Oshawa

Public Report

To:	Development Services Committee
From:	Warren Munro, HBA, RPP, Commissioner, Development Services Department
Report Number:	DS-19-172
Date of Report:	September 25, 2019
Date of Meeting:	September 30, 2019
Subject:	Septic System Records
File:	B-5100-0001

1.0 Purpose

On April 29, 2019, City Council adopted the following motion:

"1. That Development Services staff be directed to investigate and report on the existing septic system records, retention policy and with a view to mirror the existing policies of the Durham Region Health Unit including user fees which will provide a consistent policy throughout the Region of Durham; and,

2. That the report be referred to a Development Services Committee meeting in the third quarter of 2019."

The purpose of this report is to respond to the April 29, 2019 direction.

2.0 Recommendation

That the Development Services Committee recommend to City Council:

1. That City Council endorse the process outlined in Report DS-19-172 to streamline the provision of information regarding septic systems to members of the public.

2. That, pursuant to Report DS-19-172 dated September 25, 2019, the General Fees and Charges By-law 13-2003, as amended, be further amended as noted in Report DS-19-172 to establish a fee for the provision of septic system records.

3. That, pursuant to Report DS-19-172 dated September 25, 2019, all notice requirements in accordance with By-law 147-2007, being a by-law to adopt and maintain policies for requirements of notice to the public, be waived given the minor nature of the amendment.

3.0 Executive Summary

The City's current practice with respect to the provision of information regarding septic systems is to have the individual requesting the information submit a request under the *Municipal Freedom of Information and Protection of Privacy Act*.

If endorsed by Council, copies of septic system documents will now be provided at no cost to property owners when requesting documentation related to the property they currently own. This should be advanced as a matter of customer service since the information would be available to the property owner through a *Municipal Freedom of Information and Protection of Privacy Act* request.

There will be a fee of $50.00 per property for information requests by others, for example a law firm completing a real estate transaction with information redacted as appropriate to protect privacy.

4.0 Input From Other Sources

The following have been consulted in the preparation of this report:

- Durham Region Health Department
- Clerks Services

5.0 Analysis

5.1 Transfer from Region

In 1998, the Regional Municipality of Durham's Health Department (Durham Region Health) transferred to the City all of their approximately 600 septic system files pertaining to the City. Accordingly, Durham Region Health no longer has septic system records for Oshawa. It should be noted that not all properties that have a septic system in Oshawa have a record of their design and inspection and that in the last 21 years, Building Services has received very few requests for copies of these records.

Durham Region Health has retained septic system records for the other seven municipalities within Durham Region. Property owners, who present two pieces of identification, may receive a copy of Durham Region's file information free of charge if available. If the information is requested by others, for example a law firm completing a real estate transaction, Durham Region Health charges a fee of $265.00 per property.

Changes in Provincial legislation allowed for the transfer of the responsibility for issuing permits for septic systems from the *Water Resources Act* to the *Building Code Act.* The City of Oshawa assumed this responsibility and continues to issue permits for septic systems.

5.2 Record Retention

Building Services has begun the process of digitizing its property records. Eventually, all records will be electronically captured for easier and faster retrieval subject to the City's current record retention policy.

Clerk Services had advised that in the last 5 years the City has processed 15 requests through the *Municipal Freedom of Information and Protection of Privacy Act* (M.F.I.P.P.A.) for septic system records, representing a low threshold. These requests were a result of the City's current practice to require an individual to make a M.F.I.P.P.A. request. The average cost of the request made under the M.F.I.P.P.A. was $40.00. It is not cost effective nor representative of good customer service to require the owner of the property to obtain the septic system design through the M.F.I.P.P.A. It would be more appropriate to have Building Services process the request at no cost to the current property owner and for a nominal fee for a third party request such as a law office or real estate agent. Building Services would redact any personal information when providing information to third parties.

6.0 Financial Implications

Based on past trends, it is anticipated that Building Services will receive no more than a few requests per year.

There will be no financial implications owing to the recommended action of this report.

7.0 Relationship to the Oshawa Strategic Plan

The Recommendation advances the Accountable Leadership goal of the Oshawa Strategic Plan.



Mike Leonard, B.Tech., Chief Building Official,
Building Permits & Inspection Services



Warren Munro, HBA, RPP, Commissioner,
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