

Request for Decision City Council




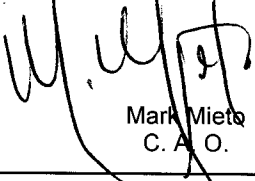
Type of Decision									
Meeting Date	June 24, 2004				Report Date	June 17, 2004			
Decision Requested	<input checked="" type="checkbox"/>	Yes		No	Priority	<input checked="" type="checkbox"/>	High		Low
	Direction Only				Type of	<input checked="" type="checkbox"/>	Open		Closed

Report Title
Seniors Campus

Policy Implication + Budget Impact	
<input type="checkbox"/>	This report and recommendation(s) have been reviewed by the Finance Division and the funding source has been identified.
<p>This report provides policy direction to proceed with the request for proposal for the development of semi independent living accommodation, and a children's day care centre within the proposed seniors campus at Pioneer Manor. It further assigns physical space for the creation of a Geriatric Wellness Centre at the site. Financial details will be provided to council once the request for proposals has been responded to by the bidders.</p> <p>This report extends the consulting contract of C.J. Stewart Consulting Services to December 31, 2004 for the purpose of establishing the action plan and implementation strategies for the Mayor and Council's Committee on Seniors Issues as well as researching and seeking funding for a Geriatric Wellness Centre for the Seniors Campus.</p>	
<input checked="" type="checkbox"/>	Background Attached

Recommendation
<p>Whereas the City of Greater Sudbury has embarked upon the development and implementation of a seniors campus on the grounds of Pioneer Manor, and</p> <p>Whereas the proposed seniors campus will incorporate the highest standards of long term care, the northern Ontario Dementia Assessment and Consultation Services for northeastern Ontario, specialized research including best practices in long term care, the Alzheimer Society, and semi-independent living accommodation and a children's day care centre;</p> <p>Therefore be it resolved that the KPMG report entitled Establishment of a Seniors Campus for the City of Greater Sudbury be received; and</p>
<input checked="" type="checkbox"/> Recommendation Continued

Recommended by the General Manager
 Catherine Matheson General Manager, Health and Social Services

Recommended by the C.A.O.
 Mark Miets C. A. O.

Report Prepared By

Catherine Matheson

Division Review

That the additional 30,000 square feet of space at Pioneer Manor be sought for occupancy in keeping with the original concept of the Seniors Campus and the Pioneer Manor Strategic Plan; and

That a request for proposal be issued to identify potential semi-independent living accommodation operators for the 14,000 square feet of space available within the facility, and for the 2500 - 3600 square feet available for the children's day care centre; and

That the remaining 12,000 square feet of space at Pioneer Manor be distributed as up to 10,000 square feet for the Sudbury Manitoulin Alzheimer Society and 2,000 square feet for the development of a geriatric wellness centre; and

That the terms of reference for the Mayor and Council's Committee on Seniors Issues be amended to enable this committee to provide advice on the evolution of the campus and to advise Council on the same; and

That the consulting contract with C.J. Stewart Consulting Services be extended for a final 6 months ending December 31, 2004 under the existing terms and conditions for the purpose of setting the action and implementation plan for the Mayor and Council's Committee on Seniors Issues and to research and seek alternative funding sources for a geriatric wellness centre within the seniors campus.

Background

The concept of a seniors campus on the grounds of Pioneer Manor emanated from the Master Plan for Pioneer Manor, 1994 and was fully supported by the City of Greater Sudbury Council. In 2001, with the Ministry of Health and Long Term Care requirement for capital redevelopment of Pioneer Manor, City Council incorporated the concept of the Seniors Campus to be the guiding element. The vision was the 20 acre site at Pioneer Manor being redefined as a conglomeration of partners who would contribute to the creation of a centre for geriatric excellence in northeastern Ontario.

Capital Redevelopment Project (\$22 million)

Capital redevelopment projects were directed by the Province of Ontario to all structurally non compliant facilities, of which Pioneer Manor was 1 facility of 106 in Ontario. The project now fully underway will be completed in the fall of 2004. A total of 188 beds will be re-created to the front of the facility, while 32 beds in Heritage Lane (Alzheimer/Dementia Unit) will be renovated to new design standards. The intention of the capital investment is to move facilities to the highest standards of structural compliance in long term care. Unlike the existing areas, the new areas will have a combination of private and semi-private bedrooms, each bedroom having its own washroom and each occupant having their own window. Each of the 7 home units will have a maximum of 32 residents residing in them. All home units will have their own lounges, tub rooms, dining rooms, medical/nursing staff areas and kitchens.

The facility as a whole has taken on the image of a park like setting, and home which enables healthy living throughout the 4 seasons. By example, the grounds of the campus will be redeveloped for attractive paved walking paths and sitting areas. The paths will connect to the trans Canada trail located at the West end of the property. Connecting the existing physical complex to the new site will be a winter park. The "Winter Park" is an indoor park like setting which will enable all residents to gather in a common area central to the facility within a 2 storey southern exposure. In keeping with the concept of a park like setting the complex will offer five secure out door courtyards.

Strategic Plan - Seniors Campus

One strategic position for the seniors campus was to position Pioneer Manor as a "hub" for geriatric excellence in Northern Ontario, through the attraction of additional specialized geriatric resources to the community

- promotion of the campus internationally to raise the benchmark in Long Term Care
- offering a broad range of health care and professional services above and beyond existing standards in the industry
- providing opportunities for increased community involvement
- building on intellectual capital for the purpose of specialization
- attaining the service of a geriatrician for northeastern Ontario
- conducting specialized geriatric research

As the campus evolves these opportunities will be realized.

Seniors Campus Steering Committee

To facilitate development of the Seniors Campus, a steering committee was established under the chairmanship of Councillor Callaghan with five pivotal focal points; 1) redeveloped long term care facility, 2) Northern Ontario Dementia Assessment and Consultation Services for Northeastern Ontario, 3) Geriatric Research, 4) Semi-Independent Living Accommodation and 5) Alzheimer Day Centre and Services.

For the past several years members of the local community and northeastern Ontario have volunteered to participate in the steering committee and its sub-committees. The committees have dedicated their time to the evolution of the campus model and have had specific successes including the establishment of the Northeastern Ontario Dementia Assessment and Consultative Services using tele-health technology.

The Seniors Campus is now entering the implementation phase of development. As such, it is recommended that the Seniors Campus Steering Committee and the Mayor and Council's Committee on Seniors Issues be amalgamated into one for the purpose of achieving the objectives as set out in Sudbury's Golden Opportunity Strategic Direction. The terms of reference for the new Mayor's Committee have been revised and are attached to this report.

Selection of Partners - Criteria

The Seniors Campus Steering Committee has developed the following criteria for selection of potential partners for occupancy of the proposed space:

- 1) Commitment to Strategic Plan
- 2) Commitment to Research
- 3) Demonstrated innovation and leadership related to best practices in geriatrics, education or management
- 4) Non-competitive with other service providers at the campus
- 5) Commitment to an active role in evolution of campus
- 6) Proven financial viability and sustain ability
- 7) Commitment to quality and integrity
- 8) Commitment to development of geriatric services
- 9) Proven involvement in community development activities

These principles will be adhered to in the selection of future partners for the campus.

KPMG Report - Establishment of a Seniors Campus

Upon completion of the new 188 bed structure located at the front of the property, 30,000 square feet of internal space will be vacated and no longer required for long term care purposes. The excess institutional space was originally constructed in the 1950s and 70s and no longer meets the structural requirements for long term care, however it is structurally sound. This 30,000 square feet will be available for alternate uses serving a seniors campus. Ten thousand of the available space has been assigned for use by the Sudbury Manitoulin Alzheimer Society who are seeking funding for the purpose of the retrofitting of the space to their purpose.

KPMG was selected to conduct a review of opportunities for the excess space following a national RFP being issued in 2002 to identify potential partners who may be interested in occupying the existing space. Only 1 operator responded to the advertised opportunity. Given the lack of interest staff approached targeted operators directly and found further potential interest in the opportunities. The KPMG report provided further insight into the establishment of the Seniors Campus.

Identified Case Studies in Long Term Care

KPMG conducted a review of other long term care facilities in the province, including Baycrest in Toronto, and Longworth Retirement Village in London. All the facilities reviewed seek to attract ancillary services which compliment the services of the long term care facility. Baycrest established in 1918, is internationally recognized for its variety of medical research and retail activities located on site.

Land Use Issues

Since 1994, the concept of semi-independent living accommodation alternatives was identified as a focal point for the future campus development. However, given the flood nature of the lands surrounding Pioneer Manor, the availability of land to create semi-independent living alternatives became critically limited. With this in mind and given the availability of accommodation space internal to the facility, it is recommended that the supportive housing component of the campus be dealt with internally as opposed to constructing a new structure.

Anchor Tenant - Alzheimer Society

Since 2001, the Alzheimer Society has expressed interest in occupying 10,000 of the 30,000 square feet of space. City of Greater Sudbury Council has approved the occupancy of this agency in the requested space at the facility for the reimbursement of direct expenses related to their occupancy of the space. Since the Alzheimer's Society is the first major tenant holding with agreement in place the rental space has been designed on the basis of a financial break even point. The Alzheimer Society is conducting their own capital campaign for the purpose of making tenant capital improvements. The Alzheimer Society is not expected to occupy the space until 2005/2006.

City Capital Contribution - Towards the Seniors Campus

KPMG in their review has not recommended capital contribution from the City of Greater Sudbury towards the excess space;

- 1) capital investment for a specific purpose may limit the investment in time given potential turnover of the tenant
- 2) leasehold improvements can lead to equipment investment which leads to additional capital requirements
- 3) investment into capital may result in concerns over market competition
- 4) liability for defect or deficiency in construction

Landlord Versus Operator of Services

KPMG in their review of opportunities has recommended that the city assume the role of landlord versus operator of direct ancillary services. By example,

- 1) direct operation by the city would result in competition with other sectors
- 2) operation of services would require additional investment
- 3) ancillary services would not correspond with core services/mandate Pioneer Manor
- 4) city as operator would assume all risks associated with the ancillary services.

Distribution of Profits and Cost Recovery

KPMG in their report has recommended restriction of profit from rental arrangements to Pioneer Manor. Given the addition of 100,000 square feet of operating space to the facility without a corresponding increase in revenue to offset that expense it will be necessary to direct profits arising out of the rental of excess properties to the operational needs of the facility.

Rental revenue can be assigned under different rental scenarios. However, the consideration for market situations is necessary. By example, medical space in the community is being offered at extremely low rates for the purpose of attracting the physicians to specific sites. It is expected that for Pioneer Manor to be successful in attracting a physician to their site the need for competitive rental arrangements will be required. However, for a non profit provider such as the Alzheimer Society operating revenues are at a minimum. Therefore, rental arrangements for non profit organizations would not necessarily be sought beyond a break even point of cost recovery. With respect to the potential arrangement with a private housing provider, the potential for rental funds above a break even point would be feasible. In the situation of semi-independent living accommodation alternatives, in the absence of private sector interest in managing/operating the services the city would explore this opportunity. It is expected that given current demand and supply of semi-independent living alternatives, the services could generate revenue beyond simple cost recovery which would offset costs associated with the operation of the seniors campus and would enable the campus to meet its original objectives..

Request for Proposal

It is recommended that the space allocation for Pioneer Manor be pursued for occupancy as follows:

- a) 10,000 square feet Alzheimer Society – occupancy pending completion of capital campaign
- b) 2500 - 3600 square feet Child Care Centre
- c) 14,000 square feet - Retirement Wing
- d) 3000 square feet - Geriatric Wellness Centre

Action Plan 2004

- 1) Formation of Mayor and Council's Roundtable for Seniors Issues and incorporation of the Seniors Campus Ancillary Services into their work plan, see attached terms of reference.
- 2) Development of partnership processes including ethics, confidentiality, labour relations, intellectual property, research guidelines and financial coordination matters.
- 3) Issuance of Request for Proposal for children's day care centre and semi independent living accommodation operator
- 4) Decision of Council on Future Partners of Seniors Campus

MAYOR AND COUNCIL'S COMMITTEE ON SENIORS' ISSUES and the SENIORS CAMPUS AT PIONEER MANOR

REVISED Terms of Reference

1.1 MISSION STATEMENT

The Mayor and Council's Roundtable on Seniors' Issues and Seniors Campus for Pioneer Manor represents the diversity of older adults fifty-five years of age and over, within the City of Greater Sudbury. The committee will advise on the establishment of a comprehensive service and research site for older adults on the grounds of Pioneer Manor, which will provide a continuum of coordinated services. The Mayor and Council's Roundtable will also promote, maintain and enhance seniors' quality of life in the City of Greater Sudbury through consultation, education, and advice as indicated in Sudbury's Golden Opportunity Report, 2004.

1.2 PURPOSE

To advise the Mayor and Council, to promote the development of a continuum of services for seniors who may be living independently or require the assistance of others.

1.3 GOALS

- 1.3.1 To respond to requests from the Mayor and Council on matters relating to older adults.
- 1.3.2 To promote the development and creation of opportunities for older adults.

1.4 OBJECTIVES

- 1.4.1 To address the needs of an aging population through research, consultation and advice on policy.
- 1.4.2 To ensure older adults are actively involved in planning for their future.
- 1.4.3 To assist in the development of information and referral mechanisms for seniors, and advise on the creation of advocacy channels for seniors in the City of Greater Sudbury.

1.5 STRUCTURE

The Mayor and Council's Roundtable on Seniors' Issues shall consist of a membership of twelve(12), and the Mayor or his Designate, who will act

as Chair. Working Groups of persons with particular expertise may be formed to assist the Mayor and Council's Roundtable on Seniors' Issues.

1.6 SELECTION OF MEMBERS

- 1.6.1 Positions on the Mayor and Council's Committee will be advertised in all local media.
- 1.6.2 Application for membership must be made on an approved application form.
- 1.6.3 Selections will be made using standardized selection criteria.
- 1.6.4 Selection will be made by City Council, at a City Council meeting.
- 1.6.5 City Council will make recommendations to fill vacancies on the Committee.
- 1.6.6 The Term of Office will be for the duration of Council.

1.7 OPERATIONS

- 1.7.1 Members must attend meetings. Members who miss three consecutive meetings without good reason will lose their membership.
- 1.7.2 All communications regarding the Committee must go through the Committee.
- 1.7.3 Quorum will be by simple majority (ie. 50% plus one)
- 1.7.4 Decisions will be made by a majority vote
- 1.7.5 All Declarations of Conflict of Interest will be noted at the outset of each meeting, and those members who are in a Conflict of Interest position will refrain from discussion or voting on those agenda items.

1.8 REPORTING

- 1.8.1 Article 34, Advisory Panels in the Council Procedure By-Law sets out the authority under which MCCSI will operate.

1.9 SUGGESTED DELIVERABLES FOR 2004

Suggested deliverables for 2004 include the implementation of initiatives to address:

- ▶ Sudbury's Golden Opportunities Report
- ▶ Seniors' Information and Referral services
- ▶ Seniors Advocate for the City
- ▶ Seniors Campus
- ▶ Other seniors-related issues as identified by the Mayor and Council

Request for Decision City Council



Type of Decision

Meeting Date	June 24, 2004			Report Date	June 14, 2004		
Decision Requested	<input checked="" type="checkbox"/>	Yes	No	Priority	<input checked="" type="checkbox"/>	High	Low
	Direction Only			Type of Meeting	<input checked="" type="checkbox"/>	Open	Closed

Report Title

BILL 124 Building Code Statute Law Amendment Act - Impact on Administration & Enforcement of the Ontario Building Code by the City of Greater Sudbury - Progress Update

Policy Implication + Budget Impact

This report and recommendation(s) have been reviewed by the Finance Division and the funding source has been identified.

2005 financial implications cannot be quantified at this time.

Background Attached

Recommendation

THAT Council receive this report for information purposes and that the Chief Building Official be instructed to work with our development industry partners on DLAC to strike committees to provide Council Recommendations on:

- Building Permit Fees - Fee for Service
- Use of Registered Code Agencies
- New Mandated Inspection Regime & Personnel Resources Requirements

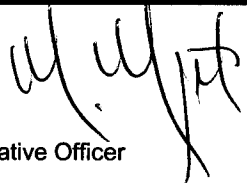
as mandated under the New Ontario Building Code Act.

Recommendation Continued

Recommended by the General Manager


 Doug Nadorogny
 General Manager of Economic Development & Planning Services

Recommended by the C.A.O.


 Mark Mieta
 Chief Administrative Officer

Date: June 14, 2004

Report Prepared By



Guido A. Mazza, P. Eng.
Chief Building Official

Division Review



Wm. Lautenbach
Director of Planning Services

BACKGROUND

On June 19, 2002, the Province of Ontario passed Bill 124, "The Building Code Statute Law Amendment Act 2002, S.O. 2002, c. 9 Being An Act To Improve Public Safety And To Increase Efficiency In Building Code Enforcement". Royal assent was granted June 27, 2002.

Bill 124 was the Province's response to the Building Regulatory Reform Advisory Group (BRRAG) report presented to the Minister of Municipal Affairs and Housing in August of 2000.

Bill 124 received first reading on November 1st, 2001. The Bill was proclaimed on July 25, 2003, without any changes from first reading, as the Building Code Statute Law Amendment Act 2002 and Ontario Regulation 305/03 was filed to implement the Province's Building Regulatory Reform.

Some of the amendments to the Building Act, 1992 and the Building Code came into force on September 1st, 2003, while the majority will take effect July 1st, 2005, and form the essentials of the financial and resource impacts of these changes on the City of Greater Sudbury's Building Services' operations.

This legislation introduced the most significant reforms to the Building Regulatory System since the introduction of the Ontario Building Code in 1975.

This report is intended to highlight the changes to be introduced by the Province and to advise Council of the impact those changes will have on the administration and enforcement of the Ontario Building Code within the City of Greater Sudbury.

Following the proclamation of the Bill, the City's Chief Building Official attended a workshop for Large Municipalities Chief Building Officials (LMCBO) on November 1st, 2003, in Ottawa and participated in the development of an action plan to assist municipalities in preparing for the implementation of Bill 124. The action plan was developed in consultation with the Ministry of Municipal Affairs and Housing staff. On March 18th, 2004, the Ministry issued a "Municipal Checklist" to help municipalities prepare for July 1, 2005 (see attached).

This report will generally follow the outline of the Ministry's notice and stated goals of **Public Safety - Streamlining - Accountability** dated July 28, 2003, as well as our previous report to Council on October 23, 2003 (see attached), with emphasis on what the municipality will have to do by July 1, 2005.

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A) PUBLIC SAFETY

1. Mandatory Provincial Building Code Knowledge Requirements

One of the most significant elements of the legislation is to require Building Code knowledge for building designers, building officials and Registered Code Agencies (RCA's) to improve the quality of new construction, to promote code requirements related to health, safety and accessibility, to promote greater use of innovative solutions and to speed up approvals.

The new legislation established qualifications for different building practitioners. For example, designs, plans or drawings would need to be prepared by a professional who meets the new qualifications before a permit is issued. Some of those involved in construction would need to be covered by insurance.

The requirements for designers to meet qualifications with respect to Building Code knowledge should have several positive effects on submissions received by the City for permits. Establishing base line qualifications for designers will help achieve a more efficient and effective approval process and should have a positive effect on obtaining more consistent, uniform submissions. The City will be responsible for establishing the qualifications of designers through the Provincial Registry currently being developed.

It is fundamental to public safety to ensure that key building practitioners are knowledgeable with current code requirements and are capable of interpreting the code in accordance with its underlying principles. There is a concern in this regard that builders are not required to meet qualifications set down by the new Bill.

Municipal Building Officials, most designers, engineers, architects and persons engaged by Registered Code Agencies (RCA's) will have to meet these requirements by July 1, 2005.

Implications for the City of Greater Sudbury

There are currently 12 Building Inspectors/Plans Examiners within the Building Services Division that will need to pass a number of 3-hour Provincial exams. The number of exams to be passed varies with the duties of each position i.e. The Chief Building Official (CBO) will only have to write one exam on the legal aspects and powers and duties of a CBO, where as some Plans Examiners and Building Inspectors will require to pass 6 exams in order to continue to perform their duties beyond June 30, 2005. A number of staff have already written exams and the success rates have been about 90 percent.

Further City of Greater Sudbury staff have completed a number of Ministry of Municipal Affairs courses in anticipation of this legislation and will be given "advanced standing" pursuant to Section 2.6 of the Ontario Building Code Act. Building Officials that successfully complete these advanced standing alternatives would not be required to write the corresponding technical examinations.

However considerable time and resources will still be required to meet the July 1, 2005 deadline. Currently Building Services is exploring alternative training options through its affiliation with the Ontario Building Officials Association (OBOA) and distance learning options through Northern College and Contact North.

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It should be noted ongoing maintenance of Building Official qualification is also mandated through the new regulations and must be budgeted.

Actions to be Completed Are:

- i) Provide training and ensure all staff pass the requisite exams by July 1, 2005.
- ii) Once completed, file the information with the Director of Building Development Branch of the Ministry of Municipal Affairs as required.
- iii) Review the Appointment By-law for Building Officials and revise accordingly.
- iv) Review with the Human Resources Division the new qualifications and the effect they may have on the existing job descriptions.

2. Mandatory Notifications & Inspections

One of the most important tasks the public expects to be done within the Building Regulatory system is inspection at different stages of construction. The new legislation requires that notifications from builders be followed by inspection by municipal staff or RCA's at certain key stages of construction and that these inspections take place within 2 working days of notification. The Province is attempting through this legislation to mandate inspection service levels and provide a more consistent inspection system across the Province.

Implications for the City of Greater Sudbury

Historically, the Building Services Division has managed its mandate of administering and enforcing the Ontario Building Code through a policy of risk management. Aware of its obligations to enforce the Ontario Building Code Act and the regulations, as well as the financial ramifications to the municipality for failing to conduct itself with due diligence in the completion of its duties, the Division has focussed its resources on those requirements that:

- have the greatest impact on the public, and
- activities that expose the City to the highest liability.

This is accomplished by applying a risk assessment matrix to Building Services branch activities to ensure those activities of high frequency and high risk get the greatest attention and that those activities that have a low frequency and low risk are assigned little priority. The risk management policy adopted by Building Services branch ensures that the greatest resources are directed to those areas of greatest risk to either mitigate the risk or control risk through training, clear and precise procedures, or by redirecting the risk to a third group, the design professionals (i.e. to the structural engineer who has signed and stamped his/her professional seal on the design plans as conforming with the Building Code).

The new regulations have mandated a minimum standard for inspection service throughout the Province. The number and type of inspections for both residential as well as the institutional, commercial and industrial (ICI) sector will increase through this legislation from our current procedures.

The increased number of residential inspections required and especially the new mandated inspections within the institutional, commercial and industrial (ICI) sector will require additional personnel resources.

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Actions to be Completed Are:

- i) It is essential that we establish new procedures in conjunction with our local development partners, Sudbury District Home Builders, Sudbury Construction Association and design professionals. Therefore we will establish a comprehensive policy and procedure to meet the new requirements of the regulations through a sub-committee of Council's Development Liaison Advisory Committee (DLAC). The recommendations of this Committee will be forwarded to Council's Priorities Committee for adoption, including any requirements for additional staff resources.
- ii) Once the policy has adopted through Council, an educational program be established through the Sudbury District Home Builders' Association and the Sudbury Construction Association to inform the industry of the new procedures.

B) STREAMLINING

1. Specific Time Limits on Building Permit Decisions, Applicable Laws

Municipalities will have specific time limits ranging from 10 days for houses to 30 days for complex buildings to issue permits or give reasons in writing why the permit could not be issued. The requirement for specific time units was recommended by the Building Regulatory Reform Advisory Group (BRRAG). The regulations permit appeals to the Building Code Commission when these time frames are not adhered to. The Commission has the authority to require that the municipality comply.

BRRAG also recommended that all applicable laws permitting construction of buildings in Ontario be listed in the regulations. The legislation provides a definition of applicable law, which has been clarified to include a specific list of laws that require compliance before a building permit can be issued (e.g. applications requiring official plan amendments, subdivision agreements, rezoning, site plan approval, etc.). The specific time limits to issue permits do not start until applicable laws are complied with, as such it is important that all applicable laws are known.

The following table outlines time frames contained in the new legislation as well as benchmarks currently specified by Council through DLAC for levels of service in the City of Greater Sudbury:

	Class of Building	Ontario Building Code Time Period Business Days	Council's DLAC Benchmarks Business Days
1	Stock Plans for Part 9 Houses	5	5
2	Part 9 Houses	10	5/10
3	Other Part 9 Buildings	15	5 & 10
4	Part 3 Buildings	20	5 & 10
5	Complex Buildings	30	10

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Implications for the City of Greater Sudbury

We do not expect any difficulties in meeting the Provincial time limits on Building Permit decisions. In fact, current issuance turnaround times established by Council in 1995 through DLAC in most cases are more stringent. Council receives regular reports on these benchmarks from Building Services through DLAC and for the most part we currently meet and exceed the Provincial standards for permit time limits.

Procedures with respect to the degree of detail examined by staff specifically as it relates to Building Services such as heating, ventilation and air conditioning will require review by DLAC to establish best practice principles on these aspects of construction review mandated by the new Building Code regulations.

Actions to be Completed Are:

- i) Establish a sub-committee through DLAC to review plans submission and examination standards to conform to the new Building Code mandated inspections. As well review our plans review policies against the list of applicable laws to identify gaps in internal and external approvals as well as to identify approvals that do not qualify as applicable law.

2. A Common, Province-wide Application Form for Permits

In order to promote uniformity across the Province, a common application form is prescribed effective July 1, 2005. Also, common Building Code order forms are prescribed for use Province-wide. Standard Province-wide forms were recommended by BRRAG.

Implications for the City of Greater Sudbury

The common application form issued by the Minister does not fit exactly with what Sudbury currently uses. Municipalities are not allowed to make any changes to it that would require submission of more information.

The Large Municipalities Chief Building Officials Group (LMCBO) is currently working with the Ministry to effect some changes to the form. The Ministry has indicated a willingness to cooperate on this issue.

Currently, Building Services Division is undergoing a complete re-vamping of its Building Permit software as part of the "Connect Ontario" project approved by Council. Provisions for the incorporation of the final version of the new mandated Province-wide application have been made in the software architecture.

There will be other changes to our existing procedures in processing applications, for instance, we will be required to ensure designers demonstrate that they are provincially qualified before we can accept their designs for review. As well, more care will be required in acceptance of the application, which in turn triggers the time limits to issue permits noted previously.

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Actions to be Completed Are:

- i) Recommend through LMCBO that the Province modify the prescribed application slightly to better reflect our current application and the ability to use it with electronic permitting.
- ii) Review the existing order forms for compliance with those prescribed by the Province and make changes as required.
- iii) Amend our existing Building By-law to reflect the changes required by the Province with respect to the submission of information required to complete an application for a permit.

3. Provisions Which Provide Municipalities the Use of RCA's

Legislation will, as of July 1, 2005, allow municipalities to hire RCA's to perform plans examination and/or inspections. The legislation also permits applicants for permits to hire their own RCA's with Municipal Council approval for house construction only.

Implications for the City of Greater Sudbury

Bill 124 has made provisions to create a new entity called a Registered Code Agency (RCA). Initially, the concept was to create a private sector Building Inspector to provide plan examination and/or building inspection functions which could be utilized by the municipality during peak times of the year or for work perhaps of a unique nature such as a large development or a major high-rise building. An RCA is required to have the same qualifications as a Municipal Inspector including insurance coverage. The provisions to permit an RCA is found in Section 4.1 of the Building Code Act (BCA).

The Ministry of Municipal Affairs & Housing added another option which would permit an applicant for a permit to acquire the services of an RCA for plan examination and/or inspection services. This option was controversial and not supported Province-wide. Therefore the Ministry of Municipal Affairs & Housing made provisions for this option in Section 4.2 of the BCA subject to approval from the principal authority (City Council), but for house construction only and not the Industrial, Commercial and Institutional (ICI) sector.

Council must decide, by regulation, by-law or resolution whether to permit RCA's to operate within the jurisdiction of the City of Greater Sudbury and, if so, under what conditions. For example - employed by the principle authority only as per Section 4.1 of the BCA or employed by the applicant only as per Section 4.2 of the BCA or, employed by both principle authority and/or by the applicant or, not to exist for any purpose within the jurisdiction of the City of Greater Sudbury.

The benefit to an RCA under 4.1 of the BCA (working for municipality) would be to provide assistance to the City during peak construction times or during high growth periods or during periodic economic booms. In essence, the RCA becomes a temporary or contract Inspector for the municipality who retains the ability to control or manage the function and risk. Further if the municipality hires an RCA it will ensure that the RCA has reporting systems that are comparable with its own (e.g. customer and Inspector Plus automated inspection systems). The municipality will also ensure that records of plan examination and inspections performed including orders issued are in a form compatible with the municipality's given the latter is required to maintain these records.

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The benefit to an RCA under 4.2 (working for applicant) of the BCA may be to secure immediate or pre-purchase services that might help expedite the construction schedules.

The downside of an RCA under 4.2 would be that we lose our ability to manage risk as the municipality is still required to issue a permit which, under joint and several liability laws, includes the municipality as a target in any lawsuits. The municipality would have to deduct from the permit fees the fees charged by the RCA for plan examination and/or inspection services. The municipality is still responsible to investigate to take necessary action (including legal action) for specific orders and circumstances during construction, i.e.) Unsafe orders, prohibit use and occupancy, etc.. The RCA is only required to maintain 7 year MSD insurance after which time the municipality has total liability for another 8 years. The municipality is required to maintain the file and support any inquiries regarding information of legal documents in the file for 15 years. The negative implications on an RCA under 4.2 of the BCA far outweigh the benefits of such an entity.

However, it is our recommendation that Council obtain a recommendation from the Development Liaison Advisory Committee on the subject after a sub-committee of DLAC thoroughly investigates the issue of RCA's with input from our Legal Services Division and Risk Management Section.

Actions to be Completed Are:

- i) Chief Building Official chair a sub-committee of DLAC to review the issues of Registered Code Agencies under the new Building Code Act. The sub-committee shall provide recommendations for Council through the Development Liaison Advisory Committee as a whole on the issue.
- ii) Amend the Building By-law to reflect Council's decision.

4. Provisions that Support Design Innovations, New Products, Minister's Rulings and Binding Interpretations

The legislation allows CBO's to accept equivalents to encourage innovation in materials, systems and designs. The Minister is also allowed to make rulings on the same issues, and make binding interpretations of the Code. All of these requirements were recommended by BRRAG.

Implications for the City of Greater Sudbury

We welcome these changes and are confident that they will expedite approvals and promote the uniform application of the Building Code across the Province. The legislation requires as of July 1, 2005, that the CBO make a record of the decision, including the decision to allow the equivalent and all the documents provided by the person requesting approval for the equivalent.

Actions to be Completed Are:

- i) Develop a policy and procedure with respect to the approval of equivalents and mechanism for tracking decisions.

Date: June 14, 2004

5. Expedited Route to the OMB for Site Plan Approval

Effective July 1, 2005, the Planning Act has been amended to make it clear that the colour, texture and type of materials, window detail, construction detail, architectural detail and the interior design of buildings including the layout of interior areas are not subject to site plan approval.

This amendment also provides that the owner of the land or the municipality may apply to the Municipal Board (by means of a notice for directions) to determine a dispute about whether site plan approval applies or not. The Board shall make a final determination that is not subject to further appeal or review. These actions do not comply fully with the recommendation from BRRAG which recommended essentially that site plan approval not hold up the issuance of permits once it is determined that the site is serviceable and the form and location of the building is approved.

Implications for the City of Greater Sudbury

We do not foresee that this option will be used in the City of Greater Sudbury. Our policy on conditional permits has eliminated the need for the OMB to expedite site plan disputes, which hold up the issuance of permits. Except where a public participation meeting is required (such as a rezoning or minor variance), the CBO on request issues partial building permits while details of the site plan approval are being work out. In addition, our site plan policies do not deal with requirements not founded in legislation, i.e. colour of brick issues that in some municipalities have delayed site plan approvals and associated building permits.

Actions to be Completed Are:

- i) Amend our Site Plan Control By-law and our policies and procedures to comply with the legislation effective July 1, 2005.

C) ACCOUNTABILITY

1. Provisions Describing the Roles of Key Parties

The legislation includes provisions describing the roles of key parties in the building construction process including: designers, builders, persons (e.g. property owners), who cause a building to be constructed, manufacturers, suppliers and retailers of products intended to be used in buildings covered by the Building Code; RCA's, CBO's and Inspectors. BRRAG had recommended that these roles be put into legislation.

Implications for the City of Greater Sudbury

From a municipal perspective the roles of the CBO and Inspectors are defined as follows, (1(6) and 1(7) of the Act.

*“(6) **Role of Chief Building Officials.** It is the role of a CBO,*

- (a) to establish operational policies for the enforcement of this Act and the building code within the applicable jurisdiction;*

Date: June 14, 2004

- (b) *to co-ordinate and oversee the enforcement of the Act and the building code within the applicable jurisdiction;*
- (c) *to exercise powers and perform the other duties assigned to him or her under this Act and the building code; and*
- (d) *to exercise powers and perform duties in accordance with the standards established by the applicable code of conduct. 2002, c.9, s.3*

(7) Role of Inspectors. *It is the role of an Inspector,*

- (a) *to exercise powers and perform duties under this Act and the building code in connection with reviewing plans, inspecting construction and issuing orders in accordance with this Act and the building code;*
- (b) *to exercise powers and perform duties in respect of only those matters for which he or she has the qualifications required by this Act and the building code; and*
- (c) *to exercise powers and perform duties in accordance with the standards established by the applicable code of conducts. 2002, c.9.S.3".*

Overall, the changes represent an improvement over existing legislation. These clearly defined roles and responsibilities of designers, builders, owners and etc. will also help the Courts in assessing liability should lawsuits arise.

Actions to be Completed Are:

- i) Review with Human Resources Division the need to amend existing job descriptions for Inspectors and the CBO to capture the duties prescribed by legislation.

2. Mandatory Professional Indemnity Insurance Coverage Enforced through Provincial Registration System

The legislation requires mandatory professional indemnity insurance coverage for persons engaged in the business of providing design services to the public, and for RCA's. This insurance requirement will be enforced through a Provincial registration system with an annual renewal.

Implications for the City of Greater Sudbury

These requirements help create a more fair liability system. The new legislation requires most designers as well as all RCA's to have certain minimum insurance coverage. Unfortunately, the insurance coverage will lapse 2 years after any RCA goes out of business or immediately when a designer goes out of business. BRRAG had recommended to the Government that these insurance requirements continue for 10 years after the building was constructed. However, given the current insurance problems following 9/11, the cost of such insurance coverage was totally unrealistic and the government did not enact the runoff insurance coverage as recommended. Municipalities will therefore remain at risk until the ultimate limitation period of 15 years runs out for construction defects.

Actions to be Completed Are:

- i) None to be taken by the municipality, given that the Province will ensure through the annual registration that the required persons and agencies will have the required insurance coverage.

Date: June 14, 2004

3. Mandatory Reporting By Municipalities on Permit Fees

The legislation requires mandatory reporting by municipalities on building permit fees, which will enhance transparency and ensure that building permit fees do not exceed enforcement costs. In addition, municipalities must provide annual building permit fee reports and hold mandatory public meetings before building permit fees are changed.

Implications for the City of Greater Sudbury

This requirement ensures that user fees do not become taxes. The legislation follows a recent Supreme Court decision that states that there must be a reasonable nexus between the user fee charged and the service provided.

The new regulations amend Section 7 of the Act to introduce a fee structure intended to require that permit fees are only collected to cover anticipated costs associated with the administration and enforcement of the Act by a municipality.

Additional related requirements include:

- Where an applicant appoints RCA's the fees collected by the municipality are required to be reduced to reflect the portion of the work allocated to the RCA.
- The new Building Code Act introduces requirements for the preparation of annual reports detailing enforcement costs and fees collected and would require that the reports be made available to the public as specified in forthcoming implementing legislation.
- If Council proposes to change any fee related to permit applications and issuance, notice of the proposed changes must be provided and a public meeting concerning the proposed changes must be held in the manner to be described in forthcoming regulations.

Requirements related to fees introduced by the new Act will affect the current disbursement of fees collected with respect to permit applications and issuance. These provisions address the level of fees which may be established for services delivered in relation to the enforcement of the Building Code Act and new requirements with respect to notice and consultation on the establishment of any new fees or fee changes under the Act.

The municipality will not be entitled to use permit fees to support any other services provided (i.e.) Development Services, Property Standards By-law Enforcement, etc.. The municipality can no longer access revenues from permit fees. Currently, any revenue, including excess revenue goes to the Business Unit to be used at the discretion of the municipality. Bill 124 requires all revenue to remain with the service provider and the municipality is entitled to have a reserve fund for specific purposes, (i.e.) Revenue equalization for multi-year projects, dedicated budgeting for computers, vehicles, training, etc., which will support services related to Building Permits. In essence, Building Services will be viewed as a stand alone self sustaining financial business unit, leasing space from the municipality.

Therefore, as required by legislation we will prepare a report with the assistance of our development industry partners on DLAC through a sub-committee with the assistance of all municipal departments that support in some way the activities of the Building Services Division with respect to Building Code enforcement.

Date: June 14, 2004

Actions to be Completed Are:

- i) Determine all direct and indirect costs associated with the Building Code enforcement and calculate permit fees in accordance with the legislation;
- ii) Prepare a report on fees and costs, including any reserve funds and make it available to the public who request it;
- iii) Conduct a public meeting in accordance with the legislation and adopt a new fee schedule.

4. Code of Conduct for Building Officials

Recognizing their significant role and authority in the approvals process and to promote honesty and integrity among Building Officials, the legislation requires municipalities to develop and enforce codes of conduct governing the behaviour of Chief Building Officials and Building Inspectors.

The legislation requires that the municipality adopt a Code of Conduct and put into effect enforcement procedures for its CBO and its Inspectors. Section 7.1.(2)(3) and (4) of the Act prescribes:

(2) ***"Purposes.*** *The following are the purposes of a Code of Conduct:*

- a) *To promote appropriate standards of behaviour and enforcement actions by the CBO and inspectors in the exercise of a power or the performance of a duty under this Act or the building code.*
- b) *To prevent practices which may constitute an abuse of power, including unethical or illegal practices, by the CBO and Inspectors in the exercise of a power or the performance of a duty under this Act or the building code.*
- c) *To promote appropriate standards of honesty and integrity in the exercise of a power or the performance of a duty under this Act or the building code by the CBO and Inspectors.*
2002.c.9, S. 12.

(3) ***Contents.*** *A code of conduct must provide for its enforcement and include policies or guidelines to be used when responding to allegations that the code has been breached and disciplinary actions that may be taken if the code is breached. 2002, c.9,s.12*

(4) ***Public Notice.*** *The principal authority shall ensure that the code of conduct is brought to the attention of the public. 2002, c.9, s.12".*

Implications for the City of Greater Sudbury

The City of Greater Sudbury through its affiliation with the Large Municipalities Chief Building Officials Group (LMCBO) participated in the preparation of a draft code (see attached) which has been prepared based on a draft code from LMCBO and codes from other professional groups such as the Professional Engineers of Ontario. The Human Resources Division will be involved in finalizing the code and its enforcement procedure.

Date: June 14, 2004

Actions to be Completed Are:

- i) Finalize the draft code of conduct with the Human Resources Division.
- ii) Develop enforcement policies and the manner by which to communicate the code to the public.

SUMMARY

Bill 124 "An Act to Improve Public Safety and to Increase Efficiency in Building Enforcement" has introduced the most significant changes to the Ontario Building Code since it was first introduced in 1975. The impacts on the City of Greater Sudbury's administration and enforcement of the Ontario Building Code will be significant and impact our development industry partners as well.

It is our intention as the Building Services Division to continue our partnership relationship with the building industry established through Council's Development Liaison Advisory Group (DLAC) by seeking their input during lead up to the July 1, 2005 implementation date.

Administrative, procedural and enforcement changes mandated by the new Ontario Building Code Act will be developed through sub-committees of DLAC to provide Council recommendations for their consideration that have been arrived at with consultation with the development industry.

Specifically, the sub-committees will deal with issues of Building Permit fees as fee for service, the potential use of Registered Code Agencies within the process, and the implementation of the new mandated inspection regime with associated personnel resource considerations.

Other issues such as mandatory Building Official registration, standard form implementation, benchmarks on permit decisions, applicable law as it relates to permit application procedures, Minister's rulings, etc., will continue to be worked on by the Chief Building Official and Building Services staff with the assistance of internal City staff and the building industry with further progress reports provided to Council leading to the July 1, 2005 implementation date of the new Ontario Building Code.

Attachments

RECEIVED

MAR 22 2004

OFFICE OF
CHIEF BUILDING OFFICIAL

March 18, 2004

Dear Chief Building Official:

As you are aware the building regulatory system has undergone some changes with the introduction of the *Building Code Statute Law Amendment Act, 2002* and the associated amendments to the Building Code. I am writing to provide you with some steps your municipality may wish to take in preparation for these changes, which will come in effect July 1, 2005.

In response to requests from building officials and municipalities, the Ministry of Municipal Affairs and Housing in co-operation with municipal building officials has developed the attached checklist to assist municipalities prepare for the July 1, 2005 implementation date.

The checklist has been designed to include brief descriptions of the general areas in which the building regulatory system has been changed and how these changes affect municipalities. Following the description, action items have been identified for municipalities to take in order to prepare for the full implementation of the building regulatory system changes.

Additional implementation information is available on the Building Code web site at www.obc.mah.gov.on.ca including the changes to the *Building Code Act, 1992* and Building Code, qualification, registration, examination and training information. Other elements will be added in the coming weeks including an updated, model building permit bylaw, standard Order forms, and new training initiatives. You may wish to stay informed by subscribing to the Branch's e-mail newsletter, CodeNews, by following the links at the Building Code web site.

Please contact James Douglas, Manager, Code Development, Legislation and Appeals at (416) 585-7174 or David Brezer, Manager, Code Interpretation, Registration and Training at (416) 585-6656 if you have any questions about items raised in this letter.

Sincerely,



Ali Arlani
Director, Building and Development Branch

Encl.

**IMPLEMENTING CHANGES TO THE BUILDING CODE ACT AND BUILDING CODE:
MUNICIPAL CHECKLIST**

The Ontario Building Code (OBC) was amended through the filing of Ontario Regulation 305/03. The amendments of most concern to municipalities take effect July 1, 2005. This checklist outlines the actions municipalities should consider in preparing for July 1, 2005.

Chief Building Officials and Inspectors

Qualification of Building Officials

As of July 1, 2005, chief building officials and inspectors must be qualified to be appointed, and to remain appointed, under the BCA as a chief building official or inspector [Subsection 15.11. of the BCA and Section 2.16. of the OBC]. The qualifications that chief building officials and inspectors must have, include: (1) successful completion of an examination program administered by the Ministry of Municipal Affairs and Housing and (2) filing of information with the Director of the Building and Development Branch.

Actions:

- Municipalities should consider preparing a plan and budget for the participation of staff in examinations, and training, if needed. The plan could include an inventory of current staff qualifications and previous training mapped against current responsibilities. Gaps identified between current and required qualifications could be identified and the appropriate training provided
- Municipalities should also consider developing plans concerning the filing of information with the Director, required for chief building officials, supervisors and managers, and inspectors as part of their qualification.
- With the introduction of qualification requirements for building officials, bylaws and policies concerning the appointment of building officials should be reviewed in order to determine if they should include references to the qualification requirements of those individuals.

Code of Conduct

The *Building Code Act, 1992* was amended to include a provision requiring that municipalities establish and enforce a code of conduct for chief building officials and inspectors, and bring it to the attention of the public [Clause 7.1 (1) of the BCA].

Actions:

- Municipalities must establish and enforce a code of conduct for chief building officials and inspectors in accordance with the BCA framework; and
- Develop enforcement policies and manner to communicate it to the public.

Permit Review

Permit Application Form and Additional Plans and Specifications

As of July 1, 2005 applicants for a permit to construct or demolish a building must use the permit application form that is approved by the Minister of Municipal Affairs and Housing [Clause 2.4.1.1A.(2) of the OBC]. The approved form, Application for a Permit to Construct or Demolish, is available for download from the Building Code web site at www.obc.mah.gov.on.ca or can be requested by contacting the Building and Development Branch at (416) 585-6666.

A requirement for the acceptance of an Application for a Permit to Construct or Demolish is that all applicable fields on the application form and required schedules be completed. In addition to those fields and schedules of the permit application form, municipalities may also require, through their building bylaw, the types and quantities of plans and specifications that must accompany the application form [Clause 7 (1) (b) of the BCA].

Actions:

- Municipalities should put plans in place for the use of the permit application form. This may include updating permit tracking software, application processing procedures, and adjusting existing building permit bylaws.
- Municipalities should examine their building bylaws to ensure they are adequate to meet the municipality's needs for plans and specifications.

Building
Bylaw

Applicable Law

The definition of applicable law under the Building Code has been clarified to include a specific list of provisions that require compliance before a permit can be issued [Article 1.1.3.3. of the OBC].

Action:

- Municipal plans review policies should be checked against the list of applicable law to identify gaps in internal and external approvals and to identify approvals that do not qualify as applicable law. For those policies that do not qualify, municipalities may need to devise alternative methods to facilitate compliance.

Permit Review

The amended OBC introduces timeframes in which building officials must make a decision regarding the issuance of a building permit. When a permit is not eligible to be issued, the building official is required to notify the applicant of the reasons, within the required timeframe. These timeframes are outlined in Article 2.4.1.1B. of the OBC and are based on the class of building of which the permit applies.

Actions:

- In preparation for meeting these timeframes for permit review, municipalities should review their application acceptance procedures in order to determine practices for the timely diversion of deficient applications.
- Municipalities should also develop policies and procedures to co-ordinate various municipal departments that may provide comment during the permit review process, as well as policies and procedures for the review of outside documents and the process of verifying applicable law.
- Municipalities may also consider agreements for joint enforcement with other municipalities with respect to all or certain classes of buildings or enter into an agreement for the review of stock plans [Sentence 6(1)(b) of the BCA]. In addition, municipalities may consider authorizing the use of registered code agencies to meet service demands. [Section 4.1 of the BCA].

Approval of Equivalentents

Under the *Building Code Act, 1992*, a chief building official may approve the use of materials, systems and building designs that are not authorized under the Building Code, but in the opinion of the chief building official will achieve the level of performance required under the Building Code [Section 9 of the BCA]. Effective July 1, 2005 the chief building official must make record of the decision, including the decision to allow the equivalent and all the documents provided by the person requesting approval for the equivalent [Clause 2.7.1.1. of the OBC].

Action:

- Municipalities should consider policies and procedures with respect to the approval of equivalentents, including mechanisms for tracking decisions made, accompanying documentation for the decisions, and policy to release this information to the public.

Registered Code Agencies

The *Building Code Act, 1992* introduces additional service delivery options to municipalities in the form of registered code agencies (RCAs). [Section 4 of the BCA].

Action:

- Municipalities should review and assess their service delivery options with respect to the enforcement of the *Building Code Act, 1992* and Building Code. In so doing, the municipality may wish to address the appointment of RCAs and put an operational plan in place.

Inspections

Inspection and Additional Notices

The OBC was amended to include stages of construction at which a builder is to give notice of readiness for inspection to a chief building official or registered code agency, where applicable. Municipalities may pass a bylaw for additional notices and specify the timeframes in which the notices must be made [Clause 2.4.5.2. of the OBC].

Municipalities will also be required to meet timeframes to undertake required inspections [Clause 2.4.5.3. of the OBC]. The timeframe to inspect on-site sewage systems is five working days and the timeframe to inspect other work is two days.

Actions:

- Municipalities should identify if additional notices are required and reflect decisions to add notices in their building bylaw. Municipalities should also establish operational policies with respect to additional inspections, and amend builder communication materials.
- Timeframes for mandatory inspections may require adjustments in municipal policies and resources. Municipalities should develop operational plans in order to meet the requirements set under the Building Code. Plans may involve identifying gaps between existing service levels and service levels required as of July 1, 2005.

Building
Bylaw

Prescribed Order Forms

As of July 1, 2005 an inspector or chief building official must use the prescribed forms for the issuance of an order directing compliance with the BCA [Subsection 12(4), 13(1.1) and 14(1.1) of the BCA]. The Ministry of Municipal Affairs and Housing is currently developing common order forms and will make them available either through the Ontario Building Code web site at www.obc.mah.gov.on.ca or they can be requested by contacting the Building and Development Branch at (416) 585-6666.

Action:

- Municipalities should put plans in place for the implementation of common order forms.

Registered Code Agencies

The *Building Code Act, 1992* introduces additional service delivery options to municipalities in the form of registered code agencies (RCAs). [Section 4 of the BCA].

Actions:

- Municipalities should review and assess their service delivery options with respect to the enforcement of the *Building Code Act, 1992* and Building Code. In so doing, the municipality may wish to address the appointment of RCAs and put an operational plan in place.

Permit Fees

Setting Permit Fees

As of July 1, 2005 municipalities must set their permit fees so as not to exceed the anticipated reasonable costs of administering and enforcing the *Building Code Act, 1992* and Building Code in its area of jurisdiction [Clause 7 (1) (c) of the BCA]. This is consistent with case law.

Actions:

- Municipalities should develop policies and procedures around the calculation and setting of fees. In aligning permit fees with costs of enforcing the Building Code, municipalities may take the opportunity to set fees in such a way as to promote the submission of complete permit applications. Municipalities should also review fee provisions in their building permit bylaws and make adjustments where necessary.

Building
Bylaw

Annual Fee Report

Municipalities must also prepare an annual report outlining their fees and costs of Building Code enforcement [Subsection 7(4) of the BCA]. The report shall contain the following information:

- The total fees collected in the 12-month period, ending no earlier than three months before the release of the report;
- The direct costs of administering and enforcing the BCA, including the review of applications for permits and inspection of buildings;

- The indirect costs of administering and enforcing the BCA, including support and overhead costs; and
- The amount of a reserve fund, if one has been established for any purpose relating to the administration or enforcement of the Act [Clause 2.23.1.1. of the OBC].

Action:

- Municipalities should prepare policies and procedures with respect to the preparation and release of the annual report. In addition to preparing the annual report, the municipality must make it available to every person or organization that has requested the report and has provided the municipality with their address. Therefore, municipalities should establish mechanisms for tracking requests for the report.

Changing Permit Fees

As of July 1, 2005 municipalities that wish to change their permit fees must give notice to interested parties and hold a public meeting concerning the proposed changes [BCA Subsection 7 (6) and Clause 2.23.1.2. of the OBC]. Notice of the public meeting must be sent by regular mail 21 days in advance of the meeting time. The following information must be made available to the public:

- An estimate of the costs of administering and enforcing the BCA by the municipality;
- The amount of the fee or of the change to the existing fee; and
- The rationale for imposing or changing the fee.

Action:

- Municipalities should set policies and procedures in place for changing permit fees and establishing a mechanism for tracking requests from interested parties. Policies and procedures surrounding public meetings should also be developed.

Keep in Touch

Additional implementation information is available on the Building Code web site at www.obc.mah.gov.on.ca including the changes to the *Building Code Act, 1992* and Building Code, qualification, registration, examination and training information. Other elements will be added in the coming weeks including an updated, model building permit bylaw, standard Order forms, and new training initiatives. You may wish to stay informed by subscribing to the Branch's e-mail newsletter, CodeNews.

Note: Municipalities may wish to discuss these changes to the *Building Code Act, 1992* and Building Code with their solicitor.

Request for Decision City Council



Type of Decision									
Meeting Date	October 23, 2003				Report Date	October 3, 2003			
Decision Requested		Yes		No	Priority	X	High		Low
	Direction Only			X	Type of Meeting		Open	X	Closed


Report Title

BILL 124 - Legislation that will impact the Administration and Enforcement of the Ontario Building Code by the City of Greater Sudbury

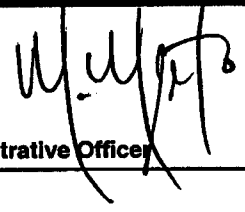
Policy Implication + Budget Impact	
<input type="checkbox"/>	This report and recommendation(s) have been reviewed by the Finance Division and the funding source has been identified.
<input checked="" type="checkbox"/>	Background Attached

Recommendation
<p>That Council receive this report for information purposes and that the Chief Building Official be instructed to prepare a report and presentation on the financial and resource implications of Bill 124 on the City of Greater Sudbury's Building Services' operations.</p>
Recommendation Continued

Recommended by the General Manager


DOUG NADOROZNY
 General Manager of Economic Development & Planning Services

Recommended by the C.A.O.


MARK MIETO
 Chief Administrative Officer

Date: October 23, 2003

Report Prepared By



Guido A. Mazza, P. Eng., Director of Building Services/
Chief Building Official

Division Review



Bill Lautenbach
Director of Planning Services

Background

Bill 124 constitutes the Province of Ontario's response to the recommendations of the Building Regulatory Reform Advisory Group's (BRRAG) report to the Minister of Municipal Affairs and Housing issued in July, 2000. The report was entitled "Knowledge, Accountability and Streamlining Cornerstones for a New Building Regulatory System in Ontario".

On June 19, 2002, the Province of Ontario passed Bill 124, "The Building Code Statute Law Amendment Act, 2002, S.O. 2002, C.9 Being an Act to Improve Public Safety and to Increase Efficiency in Building Code Enforcement". Royal assent was granted on June 27, 2002, without any accompanying regulations to determine the scope and breadth of the Province's intent.

Over one year later, on July 25, 2003, the Building Code Statute Law Amendment Act 2002 (Bill 124) was proclaimed and Ontario Regulation 305/03 was filed to implement the Province's Building Regulatory Reforms.

This legislation and accompanying regulations have introduced the most significant reforms to the Building Regulatory System since the introduction of the Ontario Building Code in 1975.

Certain provisions of the Building Code Statute Law Amendment Act, 2002, came into force on September 1, 2003, with most other provisions coming into force July 1, 2005. This phase-in period of approximately 24 months reflects the stated commitment of the Government to permit the municipalities to implement the changes.

This report is intended to provide an overview of the changes being introduced by the Province and a more detailed study will be provided to Council through its Development Liaison Advisory Committee (DLAC) on the administration and enforcement of the Ontario Building code within the City of Greater Sudbury.

KEY PROVISIONS IN BILL 124 AND THE REGULATION

Public Safety:

- Mandatory provincial Building Code knowledge requirements will apply to building officials, persons employed or engaged by private inspection agencies (RCAs) and to persons responsible for design activities.
- Mandatory inspections at key stages of construction as specified in Building Code must be conducted within two working days of notification of readiness for inspection.

Date: October 23, 2003

Streamlining:

- Specific time limits on building permit decisions, ranging from 10 days for houses to 30 days for complex buildings.
- A common, province-wide application form for permits to construct or demolish buildings.
- Provisions which provide municipalities increased flexibility through the use of RCAs. In addition to in-house enforcement or joint enforcement arranged by two or more municipal councils, municipalities are provided with additional Building Code enforcement options:
 1. Appointing an RCA to undertake functions related to plans review and/or building inspections; and
 2. Allowing permit applicants for house construction to directly appoint RCAs to undertake plans review and inspections.
- Provisions that support design innovations and new building products include rulings by the Minister of Municipal Affairs and Housing approving alternative materials, systems and building designs. The legislation also gives the Minister the ability to issue binding interpretations of the Building Code.
- An expedited route to the Ontario Municipal Board in the case of site plan disputes.

Accountability:

- Provisions describing the roles of key parties in the building construction process including: designers; builders; persons, (e.g. property owners), who cause a building to be constructed; manufacturers, suppliers and retailers of products intended to be used in buildings covered by the Building Code; RCAs; chief building officials; and inspectors.
- Mandatory professional indemnity insurance coverage for persons engaged in the business of providing design services to the public, and for RCAs.
- Qualifications and insurance requirements for designers and RCAs to be enforced through a provincial registration system with annual renewal.
- RCAs must register annually with the government, have qualified staff who have passed provincial Building Code exams, prepare and adhere to a "quality management plan", comply with conflict of interest provisions, and have on staff an architect or engineer where the RCA reviews or inspects buildings that need to be designed by an architect or professional engineer.
- Mandatory reporting by municipalities on building permit fees will enhance transparency and ensure that building permit fees do not exceed inspection, monitoring, and enforcement costs. In addition, municipalities must provide annual building permit fee reports and hold mandatory public meetings before building permit fees are charged.

Date: October 23, 2003

SUMMARY

Bill 124 and its subsequent recently passed regulations respond to a number of issues with respect to the Building Permit approval process that are long overdue, related to the streamlining of the permit and inspection processes, the level of code knowledge required by various practitioners and the accountability and responsibility of key practitioners in the process.

Council, through its Development Liaison Advisory Committee (DLAC), has already implemented policies such as benchmarking of building permit turnaround times in 1995 that in many cases far exceed the newly mandated provincial time limits in building permit issuance.

However, it is the intent of Building Services to provide Council with a detailed report with recommendations from DLAC on the financial and resource implications of Bill 124 on the City of Greater Sudbury's Building Services' operations.

LMCBO DRAFT CODE OF CONDUCT FOR BUILDING OFFICIALS

Purpose

The purpose of this Code 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 duty under the Act or the Ontario Building Code.

Standards of Conduct

Building Officials undertake to:

1. Always act in the public interest, particularly with regard to the safety of building works and structures.
2. 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.
3. Abide with the provision of the Building Code Act, the Ontario Building Code and other Acts or Laws which regulate or govern Building Officials or their functions.
4. Maintain required legislated qualifications, discharging all duties in accordance with recognized areas of competency.
5. Extend professional courtesy to all.

Breaches of the Code of Conduct

The Chief Building Official will review any allegations of breaches of this Code of Conduct made against municipal building officials. Where the allegations are against the Chief Building Official, senior management of the municipality will review the allegations.

Disciplinary action arising from violations of this Code of Conduct is the responsibility of the municipal employer and will be based on the severity and frequency of the violation in accordance with relevant employment standards.

Request for Decision City Council



Type of Decision									
Meeting Date	June 24, 2004				Report Date	June 16, 2004			
Decision Requested	<input checked="" type="checkbox"/>	Yes		No	Priority	<input checked="" type="checkbox"/>	High		Low
	Direction Only				Type of	<input checked="" type="checkbox"/>	Open		Closed

Report Title

**Request for Proposal for Advertising Services - Contract CPS04-05
Section A - Greater Sudbury Transit and Section B - Greater Sudbury Arenas**

Policy Implication + Budget Impact

<input checked="" type="checkbox"/>	This report and recommendation(s) have been reviewed by the Finance Division and the funding source has been identified.
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The advertising revenues which are credited towards the 2005 base budget for Greater Sudbury Transit will increase from \$101,000 to \$110,000.

The advertising revenues which are credited towards the 2005 base budget for Community Arenas will increase from \$6,666 to \$21,500.

Background Attached

Recommendation

That the contract for the delivery of advertising services for Greater Sudbury Transit and for Community Arenas, be awarded to BK Corporate Marketing Services, these being the only proposals to meet the criteria outlined in the Request For Proposal.

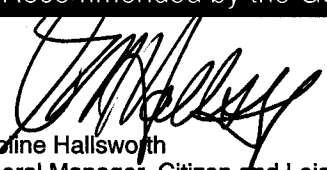
The licence fee for advertising services for Greater Sudbury Transit is:

- January 1, 2005 to December 31, 2005 - \$110,000
- January 1, 2006 to December 31, 2006 - \$115,000
- January 1, 2007 to December 31, 2007 - \$115,000
- January 1, 2008 to December 31, 2008 - \$117,000
- January 1, 2009 to December 31, 2009 - \$120,000

Further, BK Corporate Marketing will pay the city 35% of gross billings less direct sales expenses, or the licence fee described above, whichever amount is greater, with respect to advertising rights for Greater Sudbury Transit.

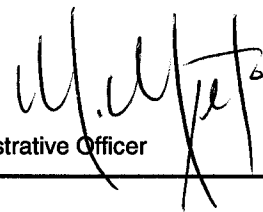
Recommendation Continued

Recommended by the General Manager





Caroline Hallsworth
General Manager, Citizen and Leisure Services

Recommended by the C.A.O.



Mark Mieto
Chief Administrative Officer

Date: June 24, 2004

Report Prepared By	
 Roger Sauvé Director Greater Sudbury Transit	 Richard Ahola Manager of Municipal Arenas and Community Centres

Division Review
 Réal Carré Director Leisure, Community and Volunteer Services

Recommendation Continued

The licence fee for advertising services for Municipal Arenas, excluding the Sudbury Community Arena, is:

- August 1, 2004 to July 31, 2005 - \$21,500 + 5% of gross billings
- August 1, 2005 to July 31, 2006 - \$22,000 + 5% of gross billings
- August 1, 2006 to July 31, 2007 - \$23,000 + 5% of gross billings
- August 1, 2007 to July 31, 2008 - \$24,000 + 5% of gross billings
- August 1, 2008 to July 31, 2009 - \$25,000 + 5% of gross billings

Further, BK Corporate Marketing will pay the City 35% of gross billings less direct sales expenses, or the licence fee described above, whichever amount is greater, with respect to all advertising rights granted to the fourteen (14) arenas, excluding the Sudbury Community Arena.

Executive Summary

The current contract for advertising services for Greater Sudbury Transit had been extended to December 31st, 2004, while the current contract for advertising services for municipal arenas had been extended to July 31st, 2004. Consequently, a Request for Proposal for advertising services for Greater Sudbury Transit, Municipal Arenas and the Greater Sudbury Airport was issued. The award of the contract for the Greater Sudbury Airport will be made by the Airport Community Development Corporation.

Background

Advertising is a revenue source which assists in reducing the costs, to the taxpayer, of municipal programs, services and facilities. The sale of advertising rights requires an intensive effort and is one which has traditionally been contracted out by the municipality, with the service provider managing the sale, billing and installation of advertising in exchange for payment of a licence fee to the municipality. To maximize revenues, invite creative solutions and capitalize on opportunities, advertising rights for three distinct service areas were packaged into one Request for Proposal, with three sub-components.

Greater Sudbury Transit, through a Request For Proposal (RFP) process, grants exclusive rights to market and sell advertising on transit buses, which advertising includes bus boards and interior bus advertisements, to sell advertising in bus shelters and on bus benches. The bus bench program is provided as a convenience to transit passengers between the 15th day of March and the 15th day of November. The benches are provided, installed and maintained by the successful proponent to the RFP.

Within municipal arenas, there are a number of advertising opportunities which include both sides of rinkboards, resurfacers, interior and exterior wall signage, and entrance bulletin boards. As suggested by staff within the department, opportunities to sell advertising in other recreational facilities are also available and would increase the revenues received through this program. Accordingly, BK Corporate Marketing Services will also be the vendor of record for advertising for other city recreational facilities, subject to negotiation of mutually satisfactory agreements for these specific facilities.

Subsequent to issuance of the RFP, a mandatory information meeting was held to insure that proponents had full understanding of the opportunities presented through the RFP. While three companies attended the information meeting, only one company submitted proposals for the advertising contracts.

The licence fee for advertising services for Greater Sudbury Transit is higher than the 2004 guarantee and increases over the five year term as described below:

Term	Licence Fee
January 1, 2005 to December 31, 2005	\$110,000
January 1, 2006 to December 31, 2006	\$115,000
January 1, 2007 to December 31, 2007	\$115,000
January 1, 2008 to December 31, 2008	\$117,000
January 1, 2008 to December 31, 2009	\$120,000

As well as the current marketing items, BK Corporate Marketing Services is proposing new creative transit advertising products such as bus wraps, tail wraps, graphic displays for the top of shelters and advertising at the Transit Terminal. With the potential of higher sales a percentage clause was added to the RFP. BK Corporate Marketing Services has agreed to pay the above-noted licence fee for advertising services each year of the agreement, or 35% of gross sales less direct sales expenses, whichever amount is greater. BK Corporate Marketing has advised that there would be an 18% deduction on those sales, which represents the direct costs of making the sale. For example, the licence fee for the first year is \$110,000. Should BK Corporate Marketing sell \$400,000 worth of advertising, they would deduct 18% or \$72,000 from that amount for the direct sales costs and remit to the City 35% of \$328,000, which amount would be \$114,800 or \$4,800 more than the licence fee guaranteed under the terms of the contract.

The licence fee for advertising services for municipal arenas increases over the five year term as described below:

Term	Licence Fee
August 1, 2004 to July 31, 2005	\$21,500 + 5% of gross billings
August 1, 2005 to July 31, 2006	\$22,000 + 5% of gross billings
August 1, 2006 to July 31, 2007	\$23,000 + 5% of gross billings
August 1, 2007 to July 31, 2008	\$24,000 + 5% of gross billings
August 1, 2008 to July 31, 2009	\$25,000 + 5% of gross billings

As well as the current marketing items, BK Corporate Marketing Services is proposing new creative advertising products such as full vinyl wrap of ice resurfacers, external signage and opportunities within other recreational facilities. BK Corporate Marketing Services has agreed to pay the above-noted licence fee for advertising services each year of the agreement, or 35% of gross sales less direct sales expenses, whichever amount is greater.

BK Corporate Marketing has been involved in providing advertising services to Greater Sudbury Transit since 1992 and has been involved in providing advertising services in some municipal arenas since 1990.

Request for Decision City Council



Type of Decision

Meeting Date	June 24, 2004				Report Date	June 16, 2004			
Decision Requested	<input checked="" type="checkbox"/>	Yes		No	Priority	<input checked="" type="checkbox"/>	High		Low
	Direction Only				Type of Meeting	<input checked="" type="checkbox"/>	Open		Closed

Report Title

Genevra House, St. Raphael Street, Sudbury, Cost Sharing, Watermain Improvements

Policy Implication + Budget Impact

<input checked="" type="checkbox"/>	This report and recommendation(s) have been reviewed by the Finance Division and the funding source has been identified.
<input checked="" type="checkbox"/>	Background Attached

Recommendation

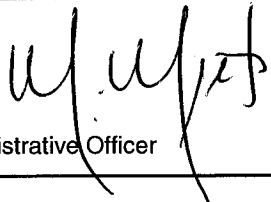
That an allocation of \$40,000 from the Capital Reserve Fund for Water be paid to Genevra House, St. Raphael Street, as the City's contribution for watermain improvements.

Recommendation Continued

Recommended by the General Manager


D. Bélisle
General Manager of Public Works

Recommended by the C.A.O.


M. Mieto
Chief Administrative Officer

Date: June 16, 2004

Report Prepared By



D. Bélisle
General Manager of Public Works

Division Review

The Geneva House project at the end of St. Raphael Street could not have proceeded without watermain improvements. The existing dead-end watermain on St. Raphael Street could not supply sufficient water for fire protection. Negotiations between City staff and the developer resulted in a 50%/50% cost sharing agreement to construct a new watermain loop between St. Raphael and Brady Street. The City's contribution was to have been \$40,000, and the executed Site Plan Control Agreement reflects this commitment. The benefits to the City through participation in this project are the elimination of a dead end watermain, and improved fire protection for existing homes on St. Raphael Street.

Unfortunately, the point person negotiating on the City's behalf passed away suddenly, and no source of funding was identified, nor was Council approval obtained to cost share on this project. The project is now complete, and Geneva House is rightfully requesting payment.

Funding is available from the Capital Financing Reserve Fund - Water which has an uncommitted balance of \$6.3 million.

Request for Decision City Council



Type of Decision

Meeting Date	June 24, 2004			Report Date	June 16, 2004		
Decision Requested	<input checked="" type="checkbox"/>	Yes	No	Priority	<input checked="" type="checkbox"/>	High	Low
	Direction Only			Type of Meeting	<input checked="" type="checkbox"/>	Open	Closed

Report Title

Consulting Engineering Services, Paris Street Rehabilitation Project, Final Design Engineering and Construction Inspection

Policy Implication + Budget Impact

<input checked="" type="checkbox"/>	This report and recommendation(s) have been reviewed by the Finance Division and the funding source has been identified.
<input checked="" type="checkbox"/>	Background Attached

Recommendation

That the firm of Dennis Consultants, a division of R.V. Anderson Associates Limited, be appointed to complete the detailed engineering design and construction supervision for the Paris Street overpass bridge.

Recommendation Continued

Recommended by the General Manager

D. Bélisle
General Manager of Public Works

Recommended by the C.A.O.

M. Mieto
Chief Administrative Officer

Date: June 14, 2004

Report Prepared By



D. Bélisle
General Manager of Public Works

Division Review

In 2003, the firm of Dennis Consultants was retained to do a condition survey and preliminary design for the rehabilitation of the Paris Street overpass. After this was completed, they were instructed to proceed with the detailed engineering design for the required works by the City's Roads Engineer.

Unfortunately, the Roads Engineer passed away suddenly, and only recently, it was discovered that the Consultant has been working since January 2004, without the necessary Council approval. We are now seeking Council's approval to appoint this firm to complete the design, tendering, and construction inspection. Dennis Consultants did the original design of the bridge, and are best suited to undertake (in this instance complete) the required engineering.

The complete project is estimated at \$4.7 million, including engineering fees of \$530,000, or 13% of the project costs. Funding is provided in the 2003 and 2004 Capital Roads Budgets, with a further allocation of \$1.0 million required in 2005 to complete the road approaches to the Bridge, from Van Horne Street to John Street. The work will commence this year with completion in 2005.

Request for Decision City Council



Type of Decision									
Meeting Date	June 24, 2004				Report Date	June 18, 2004			
Decision Requested	<input checked="" type="checkbox"/>	Yes		No	Priority	<input checked="" type="checkbox"/>	High		Low
	Direction Only				Type of Meeting	<input checked="" type="checkbox"/>	Open		Closed

Report Title

2004 Omitted and Supplementary Tax Billing

Policy Implication + Budget Impact


<input checked="" type="checkbox"/>	This report and recommendation(s) have been reviewed by the Finance Division and the funding source has been identified.
N/A	
<input checked="" type="checkbox"/>	Background Attached

Recommendation

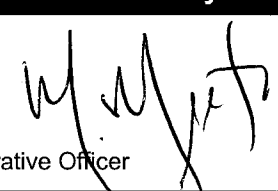
That a by-law be passed authorizing the 2004 omitted and supplementary tax billing.

Recommendation Continued

Recommended by the General Manager


D. Wukosir
General Manager of Corporate Services

Recommended by the C.A.O.


M. Mieto
Chief Administrative Officer

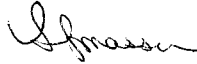
Report Prepared By



T. Derro
Supervisor of Tax/Chief Tax Collector



Division Review



S. Jonasson
Director of Finance/City Treasurer

BACKGROUND

This report deals with the 2004 omitted and supplementary tax billing, including due dates for this billing.

Sections 33 and 34 of the Assessment Act authorize a local municipality, in any year, to enter omitted and supplementary assessments on to the tax roll and to levy and collect realty taxes resulting from this additional assessment.

Omitted and supplementary assessments are generated by property additions or changes that increase current value assessment.

For omitted and supplementary assessments added to the tax roll after June 1, 2004, the due dates are:

July 19, 2004
August 19, 2004

For omitted and supplementary assessments added to the tax roll after September 1, 2004, the due dates are:

October 18, 2004
November 18, 2004

For omitted and supplementary assessments added to the tax roll after November 1, 2004, the due date is:

December 15, 2004

Request for Decision City Council



Type of Decision

Meeting Date	June 24 th , 2004			Report Date	June 16 th , 2004		
Decision Requested	<input checked="" type="checkbox"/>	Yes	No	Priority	<input checked="" type="checkbox"/>	High	Low
	Direction Only			Type of Meeting		Open	Closed

Report Title

Traffic Control - Covington Avenue, Garson

Policy Implication + Budget Impact

This report and recommendation(s) have been reviewed by the Finance Division and the funding source has been identified.

Background Attached

Recommendation

That traffic control at the intersection of Covington Avenue and Parkview Drive in Garson, be changed from a "Yield" sign to a "Stop" sign facing northbound traffic on Covington Avenue, and

That a By-Law be passed to amend the City of Greater Sudbury's Traffic and Parking By-Law 2001-1, to implement the recommended change.

Recommendation Continued

Recommended by the General Manager

Don Belisle
General Manager of Public Works

Recommended by the C.A.O.

Mark Mieto
Chief Administrative Officer

Date: June 16th, 2004

Report Prepared By



Nathalie Mihelchic, P. Eng.
Co-ordinator of Traffic & Transportation

Division Review



R.G. (Greg) Clausen, P. Eng.
Director of Engineering Services

Background:

The Traffic and Transportation Section received a request from Councillor Thompson to have the Yield sign changed to a Stop sign at the intersection of Covington Avenue and Parkview Drive, in Garson (see Exhibit 'A'). A site investigation revealed reduced visibility at the intersection due to nearby mature trees.

Yield signs are appropriate when sight lines are adequate and stopping is not always required. Therefore, staff supports the request to change the Yield sign to a Stop sign. We will also ensure that our Operations' Division prune the overhanging branches to eliminate obstruction of the new Stop sign. Both Ward Councillors support the recommendation.

The City of Greater Sudbury

Schedule "P" to By-Law 2001-1

Yield Right-Of-Way

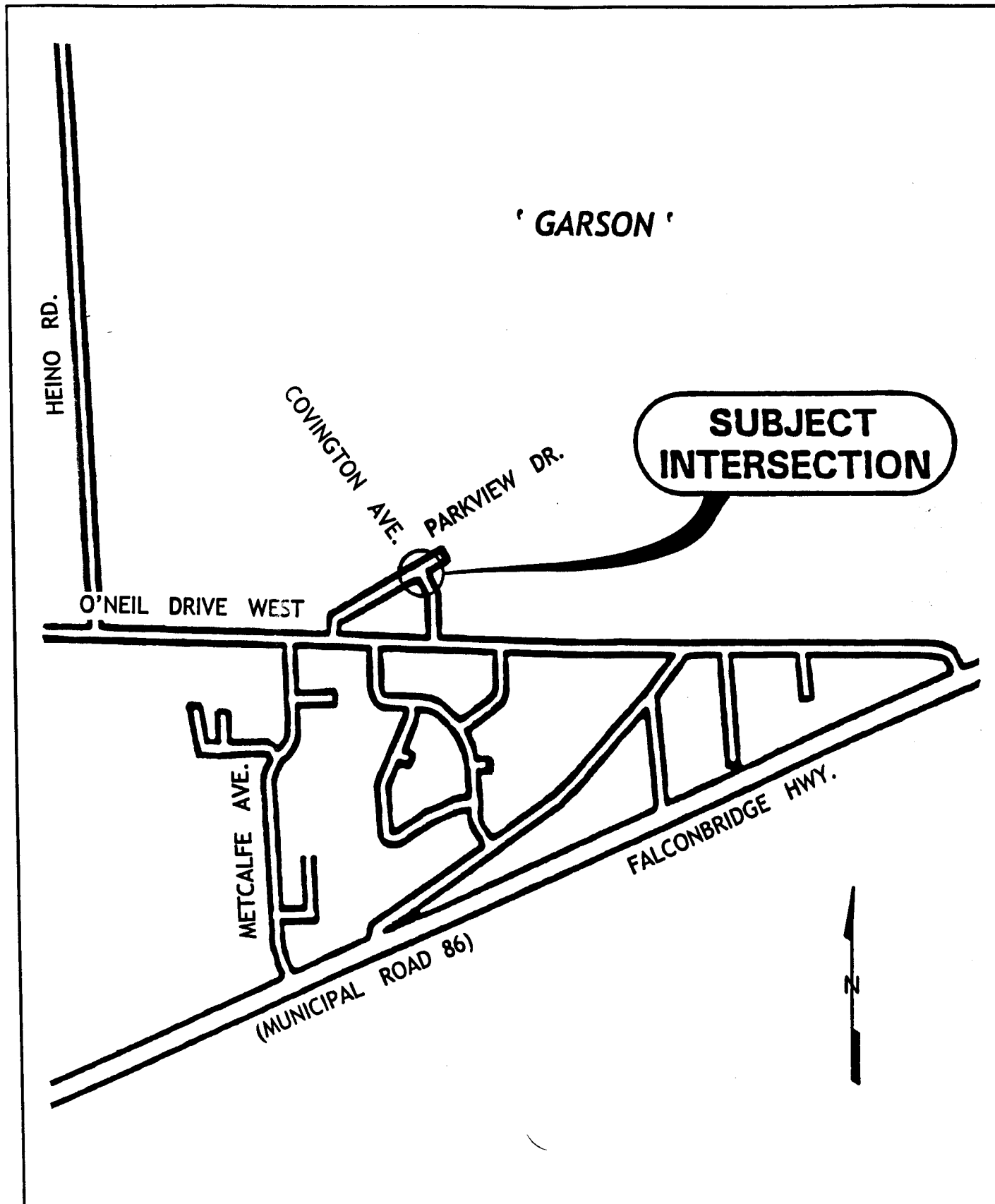
DELETE:	
Intersection	Direction of Travel
Covington Avenue - Parkview Drive Nickel Centre	North on Covington Avenue


Schedule "O" to By-Law 2001-1

Stops at Intersections

ADD:	
Intersection	Direction of Travel
Covington Avenue - Parkview Drive Nickel Centre	North on Covington Avenue

EXHIBIT: A



	TRAFFIC CONTROL	
	COVINGTON AVENUE, GARSON	
	2004/06/14	N.T.S.

Request for Decision City Council

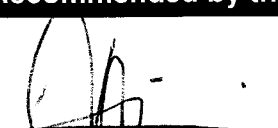


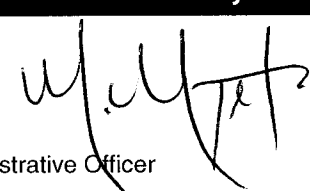
Type of Decision										
Meeting Date	June 24, 2004				Report Date	June 18, 2004				
Decision Requested	<input checked="" type="checkbox"/>	Yes		No	Priority	<input checked="" type="checkbox"/>	High		Low	
	Direction Only				Type of Meeting	<input checked="" type="checkbox"/>	Open		Closed	

Report Title
Tax Extension Agreement Roll # 010.018.011.00.0000 Between the City of Greater Sudbury and 1141466 Ontario Limited

Policy Implication + Budget Impact	
<input checked="" type="checkbox"/>	This report and recommendation(s) have been reviewed by the Finance Division and the funding source has been identified.
N/A	
<input checked="" type="checkbox"/>	Background Attached

Recommendation
That the appropriate by-law be enacted.
Recommendation Continued

Recommended by the General Manager
 D. Wuksinich General Manager of Corporate Services

Recommended by the C.A.O.
 M. Mieto Chief Administrative Officer

Report Prepared By



T. Derro
Supervisor of Tax/Chief Tax Collector



Division Review



S. Jonasson
Director of Finance/City Treasurer

BACKGROUND

1141466 Ontario Limited has requested a Tax Extension Agreement with respect to the property located at 0 Kingsway in the City of Greater Sudbury. A Tax Extension Agreement is a standard Agreement. This Agreement provides that if the owner fails to honour the provisions of the agreement, the agreement shall become null and void and the owner shall be placed in the position that he/she was in prior to the entering into of the agreement, which may include the sale of the property by public tender.

A tax certificate was registered against these lands on June 25th, 2003 and the owner has one year from that date to redeem the property by paying all outstanding taxes, penalty, interest charges and costs in full in one lump sum.

However, Section 378 (1) of the *Municipal Act*, allows a municipality to enter into a Tax Extension Agreement with the owner of the property providing an extension of time for payment of the arrears by way of a down payment and monthly payments.

The owner is agreeable to making payment of the arrears on the following Schedule. It is recommended that a standard form Extension Agreement be authorized.

CALCULATION OF PAYMENTS REQUIRED UNDER EXTENSION AGREEMENT
TS FILE NO. 03-03

	AMOUNT
(1) Outstanding taxes, penalty and interest charges on TAX ARREARS CERTIFICATE	\$52,014.39
(2) Additional taxes levied subsequent to tax sale proceedings	\$ 3,146.51
2004	
2005	\$ 3,100.00
2006	\$ 0.00
(3) Estimated additional penalty and interest charge subsequent to tax sale proceedings	\$ 9,012.13
(4) Administration Charges - Estimated	<u>\$ 1,685.00</u>
TOTAL AMOUNT TO BE PAID UNDER EXTENSION AGREEMENT	\$68,958.03
TO BE PAID AS FOLLOWS:	
(1) Down payment on signing	\$30,000.00
(2) 19 Payments of \$2,000.00 each, starting July 1, 2004	\$38,000.00
(3) 1 Final Payment of \$958.03 on February 1, 2006	<u>\$ 958.03</u>
	\$68,958.03

Request for Decision City Council



Type of Decision									
Meeting Date	June 24, 2004				Report Date	June 16, 2004			
Decision Requested	<input checked="" type="checkbox"/>	Yes		No	Priority	<input checked="" type="checkbox"/>	High		Low
	Direction Only				Type of	<input checked="" type="checkbox"/>	Open		Closed

Report Title

Agreements with Rainbow Routes for Trails Development

Policy Implication + Budget Impact

<input checked="" type="checkbox"/>	This report and recommendation(s) have been reviewed by the Finance Division and the funding source has been identified.
Background Attached	

Recommendation

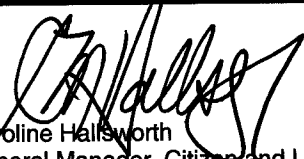
THAT staff be authorized to enter into an agreement with the Rainbow Routes Association to facilitate the development of trails for non motorized use on City of Greater Sudbury property and;

THAT staff be authorized to enter into a second agreement with Rainbow Routes to authorize the construction of a trail on lands owned by the Ministry of Transportation effective upon the City signing a licence agreement for the use of those lands and;

THAT staff be authorized to enter into an agreement with the Ministry of Transportation for the purposes of trail construction, which agreement relates to trail construction on lands owned by the MTO which runs parallel to Highway 17 and;

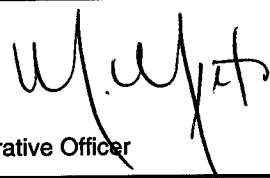
<input checked="" type="checkbox"/>	Recommendation Continued
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Recommended by the General Manager



Caroline Hallsworth
General Manager, Citizen and Leisure Services

Recommended by the C.A.O.



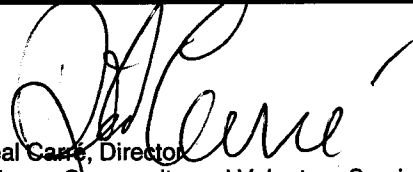
Mark Mieto
Chief Administrative Officer

Report Prepared By



Chris Gore, Manager
Community Development and Volunteerism

Division Review



Réal Carre, Director
Leisure, Community and Volunteer Services

Recommendation Continued

THAT a By-Law be prepared authorizing a series of grants to Rainbow Routes for the purposes of trail construction, which series of grants shall not exceed the \$350,000 previously allocated by Council in 2001 for the purposes of trail construction and which grants shall be funded from the Rainbow Routes Trails Capital Account established in 2001.

Background

Rainbow Routes is a local non profit organization committed to the development, management, use and preservation of an integrated, year round , multi use trail network for the general public that will connect the City of Greater Sudbury to the Trans Canada Trail System. The organization is governed by volunteers from within the community with 10 Directors and 1 Executive Director who represent a variety of local trail groups, user groups and citizens from across the community. Rainbow Routes has lead projects such as the Hillfield Trail project in Walden among others and have recently published the second edition of the Greater Sudbury Trail Guide.

The City of Greater Sudbury has been working together with Rainbow Routes to develop trails over the past three years. In 2001 , Rainbow Routes prepared the "Trans Canada Trail Master Plan" in partnership with the City. The plan identifies links required to connect the disjointed and disparate network of existing trails. During the 2001 budget deliberations, Council allocated \$350,000 to Rainbow Routes for trail development and funded this allocation from the Tax Rate Stabilization Fund. The Council allocation was levered by Rainbow Routes through an application to the Northern Ontario Heritage Fund for the development and improvement of trails in the Sudbury area. With the municipal and provincial funding in place as well as in-kind community support, \$1.4 million worth of work on the development and improvement of a local trail networks will be completed. Portions of this work have been completed previously and the balance of the Rainbow Route trail funding that remains in the capital account is \$225,000.

Many of the trails being constructed are developed on municipal property, and periodically there is a need for an agreement between Rainbow Routes and the City of Greater Sudbury as to how that specific portion of trail will be developed. To facilitate this partnership and speed-up the process of approvals, it is respectfully recommended that Council authorize staff to enter into a five year agreement, which will describe the terms under which Rainbow Routes will be allowed to construct trails on municipal property. The agreement addresses the project approval process and safety issues so as to ensure that trail construction is managed responsibly.