

Direction Provided by the Building Code Act

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On April 6, 1998 the responsibility for septic systems was transferred from the Ministry of the Environment (MOE) to the Ministry of Municipal Affairs and Housing (MMAH). The BCA was amended to include the regulation of septic systems. In southern Ontario this authority was delegated to the Municipal Council and councils may enter into agreements with other agencies to execute these responsibilities. In northern Ontario septic systems remain under interim control of the previously responsible agency, i.e., a Health Unit or a Conservation Authority.

The scope of septic re-inspection programs is limited by the wording, definitions and regulations of the BCA. The BCA was amended to include septic systems under the definition of a building and construction. The BCA enables a municipality to pass by-laws, to appoint building inspectors and to issue building permits. It also has jurisdiction over the inspection of "unsafe buildings". As detailed below this general term includes examination of septic systems. Section 15 of the BCA, specifies:

An inspector may enter upon the land or 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 (3) has been complied with.

This section also specifies when a building is unsafe, i.e., "structurally inadequate or faulty for the purpose for which it is used, or in a condition that could be hazardous to the health and safety of persons ¼" Further it specifies that a sewage system is unsafe if it is not maintained or operated in accordance with the BCA and the building code.