

No permit, no building. Period

By Lee Prokaska
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The numbers are shocking. One in three homes built in Hamilton in the last 18 months was under construction before a building permit was issued by the city.

It's even more alarming that city officials didn't have a handle on those numbers themselves.

It took a newspaper reporter to review a random sample of 120 building permits issued over the past year. That review found 40 houses were being built and had been inspected before a permit was issued.

The city has accepted The Spectator's sample as representative of the proportion of construction started without permits. Applied across the board to the approximately 6,300 building permits issued over the past 18 months, that means construction would have started on about 2,100 buildings -- including houses -- in Hamilton before the city even issued a permit allowing construction to begin.

There's no room for interpretation in Ontario's Building Code Act. It is crystal clear on this issue: no permit, no construction. It doesn't matter if an application for permit has been submitted, or if fees have been paid. No permit, no construction. That's how it's done in other nearby municipalities such as Burlington, Guelph and Brantford.

Local developers don't seem concerned about the City of Hamilton's failure to comply with the Building Code Act. In their view it keeps people working and lets people move into their new homes on time. It's just part of doing business.

But it's the new homeowner who's left dealing with what could be huge problems. It's the taxpayers who are left dealing with the fallout of lawsuits against the city. We're all left vulnerable by the failure of the city's building department to do its job properly.

It is abysmal the city doesn't appear to have its own grasp of the magnitude of its problem with building permits. Certainly the ongoing operational review of the building department should be helpful in understanding the depth of the issues. And meanwhile, city officials "hope" the numbers will improve. They "hope" updated procedures will bring a drop in the number of buildings that are started without a permit.

It's going to take much more than hope. This doesn't appear to be simply a matter of resources or inefficiency in a city department. It's not something to be solved with a magic wand or a Band-Aid, even a really big one. The mindset, the ingrained culture that tolerates such widespread failure to follow provincial legislation takes years, perhaps decades, to develop and become accepted practice. That makes it exceptionally difficult to change.

But without change -- substantial and unequivocal change that comes as soon as possible -- it's impossible for Hamiltonians to feel confident they are being protected both as homeowners and as taxpayers. What kind of way is that to attract new residents to our city?

It's unclear why the city isn't complying with the Building Code Act every single time construction starts. It's an attitude that must change.