

Ontario Guide to Kneecapping a Municipal Chief Building Official



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Kneecapping is defined in the Collins English Dictionary as the act of shooting a person in the kneecap, especially as an act of retaliation.

History has shown that many politicians, citizens, and developers have exhibited great displeasure in the way chief building officials have run their municipal building departments. Most of the chief building officials that I know are competent, honest, incorruptible, law-abiding people who rigorously abide by the *Building Code Act*, which regulates building construction in Ontario. It is this incorruptible nature of chief building officials that makes them a target.

This guide will assist you in either getting the chief building official fired from office or, as a minimum, instilling a healthy amount of fear in the chief building official, so that the building department treats a particular project with “kid gloves”.

You may think that a chief building official is independent of a municipal council, especially after the Elliot Lake Inquiry recommended that “the *Building Code Act* should be amended to provide that building officials and inspectors are public office holders who are independent of the municipal council”. (see Recommendation 1.18) You may even point out that Subsection 1(6) of the *Building Code Act* was, indeed, amended by the *Stronger, Fairer Ontario Act (Budget Measures), 2017* to specifically state that the role of the chief building official is to: “to exercise powers and perform duties **in an independent manner**”.

I’m so sorry to disappoint you, folks, but the above flowery legal language is just useless hog wash. In the real world, the chief building official has absolutely no more protection than the municipal arena janitor (with apologies to arena janitors).

Now let’s get into the details on how to cut that virtuous chief building official down to size:

Organization Chart

Make sure that the chief building official is not a commissioner or any high ranking position that reports directly to the municipal council. We must ensure that the chief building official’s position is buried well down in the municipality’s organization. Preferably, the chief building official should be, at most, a supervisor who reports to a manager, who, in turn report to a director, commissioner, etc., etc. This will ensure that the chief building official will be a “nobody” in the organization and can be treated accordingly.

Also, ensure that the chief building official reports to a person who can be easily manipulated. Preferably, the person should be of weak character or be known to be incompetent and fearful about keeping their job. It will be easier to pressure the chief building official through the supervisor.

Reporting to Council

Do not, under any circumstances permit the chief building official to report directly to municipal council. The chief building official will likely tell the truth and we cannot let that happen. Reports from the chief building official must be routed through at least two levels of management before they see the light of day at a council meeting. The two levels of management will ensure that any report is corrected to set the “right tone” and is politically correct.

Limit Staffing and Resources for the Building Department

Building inspectors and plans examiners allow the chief building official to enforce the Ontario Building Code. If we don't provide enough staff for the chief building official, then that chief building official will be useless, right?

The best way to cut the building department budget is to set across-the-board targets to reduce all department budgets. Just ignore the fact that most of the building department budget is based on building permit fees (which are never cut) so that a reduction in staffing results in a surplus which likely goes into the municipality's building permit stabilization reserve fund. While we are on the subject of the building permit stabilization reserve fund, make sure the municipal treasurer milks the reserve fund for all it's got to cover the “indirect costs” of running the building department.

Do Not Allow the Council to Hire or Fire the Chief Building Official

Now comes the fun part. We all know that Subsection 3(2) of the Building Code 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.”

On the face of it, only a municipal council can hire or fire a chief building official – but – this is not true.

Let me show you how to hire or fire a chief building official without the approval of the municipal council. First of all, check out the provisions of Section 23.1 of the *Municipal Act*, which “authorize a municipality to delegate its powers and duties under this or any other Act to a person or body”. That's right folks, all you have to do is get the municipal council to pass a by-law to delegate the power to hire or fire the chief building official to anyone employed by the municipality, including the CAO or the dog catcher. Council will never even need to know that there is a chief building official in the municipality.

Now that you have totally isolated the chief building official from council, start aiming at the kneecaps!

General Note:

CodeNews Consulting Corp. does not advocate any of the above mentioned strategies and does not provide consulting services related to the above objectives.