



## **CPBH Statement on the City of Ottawa’s Office of the Auditor General Report: Investigation of the City of Ottawa’s Building Code Services (Tabled Feb. 10, 2025)**

### **Executive Summary**

CPBH welcomes the investigation and [report](#) concerning the City of Ottawa’s Building Code Services. It related to the issuance of building and occupancy permits under the Ontario Building Code. This limited scope investigation was undertaken to assess the concerns raised via the Fraud and Waste Hotline, and to determine whether there was merit in the allegations. It found that there was indeed merit in the allegations! The investigation revealed that the City of Ottawa’s Building Codes Services is either failing in its responsibilities, or could not provide evidence that it is doing its job in relation to the Ontario Building Code. For example:

*“Evidence assessed demonstrated that some Building Code Services review and inspection activities were being undertaken; however, the documentation available did not allow the OAG to conclude that all due diligence activities were completed before the permits were issued.”* ([Highlight sheet](#))

and

*“Without evidence of an occupancy inspection for all floors/areas and/or a final inspection, the City cannot demonstrate that deficiencies identified during previous inspections had been cleared, potentially impacting the safety of the building.”* (P. 7)

The sorts of issues highlighted in this investigation are not new for the City of Ottawa’s Building Code Services. Unacceptably, they have persisted for more than two decades. Leadership and other personnel have changed over the years, but the serious problems of inadequate performance by the City of Ottawa’s Building Code Services persist to the current day.

This investigation, resulting in five recommendations, is a much needed good start. A full audit - with a broad scope – by qualified auditors is urgently needed related to the City of Ottawa’s Building Code Services.

## Why does the City of Ottawa's Building Code Services' performance matter?

Building code enforcement is the responsibility of municipalities in Ontario. Building code violations put the health and safety of occupants at risk.

As noted by a former City of Ottawa Chief Building Official, Arlene Gregoire:

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*"...the Building Code's purpose...is to establish minimum standards for people to survive in their homes...It's basic, minimum standards...bare minimum...all building code deficiencies are...serious..."*

It's also important to highlight the authority and independence of the Chief Building Official (CBO). Most people do not understand this. The following is an excerpt of an email that CPBH received from Ottawa Mayor Sutcliffe Mar. 15, 2023:

*"...The delegation of authority to the CBO comes directly from provincial statute; it is not a delegation from the province to or through the municipal council. **Therefore, once the CBO is appointed to the position by municipal council, the responsibilities relating to the administration and enforcement of the Building Code Act (BCA) and Ontario Building Code (OBC) are solely those of the CBO.***

*The duties carried out by the CBO in relation to the administration of the building permit process are imposed directly by the provincial legislature and they are considered to be for the benefit of the public. In this regard, a CBO is quite different from other municipal employees. **Per the BCA, a municipal council is responsible for the enforcement of the statute through an obligation to appoint a CBO and such inspectors as are necessary. Therefore, a CBO is imbued with a unique legal status as a persona designata.** A CBO is a statutory official/officer by virtue of their role relative to the BCA, which allows for the exercise of discretionary authority and to direct the activities of others who are under their control.*

*The BCA was revised and strengthened in 2017, clarifying the independence of CBO's in relation to their roles, powers, and duties. These revisions were enacted to ensure that CBO's act in an independent and impartial manner without influence or direction from council and/or senior leadership in relation to their statutory duties. The BCA has also strengthened its language in relation to who can engage in activities with municipal building departments, to ensure individuals have the technical knowledge and qualifications required by the OBC, and **that the building permit process is independent,***

*without influence from other parties, to ensure the health and safety of occupants/residents is maintained...".*

(Note: Highlighted sections by CPBH.)

- Regarding the authority and independence of CBOs – over the years, homeowners in different part of Ontario have told CPBH that when they complained to/about the CBO, they were told that if they didn't like the CBO's decision, attitude, etc., to take the CBO to court as there is no where else to go.
- Regarding the point from Ottawa Mayor Sutcliffe that municipal council is responsible for appointing "such inspectors as are necessary", CPBH wrote to CBO John Buck and asked if he had enough inspectors. Mr. Buck (who remains Ottawa's CBO today) responded to CPBH on April 24, 2023: *"...I am satisfied with our current staffing levels..."*.

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### **The City of Ottawa's Building Code Services has a very troubling history over more than at least two decades**

CPBH exists because of the outcomes for owners of newly built homes that do not meet code requirements -- deficiencies that could have been avoided with proper inspections and follow up. Indeed, the origin of CPBH is a result of shoddy construction in an Ottawa housing development, and the failure of the City of Ottawa's Building Code Services to address Code violations during construction more than 20 years ago. The Code violations in that Ottawa community of more than 1,300 homes (at the time) prompted former City of Ottawa councillor, Wendy Stewart, to establish a "Task Force" to try to determine what went wrong. Councillor Stewart's above-and-beyond efforts helped many of her constituents to get Code violations properly addressed. (Often when approached by constituents for help, Ontario municipal councillors simply say that it's not their job, and/or tell their constituents to get a lawyer.)

Since the 1990s, there have been numerous media reports, lawsuits, etc. highlighting Code violations in newly built homes in Ottawa, and ongoing problems with City of Ottawa's Building Code Services. Freedom of information requests processed by CPBH with the City of Ottawa in 2022 revealed that the record-keeping in Building Code Services is inadequate, a finding of this investigation by these auditors.

Leadership and other personnel have changed over the years, but the problems of inadequate performance by the City of Ottawa's Building Code Services persist to the current day. CPBH has written previously to the Auditor General requesting an audit of Building Code Services.

For more than 20 years, CPBH has helped thousands of people across Canada deal with homes riddled with building code violations. To municipalities, elected officials, builders, warranty providers, the Licence Appeal Tribunal and the courts, these problems are files to be dealt with. To the homeowners, the problem of getting the home they paid for often becomes their lives. Typically homeowners have little leverage or resources to do so successfully.

Code violations typically drag on for years and in some cases may never be fixed. As the largest purchase most people make, families' long-term financial well-being is usually on the line. CPBH is aware of bankruptcies, family break downs, lost childhoods, physical and mental illness, and death and suicide as a result of improperly built homes with Code violations.

This investigation is a much needed good start. The findings of this investigation matter. CPBH will be writing again to the City of Ottawa's Auditor General requesting an urgent full audit - with a broad scope – by qualified auditors of Ottawa's Building Code Services.

CPBH thanks the Auditor General for their work. CPBH also thanks those who reported these issues via the City of Ottawa's Fraud and Waste Hotline.

Please submit questions/comments to: [info@canadiansforproperlybulthomes.com](mailto:info@canadiansforproperlybulthomes.com) .

Founded in 2004, Canadians for Properly Built Homes (CPBH) is a national, independent, not for profit consumer advocacy corporation dedicated to healthy, safe, durable, energy efficient residential housing for Canadians, and is the only organization of its kind in Canada. Working for consumer awareness and protection, CPBH is run by a volunteer Board of Directors and is supported by a volunteer Advisory Council of industry experts and other key stakeholders. CPBH earned "partner" status with the Canadian Consumer Information Gateway (Industry Canada).

Website: [www.canadiansforproperlybulthomes.com](http://www.canadiansforproperlybulthomes.com)

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