

Complaint #2 to Ontario Ombudsman

By Ambrose

Moran Apsley Ontario

Wed Nov 9 2011

The Minister of Municipal Affairs and Housing, Rick Bartolucci has not answered an important question regarding the application of the Ontario Building Code. The question is as follows:

For boathouse structures, one and two storey being built in water supported and occupying provincial lands on Jack Lake within North Kawartha or Havelock Belmont Methuen Townships, are building permits required under the Ontario Building Code?

This question was submitted to the Minister on Aug 7 by letter (see attached) and a response was requested by Aug 26. Despite a number of follow up phone calls and e mails to the Ministers office and his staff, no response has been received as of today. A daily litany of excuses for delays has been verbally offered including that the government does not like to deal with sensitive issues during election years.

This question was first asked in a letter to the senior staff at MMAH in April 28 2011 (see attached) and no written response was received apparently based on advice from their legal department not to respond to my letter.

The question was raised based on the unbelievable situation, where currently in-water boat house construction is taking place on lakes in the Apsley area without any permits from federal, provincial or municipal governments. In the absence of a requirement for building permits under the Ontario Building Code, area lakes are exposed to UNREGULATED in- water development. The situation is aggravated by the townships of North Kawartha and Havelock Belmont Methuen council's repeated claims that they do not have jurisdiction to control in-water boat houses through zoning under the Planning Act. Other municipalities, in fact for decades, have regulated in-water development through zoning and building permits.

The Ministry of Municipal Affairs and Housing has primary responsibility for ensuring that municipalities comply with laws and regulations it administers and should clearly answer, without any further delay, the simple question regarding whether building permits are required for in water boat houses.

In the absence of an answer from the Minister, construction is proceeding today on a large in water boat house on Jack Lake without any permit under the Ontario Building Code

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