



PROPERTY STANDARDS COMMITTEE TERMS OF REFERENCE

GOAL

Town of Caledon Property Standards By-law was enacted to provide minimum requirements for the maintenance and occupancy of buildings, properties, and vacant lots within the Town of Caledon. The By-law addresses concerns such as the structural integrity of buildings and structures, health and safety risks, minimum standards for maintenance and occupancy and ensuring properties are not unsightly.

The Property Standards Committee is established by Council to hear appeals to orders issued pursuant to the Property Standards By-law.

DEFINITIONS

"Appellant" means someone appealing a Property Standards Order pursuant to the provisions of the *Building Code Act S.O. 1992. C. 23, as amended*.

"Committee" means the Town of Caledon Property Standards Committee.

"Chair" means the Chair of the Committee elected by members of the Committee at a business meeting of the Committee.

"Secretary" means the Secretary of the Property Standards Committee appointed by members of the Committee at a business meeting of the Committee, pursuant to the provisions of the *Building Code Act S.O. 1992. C. 23, as amended*.

LEGISLATIVE AUTHORITY

The Property Standards Committee is established under the authority of the *Building Code Act S.O. 1992. C. 23, as amended* and Town of Caledon Property Standards By-law 98-155, as amended.

MEMBERSHIP AND RESPONSIBILITIES

1. The Property Standards Committee shall consist of seven members that Council considers advisable to hold office.
2. Committee members shall hold office for a four year term coincident with the term of the Council of the Corporation of the Town of Caledon or until successors have been appointed.
3. Commencing with the 2004-2006 Property Standards Committee, the maximum number of consecutive terms that a committee member shall serve is three.
4. Membership shall be composed of members of the public, preferably at least one representative from each ward within the Town of Caledon.

BUSINESS MEETINGS AND APPEAL HEARINGS

1. A quorum of the Committee shall be a majority of the members of the Committee.
2. If a quorum is not present within thirty (30) minutes after the time appointed for a meeting, the meeting shall be deemed to be terminated and may be re-scheduled by the Secretary.
3. The Chair shall be counted in determining quorum and shall be entitled to all the rights of a member of the Committee, including voting.
4. A resolution or decision of the Committee shall be deemed to be passed if a majority of the members of the Committee vote in favor of the resolution.
5. The conduct of members and of meetings shall generally be considered in accordance with the:
 - *Statutory Powers Procedure Act, R.S.O. 1990 c.S.22, as amended*
 - *Municipal Act, 2001, S.O. 2001, c. 25, as amended*
 - *Municipal Conflict of Interest Act, R.S.O. 1990, c.M.50, as amended*
 - Robert's Rules of Order
6. All meetings shall be held at the Town of Caledon Administration Centre, located at 6311 Old Church Road, Caledon East, Ontario, unless specified otherwise on the meeting notice.

BUSINESS MEETINGS

1. The Committee shall hold a business meeting at least once in every term of the Council of The Corporation of the Town of Caledon. The purpose of the business meeting shall be, among other matters, to elect a Chair, to establish policies and practices of the Committee, and to address any other matters related to the operation of the Committee. The Committee shall not consider any appeal hearings at a business meeting.
2. The Chair or Secretary may call a business meeting.
3. No business meeting shall take place unless all reasonable efforts have been made to give a minimum of one week's notice to all members of the Committee and to the Secretary. The notice shall indicate the date, time, place and purpose of the business meeting.
4. The Chair and Vice-Chair of the Committee shall be elected from amongst the members of the Committee for a length of term as prescribed in Property Standards By-law 98-155 (as amended).
5. The Chair and members of the Committee shall receive remuneration for attending a business meeting.

APPEAL HEARINGS

1. All meetings of the Committee to hear an appeal filed pursuant to the *Building Code Act S.O. 1992. C. 23, as amended*, shall be called by the Secretary.
2. An appeal is to be considered at an appeal hearing of the Committee in accordance with the provisions of the *Building Code Act S.O. 1992. C. 23, as amended*, and any regulations passed thereunder.
3. The Secretary shall send notices of appeal and decisions of the Committee to the owner or occupant of the property and the Regional Councillor and the Area Councillor for the ward in which the lands that are the subject of the appeal are located.
4. In consultation with the Chair, the Secretary may cancel or reschedule an appeal hearing if there are no appeals to be heard at a scheduled meeting.

APPEAL HEARING PROCEDURES

1. An appeal hearing of the Committee shall be called to order by the Chair, or in the absence of the Chair, by his designate.
2. Generally, after an appeal hearing is called to order, the Chair shall call for any requests for deferral of an appeal or any requests for withdrawal of an appeal.
3. An appeal shall only be deferred upon reasonable cause as determined by the Committee.
4. Generally, after all requests for withdrawal have been made and all requests for deferral have been considered, the Secretary shall call each appeal in the order in which it appears on the agenda or in such other order as the Committee determines.
5. The Property Standards Officer will present all of its evidence to support its Order under the Property Standards By-law. The Appellant and Committee may question all such evidence presented by the Officer.
6. The Committee shall provide each Appellant with an opportunity to present his or her appeal. The Committee shall provide the Property Standards Officer with an opportunity to question the Appellant and any person appearing in support of the Appellant.
7. The Committee shall provide any person having an interest in an appeal to express his or her comments with respect to that appeal.
8. The Committee shall provide the Appellant an opportunity to respond to any comments, correspondence, or proposed conditions brought forward at the appeal.

9. When considering an appeal, the Committee shall have all the powers and functions of the Property Standards Officer who made the Order, and may:
 - Confirm, modify or quash the Order, or
 - Extend the time for complying with the Order.

VOTING

1. Once all of the evidence has been heard in respect of the appeal, the Committee will recess and will retire in-camera to discuss the appeal and to make a decision. The Committee must decide whether the Order is to be confirmed, modified or quashed or whether time for compliance with the Order is to be extended.
2. The Chair will reconvene the hearing.
3. The Chair shall ask the members of the Committee for a motion with respect to the disposition of the appeal. The Chair, upon receipt of a motion from a member of the Committee, shall ask for a seconder for the motion. Once a motion has been moved and seconded, the Chair shall call for a vote on the motion and each member of the Committee shall announce his or her vote on the motion openly and individually and the Chair shall announce the decision of the Committee.
4. A Committee member, if present, may not abstain from voting.
5. Where there is a tie vote on a motion, the motion shall be defeated and a new motion will be brought forward.
6. The decision is final and binding on all parties. No further discussions will take place once the decision is made known. No further communications, whether oral or written, will be made to the Committee by the Appellant or the Officer. Any further concerns regarding the decision will be dealt with through the court appeal process.

NOTICE OF DECISION

Members of the Committee concurring in a decision of the Committee shall sign the notice of decision and the names of members present who did not concur in the decision shall be so noted in the notice of decision.

CONFLICT OF INTEREST

In accordance with the *Municipal Conflict of Interest Act, R.S.O., c.M.50, as amended*, any member of the Committee required to do so by the provisions of the Act, shall disclose any direct or indirect pecuniary interest and shall state the general nature of such interest, and it shall be recorded by the Secretary accordingly. The member shall leave the application meeting room for the duration of the subject application.

ATTACHMENTS

Schedule A – Excerpt of the *Building Code Act S.O. 1992. C. 23, as amended.*

14.- (1) Stop Work Order. If an order made under section 12 or 13 is not complied with within the time specified in it, or where no time is specified, within a reasonable time, the chief building official or registered code agency, as the case may be may order that all or any part of the construction or demolition cease. 1992, c.23, s.14(1); 2002, c.9, s.21(1)

(1.1) Form of Order. The prescribed form must be used for the order. 2002, c.9, s.21(2)

(2) Service. The order shall be served on such persons affected thereby as the chief building official or registered code agency determines and a copy shall be posted on the site of the construction or demolition. 1992, c.23, s.14(2); 2002, c.9, s.21(3)

(3) Timing. The order is effective from the time it is posted under subsection (2). 1992, c.23, s.14(3)

(4) Effect of Order. If an order to cease construction or demolition is made, no person shall perform any act in the construction or demolition of the building in respect of which the order is made other than work necessary to carry out the order made under section 12 or 13. 1992, c.23, s.14(4)

(5) Referral to Chief Building Official. When a registered code agency makes an order under this section, the agency shall refer the matter to the chief building official as soon as practicable. 2002, c.9, s.21(4)

(6) Same. The referral must be made in the prescribed manner. 2002, c.9, s.21(4)

(7) Effect of Referral. After making the referral, the registered code agency shall take no further steps in respect of the matter to which the order refers and the principal authority that issued the permit is responsible for the enforcement of this Act in respect of the matter. 2002, c.9, s.21(4)

(8) Powers of Chief Building Official. The chief building official may amend or rescind any order made by the registered code agency in respect of the matter. 2002, c.9, s.21(4)

Property Standards

15. Repealed. 2002, c.9, s.22

15.1- (1) Municipal Property Standards. In sections 15.1 to 15.8 inclusive,

"committee" means a property standards committee established under section 15.6; ("comité")

"occupant" means any person or persons over the age of 18 years in possession of the property; ("occupant")

"owner" includes,

- (a) the person for the time being managing or receiving the rent of the land or premises in connection with which the word is used, whether on the person's own account or as agent or trustee of any other person, or who would so receive the rent if such land and premises were let, and
- (b) a lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property; ("propriétaire")

"property" means a building or structure or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections thereon whether heretofore or hereafter erected, and includes vacant property; ("bien")

"repair" includes the provision of facilities, the making of additions or alterations or the taking of any other action that may be required to ensure that a property conforms with the standards established in a by-law passed under this section. ("réparation") 1997, c.24, s.224(8)

(2) Adoption of Policy. Where there is no official plan in effect in a municipality, the council of the municipality may, by by-law approved by the Minister, adopt a policy statement containing provisions relating to property conditions. 1997, c.24, s.224(8)

(3) Standards for Maintenance and Occupancy. The council of a municipality may pass a by-law to do the following things if an official plan that includes provisions relating to property conditions is in effect in the municipality or if the council of the municipality has adopted a policy statement as mentioned in subsection (2);

1. Prescribing standards for the maintenance and occupancy of property within the municipality or within any defined area or areas and for prohibiting the occupancy or use of such property that does not conform with the standards.
2. Requiring property that does not conform with the standards to be repaired and maintained to conform with the standards or the site to be cleared of all buildings, structures, debris or refuse and left in graded and levelled condition. 1997, c.24, s.224(8)

(4) No Distinction on the Basis of Relationship. The authority to pass a by-law under subsection (3) does not include the authority to pass a by-law that sets out requirements, standards or prohibitions that have the effect of distinguishing between persons who are related and persons who are unrelated in respect of the occupancy or use of a property, including the occupancy or use as a single housekeeping unit. 1997, c.24, s.224(8)

(5) Provision of No Effect. A provision in a by-law is of no effect to the extent that it contravenes the restrictions described in subsection (4). 1997, c.24, s.224(8)

15.2- (1) Inspection of Property Without Warrant. Where a by-law under section 15.1 is in effect, an officer may, upon producing proper identification, enter upon any property at any reasonable time without a warrant for the purpose of inspecting the property to determine,

- (a) whether the property conforms with the standards prescribed in the by-law; or
- (b) whether an order made under subsection (2) has been complied with. 1997, c.24, s.224(8)

(2) Contents of Order. An officer who finds that a property does not conform with any of the standards prescribed in a by-law passed under section 15.1 may make an order,

- (a) stating the municipal address or the legal description of such property;
- (b) giving reasonable particulars of the repairs to be made or stating that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition;
- (c) indicating the time for complying with the terms and conditions of the order and giving notice that, if the repair or clearance is not carried out within that time, the municipality may carry out the repair or clearance at the owner's expense; and

- (d) indicating the final date for giving notice of appeal from the order. 1997, c.24, s.224(8)

(3) Service and Posting of Order. The order shall be served on the owner of the property and such other persons affected by it as the officer determines and a copy of the order may be posted on the property. 1997, c.24, s.224(8)

(4) Registration of Order. The order may be registered in the proper land registry office and, upon such registration, any person acquiring any interest in the land subsequent to the registration of the order shall be deemed to have been served with the order on the day on which the order was served under subsection (3) and, when the requirements of the order have been satisfied, the clerk of the municipality shall forthwith register in the proper land registry office a certificate that such requirements have been satisfied, which shall operate as a discharge of the order. 1997, c.24, s.224(8)

15.3- (1) Appeal of Order. An owner or occupant who has been served with an order made under subsection 15.2(2) and who is not satisfied with the terms or conditions of the order may appeal to the committee by sending a notice of appeal by registered mail to the secretary of the committee within 14 days after being served the order. 1997, c.24, s.224(8)

(2) Confirmation of Order. An order that is not appealed within the time referred to in subsection (1) shall be deemed to be confirmed. 1997, c.24, s.224(8)

(3) Duty of Committee. The committee shall hear the appeal. 2002, c.9, s.24

(3.1) Powers of Committee. On an appeal, the committee has all the powers and functions of the officer who made the order and the committee may do any of the following things if, in the committee's opinion, doing so would maintain the general intent and purpose of the by-law and of the official plan or policy statement:

1. Confirm, modify or rescind the order to demolish or repair.
2. Extend the time for complying with the order. 2002, c.9, s.24

(4) Appeal to Court. The municipality in which the property is situate or any owner or occupant or person affected by a decision under subsection (3.1) may appeal to the Superior Court of Justice by notifying the clerk of the municipality in writing and by applying to the court within 14 days after a copy of the decision is sent. 2002, c.9, s.24

(5) Appointment. The Superior Court of Justice shall appoint, in writing, a time and place for the hearing of the appeal and may direct in the appointment the manner in which and the persons upon whom the appointment is to be served. 2002, c.9, s.24

(6) Judge's Powers. On the appeal, the judge has the same powers and functions as the committee. 1997, c.24, s.224(8)

(7) Effect of Decisions. An order that is deemed to be confirmed under subsection (2) or that is confirmed or modified by the committee under subsection (3) or a judge under subsection (6), as the case may be, shall be final and binding upon the owner and occupant who shall carry out the repair or demolition within the time and in the manner specified in the order. 1997, c.24, s.224(8)

15.4- (1) Power of Municipality if Order not Complied with. If an order of an officer under subsection 15.2(2) is not complied with in accordance with the order as deemed confirmed or as confirmed or modified by the committee or a judge, the municipality may cause the property to be repaired or demolished accordingly. 1997, c.24, s.224(8)

(2) Warrantless Entry. For the purpose of subsection (1), employees or agents of the municipality may enter the property at any reasonable time without a warrant in order to repair or demolish the property. 1997, c.24, s.224(8)

(3) No Liability. Despite subsection 31(2), a municipal corporation or a person acting on its behalf is not liable to compensate the owner, occupant or any other person by reason of anything done by or on behalf of the municipality in the reasonable exercise of its powers under subsection (1). 1997, c.24, s.224(8)

(4) Lien. The municipality shall have a lien on the land for the amount spent on the repair or demolition under subsection (1) and the amount shall have priority lien status as described in section 1 of the *Municipal Act, 2001*. 2002, c.17, Sched. F, Table

15.5- (1) Certificate of Compliance. An officer who, after inspecting a property, is of the opinion that the property is in compliance with the standards established in a by-law passed under section 15.1 may issue a certificate of compliance to the owner. 1997, c.24, s.224(8)

(2) Request for Certificate. An officer shall issue a certificate to an owner who requests one and who pays the fee set by the council of the municipality in which the property is located. 1997, c.24, s.224(8)

(3) Fee for Certificate. A council of a municipality may set a fee for the issuance of a certificate. 1997, c.24, s.224(8)

15.6- (1) Property Standards Committee. A by-law passed under section 15.1 shall provide for the establishment of a committee composed of such persons, not fewer than three, as the council considers advisable to hold office for such term and on such conditions as the by-law may establish. 1997, c.24, s.224(8)

(2) Filling of Vacancies. The council of the municipality shall forthwith fill any vacancy that occurs in the membership of the committee. 1997, c.24, s.224(8)

(3) Compensation. The members of the committee shall be paid such compensation as the council may provide. 1997, c.24, s.224(8)

(4) Chair. The members shall elect a chair from among themselves; when the chair is absent through illness or otherwise, the committee may appoint another member as acting chair. 1997, c.24, s.224(8)

(5) Quorum. A majority of the members constitutes a quorum for transacting the committee's business. 1997, c.24, s.224(8)

(6) Secretary. The members shall provide for a secretary for the committee. 1997, c.24, s.224(8)

(7) Duty of Secretary. The secretary shall keep on file the records of all official business of the committee, including records of all applications and minutes of all decisions respecting those applications, and section 253 of the *Municipal Act, 2001* applies with necessary modifications to the minutes and records. 2002, c.17, Sched. F, Table

(8) Rules of Procedure and Oaths. The committee may, subject to subsection (9), adopt its own rules of procedure and any member may administer oaths. 1997, c.24, s.224(8)

(9) Where Committee Required to Give Notice. The committee shall give notice or direct that notice be given of the hearing of an appeal to such person as the committee considers advisable. 1997, c.24, s.224(8)

15.7- (1) Emergency Order re Non-Conformity with Standards. If upon inspection of a property the officer is satisfied that there is non-conformity with the standards in a by-law passed under section 15.1 to such extent as to pose an immediate danger to the health or safety of any person, the officer may make an order containing particulars of the non-conformity and requiring remedial repairs or other work to be carried out immediately to terminate the danger. 1997, c.24, s.224(8)

(2) Service. The order shall be served on the owner of the property and such other persons affected thereby as the officer determines and a copy shall be posted on the property. 1997, c.24, s.224(8)

(3) Emergency Powers. After making an order under subsection (1), the officer may, either before or after the order is served, take any measures necessary to terminate the danger and, for this purpose, the municipality may, through its employees and agents, at any time enter the property in respect of which the order was made without a warrant. 1997, c.24, s.224(8)

(4) No Liability. Despite subsection 31(2), a municipal corporation or a person acting on its behalf is not liable to compensate the owner, occupant or any other person by reason of anything done by or on behalf of the municipality in the reasonable exercise of its powers under subsection (3). 1997, c.24, s.224(8)

(5) Service. If the order was not served before measures were taken to terminate the danger, the officer shall serve copies of the order in accordance with subsection (2) as soon as practicable after the measures have been taken, and each copy of the order shall have attached to it a statement by the officer describing the measures taken by the municipality and providing details of the amount expended in taking the measures. 1997, c.24, s.224(8)

(6) Service of Statement. If the order was served before the measures were taken, the officer shall serve a copy of the statement mentioned in subsection (5) in accordance with subsection (2) as soon as practicable after the measures have been taken. 1997, c.24, s.224(8)

(7) Application to Court. As soon as practicable after the requirements of subsections (5) and (6) have been complied with, the officer shall apply to a judge of the Superior Court of Justice for an order confirming the order made under subsection (1) and the judge shall hold a hearing for that purpose. 1997, c.24, s.224(8); 2002, c.9, s.25

(8) Powers of Judge. The judge in disposing of an application under subsection (7) shall,

- (a) confirm, modify or rescind the order; and
- (b) determine whether the amount spent on measures to terminate the danger may be recovered in whole, in part or not at all. 1997, c.24, s.224(8)

(9) Order Final. The disposition under subsection (8) is final. 1997, c.24, s.224(8)

(10) Lien. The amount determined by the judge to be recoverable shall be a lien on the land and shall have priority lien status as described in section 1 of the *Municipal Act, 2001*. 2002, c.17, Sched. F, Table

15.8- (1) Inspection Powers of Officer. For the purposes of an inspection under Section 15.2, an officer may,

- (a) require the production for inspection of documents or things, including drawings or specifications, that may be relevant to the property or any part thereof;
- (b) inspect and remove documents or things relevant to the property or part thereof for the purpose of making copies or extracts;
- (c) require information from any person concerning a matter related to a property or part thereof;
- (d) be accompanied by a person who has special or expert knowledge in relation to a property or part thereof;
- (e) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection; and
- (f) order the owner of the property to take and supply at the owner's expense such tests and samples as are specified in the order. 1997, c.24, s.224(8)

(2) Samples. The officer shall divide the sample taken under clause (1)(e) into two parts and deliver one part to the person from whom the sample is taken, if the person so requests at the time the sample is taken and provides the necessary facilities. 1997, c.24, s.224(8)

(3) Same. If an officer takes a sample under clause (1)(e) and has not divided the sample into two parts, a copy of any report on the sample shall be given to the person from whom the sample was taken. 1997, c.24, s.224(8)

(4) Receipt. An officer shall provide a receipt for any document or thing removed under clause (1)(b) and shall promptly return them after the copies or extracts are made. 1997, c.24, s.224(8)

(5) Evidence. Copies of or extracts from documents and things removed under this section and certified as being true copies of or extracts from the originals by the person who made them are admissible in evidence to the same extent as and have the same evidentiary value as the originals. 1997, c.24, s.224(8)

Unsafe Buildings

15.9- (1) Inspection of Unsafe Buildings. An inspector may enter upon land and into buildings at any reasonable time without a warrant for the purpose of inspecting a building to determine,

- (a) whether the building is unsafe; or
- (b) whether an order made under subsection (4) has been complied with. 2002, c.9, s.26

(2) Interpretation. A building is unsafe if the building is,

- (a) structurally inadequate or faulty for the purpose for which it is used; or
- (b) in a condition that could be hazardous to the health or safety of persons in the normal use of the building, persons outside the building or persons whose access to the building has not been reasonably prevented. 2002, c.9, s.26

(3) Sewage Systems. In addition to the criteria set out in subsection (2), a sewage system is unsafe if it is not maintained or operated in accordance with this Act and the building code. 2002, c.9, s.26

(4) Order. An inspector who finds that a building is unsafe may make an order setting out the reasons why the building is unsafe and the remedial steps necessary to render the building safe and may require the order to be carried out within the time specified in the order. 2002, c.9, s.26

(5) Service. The order shall be served on the owner and each person apparently in possession of the building and such other persons affected thereby as the chief building official determines and a copy of the order may be posted on the site of the building. 2002, c.9, s.26

(6) Order Respecting Occupancy. If an order of an inspector under subsection (4) is not complied with within the time specified in it, or where no time is specified, within a reasonable time, the chief building official,

- (a) may by order prohibit the use or occupancy of the building; and
- (b) may cause the building to be renovated, repaired or demolished to remove the unsafe condition or take such other action as he or she considers necessary for the protection of the public. 2002, c.9, s.26

(7) Power of Entry. For the purpose of clause (6)(b), the chief building official, an inspector and their agents may enter upon land and into buildings at any reasonable time without a warrant. 2002, c.9, s.26

(8) Service. The order under clause (6)(a) shall be served on the owner and each person apparently in possession of the building and such other persons affected thereby as the chief building official determines and a copy of the order shall be posted on the site of the building. 2002, c.9, s.26

(9) Timing. The order under clause (6)(a) is effective from the time it is posted. 2002, c.9, s.26

(10) Lien. If the building is in a municipality, the municipality shall have a lien on the land for the amount spent on the renovation, repair, demolition or other action under clause (6)(b) and the amount shall have priority lien status as described in section 1 of the *Municipal Act, 2001*. 2002, c.17, Sched. C, s.4(1)

(11) Deemed Taxes. If the building is in territory without municipal organization, the amount spent on the renovation, repair, demolition or other action under clause (6)(b) shall be deemed to be taxes imposed under section 3 of the *Provincial Land Tax Act* for the purposes of sections 26 and 27 of that Act. 2002, c.9, s.26

15.10- (1) Emergency Order where Immediate Danger. If upon inspection of a building an inspector is satisfied that the building poses an immediate danger to the health or safety of any person, the chief building official may make an order containing particulars of the dangerous conditions and requiring remedial repairs or other work to be carried out immediately to terminate the danger. 2002, c.9, s.26

(2) Service. The order shall be served on the owner and each person apparently in possession of the building and such other persons affected thereby as the chief building official determines and a copy shall be posted on the site of the building. 2002, c.9, s.26

(3) Emergency Powers. After making an order under subsection (1), the chief building official may, either before or after the order is served, take any measures necessary to terminate the danger and, for this purpose, the chief building official, an inspector and their agents may at any time enter upon the land and into the building in respect of which the order was made without a warrant. 2002, c.9, s.26

(4) No Liability. Despite subsection 31(2), the Crown, a municipality, an upper-tier municipality, a board of health, a planning board or a conservation authority or a person acting on behalf of any of them is not liable to compensate the owner, occupant or any other person by reason of anything done by or on behalf of the chief building official or an inspector in the reasonable exercise of his or her powers under subsection (3). 2002, c.9, s.26; 2002, c.17, Sched. C, s.5(1)

(5) Service. If the order was not served before measures were taken to terminate the danger, the chief building official shall serve copies of the order in accordance with subsection (2) as soon as practicable after the measures have been taken and each copy of the order shall have attached to it a statement by the chief building official describing the measures taken and providing details of the amount spent in taking the measures. 2002, c.9, s.26

(6) Service of Statement. If the order was served before the measures were taken, the chief building official shall serve a copy of the statement mentioned in subsection (5) in accordance with subsection (2) as soon as practicable after the measures have been taken. 2002, c.9, s.26

(7) Application to Court. As soon as practicable after subsections (5) and (6) have been complied with, the chief building official shall apply to the Superior Court of Justice for an order confirming the order made under subsection (1) and the court shall hold a hearing for that purpose. 2002, c.9, s.26

(8) Powers of Court. In disposing of an application under subsection (7), the court shall,
 (a) confirm, modify or rescind the order; and
 (b) determine whether the amount spent on measures to terminate the danger may be recovered in whole, in part or not at all. 2002, c.9, s.26

(9) Order Final. The disposition under subsection (8) is final. 2002, c.9, s.26

(10) Lien. If the building is in a municipality, the amount determined by the judge to be recoverable shall be a lien on the land and shall have priority lien status as described in section 1 of the *Municipal Act, 2001*. 2002, c.17, Sched. C, s.5(2)

(11) Deemed Taxes. If the building is in territory without municipal organization, the amount determined by the judge to be recoverable shall be deemed to be taxes imposed under section 3 of the *Provincial Land Tax Act* for the purposes of sections 26 and 27 of that Act. 2002, c.9, s.26

Qualifications

15.11- (1) Qualifications for Various Positions. A person is not eligible to be appointed as a chief building official unless he or she has the qualifications set out in the building code for the position. 2002, c.9, s.27

(2) Same. Subsection (1) also applies to every inspector who has the same powers and duties as a chief building official in relation to sewage systems or to plumbing, to the extent of those powers and duties. 2002, c.9, s.27

(3) Qualifications for Inspectors. A person is not eligible to be appointed as an inspector under this Act unless he or she has the qualifications set out in the building code for the position. 2002, c.9, s.27

(4) Qualifications for Registered Code

Agencies. A person is not eligible to be appointed as a registered code agency under this Act unless the person has the qualifications and meets the requirements set out in the building code. 2002, c.9, s.27; 2006, c.19, Sched. O, ss.1, 2

(5) Qualifications for Designers. A person is not eligible to engage in any of the following activities unless he, she or it has the qualifications and meets the requirements set out in the building code to be a designer:

1. Prepare a design or give other information or opinion concerning whether a building or part of a building complies with the building code, if the design, information or opinion is to be submitted to a chief building official in connection with,
 - i. an application for a permit,
 - ii. a request for the authorization referred to in subsection 8(12) or (13), or
 - iii. a report described in paragraph 2.
2. If a general review of the construction of a building or part of a building is required by the building code, prepare a written report based on the general review. 2002, c.9, s.27; 2006, c.19, Sched. O, ss.1, 2

(6) Same. In subsection (5),

"design" includes a plan, specification, sketch, drawing or graphic representation respecting the construction of a building. 2002, c.9, s.27

(7) Prohibition. No person shall represent, directly or indirectly, that he, she or it has the qualifications or meets the requirements established under this section if the person does not have those qualifications or does not meet those requirements. 2002, c.9, s.27; 2006, c.19, Sched. O, ss.1, 2

15.12- (1) Qualifications re Sewage

Systems. No person shall engage in the business of constructing on site, installing, repairing, servicing, cleaning or emptying sewage systems unless the person has the qualifications and meets the requirements set out in the building code. 2002, c.9, s.27; 2006, c.19, Sched. O, ss.1, 2

(2) Prohibition. No person shall represent, directly or indirectly, that he, she or it has the qualifications or meets the requirements referred to in subsection (1) if the person does not have those qualifications or does not meet those requirements. 2002, c.9, s.27; 2006, c.19, Sched. O, ss.1, 2

(3) Duty to Notify the Chief Building Official. If any part of the construction of a building will be undertaken by a person described in subsection (1) (a "specified person"), no person shall begin or continue the construction of a sewage system, or cause it to begin or continue, unless the person has given the chief building official the prescribed information about the specified person. 2002, c.9, s.27; 2006, c.19, Sched. O, ss.1, 2

15.13- (1) Duty to have Insurance. Every registered code agency, every person referred to in subsection 15.11(5) and such other persons as may be specified in the building code who construct buildings are required to have the insurance coverage specified by the building code. 2002, c.9, s.27; 2006, c.19, Sched. O, ss.1, 2

(2) Exception. Subsection (1) does not apply to a person who is a builder or vendor within the meaning of the *Ontario New Home Warranties Plan Act* in respect of the construction of a building. 2002, c.9, s.27; 2006, c.19, Sched. O, ss.1, 2

(3) Prohibition. No person shall represent, directly or indirectly, that he, she or it has the insurance coverage required by subsection (1) if the person does not have that insurance coverage. 2002, c.9, s.27; 2006, c.19, Sched. O, ss.1, 2

(4) Qualification or Requirement. If the building code so provides, the insurance coverage constitutes a qualification or requirement for the purposes of a position referred to in section 15.11. 2002, c.9, s.27

(5) Duty to Notify the Chief Building Official. If any part of the construction of a building will be undertaken by a person who is required by subsection (1) to have insurance (a "specified person"), no person shall begin or continue the construction, or cause it to begin or continue, unless the person has given the chief building official the prescribed information about the specified person and the insurance coverage of the specified person. 2002, c.9, s.27; 2006, c.19, Sched. O, ss.1, 2