building permit applications, resulting in additional costs, delays and frustration for building permit applicants.

In addition, the ministry currently has limited powers to promote and enforce registration compliance and these powers are not consistent across all building code professional categories and are not always proportionate to the severity and frequency of non-compliance.

The ministry is proposing a comprehensive, escalation-based, compliance enforcement framework that would define disciplinary actions in proportion to the severity and/or frequency of non-compliance as well as the level of risk to public safety that the infraction poses. This would allow for a more measured, responsive and cost-effective enforcement process that promotes compliance, while also allowing for appropriate corrective actions to be taken. This framework could include:

- Increasing compliance through the delivery of tools and resources, such as education and awareness campaigns, training seminars, online educational tools and videos to promote practitioner awareness of their registration requirements.
- A mandatory code of conduct and annual attestations for all building code professionals. Attestations could be used for confirmation of completion of CPD requirements, acknowledgement of responsibilities and expected behaviour under the qualification and registration program, and their understanding of the consequences of non-compliance actions.
- A formal, documented complaints process that would give the public a way to raise concerns regarding the work of certain building code professionals.
- The use of remedial training, re-taking examinations, or financial penalties, as potential corrective actions.
- The publication of offences and the resulting disciplinary actions to inform the public of an individual's history of non-compliance and to help ensure transparency.

## Potential Risk-Based Enforcement Actions

- Education and awareness campaigns
- Warning letters
- Orders to comply
- Re-education (through training or re-examinations)
- Mediation and/or conciliation
- Compliance agreements
- Administrative penalties and/or fines
- Supervision of work
- Conditions/limitations on a licence
- Suspension or revocation of a licence

## What Do You Think?

1. What types of compliance measures should be put in place to ensure building code professionals are meeting the requirements of their registration?
2. What types of accountability mechanisms do you think might be appropriate if a body enforcing the building code (i.e., municipality, Conservation Authorities, Boards of Health) is found not to be meeting its responsibilities under the Building Code Act, 1992?
3. Do you see any challenges with requiring all building code professionals to adhere to a code of conduct?
4. What should be considered when increasing the number of available enforcement tools and using an escalating enforcement model?
- 5a. Under what circumstances do you think it would be appropriate for financial penalties to be used as a means of encouraging compliance with registration requirements?
- 5b. How could these penalties be set so that they are fair?

## 3. Building Code Administration and Enforcement

Principal authorities, which include municipalities, Conservation Authorities and Boards of Health, are responsible for enforcing the building code. Enforcement includes reviewing building permit applications, issuing permits and conducting on-site inspections of construction. Principal authorities can take enforcement action where they find contraventions of the Act or the building code, and where buildings are found to be in an unsafe condition or pose an immediate danger to health and safety. For example, a stop work order or order to not cover can be issued to prevent the construction of buildings that do not meet building code requirements.

Principal authorities are generally required to appoint a qualified Chief Building Official (CBO) and as many inspectors as needed to carry out enforcement of the Building Code Act, 1992 and the building code within their jurisdiction. CBOs have prescribed roles and responsibilities under the Building Code Act, 1992 and the building code, are required to be appropriately qualified and registered and are regulated by the ministry. It is the role of the CBO and inspectors to exercise their powers and perform all their duties under the Act in an

independent manner. Principal authorities are also required to have a Code of Conduct in place for its CBOs and inspectors.

The Building Code Act, 1992 allows principal authorities to set fees (e.g., building permit application fees and inspection fees) at a rate that does not exceed the cost of administration and enforcement. The Act provides principal authorities with the flexibility to enter into alternative agreements for the provision of enforcement, such as with another municipality, an upper tier municipality, a health unit or conservation authority, or with a private-sector provider (certain conditions).

Unincorporated areas in Ontario are geographic regions in Northern Ontario not governed by a formal local municipality. Currently, the ministry is responsible for building code enforcement in these areas. Recognizing the low building activity in these areas, the ministry has taken a relatively reactive approach to enforcement. However, all buildings must still comply with the building code, even in the absence of active enforcement.

### 3.1 Enhanced Municipal Enforcement

Where orders are not complied with, the only recourse currently available to principal authorities is to apply to the Superior Court of Justice for a court order directing compliance or conduct a prosecution for failing to comply with the order. Court processes are costly and often do not reflect the severity of risk to public safety. Principal authorities that have gone to the courts have found that the court fines that are administered do not recover the cost the principal authorities have spent enforcing the matter.

Recent changes to the Building Code Act, 1992 allowed the ministry to establish an administrative penalty framework that would serve as an additional enforcement tool for principal authorities, to help ensure the technical requirements of the building code are being complied with. Administrative penalties are already used by many municipalities in Ontario for by-law violations like parking and property standards.

## What is a Principal Authority?

- a. the Crown (e.g., ministry)
- b. the council of a municipality
- c. an upper-tier municipality that has entered into an agreement under subsection 3(5), 6.1 (1) or a board of health that has been prescribed for the purposes of subsection 3.1(1) or has entered into an agreement under subsection 6.1(2) or (3) or 6.2(2)
- d. a planning board that has been prescribed for the purposes of subsection 3.1(1), or
- e. a conservation authority that has been prescribed for the purposes of subsection 3.1 (1) or has entered into an agreement under subsection 6.2 (2)

The ministry is proposing to develop an administrative penalty framework that would enhance principal authorities' powers to address non-compliance and address contraventions of the Building Code Act, 1992 and the building code to promote public safety.

## What is an administrative penalty?

An administrative penalty is a penalty, often monetary, the regulator can impose for certain contraventions under the Building Code Act, 1992 and regulations.

Unlike charges laid under law, there is no criminal element when administrative penalties are imposed. Administrative penalties are intended to promote compliance rather than be a punishment for wrongful activity.

## What Do You Think?

1. What types of orders do you think administrative penalties could be used for? What do you think the province should consider in developing an administrative penalty framework?
2. Are there enforcement tools that would help principal authorities ensure compliance with technical requirements of the building code?

## 3.2 Supporting Local Building Service Delivery

Municipalities with limited construction and development activity often do not generate the revenue through building permit and inspection fees needed to cover the cost of a CBO and any necessary enforcement activity. This can result in either the CBO taking on many roles and responsibilities within a municipality to ensure cost-efficiency, or the municipality subsidizing the cost of building enforcement from the general municipal tax base.

Smaller municipalities generally don't receive many applications for large and complex building construction. Municipalities may choose to hire building officials qualified in the house and small building categories to ensure they have expertise for the type of applications they are in fact receiving. However, this can lead to a qualification gap should large or complex building permit applications be made in those areas. The ministry



wants to find ways to help these municipalities close the qualification gaps they may be experiencing.

Several municipalities have entered into sharing agreements for building code enforcement to mitigate these challenges. Other jurisdictions in Canada, the U.S. and Australia have allowed local jurisdictions to defer the delivery of building services to the higher order government (i.e. province/state) to ensure that there are no public safety or regulatory gaps when a local jurisdiction is unable to administer their respective building codes.

The ministry is considering providing the option for smaller, rural, and/or northern municipalities to enter into an agreement with the administrative authority to deliver full or partial building services on their behalf.

## Did You Know?

In 2017, Statistics Canada estimates that of the 414 municipalities in Ontario, over 18% reported no new residential or non-residential construction value for building permits.

Of the 414 municipalities in Ontario, 237 or 57% of these municipalities have some sort of sharing arrangement with either a conservation authority, health unit, or Upper-Tier municipality for Part 8 Building Code Coverage.

## What Do You Think?

1. Would it be beneficial for municipalities to have the ability to transfer some or all of their building service delivery to the administrative authority?
2. If you live in a smaller, rural and/or northern municipality, how would you feel more supported at your municipal building counter?

### 3.3 Unincorporated Areas

Buildings that are not constructed to meet building code requirements may result in unsafe and unhealthy living conditions (e.g., as buildings become more airtight, incorrect construction could result in black mould which has impacts on air quality and health). Unincorporated areas are not subject to permitting and inspection requirements, but the building code has become increasingly complex over time.

The ministry is considering a more active enforcement approach in unincorporated areas, which is proposed to be delivered by the administrative authority. Active enforcement could take the form of full permitting and inspection, equivalent to what is currently delivered by municipalities. Alternatively, a risk-based approach could be taken, that could for example, require full permitting and inspection to be applied to large, public assembly buildings.

#### What Do You Think?

1. What kind of framework should the province consider for dealing with building code compliance and enforcement in unincorporated areas?
2. If you live or work in an unincorporated area, what guidance, resources and/or support do you need for your building projects?

## 4. Improving Building Sector Supports

The building code has historically been updated on a five to seven-year cycle. As part of the government's commitment to national construction code harmonization in support of the Canada Free Trade Agreement, the province will update its code in line with the five-year national code development cycle. Through this process, the degree of variation between Ontario's building code and the national constructions codes will be reduced. The province will work with the national system to promote changes that reflect technological advancements and new construction practices which would open new markets for manufacturers and bring building costs down.

When changes are made to the building code, there may be accompanying guides, resources and/or technical bulletins issued to the building sector that assist with the interpretation and application of those new requirements. Currently, the ministry publishes

the Building Code Compendium and the Code and Construction Guide for Houses in hardcopy format.

The ministry also offers informal code advisory services administered by technical experts within the ministry. Through telephone and e-mail correspondence, these advisors provide building code guidance, and provide helpful code-related information to the public or building code professionals.

Product manufacturers who develop innovative building materials currently have the option of bringing their product to the Building Materials Evaluation Commission (BMEC) to be examined and authorized for use in Ontario. BMEC, which is currently supported by the ministry, is an agency of the province that has the authority under the BCA to conduct research on, examine, and authorize the use of innovative construction materials, construction systems, and building designs, which are not currently included in the building code. The average length of time for a decision to be made on an application is 90-120 days and the cost of an application is \$11,000. The ministry is proposing that the administrative authority assume responsibility for product authorization functions.

## 4.1 Promoting a Consistent Application of Code Requirements

Despite the supports provided, there are still many difficulties faced by the building sector when interpreting and applying building code requirements.

While an objective-based code allows for flexibility and innovation, it can also lead to inconsistent interpretation of requirements across the province. Due to the evolving technical requirements of the building code, it may also be confusing for the public to understand what requirements they need to follow for their construction projects.

Key guides and resources (e.g., secondary suites or tall wood construction guides) are released to help people understand major changes to the code. Building code professionals have been requesting more comprehensive tools and services in a timely manner that provide clear, standardized technical advice and interpretations.

The ministry is considering providing a variety of supports which could include:

- Developing and distributing additional guidance materials on a regular basis
- Increasing the use of technical bulletins and establishing formal processes for code interpretation requests
- Enhancing code advisory services to include the ability to provide technical opinions and/ or interpretations

- Working with the building sector to develop specific checklists, resources and tools to assist with the application of code requirements
- Enabling 24-hour front-line web service access to building code information and guidance

## What Do You Think?

1. Would you support the issuance of technical bulletins and/or code interpretations? Please explain.
- 2a. If additional resources and guides to help with code interpretation were created, what types of resources (e.g., type of content, format, etc.) would be most useful?
- 2b. Would the addition of more visual guidance materials for specific building code issues be helpful?
3. As a member of the public, what resources and tools would you need to assist you with understanding code requirements for your small or personal construction projects (e.g., minor renovations, decks, sheds etc.)?

## 4.2 Digital Service Transformation

The province has committed to a digital-first strategy to modernize and improve the services it provides to Ontarians. As part of this strategy, the ministry has begun refreshing the Ontario Building Code's web page to increase usability, functionality and access to digital resources that will help the building sector and all Ontarians. Building code professionals have identified additional service needs, including a digital version of the building code with increased functionalities such as:

- Compatibility with mobile devices
- Enhanced search functionality
- Compatibility with municipal electronic permitting and mobile inspection systems

The goal in implementing a strong, modernized digitally-based suite of building code resources would be to issue guides and resources quickly for use after code updates. This would improve front-line service delivery by supporting municipal efforts to reduce building permit approval timelines.

## What Do You Think?

1. If you would use an electronic version of the Code, on what type of electronic device would you most frequently view/use it on? (e.g., laptop/desktop, mobile device)
2. In addition to digital versions of the Ontario Building Code Compendium, what other digital guides, resources or tools would you find most useful?

### 4.3 Building Sector Data and Research

Reliable building industry data and research play an important role in evidence-based policy development and providing effective support to the building sector. The ministry currently uses a range of data and research from the building industry. This allows the ministry to use real-time data and identify key trends and patterns within Ontario's municipal and building sectors.

Currently, data is used from a variety of sources including the model National Building Code, the National Research Council, Statistics Canada, procurements for research and data related to a specific issue(s), online research, code change proposals, and stakeholder input and feedback.

The ministry is considering opportunities for broadening the scope of its data collection efforts and improving the quality and quantity of data that is collected by allowing the administrative authority to identify gaps, coordinate data collection, and make the data available to the building sector. Access to more robust sector data could support the activities and data needs of industry professionals. While enhanced data collection would provide the ministry and the sector with valuable evidence-based data, it may also add to the municipal reporting burden.

## What Do You Think?

1. Does your organization collect building sector data? Do you have any policies in place for data collection, management, and/or transparency?
2. How could the potential increase in municipal reporting burden be mitigated?
3. Do you think it would be beneficial if the administrative authority conducted research on behalf of the sector?

## 5. Funding Better Service Delivery

To ensure the efficient, streamlined, and sector-driven delivery of building regulatory services, the administrative authority would be financially self-sustaining and would operate on a full cost-recovery basis. The ministry is proposing to fund service delivery through a blended revenue model that includes allowing the administrative authority to charge fees for directly delivered services (e.g., registration fees, product authorization fees, etc.) and collect a small levy on top of municipal building permits fees.

### Example of a Levy Calculation

For a building project that has an estimated construction cost of \$500,000, the levy would be approximately \$80 on top of building permit fees already charged by municipalities.

The Building Code Act, 1992 provides the ability to recover costs of delivering services through fees. The ministry already collects fees for services such as building code professional registrations, product authorization (e.g., Building Materials Evaluation Commission) applications, and examination fees. It is anticipated that the administrative authority would continue to collect these fees for similar services it would deliver.

To achieve full cost-recovery, the administrative authority would charge an additional, nominal fee on municipal building permit applications. The levy would be calculated as a small percentage of the estimated construction value, which is self-reported on every building permit application. Based on the estimated total program cost for service delivery, the levy amount is anticipated to be 0.016% of the construction cost estimate noted on a building permit application.

The levy would be collected by principal authorities (e.g., municipalities) and then remitted to the administrative authority. Construction value is a transparent, reliable, and fair way to measure the amount of services a project would require since larger, more complex projects would generally require more services. The levy would be reviewed on a regular basis to ensure that the revenue being collected does not exceed the actual cost of delivering services to the sector.

Services offered by the administrative authority will be available to all Ontarians, regardless of the number of building permits or amount of building permit revenue collected. This



model would not impact existing building permit revenue that principal authorities collect as they would be separate revenue streams.

## What Do You Think?

1. Is the proposed funding model a reasonable approach to delivering improved services to the sector?
2. Are there impacts in implementing such a fee model that the government should consider?

## 6. Seeking Your Input

Public consultation is an important part of developing legislation, regulations and policy in Ontario. By providing your feedback on this consultation paper, you can help the Ministry of Municipal Affairs and Housing develop and transform service delivery to the building sector into a responsive, efficient, and modern model.

We look forward to your feedback. Your involvement helps to ensure that potential building code changes are fully informed to best meet the needs of Ontarians and the building sector, and that they are technically and economically feasible and enforceable. Your input is valued and will be seriously considered before the government makes final decisions on changes to the current regulatory building service delivery model and the associated suite of existing or proposed building code services.

### **You can send comments in writing to:**

Ministry of Municipal Affairs and Housing Building Services Transformation Branch  
16th Floor – 777 Bay St.  
Toronto, Ontario M5G 2E5

Or by email to:

[buildingtransformation@ontario.ca](mailto:buildingtransformation@ontario.ca)

**The ministry requires your feedback by November 25, 2019.**

Ministry of Municipal Affairs and Housing

08/19

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