

MOTION TO ADDRESS ILLEGAL CONSTRUCTION THROUGH STRENGTHENING THE ONTARIO BUILDING CODE THROUGH INCREASED PENALTIES & ENFORCEMENT

WHEREAS on September 30, 2020, Council passed Resolution 0316-2020 authorizing the Mayor to send a letter to the Province of Ontario to request an amendment to the *Ontario Building Code Act* (the “*Act*”) to expand the power of entry powers for building inspectors;

AND WHEREAS Resolution 0316-2020 was passed in response to the growing number of complaints received by Building Staff regarding property owners who may be converting a house from a single family dwelling to a multi-unit dwelling without a permit;

AND WHEREAS no changes to the *Act* have been made and illegal residential construction continues to persist in the City of Mississauga, presenting a health and safety risk for the public;

AND WHEREAS there are instances of illegal construction where the City has no ability to physically halt the construction even if a Stop Work Order has been issued;

AND WHEREAS the *Act* contains some enforcement measures that assist officers and prosecutors however the *Act* does not include any statutory minimum fines;

AND WHEREAS Prosecutions has indicated that fines for contraventions under the *Act* including failing to comply with an order often fall below \$500 which in the opinion of Council is too low to act as a sufficient deterrent and is the “cost of doing business” for these rogue builders;

AND WHEREAS an amendment to the *Act* is desirable to include a minimum fine of \$500 which is consistent with the minimum fine that a municipality is permitted to establish pursuant to the *Municipal Act, 2001* for municipal by-laws;

THEREFORE BE IT RESOLVED that the Mayor send a letter on behalf of Council with a copy of this resolution to Minister Steve Clark of the Ministry of Municipal Affairs and Housing requesting that:

1. Section 36 of the *Ontario Building Code Act* be amended to include a statutory minimum fine of \$500 for contraventions of the *Act*; and
2. Section 16 of the *Ontario Building Code Act* be amended to allow inspectors to enter into dwellings to ensure compliance with the *Act* where the inspector has reasonable grounds to believe that construction is taking place within a dwelling without a permit.
3. The Province examine ways to give municipalities the powers required to physically halt egregious illegal construction (ie. Constructing an entire home without any permits).



| Recorded Vote | YES | NO | ABSENT | ABSTAIN |
|------------------------|------------|-----------|---------------|----------------|
| Mayor B. Crombie | | | | |
| Councillor S. Dasko | | | | |
| Councillor K. Ras | | | | |
| Councillor C. Fonseca | | | | |
| Councillor J. Kovac | | | | |
| Councillor C. Parrish | | | | |
| Councillor R. Starr | | | | |
| Councillor D. Damerla | | | | |
| Councillor M. Mahoney | | | | |
| Councillor P. Saito | | | | |
| Councillor S. McFadden | | | | |
| Councillor G. Carlson | | | | |