



MUNICIPALITY OF **West Elgin**

Staff Report

Report To: Council Meeting
From: Jackie Morgan-Beunen, CBO
Date: 2020-05-14
Report: 2020-04
Subject: Building Department COVID-19 EMCPA O. Reg. 200/20

Recommendation:

That West Elgin Council hereby receives the report from Jackie Morgan-Beunen, Chief Building Official re: EMCPA O.Reg. 200/20 as it relates to the business of Construction for inspections and permit issuance.

Purpose:

To provide information and updates on amendments to the Emergency Management and Civil Protection Act (EMCPA) O.Reg. 82/20 - CLOSURE OF PLACES OF NON-ESSENTIAL BUSINESSES

Background:

Since reporting on April 9th, 2020, the Ontario Government has amended O. Reg. 82/20, **CLOSURE OF PLACES OF NON-ESSENTIAL BUSINESSES** through O. Reg. 119/20 which came into effect April 4th, 2020 at 11:59 pm and further through O. Reg. 196/20 which came into effect at 12:01 am May 4th, 2020 and O. Reg. 200/20 which came into effect at 12:01 am May 11th, 2020. These amendments are in effect until May 19th unless extended. The amendments affect the business of construction as listed below. The effective date of the closures of businesses considered non-essential as per s. 7.0.8 of the Act and O.Reg. 106/20, Schedule 1 remains April 4th, 2020 at 11:59 pm. Projects permitted to continue, once permits have been issued, are listed below as per Schedule 2 of O. Reg. 82/20.

Construction

27. Construction projects and services associated with the healthcare sector, including new facilities, expansions, renovations and conversion of spaces that could be repurposed for health care space.
28. Construction projects and services required to ensure safe and reliable operations of, or to provide new capacity in, critical provincial infrastructure, including transit, transportation, energy and justice sectors beyond the day-to-day maintenance.
 - 28.1 Construction projects and services that support the operations of, and provide new capacity in, schools, colleges, universities, municipal infrastructure and child care centres within the meaning of the *Child Care and Early Years Act, 2014*.
29. Critical industrial construction activities required for,

- i. the maintenance and operations of petrochemical plants and refineries,
- ii. significant industrial petrochemical projects where preliminary work has already commenced,
- iii. industrial construction and modifications to existing industrial structures limited solely to work necessary for the production, maintenance, and/or enhancement of Personal Protective Equipment, medical devices (such as ventilators), and other identified products directly related to combatting the Covid-19 pandemic.

29.1 Construction projects that are due to be completed before October 4, 2020 and that would provide additional capacity in the production, processing, manufacturing or distribution of food, beverages or agricultural products.

29.2 Construction projects that were commenced before April 4, 2020, and that would,

- i. provide additional capacity for businesses that provide logistical support, distribution services, warehousing, storage or shipping and delivery services, or
- ii. provide additional capacity in the operation and delivery of Information Technology (IT) services or telecommunications services.

30. Residential construction projects where,

- i. a footing permit has been granted for single family, semi-detached and townhomes,
- ii. the project is a condominium, mixed use or other residential building, or
- iii. the project involves renovations to residential properties and construction work was started before April 4, 2020.

30.1 Construction to prepare a site for an institutional, commercial, industrial or residential development, including any necessary excavation, grading, roads or utilities infrastructure.

31. Construction and maintenance activities necessary to temporarily close construction sites that have paused or are not active and to ensure ongoing public safety.

Permits have continued to be reviewed and processed during the time period of the COVID-19 pandemic with applicants signing a Permit Disclaimer form to acknowledge that issuance of a permit does not necessarily allow them to proceed with construction. The permit does not provide the permit holder any exemption or exception to any Order issued by the Province of Ontario pursuant to the EMCPA.

On Monday May 11, 2020 an amendment to the OBC came into effect too clarify suspension of time periods for issuance of building permits under the Provincial Orders. (O. Reg. 209/20) Previously, some Municipalities were of the opinion that under the emergency orders, all time periods listed in the Building Code Act and the Ontario Building Code were suspended, as the offices of the *principal authority* were not open for the transaction of business with the public. As of May 11th, the code specified time periods have be reinstated when the offices of the *principal authority* are not open for the transaction of business with the public if the reason given by the *principal authority* for the offices not being open is related to coronavirus (COVID-19). As our

offices are not closed for business, but are closed to the public for walk-in service, I have continued the business of reviewing permits and issuing permits as advised by legal counsel.

I will continue to keep Council apprised of the regulatory changes as they evolve relating to the Provincial Emergency Orders. Consultation with the Ministry of Affairs and Housing, the Ontario Building Officials Associations, the OPP and legal counsel is ongoing.

Financial Implications:

Revenues will be potentially impacted due to limited list of “essential” construction projects

Policies/Legislation:

Municipal Act
Building Code Act
Emergency Management and Civil Protection Act

Legal Impact:

Compliance with legislation.

Report Approval Details

Document Title:	Building Department update - COVID-19 EMCPA orders.docx
Attachments:	
Final Approval Date:	May 13, 2020

This report and all of its attachments were approved and signed as outlined below:

Jana Nethercott