



April 27, 2020

Will Johnston  
Chief Building Official/Executive Director  
Infrastructure and Development Services  
City of Toronto  
12<sup>th</sup> Floor E., 100 Queen St. W.  
Toronto, ON M5H 2N2

Dear Mr. Johnson,

**RE: City of Toronto's Building Department service levels**

The Residential Construction Council of Ontario (RESCON) represents more than 200 residential builders of high-rise, mid-rise and low-rise buildings in the province. The focus of RESCON's work is on technical standards; labour relations; industry research and innovation; health and safety; regulatory reform and streamlining; as well as training and apprenticeship.

Considering the ongoing COVID-19 pandemic, we understand the City of Toronto has declared an emergency, thereby cancelling all non-essential services and closing many facilities. However, the Province of Ontario has deemed construction work and services, particularly the residential sector, to be an essential workplace. Furthermore, supply chains that support essential work activity and businesses, including service providers, were also deemed necessary to maintain operations. As a result of the provincial mandate, RESCON builder members operating construction projects within the City of Toronto have continued to progress with construction activities already underway.

While we understand the City of Toronto and its departments must be inundated with issues to cope with the surge of new challenges stemming from COVID-19, the recent decision for the City to suspend services relating to the review and issuance of new building permits as well as building inspection services by City inspectors has been very challenging for the building industry. While we appreciate that Toronto has authorized qualified professionals (engineers and architects) to perform building permit inspection reports in lieu of a progress inspection by a City inspector, it poses the question that why is an inspection safe to be carried out by a qualified professional but not a municipal inspector?

Many other GTA municipalities have decided to proceed with progress site inspections, while implementing new social distancing requirements during inspections, or alternatively are using remote video inspection technologies. Even though existing



construction projects can proceed in some capacity, the suspension of new building permit applications will undoubtedly create a damaging knock-on effect in the delivery of much needed housing supply in the City of Toronto.

As you may be aware, the Ontario Building Officials Association (OBOA) recently retained a legal opinion, on municipal service levels regarding permitting, inspections and construction activities. The legal findings identified that building officials are considered essential and therefore building departments should provide all relevant services. The current stoppage of processing new permit applications will undoubtedly lead to a surge of new applications once the emergency declaration measures are lifted, causing the building department to become further backlogged. Just because new projects are not authorized to begin construction under current provincial orders, does not mean that they cannot be issued a building permit in preparation for when construction is allowed to proceed.

The legal review clarified that the Provincial emergency declaration, orders and regulations do not amend the Building Code Act, 1992 or the Ontario Building Code, other than the suspension of stipulated time periods. Therefore, while the suspension of time periods is understandable, the blatant decision that certain municipal building departments are not accepting or processing new permits is not reasonable.

Like most businesses, Ontario municipalities were generally not ready for this pandemic and the value of building permits fell 50.5% compared with March 2019, according to Statistics Canada. The recent City of Toronto [End-to-End Review of the Development Review Process](#) identified a need to “leverage technology to find efficiencies in outdated and paper-based work processes.” The report noted that technology (i.e., e-permitting) can modernize application management systems to optimize workflows, automate processes, enhance online application tracking, increase accountability and transparency, and enable greater internal and external collaboration. This leads us to a question: while social distancing has led to a rise in working remotely, when will there be a better time than now for Toronto to act on their own recommendations and move to a comprehensive electronic permitting platform?

We commend the bulk of Ontario municipalities who have found means to proceed with permitting activities that goes to show that this activity can proceed in a safe and reasonable manner. While we understand that all municipalities operate independently, we find it troubling that certain key municipalities continue to not accept or process new building permit applications.



The need to have shovel-ready projects is critical for the construction industry and housing supply once essential workplace restrictions are lifted. It is also vital given the significant economic impacts that the City of Toronto is facing in the wake of the COVID-19 pandemic. Construction has and will continue to be a major economic driver for Toronto and the region, and the City has a responsibility to do all that it can to facilitate the continuous and ongoing work of the industry.

To that end, RESCON believes that the planning, engineering and building services should be able to work remotely and continue processing new and current applications. Failing to do so will create a backlog in the system, delay closings/occupancies and further challenge the affordability of new homeownership.

We appreciate your time to consider our comments and welcome any questions.

Regards,

Richard Lyall  
President

Copy to:  
His Worship John Tory, Mayor, City of Toronto  
Chris Murray, City Manager, City of Toronto  
Courtney Glen, Deputy Chief of Staff, Office of the Mayor  
Councillor Ana Bailão, Chair, Planning and Housing Committee