



Corporate Report City Council

Report from: Planning and Building Services, Building and Development

Report Date: November 11, 2019 **Meeting Date:** December 2, 2019

Report Number: PBS-219-2019 **File:** 56.49.1

Subject: Code of Conduct for Building Officials – Policy Update

Strategic Pillar:



Recommendation

That Council approve the updated Code of Conduct policy for Building Officials attached as Appendix 1 to this report. FORTHWITH

Summary

A Code of Conduct policy for Building Officials was approved by Council in 2005. Since then, the policy has not been updated to reflect organizational changes relevant to the policy such as, changes to the names of concerned departments and the reporting structure applicable to City's Building Officials. A new updated policy that reflects the current organizational chart and industry best practice is attached to this report for approval.

Background

Pursuant to Section 7.1.(1) of the Building Code Act, a Code of Conduct policy for Building Officials was approved by Council in 2005 (file # 56.49.1). The policy outlines the expected standards of behaviour for Building Officials, including the Chief Building Official and Building Inspectors. It also provides guidelines for its enforcement including the departments/positions responsible for conducting investigation on complaints alleging breach of the policy.

While the Corporation's organizational chart has undergone several changes since 2005, including changes to the names of departments and positions, the policy has not been updated to reflect those changes. The purpose of this report is to present to Council an updated policy that is reflective of the current state of the organizational chart and the reporting structure applicable to Building Officials.

Report

The Building Code Act (BCA) is a provincial statute that provides the legal framework for building construction, property standards, and associated regulations. The BCA establishes the duties and rights of those subject to the construction regulations. Among the matters covered by the BCA is the requirement that municipalities establish and enforce a Code of Conduct for the Chief Building Official and Inspectors (“Building Officials” hereinafter).

The purposes of the Code of Conduct include the encouragement of appropriate standards of behaviour and enforcement, the prevention of abuse of power, unethical or illegal practices, and the promotion of appropriate standards of honesty and integrity of actions by officials who enforce the BCA.

The City of St. Catharines established the Code of Conduct policy for its Building Officials in 2005, which was approved by Council. The policy provided a mechanism for addressing alleged breach of the policy and outlined the departments/positions responsible for responding to complaints and carrying out investigations when appropriate. Since 2005, the City departments, their functions and reporting structure have been re-organized on different occasions, but the policy was never aligned with those changes. For example, at the time the policy was created, Building Officials were part of the then Transportation and Engineering Services department (TES) and the Director of TES was one of the respondents responsible for investigating complaints regarding breach of the policy. In the current state, Building Officials are part of the Building and Development Division of the Planning and Building Services department (PBS) and report to the Director of PBS. It therefore follows that the respondent to complaints against Building Officials should be the Director of PBS and not the Director of TES. It is also noted that the name of TES has since then changed to Engineering, Facilities and Environmental Services (EFES).

Staff have taken this opportunity to also review municipal best practices on other Code of Conduct policies for Building Officials. Staff have reviewed such policies from municipalities in Niagara, Halton, and York Regions, and the City of Toronto. It should be noted that a Code of Conduct policy is required by the provincial legislation, i.e., Building Code Act, and is therefore applicable throughout Ontario. Review of diverse municipalities across different regions of the province informed us that that the content of their Code of Conduct policies is similar. Therefore, the revised Code of Conduct for St. Catharines Building Officials takes into consideration the industry practice in terms of the content.

A revised/updated policy is attached to this report that reflects the current organizational chart and industry best practices as Appendix 1.

Financial Implications

Not applicable.

Relationship to Strategic Plan

Social Sustainability Pillar

GOALS:

3. Provide excellent customer service and communication with citizens.

The Code of Conduct policy improves trust and transparency between citizens and Building Officials as it requires Building Officials to exercise their powers and perform duties in accordance with the standards established in the Code of Conduct. The policy also outlines the process to respond to valid complaints.

Conclusion

An updated Code of Conduct policy for Building Officials is attached to this report and recommended for approval. The policy updates the names of the departments and clarifies the title of respondents responsible for addressing complaints regarding any breach of the policy by Building Officials. The content of the policy also represents an industry best practice review.

Notification

A copy of the policy will be posted on the City's website to bring it to the attention of the public.

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Approved by:

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Director of Planning and Building Services

Appendices:

Appendix 1 - Code of Conduct for Building Officials

CITY OF ST. CATHARINES

Code of Conduct for Building Officials

PURPOSE

Section 7.1(1) of the Building Code Act requires that a principal authority establish and enforce a Code of Conduct for the Chief Building Official and inspectors. Therefore, the City of St. Catharines as the principal authority establishes this Code of Conduct for its Building Officials.

The purpose of this Code of Conduct is to promote appropriate standards of behaviour, enforcement actions, honesty, and integrity among Building Officials, and to prevent practices which may constitute an abuse of power including unethical or illegal practices by Building Officials in the exercise of their power or the performance of their duties under the Building Code Act, Ontario Building Code, and/or other applicable laws.

PRINCIPLES OF CONDUCT

The Building Officials Code of Conduct, in addition to the policies and standards established by the City of St. Catharines relating to employee conduct, shall apply to the Chief Building Official, Inspectors, By-law Enforcement Officers and Property Standards Officers (hereinafter referred to as Building Officials), performing duties in accordance with the Building Code Act.

The City of St. Catharines Building Officials shall:

- Always act in the public interest, particularly with regard to the safety of building systems and structures;
- Apply all relevant building laws, codes and standards in an impartial, consistent, fair and professional manner, independent of any external influence and without regard to any personal interests;
- Abide with the provisions of the Building Code Act, the Ontario Building Code and other Acts or Laws which regulate or govern Building Officials or their functions;
- Maintain required legislated qualifications, discharging all duties in accordance with recognized areas of competency;
- Extend professional courtesy to all;
- Apply the highest standard of honesty and integrity in the exercise of a power or performance of a duty under the Building Code Act or regulation thereof;

- Not accept any gift or favour which may appear to influence the decision of the Building Official and never use his/her public office to exact personal gain or favour, nor to offer same in execution of their duty.

GUIDELINE FOR RESPONDING TO COMPLAINTS OF BREACHES OF THE CODE OF CONDUCT

If a person believes that a breach of this Code of Conduct has taken place, they may report the matter. Complaints must be made in writing to the Director of Planning and Building Services. The complaint letter must contain a clear and concise statement including pertinent information outlining the alleged breach of the Code and must be signed by the complainant. Promptness in lodging the complaint is important to protect the public rights and the rights of the person complained against and should be made within five (5) days of the incident. Complaints should be filed by an individual with personal knowledge.

In response to an allegation of a breach of this Code by a Building Official, the Director of Planning and Building Services in consultation with the Human Resources Department shall direct an investigation of the complaint.

Violations of this Code of Conduct may result in disciplinary action up to and including termination of employment. Such disciplinary action would be the responsibility of the City of St. Catharines and would be applied in conjunction with relevant laws, Labour Agreements and City of St. Catharines' policies.