

**Ministry of
Municipal Affairs
and Housing**

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234-2020-5563

April 26, 2021

Your Worship
Mayor Patrick Brown
City of Brampton
Gary.Collins@brampton.ca

Dear Mayor Brown:

Thank you for your letter on behalf of the City of Brampton council requesting amendments to the *Planning Act* and the *Building Code Act* to expand the rights of entry for municipal officials to enter properties without a warrant to determine if owners of buildings that contain secondary units and owners of multi-unit lodging houses obtained building permits prior to construction and occupancy. I appreciate the time you have taken to write.

Our government is interested in promoting second units as an affordable form of housing but not at the expense of the health and safety of the occupants. As part of our **Housing Supply Action Plan**, we produced a series of homeowner guides, including one on creating a second unit in a house. These guides emphasize the need for all construction to meet provincial and municipal requirements, including local zoning by-law and Building Code requirements.

I appreciate the City's interest in addressing construction that occurs without the requisite building permits and I consider all proposals to update and revise the *Building Code Act* and the *Planning Act*. When requests relate to powers to enter buildings, serious consideration must be given to the importance of protecting public safety as well as the privacy of people in their own homes.

As you know, if the occupant's informed consent cannot be obtained, the *Building Code Act* authorizes entry into a building if a warrant has been obtained from the courts or where the delay necessary to obtain a warrant or the consent of the occupier would result in an immediate danger to the health or safety of any person. The Canadian Charter of Rights and Freedoms recognizes that everyone has the right to be secure against unreasonable search and seizure. Any powers of entry that the province considers must be consistent with this right.

I am also in receipt of the Building Code amendment that was submitted by the City of Brampton that would help to provide consistent rules for two-unit dwellings, regardless of the age of the building. In the spirit of further aligning the requirements in Ontario's Building Code with the National Construction Codes, Brampton's proposal is being given full consideration.

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The City is welcome to forward any additional information in support of this proposal to Mansoor Mahmood, Director, Building and Development Branch, Ministry of Municipal Affairs and Housing, at mansoor.mahmood@ontario.ca.

Once again, thank you for sharing council's concerns on this matter. Please accept my best wishes.

Sincerely,



Steve Clark
Minister

- c. The Honourable Prab Sarkaria, MPP Brampton South
Amarjot Sandhu, MPP Brampton West