

**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).



<b>Recorded Vote</b>	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				