

**THE CORPORATION OF THE MUNICIPALITY OF MARKSTAY-WARREN**

**BY-LAW 2018-38**

**BEING A BY-LAW RESPECTING CONSTRUCTION, DEMOLITION  
AND CHANGE OF USE PERMITS AND INSPECTIONS**

**WHEREAS** Section 7 of the of the Building Code Act 1992 S.O. 1992, c 23 as amended empowers Council to pass certain by-laws respecting construction, demolition and change of use permits and inspections

**NOW THEREFORE** the Council of the Corporation of the Municipality of MARKSTAY-WARREN enacts as follows:

**1. DEFINITIONS:**

In this by-law:

- 1.01 “**Act**” means the Building Code Act, 1992 S.O. 1992 c. 23 as amended;
- 1.02 “**Architect**” means a holder of a license, a certificate of practice, or a temporary license under the Architects Act;
- 1.03 “**As constructed plans**” means as constructed plans as defined in the Ontario Building Code (OBC) as amended;
- 1.04 “**BCIN**” means a Building Code Identification Number;
- 1.05 “**Building**” means a building as defined in Section 1(1) of the Act;
- 1.06 “**Building Code**” means the regulations made under Section 34 of the Act;
- 1.07 “**Building Inspector (Inspector)**” means the Building Inspector appointed by Council for the purposes of enforcement of the OBC and the Act;
- 1.08 “**Chief Building Official (CBO)**” means the Chief Building Official or his or her designate appointed by Council for the purposes of enforcement of the Ontario Building Code and the Building Code Act;
- 1.09 “**Construct**” means construct as defined in Section 1(1) of the Act and “**construction**” has a corresponding meaning;
- 1.10 “**Construction cost**” means the cost of construction including materials, labour and profit but not including land;
- 1.11 “**Council**” means the elected Council of the Corporation of the Municipality of MARKSTAY-WARREN;

- 1.12 **“Demolish”** means to do anything in the removal of a building or any material part thereof as defined in subsection 1.(1) of the Act and “demolition” has a corresponding meaning;
- 1.13 **“Designer”** means a professional with a valid BCIN number other than a professional engineer or architect who engages in design activities;
- 1.14 **“Municipality”** shall mean the Corporation of the Municipality of MARKSTAY-WARREN;
- 1.15 **“OBC”** mean the Ontario Building Code;
- 1.16 **“Permit”** means written permission or the written authorization from the Chief Building Official or Building Inspector to perform work regulated by this by-law and the Act and the OBC or to occupy a building or part thereof prior to its completion or to change the use of a building or part thereof, as regulated by the Act and the OBC;
- 1.17 **“Plumbing”** means plumbing as defined by Section 1(1) of the Act;
- 1.18 **“Professional Engineer”** means a person who holds a license or temporary license under the Professional Engineer’s Act;
- 1.19 **“Regulation”** means the regulations made under the Act;
- 1.20 **“Registered Code Agency (RCA)”** means a registered code agency as defined in the Act;

Terms not defined in this by-law shall have the meanings ascribed to them in the Act or Building Code.

## **2. PERMITS REQUIRED**

- 2.01 No person shall construct or demolish a building or cause a building to be constructed or demolished unless a permit has been issued by the Chief Building Official.
- 2.02 Classes of permits with respect to the construction, demolition and change of use of buildings and permit fees shall be set out in **Schedule “A”** of this by-law.

## **3. GENERAL REQUIREMENTS FOR A PERMIT**

- 3.01 To obtain a permit, the owner or agent authorized in writing by the owner shall file an application in writing by completing a prescribed form available at the offices of the Municipality, from the municipal website, or from the OBC website.
- 3.02 Every application shall be submitted to the CBO and shall:
- a. Identify and describe in detail the work and occupancy to be covered by the permit for which application is made,
  - b. describe the land on which the work is to be done, by a description that will readily identify and locate the building (see **Schedule “B”** Site Plan),
  - c. include complete plans and specifications as described in this by-law and show the occupancy of all parts of the building (see **Schedule “B”** Required Plans)

- d. state the valuation of the proposed work including materials and labour and be accompanied by the required fee,
- e. state the names, addresses, telephone numbers and email addresses of the owner, architect or engineer where applicable, or other designers or constructors,
- f. be accompanied, where applicable, by a written acknowledgement of the owner that he or she has retained an architect or professional engineer to carry out the field review of the construction wherein required by the Building Code.
- g. be signed by the owner or his or her authorized agent who shall certify the truth of the contents of the application,

**3.03** The following specific application for a permit shall be submitted to the CBO and contain the following information:

- 1) Where the application is made for a **construction or demolition permit** under subsection 8(1) of the Act, the application shall:
  - Use the provincially prescribed application form “Application for a Permit to Construct or Demolish”, and
  - Include complete plans and specifications, documents and other information as required in this by-law and under the authority of the Act
  - in the case of a demolition permit, the Chief Building Official may require that the applicant fence the demolition site to his or her satisfaction during the demolition process
  
- 2) Where application is made for a **change of use permit** under subsection 10(1) of the Act, the application shall:
  - Use the provincially prescribed form, “Application for a Permit to Construct or Demolish”, and
  - Describe the building in which the occupancy is to be changed, by a description that will readily identify and locate the building;
  - Identify and describe in detail the current and proposed occupancies of the building or part of a building for which the application is made in **Schedule “B”**;
  - Include complete plans and specifications (outlined in **Schedule “B”**) showing the current and proposed occupancy of all parts of the building, and which contain sufficient information to establish compliance with the requirements of the OBC.
  
- 3) Where application is made for a **conditional permit** under subsection 8(3) of the Act, the application shall:
  - Use the provincially prescribed form, “Application for a Permit to Construct or Demolish”, and
  - Include complete plans and specifications, documents and other information as required in the by-law (**Schedule “B”**) and under the authority of the Act,
  - State in writing the reasons why the applicant believes unreasonable delays in construction would occur if a conditional permit is not granted,
  - State in writing the necessary approvals which must be obtained in respect for the proposed building and the time in which such approvals will be obtained; and
  - State in writing the time in which plans and specification of the complete building will be filed with the CBO.
  - Complete and sign a Conditional Building Permit Agreement

- 4) Where an application proposes **an alternative solution** on a plan, specification, document or other information to use an equivalent material, system or building design for which authorization under the Act is requested, the following information shall be provided:  
-Use the provincially prescribed application form Application for use of an Alternative Solution which will contain a description of the proposed material, system or building design for which authorization is requested any applicable provisions of the OBC, and evidence that the proposed material, system or building design will provide the level of performance required by the OBC.

#### **4. CONDITIONAL PERMITS**

- 4.01** When, to expedite work, a permit for a portion of a building project is desired prior to the issuance of a permit for the whole project, application shall be made for that portion of the work desired, together with sufficient information relative to the whole of the work proposed. The CBO may, at his or her discretion and under conditions set by the CBO issue such a permit. All permit fees must be paid prior to the start of any work. Where a conditional permit is issued for part of a building or project, this shall not be construed to authorize construction beyond the plans for which approval was given, nor will that approval necessarily be granted for the entire building or project.
- 4.02** The Chief Building Official shall not, by reason of issuance of a Conditional Permit be under any obligation to grant any further Permits.
- 4.03** The CBO is hereby authorized to enter into one or more agreements for the issuance of a Conditional Permit as authorized in the Act.

#### **5. ABANDONED APPLICATIONS**

- 5.01** An application for a permit is considered to have been abandoned by the applicant where:
- a. the application is incomplete and remains incomplete six months after it was submitted; or
  - b. the application is complete, a Permit is available to be issued, and six months have elapsed from the date upon which the Municipality made notification of the Permit availability of the Applicant.

#### **6. FORMS**

- 6.01** All required forms shall be made available at the Municipal Office and on the Municipal Website. Provincially prescribed forms can also be downloaded from [www.mah.gov.on.ca](http://www.mah.gov.on.ca).

#### **7. AS CONSTRUCTED PLANS**

- 7.01** The CBO may require that a set of plans of a building or a class of buildings as constructed be filed with the Building Department on completion of construction under such conditions as may be prescribed by the OBC.

## 8. LOT GRADING

- 8.01 Upon request for a building permit, the property owner(s) shall provide a plan for dealing with the surface and sub-surface drainage. The Municipality may order an Impact Report from its Drainage Superintendent (appointed under the Drainage Act as amended) at the expense of the property owner(s) except where:
- a) the total area (footprint) to be occupied by the buildings and paved areas does not exceed 10% of the area of the property for which the building permit is to be issued unless requested by the CBO, or;
  - b) at the discretion of the CBO it is determined that the changes proposed by the building activity would have limited to no impact on neighbouring lands.

See **Schedule "C"** for Lot Grading Policy.

## 9. PAYMENT OF FEES

- 9.01 Fees for a required permit shall be set out in **Schedule "A"** of this by-law and are due and payable before a permit issued.
- 9.02 Where the fees for an application for a construction or demolition permit issued under subsection 8(1) of the Act or a conditional permit under subsection 8(3) of the Act are based on floor area, it shall mean the total floor space of all storeys above grade (or below grade for an underground home) measured as the horizontal distance between the exterior walls of the building.
- 9.03 Where due to the type of work proposed, the floor area cannot be calculated, fees for permits issued for an application to construct or demolish under 8(1) of the Act or conditional permits under subsection 8(3) of the Act shall be based on the cost of valuation of the proposed work. Such cost of valuation shall mean the total cost of all work regulated by the permit including the cost of all material, labour, equipment, overhead and professional and related services but not including the cost of land.
- 9.04 The CBO may place his or her own valuation on the cost of the proposed work for the purpose of establishing the permit fees, and where disputed by the applicant, the applicant shall pay the required fee under protest and in writing, indicate his or her intention of submitting an audited statement of the actual costs within 6 months of the completion of the project, and where the audited costs are determined to be less than the valuation, the CBO shall issue a refund for the difference.
- 9.05 In the case of abandonment of all or a portion of the work, or the non-commencement of any project, the CBO shall determine the amount of the refund of paid permit fees that may be returned to the applicant, if any, in accordance with **Schedule "A"**, attached to and forming part of this by-law.

**10. REFUND OF FEES**

**10.01** Refunds of fees shall be issued according to prescribed circumstances and that the rate as outlined in **Schedule “A”** of this by-law and as determined by the CBO. Prescribed circumstances will be the withdrawal of an application, abandonment of a project of all or portion of the work, or non-commencement of any project or material change to plans resulting in a reduction of fees.

**11. BUILDING WITHOUT A PERMIT**

**11.01** Where any person constructs or causes construction, demolishes or causes the demolition of a building without a permit issued hereunder, the owner shall pay an additional administration fee equal to twice the value of the fee applicable under **Schedule “A”** or \$250 whichever is greater.

**12. CHANGE TO A PERMIT AFTER IT IS ISSUED**

**12.01** After the issuance of a permit under the Act, notice of any changes to a plan, specification, document or other information on the basis of which the permit was issued, must be given in writing to the CBO together with the details of such change which is not to be made without his or her written authorization. The CBO will determine if such change will result in an increase in permit or a refund of fees as per **Schedule “A”** of this by-law.

**13. TRANSFER OF PERMITS**

**13.01** A Transfer of Permit is permitted when ownership of a property changes, and requires the written authorization of the CBO. Fees regarding transfers will be determined as per **Schedule “A”** of this by-law. The new owner assumes all obligations off the building permit in respect to, but not limited to required notices, filing any changes and other information as may be requested by the CBO and any other information or documents as may be required by the Act and the OBC.

**14. PERMIT LIMITATIONS REVOCATION OF PERMITS RENEWAL AND EXTENSION**

**14.01** A permit issued for new building, including additions, shall expire after two (2) years from the date of issuance. One-month before expiry of the permit, the CBO is to perform an inspection and list all outstanding work orders. If the project is not completed by expiry date, the applicant must apply for a one (1) year extension permit as outlined in **Schedule “A”** attached and forming part of this by-law. The fee for a one (1) year extension permit is as set out in **Schedule “A”**. At the expiry of the one (1) year extension, the CBO is to perform the final inspection.

**14.02** A permit issued for accessory buildings, repairs or renovations shall expire one (1) year from the date of issuance or may be extended at the CBO’s discretion with the purchase of an extension permit as outlined in **Schedule “A”**.

## **15. NOTICE OF READINESS FOR INSPECTION**

- 15.01** A person to whom a permit is issued is required to give notice of readiness for inspection to the CBO or RCA at different stages of construction as required by this by-law and under the authority of the Act.
- 15.02** Notice may be given by personal contact, telephone, or email. If notice is given by email, the onus is on the persons to whom the permit is issued to provide proof that notice was given.

## **16. INSPECTION**

- 16.01** Following the notice of readiness for inspection, the CBO and any appointed Inspector shall undertake a site inspection within the time prescribed by the OBC. Any additional notice as prescribed in this by-law shall be subject to the same prescribed time.

## **17. CODE OF CONDUCT**

- 17.01** The Municipality maintains this code of conduct in accordance with the provisions of the Act. Building Officials undertake building certification functions that ensure the quality, structural integrity and safety of buildings. Building Officials are exposed to potential conflicts of interest because of the special powers conferred on them. The conduct and behaviour of the Municipality's Building Officials reflects the Municipality's commitment to the highest standards of professionalism, technical competence, skill, honesty, fairness and independence. Building Officials observe both the letter and spirit of this code of conduct as it pertains to situations that bear on their responsibilities. This code is outlined in **Schedule "D"**.

## **18. VALIDITY**

- 18.01** If an article of this by-Law is for any reason held to be invalid, the remaining articles shall remain in effect until repealed.
- 18.02** Where a provision of this by-Law conflicts with the provision of another by-law in force within the Municipality, the provisions that establish the higher standards to protect the health, safety and welfare of the general public shall prevail.

## **19. TITLE**

- 19.01** This By-law shall be referred to the "**Building By-law**".

## **20. ENACTMENT**

- 20.01** That By-law 2009-19 and any other by-laws inconsistent with this by-law are hereby repealed.
- 20.02** This by-law comes into force and effect on the date of its passing and enactment.
- 20.03** The attached Schedule "A", "B", "C" & "D" shall form part of this By-law.

READ A FIRST AND SECOND TIME THIS 13<sup>TH</sup> DAY OF AUGUST, 2018.

  
MAYOR

  
CLERK

READ A THIRD TIME AND FINALLY PASSED THIS 17<sup>TH</sup> DAY OF SEPTEMBER 2018.

  
MAYOR

  
CLERK

**SCHEDULE "A" of BY-LAW 2018-38  
FEES AND REFUNDS**

**Classes of permits:**

- Building permit – required under subsection 8(1) of the Act. Includes plumbing, farm buildings, heating, ventilation and air conditioning permits.
- Demolition permits – required under subsection 8(1)
- Change of use permit – required under subsection 10(1) of the Act
- Conditional permit – authorized under subsection 8(3)

**Permit fees:**

Construction Cost (CC) shall be calculated by the following formula:

$$SI \times A = CC$$

SI = cost per square foot of construction as determined by Service Index in Table 1

A = total area calculated in square feet (sq ft)

Total Construction Cost (TCC) shall be the total of all Construction Costs (CC) calculated for the proposed permit.

Permit fees (PF) shall be calculated using the following formula:

$$[(TCC / 1000) \times \text{Rate}] + \text{Administrative Fee} = PF$$

TCC = Total Value of Construction calculated in Table 1

Rate = \$10.00

Administration Fee shall equal:

\$80.00 for TCC of equal to or less than \$5000 or;

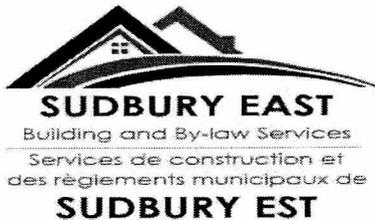
\$120.00 for TCC of more than \$5000

The minimum fee for a permit shall be \$100.

**Note:** where the actual construction cost, as declared by the applicant, exceeds the above formula, the actual construction cost shall be used to calculate the permit fee.

**Table 1**

FLOOR AREA AND COST ESTIMATION SHEET - PERMIT #			DATE:
ALL FEES PAYABLE TO THE MUNICIPALITY OF :			
Structure Type	Area (A)	Service Index (SI) (Cost/Sq.Ft)	Construction Cost (CC)
<b>RESIDENTIAL BUILDINGS</b>			
One story dwellings		x \$120 =	
Second storey or more & additions		x \$75 =	
Unfinished cottages and cabins		x \$80 =	
Finished cottages and cabins		x \$100 =	
Finished basement		x \$30 =	
Plumbing (added to Service Index)		x \$20 =	
Renovations		Estimated Cost (labour, materials, profits) =	
Garages, storage buildings, sheds & boathouses		x \$30 =	
Carports & boatports, decks, balconies		x \$25 =	
Covered Porches and Sunrooms and Solariums		x \$70 =	
Attached garages		x \$40 =	
<b>COMMERCIAL BUILDINGS</b>			
Office space, showrooms, etc		x \$125 =	
Restaurants		x \$150 =	
Accessory buildings		x \$40 =	
<b>INSTITUTIONAL BUILDINGS</b>			
Contract price or greater of		x \$100 =	
<b>FARM BUILDINGS</b>			
Finished building containing plumbing		x \$25 =	
No Floor		x \$10 =	
Concrete floor		x \$15 =	
<b>OTHER STRUCTURES</b>			
Swimming pools (inground or permanent structure)		x \$15 =	
Solar panels and installation of towers		\$200	
Woodstoves		\$100	
<b>OTHER</b>			
Temporary buildings		\$50 =	
Change of use permit: as per construction cost if building permit is required. If no construction required, cost is Administration cost of \$80.00 plus fee for site inspection(s) required			
Mileage charge or \$0.55 per kilometre for site inspections with a minimum charge of \$10.00 per permit for mileage			
Extra site inspection or reinspection fee		x \$80 =	
Research Fee		\$25 per hour plus copies @\$0.25/copy	
Extension, renewal or transfer of a permit		\$90 =	
<b>TOTAL COST OF CONSTRUCTION (TCC)</b>			
Building Fee = (TCC/1000) x \$10.00			
<b>DEMOLITIONS (Per Building)</b>			
Building < or = 538 sq ft		\$80 =	
Building > 538 sq ft and < 6400 sq ft		\$100 =	
<b>FEES</b>			
Building Fee:			
Demolition Fee:			
Admin Fee (\$80 < or = \$5000 TCC/ \$120 > \$5000 TCC) :			
(min fee \$100) TOTAL*:			
*Total fee will be doubled or \$250 will be charged (whichever is higher), if building or demo is commenced prior to the issuance of a Building Permit.			





**SCHEDULE "B" of BY-LAW 2018-38  
SITE PLAN AND REQUIRED PLANS**

**Site Plan**

Site plans shall be in reference to an up-to-date survey and when required to demonstrate compliance with the Act, a copy of the survey shall be submitted to the CBO unless this requirement is waived where the CBO is able, without having an up-to-date survey, to determine whether the proposed work conforms to the Act, the Regulation and any other applicable law, include Municipal Zoning By-law(s).

A complete Site Plan shall show:

- 1) Lot size and the dimensions of property lines and setbacks to any existing or proposed buildings and septic systems,
- 2) Existing and finished ground levels or grades,
- 3) Drainage patterns,
- 4) Existing rights of way, easements and municipal services and;
- 5) Proposed fire access routes and existing fire hydrant locations

**Required Plans**

Each application shall be accompanied by two (2) complete sets of building plans and specifications unless otherwise specified by the CBO or the Building Inspector. These plans may include the following:

- 1) Site Plan
- 2) Floor plans
- 3) Energy efficiency plan
- 4) Foundation plans
- 5) Framing plans
- 6) Roof plans (truss plans can be submitted at framing inspection)
- 7) Reflected Ceiling plans
- 8) Sections and details
- 9) Building elevations
- 10) Heating, ventilation and air conditioning drawings (HVAC plans)
- 11) Plumbing drawing
- 12) Fire alarm and sprinkler plan
- 13) Drainage plan/ Lot grading

Sufficient information and detail shall be submitted with each application for a permit to enable the CBO or the Building Inspector to determine if the proposed work will conform with the Act and the OBC and any other applicable law. The CBO may waive the requirements of some of the documents or request additional information and or documents if circumstances warrant.

Building plans shall be legible and drawn on paper, cloth or other durable material.

Architectural or Engineered Drawings shall show the designers and/or firms Building Code Identification Number (BCIN).

**SCHEDULE "C" of BY-LAW 2018-38  
LOT GRADING POLICY**

1. **Request for Building Permit:** Upon request for a building permit, the property owner(s) shall provide a plan for dealing with the surface and sub-surface drainage. The CBO may order an Impact Report from its Drainage Superintendent (appointed under the *Drainage Act* as amended) at the expense of the property owner(s) except where:
  - a) the total area (footprint) to be occupied by the buildings and paved areas does not exceed 10% of the area of the property for which the building permit is to be issued unless requested by the CBO, or;
  - b) at the discretion of the CBO it is determined that the changes proposed by the building activity would have limited to no impact on neighbouring lands.
2. **Deposits:** The Municipality will require one or more deposits for the property owner for estimated costs to the Municipality of the Drainage Superintendents' Report and anticipated legal or other professional costs pertaining to the processing of the request and implementing the permission if applicable.
3. **Utility Lines:** For all requests it will be the responsibility of the property owner to obtain location of and approval from all utilities (phone cables, hydro cables, gas pipelines, etc.)
4. If the Drainage Superintendent believes that the flow of drainage water from the outlet will not cause water problems for Municipal property or property of other private property owners, the permission will be given subject to the following conditions:
  - a) if the water outlets onto adjacent lands, the property owner(s), at the property owner(s) expense, must enter into a mutual drain agreement with the affected landowner(s) and the Municipality under Section 2 of the Drainage Act in a form and on terms satisfactory to the Municipality, which must be registered on title;
  - b) the agreement will provide that the outlet must be installed by and at the expense of the property owner(s) to the satisfaction of the Municipality;
  - c) the agreement must require that the property owner(s) be responsible for the costs of all future maintenance on the outlet should the property owner believe that clean out maintenance is required for the satisfactory functioning of the outlet going forward. Any maintenance must be done in a manner and by parties approved by the Municipality. For clarity, the Municipality will not pay out public funds for the satisfactory operation of the private drain outlets;
  - d) the property owner(s) will be responsible for the expense of maintenance in the event that the Municipality determines in its discretion that maintenance work on an outlet ditch is necessary due to silt or other material deposits as a result of the outlet.

5. If the Drainage Superintendent is of the opinion that the flow of water from the outlet may cause water problems for Municipal property but not another third party private property, the permission will be given if the problems can, in the opinion of the Municipality, be reasonably overcome at the expense of the property owner and as described and provided for in an agreement between the Municipality and the property owners(s) satisfactory to the Municipality which will also include terms similar to the agreement described in paragraph 4.
6. If the Drainage Superintendent is of the opinion that the flow of water from the outlet may cause water problems for the Municipality and/or private property owners, or that several downstream property owners may be affected, the permission will be given only if;
  - a) the property owner(s) proceed to petition for an outlet under Section 4 of the Drainage Act as amended, or;
  - b) in the event that the outlet involves a road crossing by the private drainage system to an outlet onto private or other property, the Municipality may also petition under Section 4 of the Drainage Act as amended.
7. **Vacant Lots:** All changes in ground elevation of vacant lots must be approved by the Drainage Superintendent or the Chief Building Official. Failure to do so may result in denial of building permits.

**SCHEDULE “D” of BY-LAW 2018-38  
CODE OF CONDUCT**

The purpose of this code of conduct is:

- 1) To promote appropriate standards of behaviour by Building Officials in the exercise of their powers and performance of their duties;
- 2) To prevent practices which may constitute an abuse of power, and
- 3) To promote appropriate standards of honesty and integrity.

Standards of Conduct and Professionalism in addition to any Policy and with respect to any Code of Ethics and Conduct apply to all municipal staff, the Municipality’s Building Officials shall undertake at all times to:

1. Act in the public interest, particularly with regards to the safety of building works and structures;
2. Maintain their knowledge and understanding of the best current building practice, the building laws and regulations relevant to their building certifying functions;
3. Commit themselves to a process of continuous education to constantly be aware of developments in building design, practice and the law relevant to their duties;
4. Comply with the provisions of the Act, OBC and any other Act of Law that regulates or governs Building Officials or their functions;
5. Avoid situations where there may be, or where there may reasonably appear to be, a conflict between their duties to their clients, their profession, their peers and the public at large and their personal interests;
6. Not act beyond their level of competence or outside their area of expertise;
7. Apply all relevant building laws, regulations and standards strictly and without favor and independent of the influence of interested parties;
8. Perform their inspections and certifying duties impartially and in accordance with the highest professional standards;
9. Not divulge any confidential or sensitive information or material, that they become privy to in the performance of their duties, except in accordance with laws governing freedom of information and protection of privacy;
10. To avoid any conduct that could bring Building Officials or the Municipality into disrepute;
11. Extend professional courtesy to all;
12. Accept responsibility of the conduct of their subordinate employees;
13. Maintain current accreditation to perform the functions assigned to them;
14. Take all reasonable steps to ascertain and document all available facts relevant to the performance of their duties; and
15. Exemplify compliance with all regulations and standards that govern building construction, health and safety or other matters related to their status as a Building Official.

### **Guideline for responding to Misconduct Allegations:**

The Act provides that the performance of Building Officials will be measured against this code of conduct. In response to any allegation of a breach of this code, the CBO shall direct an investigation and where appropriate, recommend disciplinary action against any Building Official who fails to comply with the code of conduct. Where the allegation is against the CBO, the CAO of that Municipality, or the CAO of the lead Municipality in the event that the Building Services are a part of a Shared Service Agreement, will direct the investigation and make such recommendation as are reasonable.

In determining the appropriate discipline, the CBO or CAO will have to regard the relevance of the conduct to the officials' powers and responsibilities as well as the severity of any misconduct.

Disciplinary Action arising from violation of this code of conduct is the responsibility of the Municipality's administration and is subject to relevant collective agreements, employment laws and standards.