

**CORPORATION OF THE TOWNSHIP OF MCKELLAR**

**BY-LAW NO. 2024-19**

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**Being a By-law to Being a By-law to Establish A Code  
of Conduct for The Chief Building Official  
and Delegated Building Inspectors**

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**WHEREAS** Section 3(1) of the *Building Code Act*, 1992, S.O. 1992, c.23, as amended, [Building Code Act, 1992, S.O. 1992, c. 23 \(ontario.ca\)](#) ("**Act**") states that the Council of each municipality is responsible for the enforcement of this **Act** in the municipality, except where otherwise provided by this **Act**;

**AND WHEREAS** Section 3(2) of the **Act** states that the Council of each municipality shall appoint a chief building official and such inspectors as are necessary for the enforcement of this **Act** in the areas in which the municipality has jurisdiction;

**AND WHEREAS** Section 7.1(1) of the **Act** states that a principal authority [e.g. Council of a municipality] shall establish and enforce a code of conduct for the chief building official and inspectors;

**AND WHEREAS** Section 7.1(2) of the **Act** states that "the following are the purposes of a code of conduct:

1. To promote appropriate standards of behaviour and enforcement actions by the chief building official and inspectors in the exercise of a power or the performance of a duty under this Act or the building code;
2. To prevent practices which may constitute an abuse of power, including unethical or illegal practices, by the chief building official and inspectors in the exercise of a power or the performance of a duty under this Act or the building code;
3. 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 chief building official and inspectors."

**AND WHEREAS** Section 7.1(3) of the **Act** states that "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";

**AND WHEREAS** Section 7.1(4) of the **Act** states that "the principal authority shall ensure that the code of conduct is brought to the attention of the public";

**AND WHEREAS** the Council of the Corporation of the Township of McKellar deems it necessary to establish and implement a Code of Conduct for the Chief Building Official and all delegated building inspectors;

**NOW THEREFORE BE IT RESOLVED** that the Council of the Corporation of the Township of McKellar hereby enacts as follows:

1. **THAT** the Township of McKellar Code of Conduct Policy for the Chief Building Official and all delegated building inspectors is hereby adopted as set out in Schedule "A" attached hereto and forming part of this By-law;
2. **THAT** Resolution No. (20)05-157, carried on June 6, 2005, be hereby rescinded;


3. **THAT** the Township of McKellar Code of Conduct Policy for the Chief Building Official and all delegated building inspectors be posted on the Municipal website;
4. **THAT** should any section, subsection, clause, paragraph or provision of this By-law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this By-law as a whole or any part thereof, other than the provisions so declared to be invalid;
5. **THAT** this By-law shall come into force and effect on the date of final passing thereof.

**READ a FIRST and SECOND** time this 5<sup>th</sup> day of March, 2024.

  
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David Moore, Mayor

  
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Ina Watkinson, Clerk/Administrator

**READ a THIRD** time and **PASSED** in **OPEN COUNCIL** this 19<sup>th</sup> day of March, 2024.

  
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David Moore, Mayor

  
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Ina Watkinson, Clerk/Administrator

**SCHEDULE "A" TO BY-LAW NO. 2024-19**  
**(Being a By-law to establish a Code of Conduct for the Chief Building Official and delegated Building Inspectors)**

**Code of Conduct**

Building Officials in exercising their power and performing their duties under the *Act*, shall at all times:

- 1.0 Promote the safety of buildings with reference to public health, fire protection, structural sufficiency, conservation and environmental integrity, and barrier-free accessibility;
- 2.0 Apply the *Building Code Act* and the *Building Code* impartially, without influence and in accordance with all applicable legislation;
- 3.0 Perform duties with due diligence, honesty, and integrity and with the highest professional standards in a fair, efficient, timely and consistent manner that maintains and promotes public safety at all times;
- 4.0 Ensure public confidence and trust are maintained by acting as ambassadors and reflecting a professional image while treating the public with respect at all times;
- 5.0 Take all reasonable steps to ascertain and document all available facts relevant to the performance of their duties;
- 6.0 Avoid situations where there may be, or where there appears to be, a conflict between their duties to their clients, their profession, their peers, the public at large or their personal interests;
- 7.0 Act only within their area of qualifications obtained under the *Building Code Act* and to obtain qualifications as required to be appointed and to remain appointed under the *Building Code Act*;
- 8.0 Maintain their specialized knowledge and understanding of the current and evolving building practices, building laws and regulations through continuous professional development;
- 9.0 Comply with the Township's Conflict of Interest Policy and the Township's Code of Conduct Policy [2023-54.pdf \(mckellar.ca\)](#) [SKM C360i I24012411030 \(mckellar.ca\)](#) and other such related procedural policies;
- 10.0 Avoid any conduct that could bring building officials or the Township of McKellar into disrepute;
- 11.0 Manage confidential and sensitive information according to the Township's guidelines and relevant legislation and ensure that no information collected, produced or obtained in the course of their duties, whether reports, memos, verbal/written/electronic communication is disclosed without proper approval.

**Complaints**

- 1.0 A complaint from a member of the public must be in writing and must be signed by the person making the complaint. The complaint may be a letter, e-mail, facsimile or submitted via a prescribed form authorized by the Chief Building Official and approved by Council;
- 2.0 A complainant may withdraw his/her complaint at any time, although Council may continue to investigate the complaint if deemed appropriate to do so;

- 3.0 The entire investigation process will be handled in as confidential a manner as possible by all parties involved. All records are subject to the provisions of the *Municipal Freedom of Information and Protection of Privacy Act* [Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. F.31 \(ontario.ca\)](#) and may be subject to disclosure under the aforementioned Act or by a court of law.

#### **Guideline for Investigating Allegations of Breaches of the Code of Conduct**

- 1.0 Upon the receipt of a complaint, the Chief Building Official will review any allegations of breaches of this Code of Conduct made against a Building Services staff member and will forward the complaint to Council with a recommended course of action;
- 2.0 Where the allegations are against the Chief Building Official, Council will review the allegations;
- 3.0 Disciplinary action arising from violations of this Code of Conduct is the responsibility of Council and will be based on the severity and/or frequency of the violation in accordance with relevant employment standards;
- 4.0 The Chief Building Official will provide a Council approved written response to the complainant within 30 calendar days of receipt of the written complaint.

#### **Disciplinary Action**

- 1.0 Disciplinary action arising from violations of the Code of Conduct is the responsibility of the Council and will be based on the severity and/or frequency of the violation in accordance with employment laws and standards, and relevant collective agreements.

#### **Public Notice for the Code of Conduct**

- 1.0 The *Building Code Act* states that the Code of Conduct must be brought to the attention of the public. Township staff will advertise the Code of Conduct on an ongoing basis via the Township website. Additionally, the Code of Conduct shall be inserted in all Building Permit Guide hand-outs to ensure it has been brought to the public's attention.