



Subject ONTARIO BUILDING CODE		Policy PL 4.11.01	
Compiled by - Branch Lands & Waters	Section Land Management	Date Issued February 11, 1997	
Replaces Directive Title Ontario Building Code	Number LM 7.03.03	Dated December 1, 1988	Page 1 of 2

1.0 DEFINITIONS

In this policy,

"appropriate authority" means the municipal building inspector in municipally incorporated territory, and the Ministry of Housing in areas without municipal incorporation;

"building code" means Regulation 61 as amended, made under the Building Code Act;

"restricted area" means a restricted area designated under authority of subsection 13 (1) of the Public Lands Act.

2.0 INTRODUCTION

The Building Code Act applies throughout Ontario (including territory without municipal organization). Regulations made under the Act constitute the building code to govern standards for the construction of new buildings, and major alterations and demolitions of existing buildings. The building code is applicable to buildings being erected, altered or demolished by purchasers, lessees, licensees, or permittees of the Crown.

3.0 PROGRAM DIRECTION

3.1 Application

This policy applies provincially to all authorizations to construct structures on public lands.

3.2 Guiding Principle

The building code applies to structures erected or placed on public lands.

3.3 Goal

To support compliance with the building code for structures built on Crown land.

Policy No. PL 4.11.01 ONTARIO BUILDING CODE	Date Issued February 11, 1997	Page 2 of 2
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3.4 **Objectives and Strategies**

- A) MNR will advise applicants that the building code applies to any proposed construction.

MNR staff will advise applicants of the requirement to comply with the building code in addition to any other requirements for permits, including:

- a) building permits in municipally incorporated areas;
- b) permit under section 13 of the Public Lands Act required in restricted areas;
- c) permission to build as required under any land use occupational authority; and/or
- d) work permit required under section 14 of the Public Lands Act.

All Crown leases and licences of occupation have as a standard condition a clause requiring the proponent to conform to the building code. Other documents which authorize the construction or placement of a building on public lands (i.e., land use permit or work permit) should also contain a condition that the construction must conform to the building code. Work permits authorizing major renovations should also contain a condition requiring compliance with the building code.

- B) To advise the appropriate authority of buildings being constructed in obvious non-compliance with the building code.

MNR staff will not function as building inspectors under the building code as MNR staff have neither the training or mandate for this function. However, in conjunction with normal inspection duties, buildings which are being constructed in obvious non-compliance with the building code (e.g., unsound techniques or materials) will be noted. Where such non-compliance is noted, staff will advise the appropriate authority.

4.0 **REFERENCES**

4.1 **Legislative References**

- Public Lands Act, sections 13 and 14
- Regulation 61, as amended, made under the Building Code Act