



**Report**  
**Staff Report**  
 The Corporation of the City of Brampton  
 5/21/2025

**Date:** 2025-05-08

**Subject:** **Strengthening Alignment with Provincial Locate Requirements in Municipal Construction Processes**

**Contact:** Allyson Sander, Strategic Leader, Project Management

**Report number:** Public Works & Engineering-2025-405

**RECOMMENDATIONS:**

1. That the report from Allyson Sander, Strategic Leader PM to the Committee of Council Meeting of May 21, 2025, re: **Strengthening Alignment with Provincial Locate Requirements in Municipal Construction Processes**, be received;
2. That Council enact By-law to amend the Site Alteration By-law 119-2024, in accordance with Attachment 1; and
3. That Council enact By-law to amend the Non-parking Administrative Penalties By-law 218-2019, in accordance with Attachment 2.

**OVERVIEW:**

- In response to unsafe construction activities, Council directed staff to explore the integration of utility locate requirements into the building permit process.
- While there is no enabling legislation to authorize the municipality to integrate locate requirements into building permit processes, staff implemented several improvements to support provincial legislation and enhance public safety, including new site alteration permit conditions, inter-agency training, enhanced building inspection protocols, and expanded public education.
- To further strengthen alignment with provincial requirements and local oversight of construction activities, staff propose amending the Site Alteration By-law to require the retention and production of valid locate documents, thereby reinforcing compliance with provincial legislation.
- The introduction of a two-tiered oversight model—provincial enforcement supported by local by-laws and on the ground support—strengthens regulatory alignment, enhances accountability on active construction sites, enhances public safety and promotes greater compliance with underground utility locate requirements without exceeding municipal jurisdiction.
- Any revenue collected will be deposited into the Court Administration Division. Staff will monitor revenue increases and recommend future budget changes accordingly which will be presented to the Mayor for his consideration.

## **BACKGROUND:**

In 2024, the City observed an increase in service calls related to unsafe residential construction sites and excavation activities. In response, City Council directed staff on October 2, 2024 ([CW360-2024](#)), to investigate the feasibility of implementing a process related to underground locates in connection with building permit activity.

Accordingly, staff conducted a review of the legislative framework governing underground locates—primarily the *Ontario Underground Infrastructure Notification System Act, 2012*—and engaged with relevant provincial authorities and regulatory agencies. Findings from this review were reported to Council on October 30, 2024, and identified that underground locates are mandated under provincial law and enforced through Ontario One Call and associated agencies, and that municipalities do not have delegated authority to replicate or enforce these requirements through local by-laws. As a result, Council referred the report to staff for further consideration and explanation regarding building permits and locate processes, particularly where legislative and procedural gaps related to public safety have been identified ([C211-2024](#)).

### **Opportunity for Greater Alignment with Provincial Legislation**

Directly duplicating or enforcing the requirements of the Act through a stand-alone municipal by-law or adopting a process as part of the building permit process without clear enabling legislation is not supported by staff. However, the City retains authority over the performance of site alteration activities that cause excavations, creating an opportunity to reinforce provincial regulations without overstepping legislative boundaries while also enabling proactive measures to reduce service calls and enhance public safety.

Developed in collaboration with Public Works, Environmental Engineering, Building, and Enforcement, this report summarizes the progress made on key deliverables, proposes by-law amendments to strengthen municipal oversight, and identifies areas where advocacy for provincial legislative changes is warranted to delegate the appropriate authority to municipalities for integration into the building permit process.

## **CURRENT SITUATION:**

### **Enhancements to Municipal Processes**

Staff have worked to strengthen local procedures to reinforce provincial obligations and improve public safety without exceeding municipal jurisdiction. A summary of these key deliverables includes:

- **Execution of Memoranda of Understanding** to enable the transfer of information and evidence related to digging without locates between the City of Brampton and Ontario One Call.
- **New Site Alteration Acknowledgement Statement** requiring acknowledgement from the permit holder that they understand that the issuance of a permit does not absolve them from the obligation to obtain approvals from other levels of government, regulatory authorities, or utility agencies having jurisdiction – including Ontario One Call.

- **New Site Alteration Permit Conditions** requiring the acquisition of a valid utility locate report and service markings prior to commencing site alteration activities, and ensuring it is retained on site and available for production upon request.
- **Inter-Agency Training** with Building Inspections, Enforcement and Ontario One Call to promote proactive identification of incidents and to coordinate an effective in-field approach to investigations by sharing evidence between the two authorities.
- **Revisions to the Building Permit Application and Information Packages** includes information specific to provincial locate requirements under the *Ontario Underground Infrastructure Notification System Act, 2012* and key site safety guidance, such as fencing requirements and general construction site precautions.
- **Enhancing Building Permit Start of Construction Inspections** that will enable the proactive identification of incidents that warrant investigation or escalation by Ontario One Call and support the exchange of evidence. A new information package for homeowners and contractors will also provide homeowners and contractors with information about Ontario One Call's request system.
- **Enhanced Public Education** material to guide residents through the appropriate channel to request and obtain locates and encourage compliance with provincial legislation.
- **Coordinating with External Agencies** to explore opportunities to align or amplify efforts at promoting safe construction practices with efforts throughout the industry — particularly through our communications or training session rollout.

### **Proposed Enhancements to Strengthen Alignment with Provincial Legislation**

Staff are proposing minor amendments to the [Site Alteration By-law](#) to strengthen alignment with provincial legislation to promote greater compliance through local oversight in partnership with Provincial authorities. Currently, the Site Alteration By-law exempts site alterations required as part of a building permit from obtaining a site alteration permit. Staff are proposing the inclusion of a provision requiring, where applicable, the retention of valid utility locate reports and service markings on site during any site alteration activities, regardless of permit exemption status.

The effect of this amendment would require any person performing or authorizing work that involves moving, excavating, or grading soil (including construction and renovation, but not yard maintenance activities) to retain and make available for production upon request valid utility locate reports until work concludes. Staff will not be responsible for validating the accuracy or completeness of locate documents and will continue to refer matters to Ontario One Call for escalation as needed. However, the creation of an offence is expected to encourage greater compliance with provincial requirements. Service requests will continue to be directed to the appropriate division based on the type and location of work, and Enforcement will support escalation through administrative penalties, as necessary. The introduction of a two-tiered oversight model—provincial enforcement supported by local by-law provisions—strengthens regulatory alignment, enhances accountability on active construction sites, and promotes greater compliance with underground utility locate requirements without exceeding municipal jurisdiction.

## **Advocacy Required to Strengthen Authority under the Ontario Building Code Act**

Without clear enabling legislation that delegates the authority to a municipality, staff are unable to require locates as part of building permit procedures, or issue orders or revoke permits for work occurring without them. Therefore, should City Council be desirous of formally incorporating this as part of local building permitting procedures, staff recommend City Council and staff formally advocate for legislative amendments to the Building Code ([O. Reg. 332/12](#)).

The [Building Code Act](#) requires the Chief Building Official to issue a building permit unless the proposed construction or demolition will contravene the Building Code Act, the Building Code or any other applicable law. Currently the *Underground Infrastructure Notification System Act* is not applicable law. However, the Minister of Municipal Affairs and Housing may amend regulations as are desirable to govern the standards for the construction and demolition of buildings, including setting out the applicable laws with which compliance must be achieved before a permit is issued. Therefore, an amendment to Section 1.4.1.3. of Building Code (“Definition of Applicable Law”), would be required to include the [Ontario Underground Infrastructure Notification System Act, 2012](#). While staff do not anticipate implications at this time, staff will monitor impacts to existing service levels through adoption and enforcement of new procedures.

### **CORPORATE IMPLICATIONS:**

#### **Financial Implications:**

Any revenues collected will be deposited into the Court Administration Division. Staff will monitor revenue increases and recommend future budget changes accordingly which will be presented to the Mayor for his consideration.

#### **Communications Implications:**

A communications strategy will be developed in collaboration with Strategic Communications and external agencies to effectively inform residents and stakeholders about the report's recommendations.

### **STRATEGIC FOCUS AREA:**

This report supports the City’s strategic focus areas and priorities. Improving coordination will improve process alignment, customer service excellence, service effectiveness, and community health and well-being.

**CONCLUSION:**

This report presents an opportunity for the City to incorporate supportive administrative and enforcement mechanisms that align with provincial intent. The introduction of a two-tiered oversight model—provincial enforcement supported by local by-law provisions and on the ground support—strengthens regulatory alignment, enhances accountability on active construction sites, and promotes greater compliance with underground utility locate requirements without exceeding municipal jurisdiction.

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**Attachments:**

- Attachment 1 – Draft By-law to Amend By-law 119-2024
- Attachment 2 – Draft By-law to Amend By-law 218-2019