

**ALL INFORMATION
SUBMITTED WITHOUT PREJUDICE**

“Not My Job...”

**An Exposé In Breach of Fiduciary Duties, Fraud,
Misplaced Loyalties, Negligence,
and Resulting Liabilities**

“Not My Job...”

A phrase that – in matters of public safety - was unacceptable

**SUBMITTED WITHOUT
PREJUDICE...**

**ALL INFORMATION IN THIS FILE AS WELL
AS IN ANY AND ALL DOCUMENTS
PERTAINING TO THIS MATTER WHICH
ARE ASSOCIATED WITH THESE ISSUES
AND/OR OUR INVESTIGATION OF THESE
ISSUES ARE**

SUBMITTED WITHOUT PREJUDICE

The Minister of Justice and Attorney General of Canada Seems To Disagree With The “Not My Job” Position Taken By So Many Who Would Attempt To Hide The Issues...

Hotmail (33) Messenger (0) SkyDrive | MSN

New | Reply Reply all Forward | Delete Junk Sweep ▾ Mark as ▾ Move to ▾ |  

Correspondence on behalf of the Minister of Justice and Attorney General of Canada

[Back to messages](#) |  

To see messages related to this one, [group messages by conversation](#).

Minister - Justice - Canada Office
To fbrohart@hotmail.com

24/03/2011 
[Reply](#) ▾

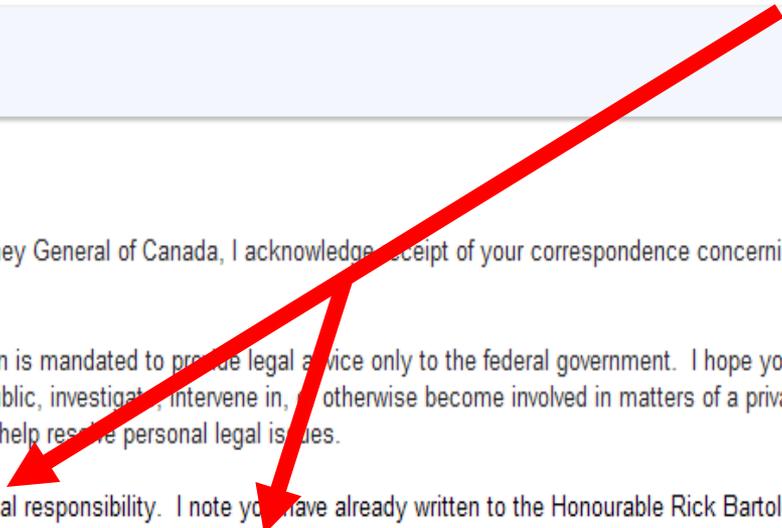
Dear Ms. Brohart:

On behalf of the Honourable Rob Nicholson, Minister of Justice and Attorney General of Canada, I acknowledge receipt of your correspondence concerning the City of Greater Sudbury and building codes.

As Minister of Justice and Attorney General of Canada, Minister Nicholson is mandated to provide legal advice only to the federal government. I hope you will understand that, for this reason, he is not able to provide legal advice to members of the public, investigate, intervene in, or otherwise become involved in matters of a private nature. Similarly, neither departmental officials nor members of his staff are in a position to help resolve personal legal issues.

As you are aware, the enforcement of building code regulations is provincial responsibility. I note you have already written to the Honourable Rick Bartolucci, Minister of Municipal Affairs and Housing of Ontario, who is the appropriate provincial minister responsible for matters you describe. Please note that Minister Nicholson has no authority over provincial officials or matters that fall within provincial jurisdiction.

With respect to your privacy and access to information concerns, I note you have submitted a complaint to the Office of the Information and Privacy Commissioner of Ontario, which is the correct authority in this regard.



COPY SENT AUGUST 10, 2012 TO:

STEPHEN HARPER

PRIME MINISTER OF CANADA

OFFICE OF THE PRIME MINISTER

80 WELLINGTON STREET

OTTAWA, ON K1A 0A2

Copies also sent on August 10, 2012 to:

- 1. Jim Flaherty, Minister of Finance -
Canada**
- 2. Kathleen Wynne, Minister of
Municipal Affairs and Housing,
Ontario**
- 3. Karen Kinsley, President and CEO
Canada Mortgage and Housing
Corporation**

Proof of Mailing...

For delivery confirmation www.canadapost.ca OR 1 888 550-6333
 Confirmation de la livraison www.postescanada.ca OU 1 888 550-6333

Sender warrants that this item does not contain dangerous goods and agrees with the terms and conditions on Customer Receipt.
 L'expéditeur garantit que cet envoi ne contient pas de matières dangereuses et consent aux modalités sur le reçu du client.

Customer Receipt Reçu du client		Date
Item number: N° de l'article: LT 735 583 751 CA		2012 08 10
From Expéditeur	Telephone No. N° de téléphone	705 866 6280
Name Nom Jeanne Robitaille-Brohart	Address Adresse 320 Church St.	City / Prov. Ville / Prov. Postal Code Code postal Espanola ON P5E 1B3
To Destinataire	Telephone No. N° de téléphone	
Customer No. N° du client Name Nom Stephen Harper	Address Adresse Prime Minister of Canada - Office of P.M.	City / Prov. Ville / Prov. Postal Code Code postal Ottawa ON K1A 0A2
1000+ page presentation + other bldg scandal docs.		

For delivery confirmation www.canadapost.ca OR 1 888 550-6333
 Confirmation de la livraison www.postescanada.ca OU 1 888 550-6333

Sender warrants that this item does not contain dangerous goods and agrees with the terms and conditions on Customer Receipt.
 L'expéditeur garantit que cet envoi ne contient pas de matières dangereuses et consent aux modalités sur le reçu du client.

Customer Receipt Reçu du client		Date
Item number: N° de l'article: LT 735 583 986 CA		2012 08 10
From Expéditeur	Telephone No. N° de téléphone	705 866 6280
Name Nom Jeanne Robitaille-Brohart, Jeanne	Address Adresse 320 Church St.	City / Prov. Ville / Prov. Postal Code Code postal Espanola ON P5E 1B3
To Destinataire	Telephone No. N° de téléphone	
Customer No. N° du client Name Nom Minister of FIN. Jim Flaherty	Address Adresse House of Commons Ctr. Bldg Block 435-5	City / Prov. Ville / Prov. Postal Code Code postal Ottawa ON K1A 0A6
1000+ page presentation + other bldg scandal docs.		

For delivery confirmation www.canadapost.ca OR 1 888 550-6333
 Confirmation de la livraison www.postescanada.ca OU 1 888 550-6333

Sender warrants that this item does not contain dangerous goods and agrees with the terms and conditions on Customer Receipt.
 L'expéditeur garantit que cet envoi ne contient pas de matières dangereuses et consent aux modalités sur le reçu du client.

Customer Receipt Reçu du client		Date
Item number: N° de l'article: LT 735 583 748 CA		2012 08 10
From Expéditeur	Telephone No. N° de téléphone	705 866 6280
Name Nom Jeanne Robitaille-Brohart, Jeanne	Address Adresse 320 Church St.	City / Prov. Ville / Prov. Postal Code Code postal Espanola ON P5E 1B3
To Destinataire	Telephone No. N° de téléphone	
Customer No. N° du client Name Nom Karen Kinsley	Address Adresse Pres. & CEO - Canada Mortg. & Hous. Corp.	City / Prov. Ville / Prov. Postal Code Code postal Ottawa ON K1A 0P7
1000+ page presentation + other bldg scandal documents!		

For delivery confirmation www.canadapost.ca OR 1 888 550-6333
 Confirmation de la livraison www.postescanada.ca OU 1 888 550-6333

Sender warrants that this item does not contain dangerous goods and agrees with the terms and conditions on Customer Receipt.
 L'expéditeur garantit que cet envoi ne contient pas de matières dangereuses et consent aux modalités sur le reçu du client.

Customer Receipt Reçu du client		Date
Item number: N° de l'article: LT 735 583 765 CA		2012 08 10
From Expéditeur	Telephone No. N° de téléphone	705 866 6280
Name Nom Jeanne Robitaille-Brohart, Jeanne	Address Adresse 320 Church St.	City / Prov. Ville / Prov. Postal Code Code postal Espanola ON P5E 1B3
To Destinataire	Telephone No. N° de téléphone	
Customer No. N° du client Name Nom Minister MAH Kathleen Wynne	Address Adresse 777 Bay St., Fl. 17	City / Prov. Ville / Prov. Postal Code Code postal Toronto ON M5G 2E5
1000+ page presentation + other bldg scandal docs.		

Proof of Delivery Receipt...

To: Stephen Harper, Prime Minister of Canada

00:16:46 Canada Post - Track - Personal Results Details - Windows Internet Explorer

http://www.canadapost.ca/cpotools/apps/track/personal/findByTrackNumber?execution=e2s1

File Edit View Favorites Tools Help

Canada Post - Track - Personal Results Details

Find a Postal Code Find a Rate Ship-in-a-click Find a Post Office Track More >>

Link to this page Print These Results | Help

You were looking for Track Another

Tracking Numbers: lt735583751ca EDIT

We found

Tracking Number: LT735583751CA
Service: Xpresspost

Accepted 2012/08/10 Delivered 2012/08/13

Track History VIEW DELIVERY CERTIFICATE

Date	Time	Location	Description	Retail Location	Signatory Name
2012/08/13	07:54	OTTAWA	Item successfully delivered		
	07:54		Signature image recorded for Online viewing		PRIVY C
	03:43	OTTAWA	Out for delivery		
2012/08/10	18:20	SUDBURY	Item arrived at postal facility		
	15:15	SUDBURY	Item accepted at the Post Office		

Canada Post - Track - Personal Results Details - Windows Internet Explorer

http://www.canadapost.ca/cpotools/servlet/ImageServlet?sigName=PRIVY C&trackNum=LT735583751CA&s - Windows In

File Edit View Favorites Tools Help

http://www.canadapost.ca/cpotools/servlet/ImageSe...



Start LIBRARY ONLINE Canada Post - Track - Pe... Confirmation of Delivery ... http://www.canadap... 9:27 AM

Proof of Delivery Receipt...

To: Jim Flaherty, Minister of Finance - Canada

00:11:34 Post - Track - Personal Results Details - Windows Internet Explorer

http://www.canadapost.ca/cpotools/apps/track/personal/findByTrackNumber?execution=e3s2

File Edit View Favorites Tools Help

Canada Post - Track - Personal Results Details

Home | Products & Services | Rates & Prices | Tools | Guides | Support | epost

Welcome! Save time! [Sign up](#) | Registered users: [Sign in](#) [Shopping Cart \(0 items\)](#)

Find a Postal Code | Find a Rate | Ship-in-a-click | Find a Post Office | **Track** | More »

Link to this page | Print These Results | Help

You were looking for

Tracking Numbers: LT735583986CA [EDIT](#)

We found

Tracking Number: LT735583986CA
Service: Xpresspost

Accepted | Delivered

2012/08/10 | 2012/08/13

Track History [VIEW DELIVERY CERTIFICATE](#)

Date	Time	Location	Description	Retail Location	Signatory Name
2012/08/13	09:25	OTTAWA	Item successfully delivered		
2012/08/13	09:25		Signature image recorded for Online viewing		R OBRIEN
2012/08/13	03:43	OTTAWA	Out for delivery		
2012/08/10	18:19	SUDBURY	Item arrived at postal facility		
2012/08/10	15:14	SUDBURY	Item accepted at the Post Office		

London 2012 Olympic Games

Shop for stamps and collectibles today!

Postal Rates [View all rates](#)

Canada
0-30g \$0.61 | 30-50g \$1.05 | 50-100g \$1.29

USA
0-30g \$1.05 | 30-50g \$1.29 | 50-100g \$2.10

International
0-30g \$1.80 | 30-50g \$2.58 | 50-100g \$4.20

epost [SIGN IN](#)

Learn more about epost »

Instant Answers

- Why hasn't my item been delivered yet?
- What can I do if I shipped an item within Canada that was delivered late?
- I sent an item within Canada that arrived damaged. What can I do?

International
damaged. What can I

cel, the status
elivery. What does

Download Apps

on the
Store

Internet 100%

9:32 AM

Start LIBRARY ONLINE Canada Post - Track - Pe... Confirmation of Delivery ... http://www.canadap...



Proof of Delivery Receipt...

To: Kathleen Wynne, Ontario Minister of Municipal Affairs and Housing (following Rick Bartolucci)

00:50:09 Canada Post - Track - Personal Results Details - Windows Internet Explorer
http://www.canadapost.ca/cpotools/apps/track/personal/findByTrackNumber?execution=e1s1

File Edit View Favorites Tools Help

Canada Post - Track - Personal Results Details

Tracking Numbers: lt735583765ca [EDIT](#)

We found

Tracking Number: LT735583765CA
Service: Xpresspost

Accepted 2012/08/10 **Delivered** 2012/08/14

Track History [VIEW DELIVERY CERTIFICATE](#)

Date	Time	Location	Description	Retail Location	Signatory Name
2012/08/14	13:37	TORONTO	Item successfully delivered		
	07:29	TORONTO	Item processed at local delivery facility		
2012/08/13	10:15	TORONTO	Item processed at local delivery facility		
2012/08/11	05:51	MISSISSAUGA	Item processed at postal facility		
2012/08/10	18:19	SUDBURY	Item arrived at postal facility		
	15:14	SUDBURY	Item accepted at the Post Office		

On August 14, 2012, a copy of this document was sent to Denis Dixon, President of the Professional Engineers of Ontario whose mandate it is to enforce the Engineering Act of Ontario. Proof of delivery confirmation will be added to this document prior to making it public.

**Engineers licensed in Ontario have a
DUTY to act in matters of public safety.**

**When non-engineers are designing truss
placement guides resulting in structurally
unsound buildings, the PEO should be
stepping in...**

Structures are supposed to be engineered for the life of the structure. A house today may be a church in 5 years and as such, current use and/or building size MUST take a back seat to matters pertaining to public safety such as overall integrity of the structure.

As other key players received copies of these documents, their confirmations of delivery would also be added to these materials and finally... made public.

This presentation was slightly modified since first given to the Ontario Provincial Police and the Minister of Justice of Canada.

On August 10, 2012, I completed the delivery of these materials to “public servants”.

The “Final 4 public servant recipients” were:

- 1. Stephen Harper, Prime Minister of Canada**
- 2. Jim Flaherty, Minister of Finance, Canada**
- 3. Kathleen Wynne, Minister of Municipal Affairs and Housing, Ontario**
- 4. Karen Kinsley, President and CEO, Canada Mortgage and Housing Corporation**

I had received no less than 8 emails and/or communications from the MMAH advising me that it was “not their job” to deal with these issues and that I should go back to the municipality that had made the life of my family a living nightmare for the past 3 years.

The Ontario Provincial Police informed me, in writing, that “in their opinion”, these were “civil matters”. My information was returned to me via courier. I have kept it – unopened – as proof of what I had submitted to the police.

“In my opinion”, given the Ontario Provincial Police is overseen by the office of the Attorney General of Ontario – who may find himself at the center of this scandal – let me just say that “my opinion” as to these matters and the fact that they very much involve breach of fiduciary duties (a criminal issue) makes it such that I have come to trust no one in government and/or the police.

Finally, since no one who is a “public servant”, thus far, has felt it to be “their job” to address these issues, I will soon be making this entire scandal public and will also most likely submit a copy of my file to various groups in the US, including but not limited to 1) the Canadian and US Press, 2) Standard and Poors and/or Moody’s and 3) Various Financial Institutions in Canada and the US.

The fact that the government has done NOTHING to stop this scandal is appalling and, in my opinion, nothing short of criminal.

This presentation has been compiled to document relevant facts, and/or convey events and/or opinions as we experienced them and/or developed them over time as a result of everything we have been put through by various parties as we came to uncover what was in our opinion the breaking of laws by many in the construction industry, including, in our opinion, those who were supposed to be there to enforce them.

Until proven in a court of law, all materials and references in this document pertaining to “violations” are to be considered “alleged” violations as these individuals have yet to be proven/found guilty in a court of law. The intent of this document is to bring to light matters of public safety and accountability that, in our opinion, must be addressed.

This document is protected by COPYRIGHT and PRIVACY laws.

**No person has the right to reproduce and/or distribute this document– in part or in full – in any way (i.e., in print, electronically, or otherwise) without prior WRITTEN authorization
by**

Jeanne A. Brohart AND Frederick E. Brohart.

Note: All emphasis as it relates to text style, underlining, arrows, special boxes, etc. were added by Jeanne A. Brohart.

2009 - Present

The Minister of Justice and Attorney General of Canada Seems To Disagree With The “Not My Job” Position Taken By So Many Who Would Attempt To Hide The Issues...

Hotmail (33) Messenger (0) SkyDrive | MSN

New | Reply Reply all Forward | Delete Junk Sweep ▾ Mark as ▾ Move to ▾ |  

Correspondence on behalf of the Minister of Justice and Attorney General of Canada

[Back to messages](#) |  

To see messages related to this one, [group messages by conversation](#).

Minister - Justice - Canada Office
To fbrohart@hotmail.com

24/03/2011 
[Reply](#) ▾

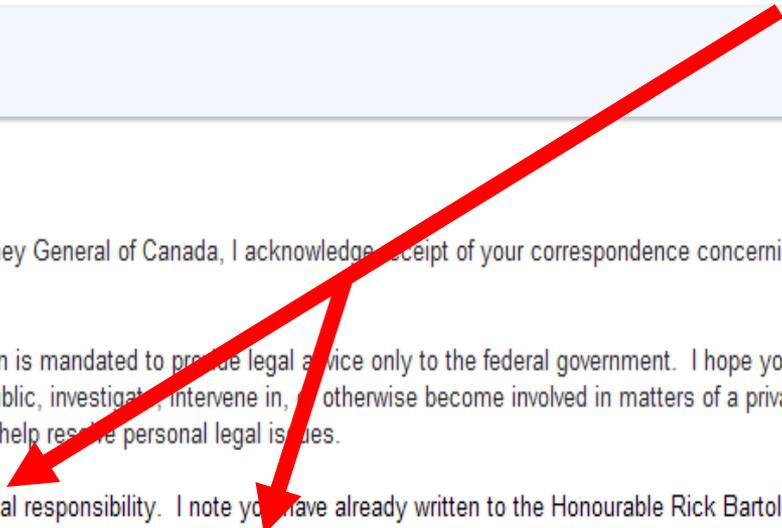
Dear Ms. Brohart:

On behalf of the Honourable Rob Nicholson, Minister of Justice and Attorney General of Canada, I acknowledge receipt of your correspondence concerning the City of Greater Sudbury and building codes.

As Minister of Justice and Attorney General of Canada, Minister Nicholson is mandated to provide legal advice only to the federal government. I hope you will understand that, for this reason, he is not able to provide legal advice to members of the public, investigate, intervene in, or otherwise become involved in matters of a private nature. Similarly, neither departmental officials nor members of his staff are in a position to help resolve personal legal issues.

As you are aware, the enforcement of building code regulations is provincial responsibility. I note you have already written to the Honourable Rick Bartolucci, Minister of Municipal Affairs and Housing of Ontario, who is the appropriate provincial minister responsible for matters you describe. Please note that Minister Nicholson has no authority over provincial officials or matters that fall within provincial jurisdiction.

With respect to your privacy and access to information concerns, I note you have submitted a complaint to the Office of the Information and Privacy Commissioner of Ontario, which is the correct authority in this regard.



The Need To Involve The Authorities ... And The Public...

Given “the players” and the severity of the issues at hand, this file, on November 20, 2011 (exactly 2 years to the day that our nightmare began and statute of limitations “ran out” due to delays by parties wanting to hide these issues from the public) has been provided to:

**Sergeant John Gralewitz
Ontario Provincial Police (O.P.P.)
Anti-Rackets and Anti-Fraud
777 Memorial Ave, 4th Floor
Orillia, ON L3V 7V3
705-329-6920**

Given there may be several matters needing investigation, we would ask that Sergeant Gralewitz refer any matters not under his responsibility to the appropriate police authorities. As far as we are concerned – with the submission of this file to the O.P.P., our complaint with the authorities has been filed as of November 20, 2011 – after our most basic constitutional rights to due process were trampled for 2 years! The OPP felt this was a “civil matter” and returned the file. Did Ontarians need to wait for a death due to collapsed walls for a criminal investigation?

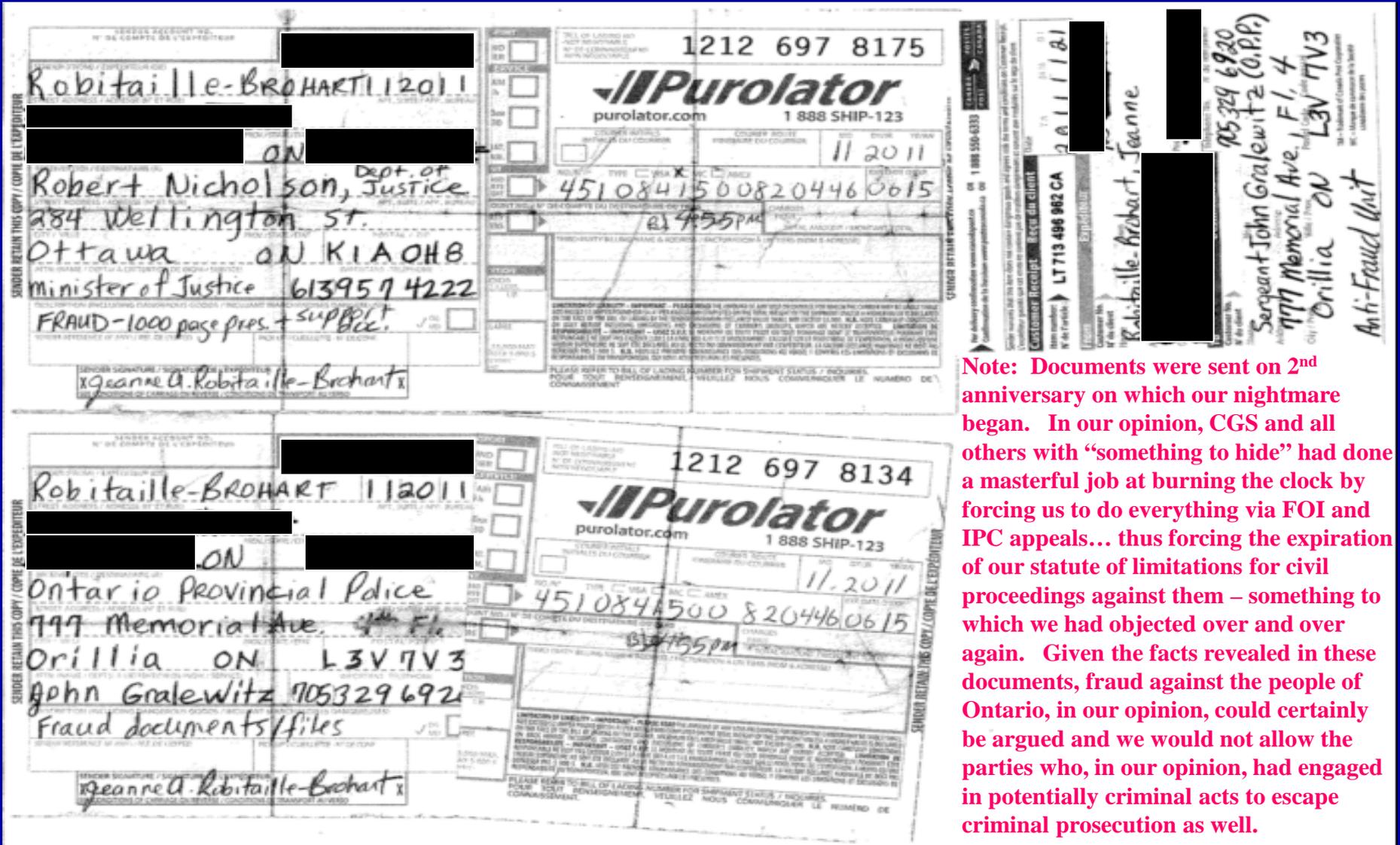
**The Need To Involve The Authorities ...
And The Public...**

A copy of this file has also been provided to:

**Robert Nicholson,
Minister of Justice and
Attorney General of Canada
284 Wellington Street
Ottawa, ON
Canada, K1A 0H8
613-957-4222**

The Need To Involve The Authorities ...

Copies Of Original Tracking Materials Used To Send Files To Canada's Minister of Justice and the OPP...



Note: Documents were sent on 2nd anniversary on which our nightmare began. In our opinion, CGS and all others with “something to hide” had done a masterful job at burning the clock by forcing us to do everything via FOI and IPC appeals... thus forcing the expiration of our statute of limitations for civil proceedings against them – something to which we had objected over and over again. Given the facts revealed in these documents, fraud against the people of Ontario, in our opinion, could certainly be argued and we would not allow the parties who, in our opinion, had engaged in potentially criminal acts to escape criminal prosecution as well.

The Need To Involve The Authorities ... Confirmation of File Delivery...To Canada's Minister of Justice...

The screenshot shows a web browser window displaying the Purolator website. The main page features the Purolator logo and navigation tabs for Ship, Track, Manage MyPurolator, Shipping Solutions, Locations, and Support. A 'MyPurolator' sidebar contains fields for Username and Password, a Login button, and links for account management. A 'Tracking Detail' window is open, showing the following information:

TRACKING DETAILS

Shipment: PIN 12126978175

Package Details
OTTAWA, ON

Email Info. To:
Your Name:
Your Email Address:

[Close](#) [Send](#)

Scan Date	Scan Time	Status	Comment
2011-11-22	12:05 PM	Delivered to DION at MAIL ROOM at OTTAWA, ON via OTTAWA, ON depot	
2011-11-22	07:45 AM	On vehicle for delivery via OTTAWA, ON depot	
2011-11-22	06:10 AM	Shipment In Transit via OTTAWA, ON depot	
2011-11-21	09:21 PM	Shipment In Transit via SUDBURY, ON depot	
2011-11-21	07:42 PM	Picked up by Purolator at Not known or specified from UNKNOWN at WEBBWOOD, ON via SUDBURY, ON depot	

[Proof of delivery and delivery signature](#)
[Tracking terms and descriptions](#)

[Track Multiple](#)

The Need To Involve The Authorities ... Confirmation of File Delivery...To OPP... Via Purolator...

The screenshot shows a web browser window displaying the Purolator website. The main navigation menu includes 'Ship', 'Track', 'Manage MyPurolator', 'Shipping Solutions', 'Locations', and 'Support'. A 'MyPurolator' sidebar contains fields for 'Username' and 'Password', a 'Remember Me' checkbox, and a 'Login' button. Below the sidebar, there are links for 'Forgot your P...', 'Forgot your U...', 'Register Now', and 'Resend Activ...'. The main content area features a 'Tracking Detail' window with the following information:

TRACKING DETAILS

Shipment: PIN 12126978134

Package Details
ORILLIA, ON

Email Info. To:

Your Name:

Your Email Address:

[→Send](#)

Scan Date	Scan Time	Status	Comment
2011-11-22	09:26 AM	Delivered to BUDGE at RECEPTION at ORILLIA, ON via BARRIE, ON depot	
2011-11-22	07:56 AM	On vehicle for delivery via BARRIE, ON depot	
2011-11-21	09:20 PM	Shipment In Transit via SUDBURY, ON depot	
2011-11-21	07:42 PM	Picked up by Purolator at Not known or specified from UNKNOWN at WEBBWOOD, ON via SUDBURY, ON depot	

[Proof of delivery and delivery signature](#)

[Tracking terms and descriptions](#)

[Track Multiple](#)

The Need To Involve The Authorities ...

Confirmation of File Delivery...To OPP... Via Canada Post...

Thus... The OPP was sent this file TWICE... “Just to make sure”...

http://www.canadapost.ca/cpotools/apps/track/personal/FindByTrackNumber?execution=e2s1

View Favorites Tools Help

Go Tools Ontario Ask a Question 49°F

Cards & Logins Suggested Sites Web Slice Gallery

Track - Personal Results Details

CANADA POSTES POST CANADA Personal 2011 Holiday Season Suggested Mailing Dates

Home | Products & Services | Rates & Prices | Tools | Guides | Support

Welcome! Save time! [Sign up](#) | Registered users: [Sign in](#)

Find a Postal Code Find a Rate Ship-in-a-click Find a Post Office **Track** More »

Link to this page Print These Results | Help

You were looking for Track Another

Tracking Numbers: **lt713496962ca** EDIT

We found

Tracking Number
LT713496962CA

Please note that this is the most up-to-date information available in our system. Our telephone agents have access to the same information presented here.

Track Status
Product Type: Xpresspost

Date	Time	Location	Description	Retail Location	Signatory Name
2011/11/23	07:47	ORILLIA	Item successfully delivered		

Track History

Date	Time	Location	Description	Retail Location	Signatory Name
2011/11/23	07:47	ORILLIA	Item successfully delivered		
	07:47		Signature image recorded for Online viewing		J RAMIREZ
	07:04	ORILLIA	Out for delivery		
	06:54	ORILLIA	Item processed at local delivery facility		
2011/11/21	08:54	SUDBURY	Item accepted at the Post Office		

The Need To Involve The Authorities ... And The Public...

Given “the players” and the severity of the issues at hand, in municipal, provincial and national matters precautions have also been taken to make the contents of this file known to the public by providing it and other documentation – in full – to several members of the press – overnight – should anything happen to any member of our family.

Provisions have also been made to release this information – in full – immediately – to several members of the press should we be unjustly detained for any reason, harassed, followed, etc. or should we be exposed to further emotional, psychological, and/or financial abuse by any of the players in this province-wide, if not nation-wide scandal impacting matters of public safety and much, much more.

Our family has lived an absolute nightmare for the past 2 years – and the abuses of power and the trampling of our most basic rights are things we will no longer tolerate – in any way.

To Minister of Justice and Officer Gralewitz: A Special Request!

Gentlemen: Within this file, you will find the names of ALL parties SO FAR associated with a potentially nation-wide building scandal – involving many you may find it – personally - difficult to investigate. Surely, in our opinion, there are countless more involved in these matters.

However, given my family was, in our opinion, harassed and intimidated (as documentation shows)... and much more... by the municipality involved, I am requesting that you NOT release this file to anyone as is because it contains the name of one of the engineers who helped us (the PARTNER of the person who was at the time MAYOR of Sault Ste Marie) and I do not want to risk this person's name released to the press. I provide it for investigation purposes only!

The Need To Involve The Authorities ... And The Public...

Additional documentation would be provided as deemed necessary. There was only so much we were able to include in these presentation materials and supporting documents (also found on memory stick). There was a great deal more.

Once scanned, other documents would be provided.

Care had been taken to conceal these documents until they could properly be reproduced since we had been given absolutely no reason to trust anyone in this unimaginable scandal.

“The Players... On One Side...”

1. Current Ontario Attorney General, John Gerretsen (who was formerly the Minister of Municipal Affairs and Housing in February 2007 when the PEO’s “Warning Letter” was issued warning of a major problem in the building industry)

The screenshot shows the website for the Ontario Attorney General. At the top, it says "ATTORNEY GENERAL". Below that is a search bar and a navigation menu with links for HOME, ABOUT THE MINISTRY, NEWS, FOR MEDIA, and CONTACT. The breadcrumb trail reads: "We Do > Office of the Attorney General > The Honourable John Gerretsen". The main heading is "The Honourable John Gerretsen". To the right of the heading are links for "SHARE" and "PRINT", and a "TEXT SIZE" option with "LARGER" and "SMALLER" links. Below the heading is a portrait of John Gerretsen. The text describes his career: "John Gerretsen was first elected to the Ontario Legislature in 1995 to represent Kingston and The Islands. He was re-elected in 1999, 2003, 2007 and 2011. John was appointed Attorney General on October 20, 2011 after serving as Minister of Consumer Services since August 2010. He previously served as Minister of the Environment from 2007 to 2010, Minister of Municipal Affairs and Housing from 2003 to 2007 and also as Minister Responsible for Seniors. John guided the implementation of the province's climate change action plan. In addition to historic investments in public transit and phasing out coal-fired electricity generation by 2014, a key component of this plan includes the development of a cap-and-trade program. Cap-and-trade legislation to allow Ontario to link to other systems in North America and abroad was passed by the Ontario Legislature in December 2009. John also led the development of a new Water Opportunities Act. The Act would take advantage of the province's expertise in clean-water technology, helping us to conserve and protect more water at home and spurring the development in Ontario of technologies in demand around the world."

Source: Website for Attorney General of ON

<http://www.attorneygeneral.jus.gov.on.ca/english/default.asp>

“The Players... On One Side... Continued...”

Role of The Attorney General, John Gerretsen ... And A MAJOR Conflict Of Interest...

Ministry of the Attorney General



John Gerretsen
Attorney General

» [Biography](#)

» [Ministry website](#)

» [News releases](#)

» [Forms](#)

» [Publications](#)

» [Contact](#)

Overview

The [Ministry of the Attorney General](#) delivers justice services to Ontarians by: prosecuting crime and preserving public order and personal safety; supporting victims of crime throughout the criminal justice system; providing decision-making and justice support services to vulnerable people; providing criminal, civil and family courts and related justice services that are fair, timely and accessible; providing legal advice and services to government.

**Source: Government of Ontario Website,
http://www.ontario.ca/en/your_government/009676.html**

“The Players... On One Side... Continued...”

Role of The Attorney General, John Gerretsen ...

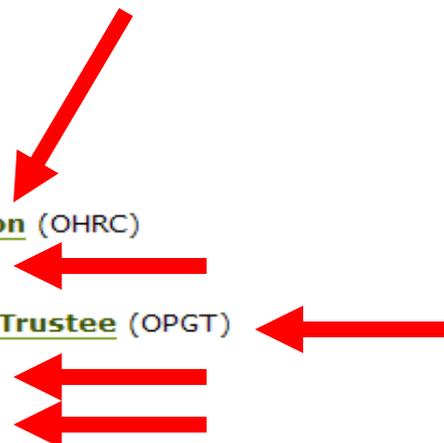
And A MAJOR Conflict Of Interest...

Major Responsibilities

The Ministry delivers and administers a wide range of justice services including:

- administering approximately 115 statutes;
- conducting criminal proceedings throughout Ontario;
- providing legal advice to, and conducting litigation on behalf of, all government ministries and many agencies, boards and tribunals;
- providing advice on, and drafting, all legislation and regulations; and
- coordinating and administering court services throughout Ontario.

The following Offices, Agencies, Boards and Commissions fall within the ministry's responsibilities:

- Assessment Review Board (ARB)
 - Board of Negotiation (BON)
 - Legal Aid Ontario (LAO)
 - Office of the Children's Lawyer
 - Ontario Human Rights Commission (OHRC)
 - Ontario Municipal Board (OMB)
 - Office of the Public Guardian and Trustee (OPGT)
 - Office for Victims of Crime (OVC)
 - Special Investigations Unit (SIU)
- 
- A large red arrow points from the top right towards the 'Office of the Children's Lawyer' item. Four horizontal red arrows point from the right towards the 'Ontario Human Rights Commission', 'Ontario Municipal Board', 'Office of the Public Guardian and Trustee', and 'Special Investigations Unit' items.

Clearly, in our opinion, a man at the center of a province-wide and potentially nation-wide building scandal... and a man who had, in our opinion, so failed the people of Ontario could no longer be “impartial” in the performance of his duties!

Source: Government of Ontario Website, Attorney General Responsibilities
http://www.ontario.ca/en/your_government/009676.html

“The Players... On One Side... Continued...”

Role of The Attorney General, John Gerretsen ...

And A MAJOR Conflict Of Interest...

Major Responsibilities

The Ministry delivers and administers a wide range of justice services including:

- administering approximately 115 statutes;
- conducting criminal proceedings throughout Ontario;
- providing legal advice to, and conducting litigation on behalf of, all government ministries and many agencies, boards and tribunals;
- providing advice on, and drafting, all legislation and regulations; and
- coordinating and administering court services throughout Ontario.

The following Offices, Agencies, Boards and Commissions fall within the ministry's responsibilities:

- Assessment Review Board (ARB)
- Board of Negotiation (BON)
- Legal Aid Ontario (LAO)
- Office of the Children's Lawyer
- Ontario Human Rights Commission (OHRC)
- Ontario Municipal Board (OMB)
- Office of the Public Guardian and Trustee (OPGT)
- Office for Victims of Crime (OVC)
- Special Investigations Unit (SIU)

Did Attorney General oversee the IPC which had decided not to release information we requested via FOI?

Clearly, with questionable actions (i.e. inaction in matters of public safety) by “enforcement bodies”, impartiality was very much an issue.

Source: Government of Ontario Website, Attorney General Responsibilities
http://www.ontario.ca/en/your_government/009676.html

“The Players... On One Side... Continued...”

**2. Former Attorney General and Minister of Aboriginal Affairs
... Christopher Bentley... now Minister of Energy for Ontario**

We do not know what Christopher Bentley knew of this scandal. Only once do I recall contacting anyone in his ministry and that person (whom I can not recall) was less than helpful – as it would turn out – would be several others as we tried to raise our issues. We have no way of knowing if the issues we tried to raise within his department ever made it to Christopher Bentley. We will have to attempt to find which phone number we called and when. For now, we will give this man, the benefit of the doubt.



**Christopher Bentley
Former ON Attorney General
And Minister of Aboriginal Affairs**

**Source: Premier of ON Website, Meet the Team,
<http://www.premier.gov.on.ca/team/biography.asp?MPPID=8&Lang=EN>**

“The Players... On One Side... Continued...”

2. Former MMAH Minister... who.. After Gerretsen... also ... in our opinion... dropped the ball!!!

We do not know what Jim Watson knew of this scandal.

It can, however, be argued, that as head of the MMAH, this person should have known given the close relationship between the MMAH and the OBOA.

For now, we will give this man, the benefit of the doubt.



**Jim Watson
Minister MMAH
2008-2009**

**Source: <http://www.ontla.on.ca/library/repository/ser/271863/2009/200902.pdf>
(December 2008)**

“The Players... On One Side... Continued...”

3. Current Ontario McGuinty Government Cabinet Chair and Minister of Northern Development and Mines, Rick Bartolucci, MPP for Sudbury ON, former Minister of Municipal Affairs and Housing, former deputy mayor and councilor for Sudbury – the city at the epicenter of this scandal

**Rick Bartolucci
Minister MMAH
2010-2011**

We did not personally communicate with Bartolucci but communicated with his director(s) and administrators on many occasions – via phone and email. Given this man’s close ties to the City of Greater Sudbury, we could not trust him personally as “his friends” were those who had so violated our rights and had made our life a living nightmare! Given our extensive communications with MMAH, his CGS affiliations and his past responsibilities, in our opinion, he had to know of the issues!



**Source: MMAH Website,
<http://www.mah.gov.on.ca/Page9174.aspx>**

“The Players... On One Side... Continued...”

3. Current Ontario McGuinty Government Cabinet Chair and Minister of Northern Development and Mines, Rick Bartolucci, MPP for Sudbury ON, former Minister of Municipal Affairs and Housing, former deputy mayor and councilor for Sudbury – the city at the epicenter of this scandal

**Rick Bartolucci
Minister MMAH
2010-2011**

Bartolucci was in office when we attempted to raise all of our issues with the MMAH. The fact that it would take his office 8 months to release to us the names of 3 engineers at the ministry after we were forced to go via FOI and IPC appeals, in our opinion, speaks volumes!



**Source: MMAH Website,
<http://www.mah.gov.on.ca/Page9174.aspx>**

“The Players... On One Side... Continued...”

3. Current Ontario McGuinty Government Cabinet Chair and Minister of Northern Development and Mines, Rick Bartolucci, MPP for Sudbury ON, former Minister of Municipal Affairs and Housing, former deputy mayor and councilor for Sudbury – the city at the epicenter of this scandal

As we came to realize the scope of this scandal and “its players”, to provide our file to Bartolucci and/or anyone at CGS – to us – would have been to provide, in our opinion, subjects of a potential criminal investigation with all the evidence we now had before allowing the police to see it! In the interest of the people of ON, this was something we simply could not do!



**Rick Bartolucci
Minister MMAH
2010-2011**

**Source: MMAH Website,
<http://www.mah.gov.on.ca/Page9174.aspx>**

“The Players... On One Side... Continued...”

4. Kathleen Wynne Minister MMAH 2011 - ?

Lucky Kathleen...

We do not believe this person had knowledge of the issues but, she would surely be the person so many would now be turning to for answers. Would she prove to be a person of integrity for the people of ON?



**Source: MMAH Website,
<http://www.mah.gov.on.ca/Page21.aspx>**

Note that it is also the MMAH that determines things like the “1% liability rule” and... any changes to it!

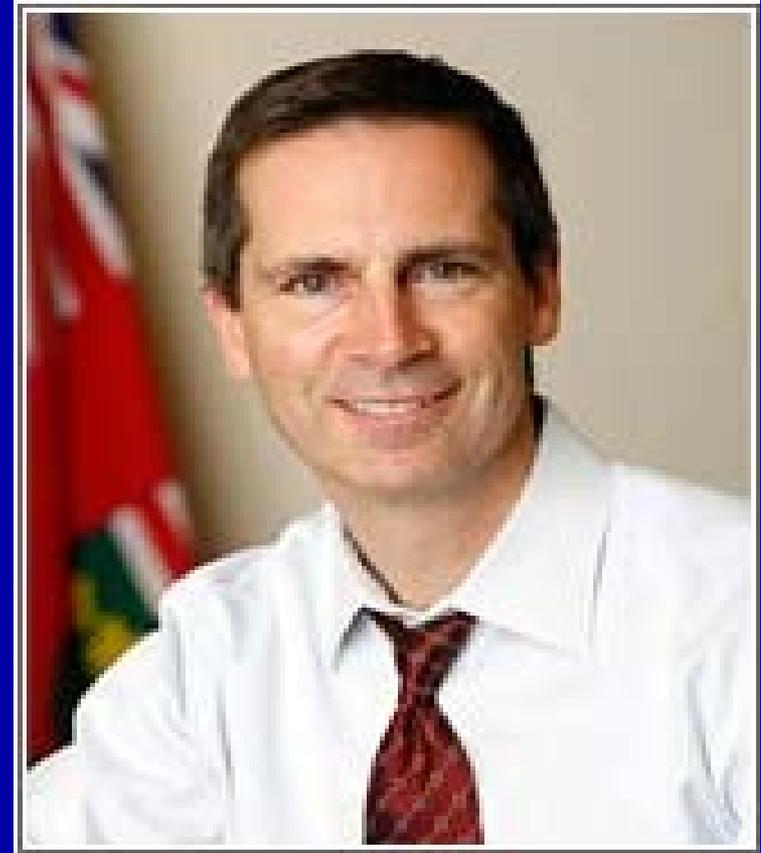
“The Players... On One Side... Continued...”

**Luckier still... than MMAH
Minister Kathleen Wynne...
was...**

**5. Dalton McGuinty,
Premier of Ontario...**

**The person ultimately
responsible for answering to the
people of Ontario!**

**Had his administration hidden
such a public safety scandal
from the public... for years?**



**Dalton McGuinty
Premier of Ontario**

**Source: Premier of Ontario Website,
<http://www.premier.gov.on.ca/team/meetdaltonaefd.html?Lang=EN>**

“The Players... On One Side... Continued”

- 6. City of Greater Sudbury City Council and many in City of Greater Sudbury administration (6 or 7 top staff - in my opinion, The Professional Engineers of Ontario (PEO) and all professional engineers who sealed truss drawings without properly reviewing the truss placement guide and/or truss specs**
- 7. Tarion Corporation (where many will be turning to have homes with major structural defects “fixed”). Tarion was cc:ed on PEO’s “warning letter” dated February 2007.**
- 8. Garden River Truss Company – A First Nations Corporation (Now “out of business”. Garden River Truss Co. was sold and now operates as GRT. The new owners had, to my knowledge, NOTHING to do with the scandal involving the previous owners and Garden River Truss Company – A First Nation Corporation which received public funds).**

“The Players... On One Side... Continued”

9. Professional Engineers of Ontario (PEO) – The Board itself, its “complaint committee”, and each and every engineer who sealed truss drawings without properly reviewing the truss placement guide for structural integrity issues. In February 2007, the PEO wrote a letter to the OBOA with a cc: to Tarion, clearly warning of an ONTARIO-wide problem in the industry having to do with truss design software. PEO was correct in issuing a “warning letter”, however, in our opinion, it was most negligent in not going further. Their actions were, in our opinion, akin to someone ringing a fire bell in a fire station, but then, not doing anything to go put out the fire and as such, putting the public at risk in spite of having a clear duty to act! The fact that the problem persists in the industry to this day and has only festered since the “initial warning” only further emphasizes this! The PEO had The Constitution behind it and, in our opinion, failed to act appropriately only adding to losses for many!

“The Players... On One Side... Continued”

10. Ontario Building Officials Association (OBOA) &/or OBOA members who knew of a problem since at least 2007 per PEO letter – and, like so many, appeared to have done nothing to stop it). Why was letter from PEO sent to OBOA instead of MMAH? (even though OBOA has a very close relationship with MMAH per their own website).

11. Major corporations (such as Alpine Systems Corporation – and possibly many others) that are makers of truss engineering software that appears to allow for the design of structurally unsound homes/structures.

12. BCIN “province qualified” plan reviewers, supervisors, inspectors across Ontario (and probably other provinces) missing – or hiding - the issues during plan review and building inspections

“The Players... On One Side... Continued”

13. Municipalities who issued building permits for structurally unsound homes/buildings (a violation of the OBC) and/or “occupancy permits” potentially making them liable for damages under the 1% liability rule...

“The Players... On One Side... Continued”

Note that it was the MMAH and the Premier of ON that determine things like the “1% liability rule” and... any changes to it ... a huge issue when it came to matters of liability!

The “1% Liability Rule” And Matters of Liability...

The 1% rule on Joint and Several Liability goes something like this...

In a lawsuit where there are several parties potentially liable for damages, any party found to be at least 1% liable can be held up to 100% liable if others are bankrupt or unable to pay...

For municipalities/provinces/governments, etc. ... these liabilities for damages could be absolutely huge... especially if it can be shown regulators knew of problems and did virtually nothing to stop/prevent them from happening in the future.

Read more on this rule here:

http://www.amo.on.ca/AM/Template.cfm?Section=Breaking_News_and_Policy_Updates1&Template=/CM/ContentDisplay.cfm&ContentID=157455

“The Players... ON THE OTHER SIDE...”

- 1. All Ontario Residents... victims of this scandal...taxpayers... with many having homes with walls subject to “buckling”... impacting the value and resale potential of their homes. Ontario taxpayers... and residents... who should have been protected – physically and financially - from such a scandal in matters of public safety ... and were not...**
- 2. Title Insurance Providers who will have to pay for major structural defects that should never have been allowed to happen had those with a “duty to act” done their jobs**
- 3. Countless municipalities or the “unincorporated” in ON (and perhaps other provinces) that have “province qualified” (an issue in and of itself) building personnel “completely missing the issues” at plan review, permit issuance and building inspection stages since they were NOT members of the OBOA and would likely NOT have received OBOA’s “member” info regarding PEO’s letter.**

“The Players... ON THE OTHER SIDE... Continued ”

- 4. Insurance providers who will have to pay for any judgment against BCIN personnel (plan reviewers, building inspectors, supervisors, etc.) and insurance providers who will have to pay for any judgments against engineers who failed to catch the problems**
- 5. Insurance providers who will have to pay for municipal liability – or taxpayers of self-insured municipalities who will have to pay higher taxes**
- 6. Banks that now hold mortgages for overvalued assets having major structural defects and investors who hold mortgage-backed securities since mortgages are securities traded on the exchanges**
- 7. Builders who built homes/structures based on pre-approved plans where permits should NEVER have been issued...yet it was these same builders to whom Tarion would be turning to have these major structural defects “fixed” in spite of fact that Tarion knew of issues since 2007 and also appeared to have done nothing**

“The Players... ON THE OTHER SIDE... Continued ”

8. Wood truss manufacturers (secretaries and guys in the lumber yard who are NOT engineers but can act as “pseudo-engineers” via inappropriate software use and/or access levels) – many who, clearly, may not understand all the special “liability clause” implications in the software they use every day which allows them to “design” trusses of up to 120 feet in length

9. The Information and Privacy Commission of Ontario (Caught in the middle – maybe! We say maybe because we are of the opinion that the IPC simply accepted what CGS stated as “truth” in a privacy complaint and we were given no chance to refute what CGS had provided as “their side”. We were simply assumed to be “guilty” of what CGS alleged and we were very much of the opinion that CGS has misled the IPC in these matters)

“The Players... ON THE OTHER SIDE... Continued ”

10. Some First Nations – often already having housing issues – and now also thrown into a building scandal because people with a duty to act did not do so and/or did not do their jobs

First Nations could also be dragged into this nightmare because of the fact that our truss company, Garden River Truss Company (sold off since problems came to light), in Garden River, ON, received provincial and federal funding from the people of ON and Canada.

Furthermore, First Nations do not fall under the Ontario Building Code but rather the National Building Code – potentially making this – a federal issue!

“The Players... ON THE OTHER SIDE... Continued ”

11. The man “at the top of the Finance system in Ontario”... the man overseeing financial institutions such as banks, insurance providers, stock exchanges, etc. who ultimately - in the interest of Ontario’s financial and economic stability – should be asking the MMAH why this scandal was allowed to fester – virtually unchecked – for YEARS!

**Dwight Duncan
Minister of Finance - Ontario**



“The Players... ON THE OTHER SIDE... Continued ”

12. The man “at the top of the Finance system in Canada”... the man overseeing financial institutions such as banks, insurance providers, stock exchanges, etc. who ultimately - in the interest of Canada’s financial and economic stability – should be asking the MMAH why this scandal was allowed to fester – virtually unchecked – for YEARS!

Jim Flaherty
Minister of Finance - Canada



“The Players... ON THE OTHER SIDE... Continued ”

13. The man “at the top of the justice system in Canada” who, on behalf of Her Majesty Queen Elizabeth II should be asking how so many could be seemingly “asleep at the switch” as they appeared to take no action to stop/prevent this public safety scandal from festering for so long ... potentially exponentially magnifying liabilities for the Crown...

**John Nicholson
Minister of Justice and
Attorney General
Of Canada...**



“The Players... ON THE OTHER SIDE... Continued ”

Finally... but certainly not least...

14. A family in chaos... living a nightmare... attacked on every front - emotionally, psychologically and financially - by a municipality, in our opinion, attempting to shield itself from huge liabilities... as it – and others - violate our basic constitutional rights to due process, security of the person and freedom of conscience as those involved try to hide the issues and the truth from the public...

A family hitting brick walls at every turn... as everyone seemed to say... “not my job”... at the municipal and provincial level ... in matters of public safety and what was in our opinion – nothing less than bank, insurance and securities fraud!

“Tougher Penalties For White Collar Crime... Including Fraud...”

Department of Justice

www.justice.gc.ca

me

Contact Us

Help

Search

canada.gc.ca

ews Releases

LEGISLATION TO STAND UP FOR VICTIMS OF WHITE -COLLAR CRIME COMES INTO FORCE

MONTREAL, November 1, 2011 – The Honourable Rob Nicholson, P.C., Q.C., M.P. for Niagara Falls, Minister of Justice and Attorney General of Canada, welcomed the coming into force of Bill C-21, the *Standing Up For Victims of White Collar Crime Act*. The Minister made the announcement alongside the Honourable Maxime Bernier, P.C., M.P. for Beauce and Minister of State (Small Business and Tourism). The legislation provides tougher sentences for fraud which will help combat white-collar crime.

“It’s an unfortunate reality that white collar crime has taken its toll on individuals and communities across Canada,” said Minister Nicholson. “This legislation stands up for victims of fraud, and makes it easier for them to seek the restitution they deserve.”

The legislation includes a mandatory minimum penalty of at least two years for fraud over \$1M. It also toughens sentences by adding aggravating factors that courts can consider. These aggravating factors include:

- if the fraud had a significant impact on the victim, given the victim's particular circumstances, including his/her age, health and financial situation;
- the offender's failure to comply with applicable licensing rules or professional standards; and;
- the magnitude, complexity, and duration of the fraud and the degree of planning that went into it.

The legislation requires judges to consider imposing a restitution order – meaning someone who is found guilty of fraud would have to pay his or her victims back. It also permits the court to prohibit the offender from taking employment or doing volunteer work involving authority over other people's money. Courts will also be allowed to consider a Community Impact Statement made on a community's behalf (such as a neighbourhood, a seniors' centre or a club) describing the harm done to or losses suffered by the community.

“Our Government is committed to keep our streets and communities safe and will continue to stand-up for victims of white collar crime,” said Minister Bernier. “Those who perpetrate fraud will face serious consequences for their actions.”

An online version of the legislation is available at www.parl.gc.ca.

Backgrounder: [White Collar Crime](#)

Source: Department of Justice Website,

http://www.justice.gc.ca/eng/news-nouv/nr-cp/2011/doc_32662.html

“Tougher Penalties For White Collar Crime... Including Fraud...”

We could only hope that Minister of Justice Nicholson was honest in his resolve to hold accountable perpetrators of white collar crime – no matter who they were!

Our family had suffered from harassment, intimidation, libel, fraud, falsification of records, a complete violation of our due process of law and violation of our right to information, the evaporation of our statute of limitation as we hit roadblocks at every turn as we attempted to have those who had a duty to act do their job, the traumatization of my autistic son, and stress beyond description we learned more and tried to expose these issues.

The stress on our family – for 2 years now – should NEVER have been allowed to happen! We trusted in a system... and were completely and utterly victimized by it – as were all Ontarians and perhaps – all Canadians!

“Tougher Penalties For White Collar Crime... Including Fraud...”

To not come forward with what we knew, to us, would be to violate conscience and everything Canada was supposed to stand for...

Our faith in the “justice system” had been shaken... possibly beyond repair... and we very much suspected all Ontarians would very much feel the same way once the facts of this nightmare that had been our life – at the hands of those who were supposed to be there to protect us - were finally made public.

“The Players... ON THE OTHER SIDE... Continued ”

Indeed, the Minister of Justice of Canada, Mr. Nicholson, could be the person to whom many in Ontario would be looking given conflicts of interest pertaining to the current Ontario Attorney General and McGuinty Government – especially since this scandal could impact all of Canada since our particular truss company (Alpine Systems Corporation) had, per its own documentation, its software in 550 manufacturing facilities in North America, a software, that in our opinion, had not been properly tested prior to its release to potentially thousands of users in the building industry – and this was only one of several software packages used in the industry that appeared to have such issues!

The Ministry of Municipal Affairs and Housing... Not Much Help For Consumers...

Frustrated by the entire “not our job” attitude at the MMAH, I decided to attempt to discover whose job it REALLY was to enforce the OBC and Act... and so... I asked the Minister of Justice and Attorney General of Canada – via email!

It seemed the office of the Minister of Justice of Canada saw things a little differently than did the MMAH because their reply to me was that the responsibility for enforcement of the ONTARIO Building Code was a Provincial Responsibility and that the proper office for having enforcement issues addressed was that of none other than... Minister Rick Bartolucci!

The Minister of Justice and Attorney General of Canada Seems To Disagree With The “Not My Job” Position of The Ministry of Municipal Affairs and Housing...

Hotmail (33) Messenger (0) SkyDrive | MSN

New | Reply Reply all Forward | Delete Junk Sweep ▾ Mark as ▾ Move to ▾ |  

Correspondence on behalf of the Minister of Justice and Attorney General of Canada [Back to messages](#) |  

To see messages related to this one, [group messages by conversation](#).

 Minister - Justice - Canada Office 24/03/2011 
To fbrohart@hotmail.com [Reply](#) ▾

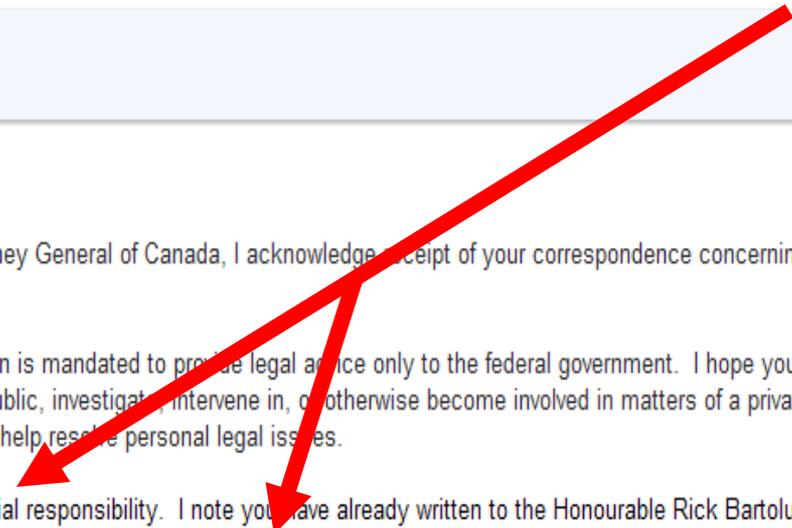
Dear Ms. Brohart:

On behalf of the Honourable Rob Nicholson, Minister of Justice and Attorney General of Canada, I acknowledge receipt of your correspondence concerning the City of Greater Sudbury and building codes.

As Minister of Justice and Attorney General of Canada, Minister Nicholson is mandated to provide legal advice only to the federal government. I hope you will understand that, for this reason, he is not able to provide legal advice to members of the public, investigate, intervene in, or otherwise become involved in matters of a private nature. Similarly, neither departmental officials nor members of his staff are in a position to help resolve personal legal issues.

As you are aware, the enforcement of building code regulations is provincial responsibility. I note you have already written to the Honourable Rick Bartolucci, Minister of Municipal Affairs and Housing of Ontario, who is the appropriate provincial minister responsible for matters you describe. Please note that Minister Nicholson has no authority over provincial officials or matters that fall within provincial jurisdiction.

With respect to your privacy and access to information concerns, I note you have submitted a complaint to the Office of the Information and Privacy Commissioner of Ontario, which is the correct authority in this regard.



MMAH... “Not My Job”... To Enforce the OBC!!!

See “Supporting Documentation” for copies of emails from MMAH stating that enforcement was the role of the municipality.

In Ontario, if you are a licensed engineer, you have a DUTY to act in matters of public safety.

I thus requested – via email – the names of engineers at the MMAH. The MMAH refused to provide these to me.

I would have to go via Freedom of Information (hereafter FOI) in order to get those names... and even then, they were not released and I had to appeal to the IPC (Information and Privacy Commission) in order to obtain them!

The Ultimate Law...
The Overriding Document In This Scandal...

The Constitution Act, 1982...

In Canada...
The Supreme Law...

The document above all other laws...
Above all other jurisdictions...
Above all conflicts among all other jurisdictions...

The document that trumps all others...
in matters of public safety... and due process...

The Constitution Act, 1982...

“The Charter is intended to protect certain political and civil rights of people in Canada from the policies and actions of all levels of government.” [emphasis added]

Source: Wikipedia, Constitutional Act, 1982

http://en.wikipedia.org/wiki/Constitution_Act,_1982

The Constitution Act, 1982...

Supremacy clause



This section does not cite any references or sources. Please help improve this section by adding citations to reliable sources. Unsourced material may be challenged and removed. (April 2011)

According to Section 52 of the Constitution Act, 1982, the Constitution of Canada is the "supreme law of Canada", and any law inconsistent with it is of no force or effect. This gives Canadian courts the power to strike down legislation. Though the laws will remain in the books until they are amended, after being struck down they cannot be enforced.

**Thus, if the OBC and/or Act and/or Engineering Act and/or Municipal Act collide with the Constitutional Act, 1982...
THE CONSTITUTIONAL ACT, 1982 OVERRIDES ALL!!!**

Source: Wikipedia, Constitutional Act, 1982

http://en.wikipedia.org/wiki/Constitution_Act,_1982

The Constitution Act, 1982... In Canada... The Supreme Law...

Section Seven of the Canadian Charter of Rights and Freedoms

From Wikipedia, the free encyclopedia

Section Seven of the Canadian Charter of Rights and Freedoms is a constitutional provision that protects an individual's autonomy and personal legal rights from actions of the government in Canada. There are three types of protection within the section, namely the right to life, liberty, and security of the person. Denials of these rights are constitutional only if the denials do not breach what is referred to as fundamental justice.

“Security of the person” is a LEGAL RIGHT in CANADA guaranteed under the Constitution! Thus, any provincial law that would violate that right, is trumped by the Constitution – which overrides all provincial and/or municipal laws in this matter!

**Source: Wikipedia, Canadian Charter of Rights,
http://en.wikipedia.org/wiki/Section_Seven_of_the_Canadian_Charter_of_Rights_and_Freedoms**

**The Ultimate Law...
The Canadian Charter of Rights and Freedoms...
And... Freedom of Conscience...
The Reason For Which I Must Speak Out On These Issues...**

PART I

CANADIAN CHARTER OF RIGHTS AND FREEDOMS

Whereas Canada is founded upon principles that recognize the supremacy of God and the rule of law:

GUARANTEE OF RIGHTS AND FREEDOMS

Rights and freedoms in Canada

1. The *Canadian Charter of Rights and Freedoms* guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

FUNDAMENTAL FREEDOMS

Fundamental freedoms

2. Everyone has the following fundamental freedoms:

(a) freedom of conscience and religion;

(b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication;

(c) freedom of peaceful assembly; and

(d) freedom of association.

**Source: Canada Department of Justice, Canadian Charter of Rights and Freedoms
PART I OF THE CONSTITUTION ACT, 1982(80), Assented to March 29th, 1982
PART I, CANADIAN CHARTER OF RIGHTS AND FREEDOMS, Fundamental
Freedoms, 2 (a)**

Fraud... Defined Per Canada Criminal Code...

FRAUD

Fraud

380. (1) Every one who, by deceit, falsehood or other fraudulent means, whether or not it is a false pretence within the meaning of this Act, defrauds the public or any person, whether ascertained or not, of any property, money or valuable security or any service,

(a) is guilty of an indictable offence and liable to a term of imprisonment not exceeding fourteen years, where the subject-matter of the offence is a testamentary instrument or the value of the subject-matter of the offence exceeds five thousand dollars; or

(b) is guilty

(i) of an indictable offence and is liable to imprisonment for a term not exceeding two years, or

(ii) of an offence punishable on summary conviction,

where the value of the subject-matter of the offence does not exceed five thousand dollars.

Source: Department of Justice of Canada, Criminal Code Of Canada, Section 380, Fraud, <http://laws-lois.justice.gc.ca/eng/acts/C-46/page-161.html>

Fraud... Defined Per Canada Criminal Code...

(2) Every one who, by deceit, falsehood or other fraudulent means, whether or not it is a false pretence within the meaning of this Act, with intent to defraud, affects the public market price of stocks, shares, merchandise or anything that is offered for sale to the public is guilty of an indictable offence and liable to imprisonment for a term not exceeding fourteen years.

R.S., 1985, c. C-46, s. 380; R.S., 1985, c. 27 (1st Supp.), s. 54; 1994, c. 44, s. 25; 1997, c. 18, s. 26; 2004, c. 3, s. 2.

Source: Department of Justice of Canada, Criminal Code Of Canada, Section 380, Fraud, <http://laws-lois.justice.gc.ca/eng/acts/C-46/page-161.html>

Fraud... Defined Per Canada Criminal Code...

Department of Justice

www.justice.gc.ca

[Home](#) | [Contact Us](#) | [Help](#) | [Search](#) | [canada.gc.ca](#)

[Validated Acts > R.S.C., 1985, c. C-46 - Table of Contents > R.S.C., 1985, c. C-46](#)

Criminal Code (R.S.C., 1985, c. C-46)

Full Document: [HTML](#) | [XML \[3952 KB\]](#) | [PDF \[5454 KB\]](#)

Act current to 2011-10-31 and last amended on 2011-10-24. [Previous Versions](#)

[Previous Page](#) [Next Page](#)

Highlight on page

Sentencing — aggravating circumstances

380.1 (1) Without limiting the generality of section 718.2, where a court imposes a sentence for an offence referred to in sections 380, 382, 382.1 and 400, it shall consider the following as aggravating circumstances:

- (a) the value of the fraud committed exceeded one million dollars;
- (b) the offence adversely affected, or had the potential to adversely affect, the stability of the Canadian economy or financial system or any financial market in Canada or investor confidence in such a financial market;
- (c) the offence involved a large number of victims; and
- (d) in committing the offence, the offender took advantage of the high regard in which the offender was held in the community.

Show Table of Contents

Source: Department of Justice of Canada, Criminal Code Of Canada, Section 380, Fraud, <http://laws-lois.justice.gc.ca/eng/acts/C-46/page-161.html>

PEO “Warning Letter”... Ignored By All... With DUTY TO ACT!

Who is
REALLY
designing
trusses?
This shows
the danger of
creating
“pseudo-
engineers” via
inappropriate
software
access levels!

PEO issued
warning... but
then did not
ensure fire was
“put out” in
matters of
public safety –
and so... still a
problem
today!

February 16, 2007

Mr. Ronald M. Kolbe
Chief Administrative Officer
Ontario Building Officials Association
200 Marycroft Avenue, Unit #8
Woodbridge, Ontario L4L 5X4

Dear Mr. Kolbe:

Re: Manufactured Wood Trusses and Engineered Beams

As you are aware, under the *Professional Engineers Act* (the Act) the Association of Professional Engineers of Ontario (PEO) is responsible for regulating the practice of professional engineering in the province in order that the public interest may be served and protected. PEO does this by setting the standards for licensure, disciplining licensees when necessary, and enforcing the Act against unlicensed practitioners.

Over the past several months, some issues with respect to the design and specification of manufactured wood trusses and engineered beams by lumber suppliers have been brought to the attention of PEO. It is becoming apparent that some of the loads inputted into software programs used by the lumber suppliers are not always representative of the actual loading required in the designed structure in question. Many of the wood truss and engineered beam component designs are signed and sealed by professional engineers for the loading provided, but with no prior review of the actual required structural loading by a professional engineer. Our concern is not with the pre-engineered wood products themselves; it is with the prescriptive processes used in some cases where the product or a particular application of the product may be required to support greater loads and cover longer spans than are generally the case with sectional wood products. These processes have resulted in several cases of significant under designed structures given the actual required loads.

Furthermore, the introduction of these engineered products, with their potential increased capacity over conventional framing, may result in greater loading being imposed on the elements of the building supporting them than is addressed by Part 9 of the *Building Code*. For example, lintels, beams, posts and foundations supporting such elements may no longer be selected from the tables provided within Part 9 of the *Building Code* in some circumstances.

We would recommend that, even drawings sealed by an engineer should be scrutinized further if there is a limitation noted on the analysis performed by the truss designer. For example, although an engineer may seal those portions of the plans dealing with the roof trusses, there may have been no consideration or analysis performed for the remainder of the structure to determine if it is capable of supporting the loading imposed by the

PEO "Warning Letter"... Ignored By All... With DUTY TO ACT!

Part 9 bldgs do NOT usually require an engineer... Part 4 DO!

This letter gets exactly to the heart of the situation which happened to us – a letter the PEO probably wishes it had never released!

truss structure. This problem can arise with any individual supporting element of a building.

Although many buildings using these engineered products fall within Part 9 of the *Building Code* and do not require the design to be approved by a professional engineer, current design practices often bring the building within Part 4 and require a professional engineer's approval. Our advice to building officials is as follows:

- If there is an engineer's seal and signature on the overall design drawing or a component that the building official suspects is incorrectly sized, he or she should contact the engineer to check that the component has been correctly designed for the actual building loads, including those conventional elements of the structure that support the components in question, or
- If there is no engineer's seal and signature on the drawing, and the building official suspects that a component is incorrectly sized, he or she should refuse to issue a permit and request that the design be reviewed and approved by a professional engineer.

We trust that these comments are helpful, and welcome any feedback. PEO encourages building officials to contact PEO with any issues you may have with an individual engineer or with persons holding themselves out as engineers. Instances of incompetent practice or professional misconduct by licensed practitioners should be reported to our Manager of Complaints and Discipline at complaints@peo.on.ca, 416-840-1076 or 1-800-339-3716, Ext. 1076 for appropriate action. Suspicion of unlicensed practice, unauthorized practice, improper use of a seal or use of a forged seal should be reported to our enforcement unit at enforcement@peo.on.ca or 1-800-339-3716, Ext. 1444 or locally at 416-840-1444. Please note that current license and certificate of authorization status can also be checked online at our web site www.peo.on.ca.

PEO would appreciate it if you would share this information with your members. If you have any questions with respect to this letter and its contents, I can be reached at 1-800-339-3716 Ext. 1078, 416-840-1078 or rbarker@peo.on.ca.

Yours very truly,

Roger F. Barker, P.Eng.
Deputy Registrar, Regulatory Compliance

RFB/sdm

cc: Mr. Mike Coté
Vice President, Builder Relations
Tarion Warranty Corporation,
5160 Yonge Street, 12th Floor
Toronto, ON M2N 6L9

TARION cc:ed
If Tarion did nothing to follow up – did it accept associated risks of inaction as an insurer? Did Tarion disclose acceptance of risks to builders and/or other insurance providers who would have to fix these structures or were they kept unaware of issues but expected to “eat the costs”?

Was this done?

PEO "Warning Letter"... Ignored By All... With DUTY TO ACT!

Membership

Application for Membership

Persons wishing to become a *member* shall complete the application form and pay the admission fee, in such form and amount as shall be determined from time to time by the *board*.

Cancellation Policy, Memberships cancelled within 30 days of receiving payment receive a refund less a \$75.00 + HST administration fee, Memberships cancelled after 30 days of receiving payment are non-refundable and non-transferable.

To become a member of the OBOA print this faxable [Membership Application Form](#) and forward to the OBOA office Administration at: 905.264.7609 or [Apply Online](#) for membership.

Categories

The categories of *membership* in the *Association* shall consist of the following:

- (a) Government Member
- (b) Associate Member
- (c) Life Member
- (d) Student Member
- (e) Retired Member

and such other categories as shall be determined from time to time by the *board*.

Government Member \$286.00/year + 13% HST

The *board* may grant a Government Membership to individuals who develop, administer, apply, interpret and/

- (a) a duly legislated municipality, including those of countries other than Canada,
- (b) the Government of Ontario or its ministries, departments or agencies,
- (c) the Government of Canada or its ministries, departments or agencies,
- (d) Canada Mortgage & Housing Corporation (or its successor ministry, department or agency).

Members most likely include all Ontario Municipalities and Provincial Bodies such as MMAH!

PEO had sent its letter to the OBOA... asking that it share the information within the letter with its members!

Garden River Truss Co.(GRTC) – our truss manufacturer and A First Nation Corporation had received public/federal funds from the Gov. of ON & CMHC.

As we continued to ask questions, we discovered GRTC closed its doors... and would later sell to a completely unrelated party.

OBOA... & Ministry of Municipal Affairs and Housing (MMAH)...

The screenshot shows a web browser window displaying the Ontario Building Officials Association (OBOA) website. The browser's address bar shows the URL <http://www.oboa.on.ca/aboutus/>. The website header includes the OBOA logo and the tagline "Building Knowledge Growing Communities". A navigation menu at the top right contains links for Home, About OBOA, Membership, News, Contact Us, Search, and Disclaimer. On the left side, there is a vertical menu with links for Board of Directors, Member's Area Login, Education / Training, Certification, Maintenance, Membership, OBOA Chapters, OBOA Journal, AMTS Conferences, Awards, OBOA Administration, Career Vacancies, Member Services, Committee Volunteers, and Associate Organizations. The main content area is titled "About OBOA" and contains two paragraphs of text. A red arrow originates from the "About OBOA" link in the navigation menu and points to the second paragraph of text, which describes the partnership with the Ministry of Municipal Affairs and Housing (MMAH).

Ontario Building Officials Association
Building Knowledge Growing Communities

Home | About OBOA | Membership | News | Contact Us | Search | Disclaimer

About OBOA

The OBOA was established in 1956 and for over 50 years has played a leading role in the education, training and professional development of Ontario's municipal building officials. On behalf of municipalities our 2000 members administer provincial laws and municipal by-laws relating to the construction of all types of buildings and structures. The Ontario Building Code Act states that the Code exists "to establish standards for public health and safety, fire protection, structural sufficiency [i.e., safety], conservation, including, without limitation, energy and water conservation, and environmental integrity, [i.e., sustainability] and to establish barrier-free requirements, [i.e., accessibility] with respect to buildings."

Along with training delivery, the OBOA has maintained a partnership with the Ministry of Municipal Affairs and Housing which has allowed us to be in a position to advise and provide comment to the Ministry on pending legislation and the resulting potential impacts on our members and municipalities. As well, we work with other Ministries such as Environment, and Community and Social Services by participating in working groups relating to such issues as protection of our drinking water resources and ensuring the safe remediation of buildings. The Ontario Building Officials Association (OBOA) and the Ministry of Municipal Affairs & Housing (MMAH) share a unique relationship in the education, training and professional development of Ontario's building officials and public members of the Building Industry.

The Association has assisted MMAH with the facilitation of over 30,000 students since the year 2000. This is reflective of the building industry, the public, as well as OBOA Members.

Source: OBOA Website, <http://www.oboa.on.ca/aboutus/>

PEO vs. MMAH

Bottom line... in matters of public safety... The Constitution which guarantees all Canadians right to security of the person trumps both the PEO and the MMAH...

As such, any argument pertaining to “building size” is trumped by The Constitution.

Both the PEO and MMAH, in our opinion, had a DUTY to ensure this problem was resolved... but neither, in our opinion, took appropriate actions... as clearly evidenced by the fact that inappropriate software levels, problems in truss design software, and overall problems in the truss industry still happen today!

PEO and MMAH...

**When it comes to the PEO and MMAH... clearly, in my opinion,
the alarm or fire bell had sounded... but...**

**... no one with a duty to act got into the fire truck...
... to put out the fire...**

**... and hence... it was allowed to rage on... unchecked...
for another 5 years...**

**... as potential dangers, losses and liabilities
continued to increase...**

**The Warning Bell... That No One Heard... And/Or Acted Upon...
A Letter Dated February 2007...
From The Professional Engineers Of Ontario (PEO)...**

In this letter, the PEO attempted to warn those in the building industry that there were problems with software pertaining to pre-engineered wood products... and that this created a situation whereby buildings that were normally “Part 9” of the Ontario Building Code (not requiring an engineer), now defaulted to “Part 4” of the OBC – and thus, REQUIRED the involvement of an engineer as the software resulted in buildings that had structural problems (i.e., major structural defects) and/or improper load bearing capacities (again, indicative of major structural defects).

**The Warning Bell... That No One Heard... And/Or Acted Upon...
A Letter Dated February 2007...
From The Professional Engineers Of Ontario (PEO)...**

Now... the signs of ignored warnings – I suspect – the “tip of the iceberg” is starting to show as buildings – especially buildings such as ours with cathedral ceilings and/or vaulted ceilings – begin to collapse ... even when snow and ice loads are lower than what should have caused a collapse...

Per the following article, design and improper bracing appear at the heart of the issue... and the ultimate problem... in our opinion... is not the snow or ice... but the subject matter of these materials... poor design, administration, oversight, review, and a whole lot of “not my job” by enforcement bodies... and “qualified” personnel – leading to a building scandal and liabilities of untold proportions ...

Evidence that the TIP OF THE ICEBERG is surfacing...

http://www.investigativeengineering.com/blog/structure-collapse-and-defects.htm

major structural defect cathedral ceiling in

Structure Collapses and Defects from Weight of Ice a...

CISSELL
INVESTIGATIVE
ENGINEERING

Why It Happened

Home Forensic Engineers Liability Experts Fires Mold CAT Response Blog Contact

Structure Collapses and Defects from Weight of Ice and Snow

The New England area experienced an accumulation of ice and snow between December 26, 2010 and February 8, 2011 that has not been seen in more than 15 years. It may have been a windfall for roofing contractors and skiers this winter; but, it frayed a lot of nerves of property owners across the region.

SNOW AND ICE LOAD

Cissell Investigative Engineering (CIE) is often asked to address property defects and causes of collapses. The first part of the analysis requires assessing snow accumulation by taking field measurements at several locations near weather stations. It's a simple test, collect an area of snow, measure the depth, and weigh the accumulated amount. Then, we compare this data to weather station records to find a correlation factor. Later, when the snow melts, we have a way to assess the amount of accumulated snow and ice, as well as the weight it imposed on a structure. The next step is to assess if there are any special considerations, such as, the potential for drifting, the manner in which snow was removed, and any special loading situations.

CIE typically has found a range of snow and ice accumulation loads ranging from 20 psf (pounds per square foot) to 30.5 psf. Normally, this loading would cause bending but typically does not break anything. Most design codes in the region require at least a 30 psf ground snow load. The design code tolerance allows for a specified amount of bending at the design load. Typically, a 1" in 20' is the tolerance for most roof structures.

Latest News & Alerts

- » Structure Collapses and Defects from Weight of Ice and Snow
- » Freeze-Up FAQ

Civil & Structural Engineers

- ▶ Water Intrusion
- ▶ Mold Causation
- ▶ Structural failure
- ▶ Roofing damage
- ▶ Construction Defects

Source: Cissell Investigative Engineering, Downloaded May 1, 2012,
<http://www.investigativeengineering.com/blog/structure-collapse-and-defects.htm>

Evidence that the TIP OF THE ICEBERG is surfacing...

LOAD EFFECTS ON STRUCTURES

The structural frame has to bend a little to absorb increased loads; this is normal. As previously mentioned, a certain amount of bending is expected and tolerated in the codes. The tolerances are based more on prevention of finished materials cracking than on collapse. If you can prevent the finishing materials from cracking, such as drywall, then you can be assured that the structure is not going to collapse unless there is some major connection failure or defect. More on that later.

Let's take a simple rafter framed sloped roof structure. The snow load pushes down on the rafter and the rafter will bend some to absorb the load. The rafter essentially pushes up to resist the load. Where does the load go from here? The vertical load that equals the snow and structure weight pushes down on the support wall, however, because the rafter is sloping, there is a horizontal load component. Engineers thrive on geometry, but your eyes may start to glaze over if I explain this in detail. The greater the slope, the more the horizontal load and forces that could push against the top of a support wall. The horizontal load is commonly restrained by ceiling joists and collar ties.

RAFTER FRAMING FAILURES

Many of the rafter problems observed this winter were due to the lack of lateral restraint. That is, the horizontal load from the rafter pushed on the top of the wall and the wall leaned out. The visual evidence of this is to look at the ridge line and see a sag in structure. Cathedral ceilings were a common source of these failures: there are special construction details needed to properly support a cathedral ceiling which are often overlooked. Even conventional ceilings were found with defective lateral restraint; typically, the rafters weren't connected to the ceiling joists, or ceiling joists ran the wrong way. We found a lot of "wrong ways" while investigating structural defects and collapses.

A number of the total collapses we observed had components of decay in the rafters. If you take a rafter that is undersized to start with and decay begins to chew on the fibers, the member gets overloaded pretty quickly. The snow events are a convenient way to demolish a delapidated structure. It is my opinion that the proximate cause of many of these collapses is not the result of ice and snow weight, but the strength reduction afforded by the neglect and decay. Decay is an inherent vice that progressively weakens the wood member.

**Source: Cissell Investigative Engineering, Downloaded May 1, 2012,
<http://www.investigativeengineering.com/blog/structure-collapse-and-defects.htm>**

Evidence that the TIP OF THE ICEBERG is surfacing...

TRUSS FAILURES

Our team has been surprised by the number of trusses that failed. As previously mentioned, the snow loads approached the design load but rarely exceeded it. Even with the loads exceeded, the margins of safety would have prevented a collapse or member failure. Ask a fireman what they think of trusses, while they are an efficient use of materials, they rely on the integrity of each piece.

CIE investigations found manufacturing defects, design defects and installation defects. The most common failure involved metal plates with wooden trusses. We commonly found plates pulled off the members. Once you lose one member, the truss starts to tear apart leading to failure. Once one truss fails, there is a domino affect and more start to fail until there is a catastrophic collapse. The manufacturing defects found were typically poor quality control on the placement and embedment of the plates. Design defects included undersizing members and not accommodating extra loading needs. Installation failures included the lack of bracing per manufacturers specifications. The problem with trusses is that they can partially fail and remain hidden for years. CIE was called onto a claim where two trusses had punched through a ceiling. After climbing the roof, we did not find any unusual loading scenario; it was a long, wide slightly pitched roof. The attic revealed dozens of trusses of the same construction and after pulling back insulation we found an additional six (6) trusses that had failed connection plates. Disaster averted! What surprised me was that there were engineered repairs made previously to a few trusses on the other slope. CIE recommended the trusses be measured and independently analysed since the design loads were not met and the failure occurred due connection failures and a lack of bracing.

**Source: Cissell Investigative Engineering, Downloaded May 1, 2012,
<http://www.investigativeengineering.com/blog/structure-collapse-and-defects.htm>**

Evidence that the TIP OF THE ICEBERG is surfacing...

Engineered Structural Repairs

We have seen some proposed contractor solutions that often exceed the demands and needs of the loss. As an example, countless times contractors have stated that the whole roof needs to come off and be replaced. Fortunately, for some of our clients, we have the resources from a couple of structural contractors who are pretty clever in fixing these problems at small fraction of the replacement costs. Here are a couple of the simpler solutions that can be effected:

- Loss - sagging roof caused by rafter displacement Solution, squaring up the rafters and walls (yes it can be done) while lifting the ridge, connecting to a lateral restraint system
- Loss - Truss plates separated Solution, bracing roof and gently lifting truss members back into place, engineered repair detail using scabs and plywood gusset plates.

Unfortunately, many of the problems have not been identified or recognized. This past winter collapsed a lot of the already weakened structures, it may take another dozen years before the structures weakened by this past snow and ice buildup cause a claim. We have also visited a number of structures where there was great concern on the part of the property owner, most of the time we found just excessive deflection cracks in the drywall and found a simple solution to prevent a reoccurrence. It is just as rewarding to provide peace of mind!

**PEO's FEBRUARY 2007 Warning Letter...
IGNORED BY ALL!!!
With A Problem Persisting To This Day...**

**A Problem... Now At The Heart Of A Province-Wide and
Potentially Nationwide Building Scandal...**

From the start of this scandal, everywhere we turned... we were told “not my job” and/or hit brick walls as we attempted to investigate the issues... it would literally take 8 months just to get the names of 3 engineers at the MMAH – and that was only because we forced the MMAH to release these names via FOI – something they still refused to do – until we filed an appeal with the IPC – forcing the MMAH to release to us the names of engineers at the MMAH – since engineers had a DUTY to act in matters of public safety!

**Emails ... Between Our Family and MMAH...
A Ministry That Forced US ... To Do Its Job...
As It, In Our Opinion, Added To The Violation Of Our Rights And
Those Of All Ontarians... In The Process...**

frederick brohart

To denise.k.evans@ontario.ca

02/07/2010

Reply

Ms. Evans,

Could you provide me with the name and email of someone in your department that is a structural engineer? I'd like the name/email of a person that is fairly high up in your organization. I also need the email for the Minister himself. I will include you in my correspondence as well.

I did receive the answers to my previous questions.

Thank you for your assistance.

Jeanne A. Brohart

Emails ... Between Our Family and MMAH... A Ministry That Forced US ... To Do Its Job... As It, In Our Opinion, Added To The Violation Of Our Rights And Those Of All Ontarians... In The Process...

New | Reply | Reply all | Forward | Delete | Junk | Sweep | Mark as | Move to |  

RE: MMAH's wilfull refusal to respond [Back to messages](#) |  

frederick brohart 24/11/2010 
To: viviana.zothner-cotic@ontario.ca, denise.k.evans@ontario.ca, tammy.constantino@ontario.ca [Reply](#) 

Ms. Evans,

You have now had over a month to respond to the email below asking for the names and contact information of at least 3 engineers who work for MMAH in order that I may provide them with information pertaining to matters of public safety as they relate to software bugs in truss design software and the fact that municipalities are issuing building permits for homes that are: 1) not to code and 2) structurally unsound as a result of these software bugs. I have also attempted to rraise issues of inappropriate truss design access levels with your office whereby secretaries and guys in the lumber yard are in effect designing trusses via such software... trusses that can span up to 120 ft in width (anything over 40 ft requires an engineer) and as such, when mistakes are made on documents such as the truss placement guide, engineers are not catching them.

I have asked for the names of engineers in your office time and time again... both in writing and via telephone and have hit nothing but a stone wall.

Consider this my formal acknowledgement and documentation of the fact that you have refused to provide me with the name and contact information of 3 engineers at the MMAH. I made it very clear to you that although you may not want to act in this matter, engineers licensed in the Province of Ontario have a DUTY to act in matters of public safety as outlined in the Engineering Act and Engineering Code of Ethics. Quite frankly, in my opinion, any person who is in the MMAH should also have a duty to act and "do something" when such issues are raised... you have chosen to do nothing. I hope you will be ready to explain that position once this story breaks in the press. In my humble opinion, you and the Minister himself should both step down!

Jeanne A. Brohart

From: fbrohart@hotmail.com
To: viviana.zothner-cotic@ontario.ca
CC: denise.k.evans@ontario.ca; tammy.constantino@ontario.ca
Subject: RE: OBC - Clarifications
Date: Wed, 13 Oct 2010 07:17:46 -0400

Ms. Evans,

I have asked you time and time again for the names and mailing/contact information for engineers at the MMAH. I have yet to receive that information from your office.

**Emails ... Between Our Family and MMAH...
A Ministry That Forced US ... To Do Its Job...
As It, In Our Opinion, Added To The Violation Of Our Rights And
Those Of All Ontarians... In The Process...**

■ frederick brohart

To viviana.zothner-cotic@ontario.ca

19/08/2010

Reply

Viviana Zothner-Cotic

I have a question for you.

Since it is up to City Councils to enforce the Ontario Building Code and Act and since you provide for "qualified personnel", are members of City Council - including the Mayor and all City Councillors - required to be BCIN certified?

What exactly makes them "qualified" to enforce the OBC and Act? As "enforcement officers" you would think they would have to have some kind of training in those matters they must "enforce". After all, they have a duty to society to protect the public and ensure they are in safe buildings. How can they enforce the building code and/or Act if they don't even know it? So, what requirements does your office have to ensure they are "qualified" to do the job you have imposed upon them?

I eagerly await your response.

Jeanne A. Robitaille-Brohart

Emails ... Between Our Family and MMAH... A Ministry That Forced US ... To Do Its Job... As It, In Our Opinion, Added To The Violation Of Our Rights And Those Of All Ontarians... In The Process...

OBC - Clarifications

[Back to messages](#) |  

8 messages | 0 unread | [Show all](#)

 frederick brohart

30/08/2010 

To tammy.constantino@ontario.ca, denise.k.evans@ontario.ca, viviana.zothner-cotic@ontario.ca

[Reply](#) 

I've read through the entire building code now and it appears that there are NO provisions for the removal of a license/registration for building inspectors and/or plan reviewers who are city employees.

Note: The City does not issue "qualification certificates"... your office does.

Thus, if it can be shown that Building Inspectors, Plan Reviewers, Managers of Code Compliance and Indeed Chief Building Officers (and City Council) are violating the law (I have them on about 100 violations of the OBC and Act as well as several violations of the Engineering Act, Municipal Act, etc.), what provisions do you have - specifically - for having those "qualifications/licenses/registrations" removed FOR EMPLOYEES of CITIES. Again, cities do NOT provide "qualifications/licenses/registrations"... you do.

I see plenty of info pertaining to NON city employees... such as registered code agencies... but, where SPECIFICALLY are provisions for the removal or refusal to renew licenses for persons who are on a CITY's payroll... given it is not "a city" that makes on "qualified" and given it those who you say are "qualified" are suggesting fixes that are NOT in compliance with the Ontario Building Code and Act - per my independent engineer's report!

In other words... what does your office do to stop such practices... when do you ever remove one's registration/license to practice as a building inspector... a plan reviewer... a manager of code compliance and/or CBO?

Please provide the provisions... SPECIFICALLY ... that you have... listing the SPECIFIC section of the OBC that are in place to address such issues...

If you provide "licensing"... only YOU can remove it/suspend it, etc.... so... where... specifically... in the OBC are those provisions/conditions as they relate to City employees (not registered code agencies... but CITY employees) that you have licensed?

I eagerly await your response.

Jeanne A. Brohart

Insurers and Homeowners... Clearly Also Victims...

The image is a screenshot of a Windows Internet Explorer browser window. The address bar shows the URL <http://www.cbc.ca/morningnorth/>. The browser's menu bar includes File, Edit, View, Favorites, Tools, and Help. The Norton search bar contains the text "news sudbury title insurar". The browser's toolbar includes a "Go" button and a "Cards & Logins" dropdown menu. The page content shows a news article from CBC.ca | Morning North. The article is titled "Restrictions on title insurance for Sudbury" and is dated "Monday February 7, 2011". The text of the article reads: "Homebuyers in Greater Sudbury will face a limit of 30 thousand dollars on the amount of title insurance available from two major title insurance companies. What does this mean for you when you buy a home in Sudbury?". Below the text is a "Listen" button with a play icon and the text "(runs 7:35)".

CBC.ca | Morning North - Windows Internet Explorer

http://www.cbc.ca/morningnorth/

File Edit View Favorites Tools Help

Norton news sudbury title insurar Search

Go

CBC.ca | Morning North

Categories: Past Episodes

Comments 0 | Recommend 0

Monday February 7, 2011

Restrictions on title insurance for Sudbury

Homebuyers in Greater Sudbury will face a limit of 30 thousand dollars on the amount of title insurance available from two major title insurance companies. What does this mean for you when you buy a home in Sudbury?

Listen (runs 7:35)

Source: CBC Website, Radio Show “Morning North” discussing title insurance caps imposed in CGS!

Yet, CGS had tried to prevent my access to info, stating my requests were “frivolous and/or vexatious” as it attempted to stop my obtaining of information via FOI and/or IPC appeals... CGS, in our opinion, had no other options as it attempted to “burn the clock” and our statute of limitations.

Hotmail (41) Messenger (0) SkyDrive | MSN

New | Reply Reply all Forward | Delete Junk Sweep ▾ Mark as ▾ Move to ▾ |  

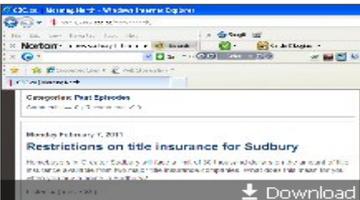
CGS - Title Insurance Limitations Back to messages |  

To see messages related to this one, [group messages by conversation](#).

frederick brohart @ 08/02/2011
Reply ▾

To IPC Mediator, irena.pascoe@ipc.on.ca

 1 attachment (52.6 KB) Hotmail Active View 



View slide show (1) | Download as zip

Suzanne,

attached is a reference I want included in all 5 "frivolous appeals"... it is a reference to the February 7 Morning North Radio Show pertaining to the fact that 2 major title insurance companies, Stewart Title and First Canadian Title have both singled out CGS as a city like no other in Canada... CGS has the honor of being the ONLY city singled out by these title insurance providers who have stated they will now limit insurance coverage to 30,000.00 for residents of CGS due to the fact that there are so many claims coming out of this city... kind of highlights the issues I have been raising... another product of 15+ year old methods and procedures and very bad plan review, building inspection, permit issuance processes within CGS.

The link for the February 7, 2011 program is the following:

<http://www.cbc.ca/morningnorth/>

the show spoke about how things like major structural defects - the very issue raised in my many FOI requests/appeals, etc. - would likely result in big problems for homeowners now as they could find themselves faced with thousands in unforeseen costs.

So... for the record... add this to each and every appeal I currently have open... the 5 "frivolous" as well as the main one - MA412-2

don't you just love it?

Clearly, CGS KNEW our issues were NOT “frivolous and vexatious”!

After close to 15 months, we were still awaiting documents via IPC appeals!

Source: CGS & Title Plus “Pilot Project” obtained from CGS via IPC.



Greater Sudbury
www.greatersudbury.ca

Request for Decision Titleplus Pilot Project	Presented To: City Council
	Presented: Wednesday, Jan 26, 2011
	Report Date: Wednesday, Jan 19, 2011
	Type: Routine Management Reports

Recommendation

That the General Manager of Growth and Development be authorized on behalf of the City of Greater Sudbury to negotiate and sign an agreement with LawPro and LDD to develop a title insurance permit enquiry pilot project and to authorize the exclusive sharing of certain City data for the purpose of the project and further to negotiate and sign such amendments, terminations and related documentation as may be necessary;

And that the appropriate bylaw be passed.

Finance Implications

If approved, there will be no costs to the City associated with this initiative and there will be a potential for additional revenues to be generated.

Signed By

Report Prepared By:
Bill Lautenbach
General Manager of Growth and Development
Digitally Signed Jan 19, 11

Recommended by the Department:
Bill Lautenbach
General Manager of Growth and Development
Digitally Signed Jan 19, 11

Recommended by the C.A.O.:
Doug Nadorozny
Chief Administrative Officer
Digitally Signed Jan 19, 11

BACKGROUND

At the present time, purchasing Title Insurance has become a major component of most real estate transactions in Ontario. Title Insurance is purchased to insure against any deficiencies of title or building at the time of closing and replaces more extensive title searches which were previously carried out by the legal community in the early to mid 1990's. These searches would have investigated whether there were any orders under the OBC, open building files or deficiencies, as well as, property standards infractions among other matters. Where there were deficiencies or open files it would be in the buyer's interest to have these matters rectified or the purchase price adjusted accordingly and/or legal undertakings made to clear title of these issues. It is also in the City's interest to have open files closed and any outstanding issue completed.

At the present time, title insurance claims are significantly higher in Sudbury than the average for the Province resulting in restrictions on coverage by the three primary firms providing coverage in our area. One of the title insurance products in Sudbury is "Title Plus" which is the product provided by Lawyers' Professional Indemnity Company (Law Pro) which in turn was developed in affiliation with the Ontario Law Society. Due to these significantly higher claims Title Plus (Law Pro) and Lawyer Done Deal (LDD) the software service provider for Title Plus have approached the City to see if we have interest in a pilot project which would electronically flag open permits prior to closing, thereby requiring lawyers to undertake additional due diligence on those flagged files for their clients. Building

In our opinion, CGS was attempting to “generate funds” as it deceived the public as to “the real issues” behind problems in CGS!

Clearly, CGS KNEW our issues were NOT “frivolous and vexatious”!

Department related claims represent the largest claims area by incidence, total cost and cost per claim.

The City Building, Enforcement and Compliance Division also has an interest in seeing their open files and outstanding orders completed and future claims and court proceeding avoided. This is costly for all. As a result, representatives from Growth & Development Department, Building Services / IT and Legal have jointly met with Law Pro and LDD to explore the option of an automated pilot project which is anticipated to result in improvements in this area. This would have the potential to ultimately reduce unnecessary claims.

What is proposed is a computerized flagging system based on simple electronic query using our existing data with respect to open permits or outstanding orders. This information would be accessible 24/7 for the legal community. Such a system would flag possible warning signs with respect to future claims in advance of transactions and thereby require additional due diligence on the part of the law community.

In order to undertake this pilot, Law Pro along with their software provider Lawyer Done Deal Corp (LDD) are asking for an exclusive data sharing arrangement with the city which they will make available to other insurers. This arrangement would not preclude anyone from asking for a manual search of a property which currently is available to all, or from the City from having the information available on its website for one off enquiries. A revenue stream may be available from this work should the pilot project prove successful.

Council's Delegation By-law would govern the signing of such an agreement. It reads as follows:

Schedule B of the Delegation By-law includes the following provisions regarding 'data' agreements:

2. The General Manager, Growth and Development, the Director of Planning Services and the Manager of Community and Strategic Planning individually are authorized to approve, extend and execute or amend the following agreements:

(a) licensing agreements for the use of spatial data of the City and updates of spatial data sets;

(b) licensing agreements with boards, agencies, municipal, provincial or federal governments for data sharing partnerships;

(c) end-user license agreements for the Ontario Land Information Directory;

(d) Ontario Road Network Database agreements, provided that such agreements are in accordance with applicable City policies, related to approved departmental programs and objectives, within Council Approved Budgets and contain appropriate indemnification and insurance requirements where applicable.

As there is no clear delegated authority for the GM to sign an agreement of this nature, Council's authorization is sought for the General Manager of Growth and Development to negotiate the terms of the exclusive pilot project and to enter into the agreement for the operation of the pilot project, including the provision of necessary data. The terms of the agreement will be determined in consultation with the CBO, the IT department and legal services department.

Source:
CGS &
Title
Plus
“Pilot
Project”
obtained
from
CGS via
IPC.

**A Law At Play In This Scandal....
The Municipal Act...**

It states the following...

Gross Negligence...

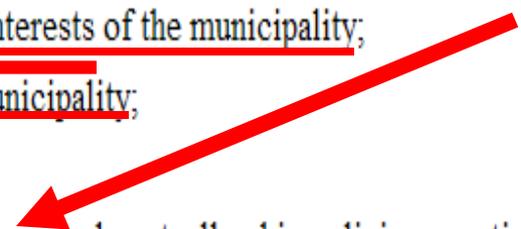
CGS Council's DUTY TO PROTECT THE PUBLIC!!!

PART VI PRACTICES AND PROCEDURES

MUNICIPAL ORGANIZATION AND ADMINISTRATION

Role of council

224. It is the role of council,

- (a) to represent the public and to consider the well-being and interests of the municipality;
 - (b) to develop and evaluate the policies and programs of the municipality;
 - (c) to determine which services the municipality provides;
 - (d) to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of council;
 - (d.1) to ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;
 - (e) to maintain the financial integrity of the municipality; and
 - (f) to carry out the duties of council under this or any other Act. 2001, c. 25, s. 224; 2006, c. 32, Sched. A, s. 99.
- 

Source: Ontario Municipal Act 2001, S.O. 2001, CHAPTER 25, Part VI, Practices and Procedures, Municipal Organization and Administration, Role of Council, Section 224.

http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_01m25_e.htm

Gross Negligence...

A Closer Look At “Methods and Procedures” Within CGS...

Clearly, CGS Council had a LEGALLY imposed DUTY to ensure that appropriate policies and procedures were in place to carry out its “decision” – such as the decision to “review building plans, perform inspections and – in general – to enforce the OBC and/or Act and any other Act!

Unfortunately, as we uncovered, “the laws”, in our opinion, are of little importance to CGS Council and its upper management.

Gross Negligence...

A Closer Look At “Methods and Procedures” Within CGS...

Via the FOI process and CGS City Clerk’s Office, I requested copies of “Methods and Procedures” and “Policies” from CGS Building Services not once but TWICE.

These were FOI requests: 1) FOI # 2010-38 and 2) FOI #2010-188

Gross Negligence...

A Closer Look At “Methods and Procedures” Within CGS...

Thus, not once, but TWICE, CGS Building Services and CBO Guido Mazza were provided the opportunity to give me “documentation” pertaining to methods/procedures/policies currently in place at CGS Building Services.

Gross Negligence...

A Closer Look At “Methods and Procedures” Within CGS...

The first time I requested the documentation, I was given 3 binders to look at and was asked by the City Clerk’s office to “come in and pick out what I wanted since there was a lot of information there”.

I, therefore, went to the CGS City Clerk’s office to look at the binders CGS BS had provided as “methods/procedures/policies” to the City Clerk in fulfillment of my FOI request for this documentation.

Nothing I had been provided, in my opinion, constituted “methods/procedures/policies” documentation.

Gross Negligence...

A Closer Look At “Methods and Procedures” Within CGS...

Gross Negligence...

A Closer Look At “Methods and Procedures” Within CGS...

Given I found these documents virtually worthless, I simply requested copies of a few documents of interest via the City Clerk.

It would only be later that I would realize that even though, in my opinion, worthless as “methods/procedures/policies” documentation, the documents were invaluable in what they revealed about current practices at CGS.

I thus completed a SECOND FOI request asking for the same documents. This time, it would take a fight to get them... over 100 days... and only because I placed an appeal with the IPC.

Gross Negligence...

A Closer Look At “Methods and Procedures” Within CGS...

The files I was provided are on this same memory stick provided to you as “Supporting Documents”

Gross Negligence...

A Closer Look At “Methods and Procedures” Within CGS...

Via the FOI process, I requested copies of “Methods and Procedures” and “Policies” as they pertained to CGS Building Services. Although these were provided to me as “paper copies”, I had them converted to pdf files.

What these files revealed, in my humble opinion, was nothing less than GROSS negligence on the part of the CGS given that these methods and procedures are supposed to be in place for the proper implementation of the OBC and/or Act as it pertains to matters of safe and code-compliant buildings!

Gross Negligence...

A Closer Look At “Methods and Procedures” Within CGS...

Note: In looking at these files and page numbers I provided in the discussion to follow, page numbers referred to those indicated at the bottom of each page that had actual text on it. Via the conversion process from paper copies to pdf files, pages that were not “double-sided” resulted in the inserting of blank pages throughout the document.

As such, any page references provided are those matching actual page numbers (not including blank pages) as provided on the documents obtained via the FOI process and City Clerk’s office.

Gross Negligence...

A Closer Look At “Methods and Procedures” Within CGS...

CGS PROCEDURES FOR BUILDING SERVICES DEPT.

CGS BUILDING CONTROLS DOCUMENTATION

IN SHORT...

**EXTREMELY OUTDATED... INACCURATE...
INEFFECTIVE... AND ... INEXCUSABLE!!!**

Gross Negligence...

A Closer Look At “Methods and Procedures” Within CGS...

- The documentation provided via FOI processes was so old that, in our opinion, it was most unlikely that anyone would be using it as “methods and procedures” especially since it did not even take into consideration the 2006 OBC and/or Act – having over 700 revisions since the previous version of the building code. To ask anyone to take such outdated and inaccurate documentation as “methods and procedures” was simply ridiculous.**
- There was nothing found in these “methods and procedures” as far as means by which plans examiners were supposed to ensure plans were “to code”. This, quite clearly, had to play a tremendous role in the scandal that would now rock CGS like never before.**

Gross Negligence...

A Closer Look At “Methods and Procedures” Within CGS...

- There was also nothing pertaining to the evaluation of “alternative solutions”... surely explaining why the “proposed fixes” we were provided in matters of structural integrity by building inspectors – in writing – were also “not to code” and not within the area of expertise of building inspectors. Any “fix” in our situation, had to be proposed by an engineer licensed in Ontario!**
- There was also nothing pertaining to steps that should be taken to stop errors from being repeated over and over again. Again, this omission would have played into our issues since CGS had previously failed this type of framing in the past but did nothing to stop it from happening again! Permits continued to be issued in spite of previous knowledge of serious errors in plans review in matters of structural integrity. Building services personnel appeared to operate in a vacuum with what could only be seen as little or no communication/training/supervision in critical issues.**

Gross Negligence...

A Closer Look At “Methods and Procedures” Within CGS...

- There was also nothing pertaining to the proper documentation of critical steps in the building process (i.e., what to document, how, when , where, why, etc.), of inspections, etc.**
- There was nothing pertaining to the duties of supervisors and/or procedures to be followed by supervisors to ensure errors were not repeated and/or procedures for taking issues above one’s supervisor when supervisors did not take appropriate actions/measures. Clearly, in our case, the building inspector had raised the issue/red flag and yet, even when contacted by our designer, he “never returned the calls” – allowing our designer to conclude that it was perhaps the inspector who was “wrong” and not the supervisor!**

Gross Negligence...

A Closer Look At “Methods and Procedures” Within CGS...

- **There were no procedures for referring field issues to the CBO when they dealt with matters impacting public safety and/or repeated errors and/or inappropriate supervisor responses. Nowhere were building inspectors told they were responsible to the law – not their supervisors – and that they had a DUTY TO ACT to ensure the proper investigation and handling of issues in matters of public safety.**

- **Building inspectors, in our opinion, clearly could not hide behind “their supervisors’ decisions” and/or argue “they were just following orders”. That argument had already been destroyed in world courts during the Nuremberg trials. In matters of life and death, building inspectors had a DUTY TO SOCIETY and to their fellow man – not to supervisors!**

Gross Negligence...

A Closer Look At “Methods and Procedures” Within CGS...

- **When a few homes by our designer were failed for structural integrity issues, clearly, our designer had contacted the CGS as evidenced in an email he provided to us. He was never contacted by the building inspector in question, but rather spoke only to his supervisor – a supervisor, who, in our opinion, allowed the designer to think “everything was ok”! Nowhere did our designer appear to have been advised that a problem existed and that he should modify his designs. Nowhere was the problem escalated and/or investigated in order to find “the source”. It was only when our building failed its framing step that I decided to investigate how in the world this could have happened. Clearly, it was not the role of a homeowner to have to do this. Someone within “the process” should have investigated these issues and had them addressed via the proper channels.**

Gross Negligence...

A Closer Look At “Methods and Procedures” Within CGS...

- Our designer clearly indicated in an email that it wouldn't be the inspector who decided what we should do... but his supervisor...who had “taken care of the issue” in the past...**

... neither the inspector nor his supervisor were engineers!!!

Note that the “Deputy Chief Building Official” was a position that was supposed to be filled by an engineer, per the “job description” I obtained via FOI. However, perhaps the “buddy system” played a nasty role since the “acting” Deputy Chief Building Official had been in his position for years – and did not hold an engineering degree (something I confirmed – again – via FOI). When it came to matters of public safety, there was no room for “buddy systems” and having personnel in positions for which they are seriously unqualified!

Gross Negligence...

A Closer Look At “Methods and Procedures” Within CGS...

- To have a “job description” stating that an engineer should be in this key position and to allow the position to go unfilled by an engineer – for years – was, in our opinion, nothing more than deception of the public! If a position description stated an engineering degree was required, the public should be able to count on the fact that a person holding the position – for years – is in fact – an engineer!**

Like our designer, the public had simply “trusted the authority having jurisdiction” and no one bothered to check even the most basic issues, matters, laws, etc. were complied with.

Gross Negligence...

A Closer Look At “Methods and Procedures” Within CGS...

- **What CGS wanted to pass off as “methods and procedures”, in our opinion, were nothing more than a bunch of interoffice memos/emails, etc. with no order whatsoever – no subject index, no date index – nothing – just a bunch very outdated, vague, ineffective documents masquerading as “methods and procedures” and distributed via general distribution lists that may or may not include all personnel with a need to know. There were no reference documents and/or methods and procedures on servers for employees to refer to, etc. If you happened to “miss the distribution”, it appeared you were simply “out of luck”.**

Gross Negligence...

A Closer Look At “Methods and Procedures” Within CGS...

- **There could be no doubt that such total negligence in such important procedural issues had to have led to tremendous losses and lawsuits for CGS residents and undoubtedly, for financial institutions providing home warranties, title insurance, homeowner’s insurance, etc.**

If “methods and procedures” were in such a poor state in this critical department – impacting not only the health and safety of residents but also the growth and development of the CGS itself – one could only ask: “What else was in such a poor state of affairs within CGS?”

Gross Negligence...

A Closer Look At “Methods and Procedures” Within CGS...

- **The potential for insurance fraud was simply huge as insurance providers had to simply assume municipalities had the proper methods and procedures in place, were at least taking into consideration the laws of the Province and country and were following the laws. The liability mess such negligence had created was certainly one that could take years to resolve!**

Gross Negligence...

A Closer Look At “Methods and Procedures” Within CGS...

OUTDATED... BY 15+ YEARS...

- The documentation provided to me via FOI process was dated from 1973 to 1996... 15+ YEARS OLD... AT BEST... over 37 YEARS OLD ... at worse!**

- This meant that the “current methods and procedures” for CGS BS did not take into consideration a whole lot of new legislation and/or laws... most notably...**

Gross Negligence...

LAWS NOT TAKEN INTO CONSIDERATION IN...

“CURRENT 1996 M&Ps”

- **2006 OBC/Act** (The VERY LAWS they were there to “enforce”... with 2006 version having over 700 changes to previously existing OBC/Act and 1997 amendments prior to that – a BIG ONE!).
 - **2001 Municipal Act** (that’s another BIG ONE!)
 - **Canada Environmental Protection Act 1999** (another BIG ONE!)
 - **Clean Water Act of 2006** (another BIG ONE!)
 - **Fire Protection and Prevention Act of 1997** (another BIG ONE!)
 - **Ontarians With Disabilities Act, 2001** (another BIG ONE!)
 - **Smoke-Free Ontario Act, 2006** (another BIG ONE!)
 - **Ontario Architects Act** (amended 2001)
 - **Technical Standards and Safety Act, 2000** (another BIG ONE!)
 - **Safe Drinking Water Act, 2003** (another BIG ONE!)
 - **2001 Limitations Act** (another BIG ONE... impacting “municipal liability”)
- ... and on... and on... and on... and on... and on... and on...

Gross Negligence...

A Closer Look At “Methods and Procedures” Within CGS...

This, in our opinion, was nothing less than GROSS NEGLIGENCE on the part of the CGS Council whose job it was to ENSURE that appropriate procedures were in place for CGS BS to ensure that laws were being followed/observed within the CGS City Limits!

In our opinion, this showed a clear FLOUTING of the law by CGS.

Why did the Province and/or Federal Government make laws if those there to ENFORCE them did not even take them into consideration in their “methods and procedures”, etc. and as such, potentially placed the lives of many “at risk” in addition to placing our environment “at risk” as well! INEXCUSABLE!!!

Gross Negligence...

A Closer Look At “Methods and Procedures” Within CGS...

ANY law enacted/amended AFTER 1996... was simply NOT TAKEN INTO CONSIDERATION in “CURRENT” CGS Methods and Procedures...

This was frightening when one considered “small structures”, however, these omissions in methods and procedures became alarming and distressing when one considered high occupancy structures!

APPALLING and INEXCUSABLE!!!

Gross Negligence...

A Closer Look At “Methods and Procedures” Within CGS...

Not only was the “methods and procedures” documentation “grossly out of date”, what was there could certainly be called “an EVAPORATING document” given that it consisted of “procedures” for specific individuals within a specific time period...

In other words, if you were not “on the distribution list”... you “missed” the “methods and procedures” as they were not posted on a “common server” for anyone to read on an “as needed basis”.

This was a HUGE issue given key personnel often moved over time... as such, as employees “cleaned out their desks” prior to departure, outdated materials were more than likely tossed... and hence... lost!

Gross Negligence...

A Closer Look At “Methods and Procedures” Within CGS...

Of course, perhaps the “administration” did not see this as “an issue” given Department Head and Section Head, Bill Lautenbach and Guido Mazza had been there for over 37 years (as clearly indicated on p. 15 of the “procedure” documentation dating back to 1973)!

Since 1973, Sudbury had experienced times of economic hardship and times of great economic boom. Thus, in our opinion, these “administrators” could not argue that “they did not know of the “state” of this documentation (since they had created it over the years) nor could they argue that they had not been given “enough time” to create appropriate documents as they pertained to operational methods and procedures within the CGS Building Services Dept.!

Gross Negligence...

A Closer Look At “Methods and Procedures” Within CGS...

Let us now take a closer look at this “methods and procedures” documentation as provided by CGS via the FOI Process...

- the “fees” in these documents are “frozen in time” and date back to 1996 (see p. 12, p. 14, p. 113, p. 170, etc.)**
- name/contact info/maps/”zones”/forms, etc. are also, in many, many cases, worthless...**
- the documentation header refers to “Regional Municipality of Sudbury”... since this dates back to 1996 and the amalgamation of “Greater Sudbury” occurred in 2001, one could argue that none of this documentation would apply “in our case” given we were building in an area not considered part of CGS in 1996.**

Gross Negligence...

A Closer Look At “Methods and Procedures” Within CGS...

- The documentation also refers to “occupancy permits”... yet, when I recently inquired about “occupancy permits” via FOI process, I was told that CGS does not grant “occupancy permits”, they only do an “occupancy inspection” (most likely, in my opinion, due to liability issues since municipalities “become liable” once they grant “occupancy permits” and “things go wrong”).**
- P. 62 of M&Ps refers to 9.26.5.11(1) and (2). These sections of the code no longer exist. Again, this is not surprising given there have been over 700 changes to the OBC/Act with the 2006 version.**
- * P. 63 of M&Ps refers to 9.20.15.1(1) as “Damp-proofing for masonry walls”... in actuality... this section in 2006 now is entitled “Reinforcement for earthquake resistance”.**

Gross Negligence...

A Closer Look At “Methods and Procedures” Within CGS...

- Likewise, on p. 63 of the M&P documentation, there is a reference made to section 9.13.5.3(3). There is no such section in the 2006 OBC... this section has been replaced/included elsewhere!**
- On P. 68 of the M&P documentation, there is yet another example of this... sections referenced are again inaccurate and outdated. These materials are now found under Section 8 (not 5) of the OBC Act of 2006.**
- Likewise, wording as it relates to “occupancy permits” in p. 78 is nowhere to be found in the referenced section of the OBC Act 2006 (note that “OBC” date is also NOT specified in most documents, as such, a person referring to most of these materials would have to “guess” as to the referenced version of the OBC and/or Act!**

Gross Negligence...

A Closer Look At “Methods and Procedures” Within CGS...

- p. 94 – reference to “how to treat customers”... this was absolutely NOT what we had experienced... a lot of “nice on paper... but not much else...”**
- p. 97 – 98 – again... not “procedures” followed in our case...**
- p. 102 – Chimneys – reference to section 9.21.1.2 “factory built chimneys” need not be inspected by building officials (see p. 132 in 2006 OBC)**
- p. 114 – Liquor licenses – reference to OBC 3.1.16 for calculation of maximum capacity is inaccurate. This section of OBC refers to “Fabrics, Awnings, Canopies and Marquees”. Occupancy Load Calculations are now found in another section – OBC 3.1.17.**

Gross Negligence...

A Closer Look At “Methods and Procedures” Within CGS...

- p. 119-134 references standards for x-ray facilities... again... most likely out of date given the new SAFETY CODE 35 of 2008 which provides the latest information on such standards replacing Safety Code 20A and 31. Given, as studies clearly show, humans are exposed to “so much more radiation today”, to not have the most current information on “Radiation Emitting Devices Act/ amendments”, again, is, in my opinion, inexcusable given the tremendous changes in this field of medical imaging in the last 10-15 years! It could certainly be argued that it may be better to have “no info” than outdated info in such great matters of public safety as this would at least force someone to look for current practices and/or documentation. Also, to not have engineers overseen by engineers in such cases would be to remove an extra layer of protection in health and safety issues. Building inspectors, in our humble opinion, were simply not qualified in these issues.**

Gross Negligence...

A Closer Look At “Methods and Procedures” Within CGS...

- p. 135 – flood plain zoning maps – most likely are very out of date as the “original referenced document” dates back to 1979.**
- p. 137 – indicates that there is also tremendous vagueness and subjectivity in the documentation – a lot of “case by case” analysis in matters pertaining to “substantial work”. No guidance was provided in terms of who or what defined that expression. As such, there could be tremendous variation from one resident and/or inspector and/or project to the next providing for no consistency whatsoever.**
- p. 171 – discusses the need to issue permits promptly as costs “skyrocket in winter”... how true... especially given it had taken CGS 39 days to issue our permit (more on this later)...**

Gross Negligence...

A Closer Look At “Methods and Procedures” Within CGS...

- p. 177 – pertaining to inspection work done by engineers having to be approved prior to the inspection. We knew such policies were not enforced ... as we knew of persons who had hired an engineer to oversee the entire construction project of a house when the owners experienced frustration with CGS BS department... CGS BS was only called in for the “final occupancy inspection”... given an engineer had overseen everything... the file was simply closed!**
- we had a relative in “the trades” who stated such things happened “all the time”... especially given the 2006 court decision that ruled engineers were considered to be “already BCIN qualified”.**

Gross Negligence...

A Closer Look At “Methods and Procedures” Within CGS...

p. 178 – again, out of date given 2006 Supreme Court Decision as it pertained to the fact that engineers were already deemed to be “BCIN certified”... we knew of other cases where residents, in frustration, had to hire an engineer to by-pass CGS BS, etc.

*** p. 178 is MOST interesting and, in our opinion, an admission that Permit Control Clerks were “approving plans” instead of having them reviewed by plans examiners! This would be a violation of the OBC Act. Clearly, in our opinion, there were issues with “proper plan review” dating back to 1996. If proper “methods and procedures” [as opposed to “memos” and “emails” labeled as such] were truly in place – this would not happen!!!**

Gross Negligence...

A Closer Look At “Methods and Procedures” Within CGS...

- Likewise, if you had proper M&Ps in place, not only would clerks not be “approving plans” but building inspectors would not be acting as “engineers” [as in our case] and recommending “not-to-code fixes” to problems involving structural integrity [as was a major issue in our case]!**
- p. 192 – staffing policies are outdated and reference is made to the fact that “expenditures are to be stopped for balance of the year” – this comment pertains to year 1995. Yet, the “procedure” was “Revised Aug 13, 1996” even though the subject matter was clearly pertaining to 1995 – not 1996! It is as though the only thing “revised” in this “procedure” was the DATE – the “procedure itself” as it pertained to “expenses” was no longer “an issue” given it was no longer “year end 1995”!**

Gross Negligence...

A Closer Look At “Methods and Procedures” Within CGS...

One can not help but wonder how many “other procedures” were “so carefully updated”! Were the “procedures” themselves updated in 1996 in so much of this documentation... or did the “update/revision” consist only of a “date change” to give the “illusion” that “procedures” had indeed been reviewed and/or revised ?

- p. 202 – “plans examination in the absence of a contractor”... note point 2) “the architect/engineer will complete the building permit application form except that he/she need not include a signature... 4) the building permit form will be signed by the constructor...” This seems to impose a HUGE 3rd party liability without the knowledge of that 3rd party as it becomes “signature after-the-fact”... after plans are already reviewed. The person COMPLETING the application must usually affirm everything is true!

Gross Negligence...

A Closer Look At “Methods and Procedures” Within CGS...

- p. 209 (“methods and procedures”) clearly indicated that the Ministry of the Environment (MEO) had jurisdiction over anything built near bodies of water/shorelines.**

Note that trailer parks were often found near shorelines. Yet, as evidenced in an email dated September 2009, provided in the “policies” documentation for CGS Building Services, on p. 89, it appeared to be only in September of 2009 that CGS realized trailer parks fell under the jurisdiction of the MOE. Per an email I received from the MOE, this policy had been in place since 1998!

Thus, it took CGS over 10 years to “figure it out”. Perhaps this was due to the fact that their “methods and procedures” were so totally outdated – and now – the environment had clearly been put at risk also due to what, in our opinion, was total negligence and flouting of the law by CGS !

Gross Negligence...

A Closer Look At “Methods and Procedures” Within CGS...

- p. 212 – Site plans in “methods and procedures” were said to be “a problem” and notations stated:**

“We are awaiting a new plot plan to be developed as per these notes.” Signed: I.S.C. (same initials found throughout “methods and procedures” documentation).

Note that no new plot plan was added to the “methods and procedures” documentation in 15+ years. Such examples clearly showed there was no “follow-up” as far as “open issues”, etc.

Gross Negligence...

A Closer Look At “Methods and Procedures” Within CGS...

- **Names/contact info/job descriptions changed over time and as such, to provide such information in “methods and procedures” also resulted in further inaccuracies. Statements such as “contact Jim Smith @ x123” were simply not adequate in “methods and procedures” documentation – this was especially true in matters pertaining to emergencies (i.e., fire evacuation plans, etc.)**

Given the “methods and procedures” documentation was based on evaporating “distribution lists”, inaccurate and/or outdated materials, etc. and given what WAS available was not on a common server, nor was it sorted in any way, by date, subject, etc., it was, virtually – worthless! Employees could not be expected to sort through such materials in attempting to do their work.

Gross Negligence...

A Closer Look At “Methods and Procedures” Within CGS...

The document entitled Building Control Procedures was likewise, just as outdated as the other “methods and procedures” document provided and thus, contained many, many of the same issues as they related to matters of accuracy, timeliness, effectiveness, etc. As such, although I had painstakingly gone through much of the documentation, truly, to go through all of this document also, page by page, could almost be considered a waste of time.

Gross Negligence...

A Closer Look At “Methods and Procedures” Within CGS...

Much of what was provided as “methods and procedures” consisted simply of emails and excerpts from other documents, prepared by other parties. These included sections previous building codes, copies of by-laws, publications from various associations (i.e., The Ontario Concrete Block Association, Ontario Masonry Industry Promotion Fund, Purchase request forms for Masonry Code Books published out of southern California, newspaper clippings, magazine articles, vendor product sheets, various publications from the Ontario Ministry of Housing, the Ministry of the Environment, the Ontario Building Officials Association, the National Research Council of Canada, etc.), meeting minutes, duplicates of the same documentation, etc.

Gross Negligence...

A Closer Look At “Methods and Procedures” Within CGS...

Such “references” did not provide “methods and procedures” for proper implementation of the decisions of the City Council (i.e., to review plans, to conduct inspections, to issue permits, to provide for alternative solutions, etc.).

Gross Negligence...

A Closer Look At “Methods and Procedures” Within CGS...

Indeed, it very much appeared that NO “methods and procedures” documentation really existed. What I had been provided via the FOI process appeared to be just a collection of emails/documents pulled from here and there in order to provide me with “something”. The consecutive page numbers at the bottom of the documents provided to me could leave me with no other conclusion. There was simply NO logical sense to the order in which the documents were provided – to me – indicating they had never been “methods and procedures” in the first place.

Gross Negligence...

A Closer Look At “Methods and Procedures” Within CGS...

Perhaps such problems with “methods and procedures” explained why the report on “Red Tape” published Sept. 29, 2010 by the CGS Chamber of Commerce indicated that site plans, along with other things such as inspections, consistency, methods and procedures, documentation, etc. were very much issues cited in a survey of the CGS business community – issues causing “hardships”, “significant concern”, “contempt”, “frustration”, “lack of consistency in the inspection process as a significant road block”, “lack of streamlined processes”, “lack of communication”, “lack of decision making”,

This report also indicated the business community felt the municipality had a “cover your ass” mentality.

Gross Negligence...

A Closer Look At “Methods and Procedures” Within CGS...

There was simply no excuse for not having proper methods and procedures in place and qualified personnel in key roles such as that of Deputy Chief Building Officer (DCBO)!

Building Services had one engineer, CBO Guido Mazza overseeing the growth of CGS – one of the fastest growing cities in Ontario. Clearly, to not have filled the position of DCBO with a qualified engineer, may have been the single most detrimental decision CBO Guido Mazza and his supervisor, Bill Lautenbach, overseeing Growth and Development in CGS, may have made in their career... but that was THEIR decision as “seasoned administrators” who had been there 37 years!

Gross Negligence...

A Closer Look At “Methods and Procedures” Within CGS...

As such, any inaccuracies and/or lack of proper methods and procedures, policies, etc. as they related to CGS Building Services fell squarely on these persons and the City Council – dating back to the very inception of the 1st building code in ????????????

This was nothing short of gross negligence and a complete flouting of the law in matters of public safety.

Gross Negligence...

A Closer Look At “Methods and Procedures” Within CGS...

For this administration, arguments such as “limited resources” would simply not hold water in a court of law. The materials provided as “methods and procedures” spanned from 1973 to 1996. That was a 15 year period... at best... and 37 years... at worse given we were now in 2011. This would have included times of economic distress as well as times of great economic boom.

CBO Guido Mazza was “Section Head” for Planning and Development/Building Services in 1973, as such, he can NOT claim that he was unaware of the “status”, “accuracy”, “timeliness”, etc. of existing methods and procedures and/or policies for this department. The same was true of Bill Lautenbach, supervisor to CBO Mazza during this same 37 year time frame.

Gross Negligence...

A Closer Look At “Methods and Procedures” Within CGS...

As Mr. Lautenbach stated to me, in what I perceived to be a MOST arrogant attitude during our January 5, 2010 meeting with CBO Mazza, as I explained the facts of our case and matters of “the law” and Mr. Lautenbach made a comment stating that “since I knew everything”, he would not argue because – as he correctly put it: “The facts are what they are!”

Mr. Lautenbach could not have been more correct in this statement:

“The facts ARE what they are!”

Gross Negligence...
A Closer Look At “Policies” Within CGS...

Unfortunately, but not surprisingly, what was provided as “policies” for the CGS Building Services department was just as bad... if not worse!

CGS Building Services Policies Documentation

Gross Negligence...

A Closer Look At “Policies” Within CGS...

The courts have long held that policies were “immune” from prosecution as governments should be allowed to enact policies as they see fit. However, what was “a policy” was certainly a matter that needed to be considered if a “policy” violated basic trade laws as they pertained to limitation of trade, issues of unfair trade practices, or violations of any other laws. When “a policy” violated the law, was it still “policy”?

If an administration had “a policy” that no African-Americans were to be on city payrolls, how long would such a “policy” stand? As such, any policies that violate the law must be abolished!

Gross Negligence...

A Closer Look At “Policies” Within CGS...

A great deal of what had been provided by CGS as “policies” for CGS Building Services via FOI very much appeared NOT to be “policy” at all and in many cases, it could be argued that documents provided were simply masquerading as “policy”. As such, the legality, effectiveness and very existence of “policies” as they pertained to the functions of CGS Building Services, in our opinion, was TRULY questionable!

Once again, as in the case of “methods and procedures”, it very much appeared that CGS did not have “policies” in place and that the documents provided were nothing more than a bunch of documents collated from various sources, with no chronological, subject or any order whatsoever!

Gross Negligence...

A Closer Look At “Policies” Within CGS...

Documents masquerading as “policy” included copies sections of the old OBC, copies of by-laws, one or two line item reminders paraphrased from sections of the OBC, procedure documentation from other organizations/departments that really belonged under “procedures” not “policies”, interoffice correspondence, newspaper articles, excerpts from the Wood Design Manual, duplicate copies of materials, “in process policies” that had yet to be confirmed/finalized (i.e., South End Tunnel memo dated Oct. 25, 2006), documentation from Ministry of Agriculture – Food and Rural Affairs, a letter from the President of a private company about “his products” (i.e., Polyurethane Foam Systems, Inc.) which very much appeared to be “a marketing pitch”, product information sheets from Bakor, Inc. also attempting to market their products, examples of Building Services forms that really belonged under “methods and procedures” but that were not found in “procedures” documentation, etc.

Gross Negligence...

A Closer Look At “Policies” Within CGS...

Once again, the entire “policies” document necessitated that several questions be asked in terms of its timeliness, accuracy, effectiveness, etc. given forms/fees, etc. were outdated and/or not in use. The lack of any type of order also meant one could “go back” to old policies without even realizing it.

Also, the document consisted of distribution lists as opposed to one cohesive document or group of documents provided on a server. As such, if one “missed the distribution”, again, as with “methods and procedures”, one appeared to be simply “out of luck” and also as with “methods and procedures”, the “policies” documentation was virtually worthless due to its complete lack of organization. Yet, what was provided via the FOI process was a document with consecutive page numbers... that made absolutely no sense whatsoever!

No Chronological or Subject Order... A Closer Look At “Policies” Within CGS...

Page	Year	Page	Year	Page	Year	Page	Year	Page	Year	Page	Year
1	2010	21	2008	62	2006	79	2006	97-99	????	136	2002
2-3	2010	22-25	2008	63	2008	80-81	2009/ 2001	100-107	2006	137- 147	2005
4	2010	26-30	2009	64-65	1997	82-83	????	108-115	2006	148	2006
5-9	2002	31	1998	66-67	1994	84-88	2006 +?	116*118	2004	149	2007
10	2002	32-33	1998 or 1996?	68-69	2008	89	2009	119-123	1998/ 4	150- 160	2005/ 6
11-12	1998	34	1994	70-71	1991/87	90	2009	124-125	1996/ 2005	161- 216	2004- 2006
13	1998	35-55	2005	72	2009	91	2009	126	2003	217- 219	2005
14	1997	56	2004	73	2008	92	2007	127	????	220	????
15	2009	57-58	2005	74-75	2007	93	2007	128* 129	2007	221	2005
16	2009	59	2006	76	2006	94	2008	130	2006	RED = SPECIAL ADDITIONAL PROBLEM AREA	
17	2009	60	2005	77	2006	95	2008	131	2006		
18 + 19- 20	2009/6	61	2007	78	2006	96	2006	132- 135	2006		

Gross Negligence...

A Closer Look At “Policies” Within CGS...

- Problems with accuracy, timeliness, access, “evaporating distribution lists”, and much more were clearly apparent in “policy” documentation.**
- When I requested a copy of “Policies” via FOI, the first 63 pages were withheld by CGS stating that the materials were from Canadian Standards Association and as such were withheld due to copyright. Thus, the subject matter, date, etc. was completely unknown for this “policy information”. If CGS had accepted this document as “policy”, it should at least have provided a statement stating this was the case and CGS should be able to provide copies of such “policy documentation” to residents. “Secret policies” such as these were, in our opinion, unacceptable.**

Gross Negligence...

A Closer Look At “Policies” Within CGS...

- **Emails – found throughout the document – were clearly not “policy statements” so much as “fyi” type information and emails pertaining to matters of “methods and procedures” were mixed in with “policy”. Examples on p. 4 and p. 31 (there were many more) were clearly not “policy”. By having documents under “policy” instead of “methods and procedures”, a person in need of “procedure” documentation would not see them. If both “policy” and “procedure”, then the document should be included in both places. This created a situation where administrators may “know the policies” but persons actually doing the work are unaware of appropriate procedures given the “evaporation of M&Ps and policies” and the method of critical information delivery within CGS.**

Gross Negligence...

A Closer Look At “Policies” Within CGS...

- This issue of having documents in the wrong place was particularly important in matters pertaining to public safety, health, fire prevention, protection of persons with disabilities, of the environment, etc.**
- p. 18 – Building inspectors were not on the distribution list in matters pertaining to smoke and fire safety. More proof of “evaporating, ineffective and dangerous methods and procedures and/or policies” at CGS.**
- all references to “fees”, “names/contact info” render documentation inaccurate rather quickly... it would have been better to refer to “applicable fees”, departments/titles, etc.**

Gross Negligence...

A Closer Look At “Policies” Within CGS...

- p. 22 – Members of Development Liaison Advisory Committee (DLAC) provided input in policy-making for CGS and as such, should be held to a higher standard. This, in our case, was a serious conflict of interest since our BCIN designer was part of this committee – a committee that looked to enhance “common interests”. As such, how could the CBO and his supervisor, who also sat on this committee be impartial in enforcing the OBC and/or Act given such “special business relationships”... perhaps explaining why our designer was never told to modify his drawings and/or fined in spite of past problems.**

Gross Negligence...

A Closer Look At “Policies” Within CGS...

- policies pertaining to HVAC design were sketchy at best. We were told to go to an engineer to design our in-floor hearing system even though we wanted to put in the system ourselves since my husband’s family already had experience doing this. This was a cost we felt we should not have incurred since we were the home owners. There appeared to still be no policy on this issue. Why were we forced to go to an engineer who then sent a BCIN independent contractor to review our setup prior to a cement pour? Why did we have a BCIN CGS inspector come out – and miss critical issues - if we then had to have a “second BCIN inspection via the engineering firm” which we also had to pay for? Duplicate fees, duplicate work...and lost time!**

Gross Negligence...

A Closer Look At “Policies” Within CGS...

- p. 23 - Per its own “policy” documentation, pre-engineered components include truss layouts. Yet, CGS accepted non-sealed truss layouts – apparently contrary to its own policy.**
- p. 25 – Building inspectors were not on the email/distribution list pertaining to Health Unit Approvals yet they would be the ones having to ensure compliance by taking actual measurements in the field. Oversights such as this pertaining to “who needed to be aware of policies and methods and procedures” were rampant in these “evaporating documents.”**

Gross Negligence...

A Closer Look At “Policies” Within CGS...

- p. 62 – Some documents pertaining to “policies” were so general and/or vague that they would most likely not be viewed by appropriate personnel. For example, one document dated Oct. 11, 2006 had a header/name of - “Untitled” – literally – and was addressed or had an audience of – “To whom it may concern” . No title was provided to indicate the position/role of the person who had sent the email nor was contact information (i.e., email, phone number, department, etc.) provided for anyone having questions on issues raised. As such, there was no way to determine if the person who had written the email even had the authority to make the “policy statement” that was now included in “policies” for CGS.**

Gross Negligence...

A Closer Look At “Policies” Within CGS...

- **p. 62 (Cont.) - Likewise, there was no “distribution list” and as such, there was no way of knowing how the document was distributed to those with “a need to know” the “policy” nor was there any way of knowing if anyone other than the author ever saw the document! He may have typed but never distributed the “policy”. As such, this “policy” was virtually worthless!**

This document also raised another very serious issue. Did someone – anyone - “create policy” at CGS simply by sending out an email? Where were the procedures for the review for accuracy of the “policy”? Were all building services personnel able to create “policy” simply by sending out emails? That, in our opinion, would certainly expose CGS residents to a great deal of liability given so many issues in “building services” were matters of “interpretation” as clearly indicated in this very document!

Gross Negligence...

A Closer Look At “Policies” Within CGS...

- p. 63 - 65 - This “evaporating policy document” dated May 7, 2008 alluded to the fact that plans reviewers and inspectors were “missing something” at BOTH plan review and field inspection stages pertaining to the support of foundation walls. Note that not only were they “missing the issue”, they were also provided a reference in this “policy statement” from the 1997 OBC as opposed to the new 2006 OBC – perhaps helping to explain why the issue was being missed in the first place (methods and procedures dated back to 1996 – at best)! Not surprisingly, the sections referenced in the 1997 attachment were seriously out of date and no longer applicable. Section 9.15.4.4 (the reference provided in the 1997 OBC version referenced) was not the appropriate section in the 2006 OBC. Section 9.15.4.4 in the 2006 OBC was now: “Foundation Walls Considered to be Laterally Supported at the Bottom”.**

Gross Negligence...

A Closer Look At “Policies” Within CGS...

- **p. 63 - 65 (Cont.) – The CORRECT section pertaining to “Reduction in Thickness” (that CBO Mazza alluded to in this “policy statement”) was actually 9.15.4.7 in the new 2006 OBC. The new 2006 OBC section was NOT provided as the “most current” code requirement. Perhaps the 1997 OBC provided more in terms of graphics, however, the new 2006 OBC section should have been referenced properly as it could have – and indeed had been – modified since the 1997 OBC version.**

Section 9.15.4.2 in the 2006 OBC referred to “Foundation Wall Thickness and Required Lateral Support”. This was a rather CRITICAL issue in matters of structural integrity and, as such, reference to the most current requirements should have been made as drawings provided in the 1997 code may or may not have been still valid.

Gross Negligence...

A Closer Look At “Policies” Within CGS...

- **p. 63 - 65 (Cont.) – Furthermore, the fact that the formulas given in the 1997 OBC attachment were no longer found in the 2006 OBC (measurements/specs were actually provided in tables now), may have been indicative of problems that arose from “handing out formulas” in the 1997 OBC to persons who may or may not have “good math and problem solving skills”. In the 2006 OBC, such “math errors” would be done away with for Part 9 buildings as calculations and hence requirements were already calculated for the end user of the OBC (that would have included plan reviewers and building inspectors).**

Gross Negligence...

A Closer Look At “Policies” Within CGS...

- p. 63 - 65 (Cont.) - Thus, by referring building personnel to outdated 1997 building codes and by including this 1997 reference in current “policies”, CGS was, in our opinion, reintroducing an element of human error and thus perhaps doing away with what may have been the very intent/purpose of the 2006 OBC revision as it pertained to this section of the code and the “need for accuracy” in calculations pertaining to foundations and/or their supports.**

Errors in matters of foundations and their supports could certainly lead to major structural defects – and hence – increase liability for new home warranties, title and/or homeowners insurance providers and CGS itself!

Gross Negligence...

A Closer Look At “Policies” Within CGS...

For residents – such “policies” could only amount to... “higher administrative costs... higher taxes... higher insurance premiums... higher social and economic costs resulting from the exposing of such matters as the residential and business community dealt with the hardships that would certainly be associated from revealing these issues...yet... the issues had to be exposed as costs would only continue to skyrocket if the underlying issues were allowed to continue as they had - for years.

Gross Negligence...

A Closer Look At “Policies” Within CGS...

- **p. 66 – Plans accepted were said to be “almost meaningless... and not legible”. They were “out of date” in terms of by-law amendments and “so poorly prepared – and, worse still, accepted, that it was impossible to tell what property was being referenced”...**

This “policy document” also stated that there was also a “need to date stamp all drawings”., etc.

There could be no doubt that “site plans” were still very much an issue for CGS...

Gross Negligence...

A Closer Look At “Policies” Within CGS...

- **p. 66 (Cont.) - Note that per previous “issues” stated as they pertained to “poor site plans” and plans examination in “1996 procedures documents”, clearly this was still an issue 2 years later given this particular document was dated 1994 and “follow-up” pertaining to “site plans” in “procedures documentation” had NEVER been provided/added to the “procedures documentation” even though the issue had been raised in 1994... 1996... and it was clearly STILL an issue in 2010 as indicated in the CGS Sept. 29, 2010 “Red Tape” report by the CGS Chamber of Commerce!**

The business community was asking for clarification as to “what was needed”... and CGS Building Services... for over 15 years... appeared unable to answer that question! If true “methods and procedures” and “policies” documentation were available, perhaps these issues would not have so plagued the residential and business community for so long!

Gross Negligence...

A Closer Look At “Policies” Within CGS...

- p. 70 – This “policy statement” clearly indicated that CGS had major difficulties with “procedure implementation, follow up and closure of issues”. Note that this memo was dated December 1991 and asked for feedback on a procedure that had been implemented in July 1987.**

Why had it taken 4 ½ years to ask for feedback in the determination of whether or not a “new procedure” was working? This was totally ridiculous!

Gross Negligence...

A Closer Look At “Policies” Within CGS...

- **p. 72 – “Acting Manager of Code Compliance”.** This position was currently held by André Guillot, who supervised all building inspectors and reported directly to CBO Guido Mazza. When I inquired as to André Guillot’s title, I was once told he was “Acting Manager of Code Compliance”, but on another occasion, I was told he was “Deputy Chief Building Officer - DCBO”.

Was André Guillot filling 2 roles? Was he even qualified for 1?... What EXACTLY were his “qualifications”?

Or... was he “just a buddy”... doing a job ... for years... for which he was not qualified? The DCBO “job description” did, after all, call for a qualified engineer and the “Manager of Code Compliance” job description seemed to require completion of police college. For an administration now facing potentially huge liability claims, these were serious questions indeed!

Gross Negligence...

A Closer Look At “Policies” Within CGS...

- p. 76 – This 2006 “policy statement” appeared to imply that based on “elevation views”, inspectors may have been inspecting the wrong dwellings and/or perhaps going to the wrong location (i.e., total waste of resources) for final occupancy inspections.**
- p. 77 – This “policy statement” was an example of correspondence that strongly hinted at a serious problem that occurred without actually stating it. I quote: “This is a reminder that “UNDER NO CIRCUMSTANCES”, unless cleared by Guido or myself, that an applicant who is issued a foundation/conditional permit, cannot proceed past the framing stage”.**

What had prompted this “policy” and had it been included in “methods and procedures” documentation to prevent any future issues?

Gross Negligence...

A Closer Look At “Policies” Within CGS...

- **p. 79 – This “policy statement” was another example of something that really belonged in “methods and procedures” .**

Clearly, throughout the “policies” documentation, one had to ask... if something was stated as “a policy”... if the person who wrote “policy” had the authority to do so... and if the “policy” really belonged under “procedures” or some other reference and/or guide.

There were also many “policies” that ended with, “If there are any questions, see [name of person].”

Proper “policy statements” should refer one to the law, one’s supervisor and/or department head...

Gross Negligence...

A Closer Look At “Policies” Within CGS...

• p. 89 – This “policy statement” was another troubling one – indicative of very deep problems within CGS Building Services. This email/”policy statement” advised others in building services that trailer parks within CGS fell under the jurisdiction of the Ministry of the Environment (MOE). Given “methods and procedures” dated back to 1996 (at best), it was not surprising that “staff” did not appear to be aware of this critical point impacting the environment (i.e., shorelines, waste/sewage disposal, etc.). The Canada Environmental Protection Act of 1999 had not been taken into consideration in the “current” “methods and procedures” that – at best – dated back to 1996 (at worse – back to 1973). Thus, it was no surprise that it had taken OVER A DECADE for building services employees to “clue in”! Negligent... Shameful and ...Inexcusable!

Gross Negligence...

A Closer Look At “Policies” Within CGS...

One could not help but ask, once again, what else was CGS missing in terms of environmental, health and safety issues as they pertained to infrastructure, city planning, zoning, conservation, industrial waste, air pollution, landfills, disposal of toxic waste (i.e., radiation emitting materials, mercury, lead, and/or other heavy metals/contaminants, etc.).?

Again... very serious issues/questions indeed!

Gross Negligence...

A Closer Look At “Policies” Within CGS...

- **p. 100 – Nutrient Management Act of 2002 – this “policy statement” was included in “policies” but not in “methods and procedures” and pertained to manure handling, etc. in agricultural facilities. Only persons who attended OMAFRA sessions received the info in 2006 (appeared that only CBO received this info as nothing indicated it had been distributed to anyone else – but instead – appeared to have been “just filed away”).**

Again, this “policy statement” would certainly have an impact on the environment and possibly human health and safety in rural areas.

Gross Negligence...

A Closer Look At “Policies” Within CGS...

- pgs. 136-147 – This was private company product literature masquerading as “policy”. The CSA determined “standards”, not corporations and/or company presidents. Was CGS “peddling a particular company’s products”? If so, why? Why was such information even included in a “policy document”. In our opinion, this constituted a violation of fair trade practices. Why not include product information/details from all such companies? Clearly, such documentation did NOT belong in “policies”.**

Gross Negligence...

A Closer Look At “Policies” Within CGS...

• pgs. 136-147 - Furthermore, CGS was not a “testing lab”, did not “set standards” that such companies had to abide by in the manufacturing of their products, nor did CGS ensure manufacturers were “in compliance” with established standards. As such, why would anyone include this in “policy documentation” if such “policy documentation” could expose CGS to any increased liability as it pertained to product performance and/or competitor lawsuits claiming unfair trade practices? Was it CGS’s “policy” to “push these products over others by different vendors”? If so, why?

CGS could certainly provide a list of numerous vendors with what they considered acceptable products, but, to provide the information of only one company as “policy” was most questionable!

Gross Negligence...

A Closer Look At “Policies” Within CGS...

- **pgs. 136-147 – There was no “policy statement” per se stating that CGS would only use the products of this one company within its city limits. I suspected that was because such a “policy” would violate major trade laws. As such, product literature could NOT be considered “policy”.**

“Policies” could NOT be considered “immune from the law” if they violated the law!

“Policies” that violated the law MUST be removed from “policy documentation”!

Gross Negligence...

A Closer Look At “Policies” Within CGS...

- p. 148 – This was again an example of “policy and marketing” mixed as one. This email/”policy” had to do with tankless water heaters. Only 2 brand names were provided stating that these were “the only brands of tankless water heaters which we have info on”. This was in 2006. It could again be argued that this would put any other vendors at a disadvantage to not be “part of policies” and as such “not promoted” by CGS along with “the privileged”. Once again, outdated materials (2006) had far reaching impacts – this time – on vendors! Specific brand names should not be included in “policy” unless the city had a “policy” specific to that brand.**

Gross Negligence...

A Closer Look At “Policies” Within CGS...

- **pgs. 187-189 – Appendix I – Applicable Law Checklist. As useful as this information could be to “front lines personnel”, it was not included in “methods and procedures” in spite of stating “For use by Principal Authority”. A date and signature of applicant was required but this form was NOT provided to permit applicants such as ourselves. As such, who completed it? The fact that this was in “policies” as opposed to “methods and procedures” perhaps explained a WHOLE LOT in terms of “errors and/or omissions” by CGS Building Services personnel.**

When we requested a copy of our file, we did not receive any such documentation.

Gross Negligence...

A Closer Look At “Policies” Within CGS...

- **pgs. 190-193 – Document Submission Checklist – Again, we had the same issue here. We were never asked to complete this form nor were we ever given a copy of it when we requested a copy of our file. As such, we had no way of knowing if such records were even completed in our case. Whose duty was it to complete such forms?**

Given these forms were part of CGS “policies” why were they not followed under “procedures”? Had they been followed, surely it would not have taken 10+ years for the CGS to realize trailer parks fell under the jurisdiction of the MOE, etc. At no time when requesting a building permit were applicants such as ourselves asked to complete Appendix “I” and “J”.

Gross Negligence...

A Closer Look At “Policies” Within CGS...

- pgs. 190-193 (Cont.) – Note also a most critical point as it related to “truss layout” in Appendix “J” on p. 192 under “structural”:
“Roof truss layout and P. Eng sealed shop drawings”. Did this mean that truss layouts had to be sealed or not? This did not state: “sealed roof truss layout” – perhaps because the OBC did not require the truss layout or placement guide be sealed. Was it implied that this phrase meant to say the placement guide had to be sealed since it was on the same line item? Most confusing indeed!**

Gross Negligence...

A Closer Look At “Policies” Within CGS...

- **pgs. 190-193 (Cont.) - It could be argued that by NOT having a “policy” specifically stating that truss layouts had to be sealed, the CGS/municipality had accepted the risks associated with accepting truss placement guides/layouts that were NOT sealed!!!**

On the other hand, if it was “policy” to have the truss placement guide sealed, by accepting a truss placement guide that was NOT sealed – as in our case – CGS would have violated its own “policy”!

For the CGS, there would be no “good answer” to this issue of the truss placement guide and whether or not it had to be sealed!

Gross Negligence...

A Closer Look At “Policies” Within CGS...

- pgs. 161 – 216 – These pages constituted various “Appendices” – labeled “A” through “M”. Although documents that could certainly be “useful” in daily implementation (i.e., “procedures”), most of these were not dated. There was no indication as to when they were created for anyone referring to these forms as “policy” and as such, their accuracy, timeliness, etc. could not be easily assessed. Most of these documents were found only in “policies” and were not included in “procedures” documentation we had been provided via the FOI process. As I read through these, once again, I could not help but ask why these documents had not been included in “procedures”?**

Gross Negligence...

A Closer Look At “Policies” Within CGS...

• pgs. 213-217 – Qualifications for Designers – In our case, CGS outright violated its own “policy” and the OBC by forcing us to go to a BCIN designer to design our house. We had already done the floor plan and wanted to simply take it to CGS. However, when we called in, we were told the CGS would insist on something from a BCIN designer. We, therefore, went to a BCIN designer – arguing with him over the copyright – in writing – because we had designed the floor plan.

The OBC and CGS “policy” both stated we did NOT need a “qualified designer” since we were the homeowners. In my opinion, this was one “policy” violation CGS would come to regret as the structural errors in our home were the direct result of this violation of their own “policy” and the OBC.

Going to a “province qualified” BCIN Designer – for our family – only resulted in the adding of numerous errors to our plan - leading to a whole lot of wasted time and tremendous stress!

http://www.mah.gov.on.ca/Page8593.aspx

View Favorites Tools Help

You are here > [Home](#) > [Your Ministry](#) > [Ontario Building Code](#) > [Qualification & Registration](#) > [Frequently Asked Questions](#) > Designer Qualification and Registration

Your Ministry ▾

- ▶ Local Government
- ▶ Ontario Municipal Program Guide
- ▶ Municipal Service Offices
- ▶ Land Use Planning
- ▶ Housing
- ▼ Ontario Building Code
- ▶ Hot Topics
- ▶ Technical Matters
- ▶ **Qualification & Registration**
- ▶ CodeNews
- ▶ Training
- ▶ News & Events
- ▶ Publications
- ▶ Contact
- ▶ What's New

Explore Government >

Contacts ▾

- ▶ ServiceOntario Centres
- ▶ Contact Us
- ▶ Telephone Directory



Building Regulation

Designer Qualification and Registration [Email this page](#)

When must a designer be qualified / registered under the Building Code?

In general, designers other than professional engineers and architects that engage in the following “design activities” are required to meet the qualification/registration requirements under the Building Code:

- Preparing a design as part of a building permit application;
- Giving information or an opinion concerning whether a building or part of a building complies with the Building Code if the information or opinion is to be submitted to a chief building official in connection with a building permit application; and
- Preparing a written report for submission to the chief building official based on a general review, where a general review is required by the Building Code.

Qualification/registration applies to a designer’s area of practice.

Note: For Qs and As relating to professional engineers and architects, see [Questions and Answers - PEO - Hot Topics](#)

What are the “areas of practice” for designers?

The “areas of practice” for a designer are the types of buildings or systems for which the designer undertakes design activities. Table 3.5.2.1. of Division C of the Building Code sets out the classes of registration and categories of qualification for building practitioners, including designers, that correspond to a type of building or “area of practice”.

Source: Ministry of Municipal Affairs and Housing Website, downloaded June 15, 2012, <http://www.mah.gov.on.ca/Page8593.aspx>

Going to a “province qualified” BCIN Designer – for our family – only resulted in the adding of numerous errors to our plan - leading to a whole lot of wasted time and tremendous stress!

http://www.mah.gov.on.ca/Page8595.aspx

Administration ...

View Favorites Tools Help

- ▶ Ontario Municipal Program Guide
- ▶ Municipal Service Offices
- ▶ Land Use Planning
- ▶ Housing
- ▼ Ontario Building Code
 - ▶ Hot Topics
 - ▶ Technical Matters
 - ▶ Qualification & Registration
 - ▶ CodeNews
 - ▶ Training
 - ▶ Appeals & Approvals
 - ▶ Publications
 - ▶ Contact
 - ▶ The Learning Centre
- ▶ Explore Government
- ▼ Contacts

Building Regulation

Administration of Designer Requirements [Email this page](#)

Who is responsible for ensuring that building practitioners are appropriately qualified and/or registered?

Ultimately, it is the role of the individual or firm to be appropriately qualified / registered. As part of completing the building permit application form, designers must provide their qualification information and are therefore accountable for the information they provide.

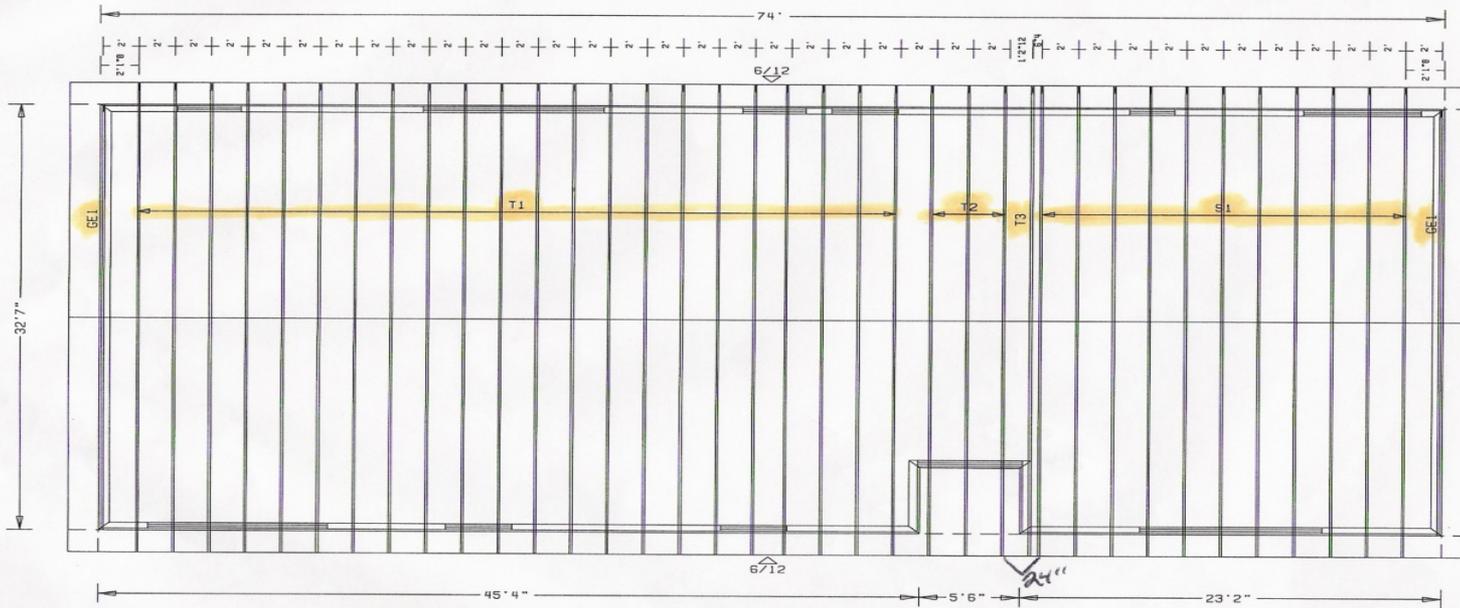
Municipalities are responsible for assessing building permit applications for completion, including ensuring that the designers listed on the application have the necessary qualifications, and if required have insurance and are registered with the province.

Municipalities are also responsible for enforcing the *Building Code Act, 1992* and Building Code, including reviewing building permit applications for compliance with the Building Code.

The Ministry of Municipal Affairs and Housing administers the Building Code examinations necessary for building practitioners to be qualified. The Ministry is also responsible for accepting filed qualification information, as well as approving, renewing, suspending and revoking the registration of designers and registered code agencies.

Source: Ministry of Municipal Affairs and Housing Website, downloaded June 15, 2012, <http://www.mah.gov.on.ca/Page8593.aspx>

The only thing that appeared on our truss placement guide was “Designed By: Marc Levasseur, Job No.:ML08218R ”



ALL LINTELS ARE TO BE 5.5"x9.5" GLULAM MATERIAL

Roof Plane Sheathing Area = 3105 sq. Ft
 Gable Sheathing Area = 309 sq. Ft
 Total Sheathing Area = 3415 sq. Ft
 Fascia Material = 235 linear Ft
 Ridge Cap Material = 77 linear Ft
 Total Truss Quantity = 39
 Heel Height = 12"
 Overhang = 20"
 Cantilever = 1 1/2"
 LSD Loading = 52.2 / 8.4

THIS DRAWING IS A PLACEMENT GUIDE ONLY.
 CONFIRMATION OF ALL DIMENSIONS, QUANTITIES,
 LENGTHS & DETAILS REMAIN THE RESPONSIBILITY
 OF THE PERSON(S) INSTALLING THE ROOF SYSTEM.
 ALL TRUSS DIMENSIONING IS TO THE CENTER,
 UNLESS STATED OTHERWISE.
 GARDEN RIVER TRUSS CO. INC.

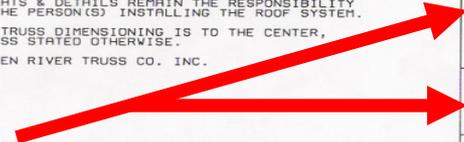
JOB LOCATION:
 SALO RD., NAIRN CENTRE, ON

JOB DESCRIPTION:
 FRED & JEANNE BROHART

DESIGNED BY:
 MARC G. LEVASSEUR

JOB NO:
 ML08218R

PAGE NO:
 1 OF 1



Source: Truss Placement Guide submitted by BCIN designer, Marc Levasseur (not an engineer) to CGS as part of our truss package.

Going to a “province qualified” BCIN Designer – for our family – only resulted in the adding of numerous errors to our plan - leading to a whole lot of wasted time and tremendous stress!

The screenshot shows a web browser window with the URL <http://www.mah.gov.on.ca/Page8595.aspx>. The browser's address bar and navigation icons are visible at the top. Below the address bar, there are navigation links: View, Favorites, Tools, and Help. The main content area is divided into several sections. On the left, there is a vertical menu with links: Contact Us, Telephone Directory, MPPs, and Virtual Reading Room. Below this menu is a 'Features' section with a dropdown arrow. Further down, there is a 'Municipal Gazette' section with a 'Read Municipal Gazette' link and an RSS icon with the text 'Subscribe to RSS Feeds'. On the right side of the page, there is a large heading: 'How does a qualified and registered designer indicate responsibility for their design activities?'. Below this heading, there is a paragraph of text: 'The Building Code requires that qualified and registered designers who review and take responsibility for design activities include the following information on any documents submitted to a chief building official or registered code agency:'. Below this paragraph, there is a list of four bullet points: 'The name and Building Code Identification Number (BCIN) of the registered firm;', 'A statement that the qualified person has reviewed and taken responsibility for the design activities;', 'The name and BCIN of the qualified person; and', and 'The signature of the qualified person.'. At the bottom of the page, there is a paragraph: 'The provincial common building permit application form includes fields in which the above information can be included.'. Red arrows point from the annotations on the right to the corresponding elements on the page.

View Favorites Tools Help

▶ Contact Us

▶ Telephone Directory

▶ MPPs

▶ Virtual Reading Room

Features

Municipal Gazette

Read Municipal Gazette

Subscribe to RSS Feeds

How does a qualified and registered designer indicate responsibility for their design activities?

The Building Code requires that qualified and registered designers who review and take responsibility for design activities include the following information on any documents submitted to a chief building official or registered code agency:

- The name and Building Code Identification Number (BCIN) of the registered firm;
- A statement that the qualified person has reviewed and taken responsibility for the design activities;
- The name and BCIN of the qualified person; and
- The signature of the qualified person.

The provincial common building permit application form includes fields in which the above information can be included.

Source: Ministry of Municipal Affairs and Housing Website, downloaded June 15, 2012, <http://www.mah.gov.on.ca/Page8593.aspx>

**Homeowners Can Confirm BCIN Qualifications At Ministry of
Municipal Affairs And Housing Public Search Register entitled
“QUARTS” At:**

<https://cscroutemah.gov.on.ca/quarts/searchPre.do?from=loginPage>

**Source: Ministry of Municipal Affairs and Housing Website, downloaded June 15, 2012,
<http://www.mah.gov.on.ca/Page8593.aspx>**

Going To A BCIN Designer – for our family – only resulted in the adding of numerous errors to our plan - leading to a whole lot of wasted time and tremendous stress!

The screenshot shows an email interface with a Microsoft Excel spreadsheet open. The email is from Marc Levasseur to Jeanne Brohart, dated Oct 6, 2008. The Excel spreadsheet is titled "Copy of Notes to Marc - final phase [Protected View] - Microsoft Excel" and contains the following text:

Copyright notation... I designed this floor plan and I really don't want anyone else using it... I appreciate the changes you tried to make but I really not using any of them due to practicality for our family or due to health issues, lifestyle, etc. I just want to make sure no one else has access to my design without my written consent. I guess I don't understand why this would fall under your copyright since you did not design plan - just drafted it based on everything I provided.

As per O.B.C., these plans are for your site only and if someone was to use these plans somewhere else with my B.C.I.N. on them without my written permission I would be forced to use legal actions against them. Your floor plan is too customized for your need and I would doubt very much that I would be in a position to re-sell this plan, your house is too big for a standard 50' x 100' Lot.

JRB Marc, even if I had the copyright, I wouldn't sell this plan to anyone and would gladly give you that in writing. I just don't think my design should potentially be for sale at any time in the future. I think with the aging population and its many challenges, more and more are going to be looking to one floor plans. The standard lot may be 50' x 100' in Sudbury... but in Arizona, Florida... all the retirement places, things are basically on slabs and more and more they are built to meet the needs of a quickly aging population where the "sandwich generation" (that's us) are all too often needing to care for aging parents as well as children who may be very so... although my plan - to you - seems very specific to my needs right now... actually... more families are having to plan for the same

Source: Email dated Oct 6, 2008 to Marc Levasseur in which I argued over copyright since as a BCIN designer, he needed to add basically only walls and a roof to the floor plan – and even that was not done properly – catapulting our family into a total nightmare – for years.

Going To A BCIN Designer – for our family – only resulted in the adding of numerous errors to our plan - leading to a whole lot of wasted time and tremendous stress!

The screenshot shows a web browser window with a Hotmail account. The email subject is "(No Subject)" and it is from Marc Levasseur to Jeanne Brohart. The email content is partially visible, showing a discussion about copyright and legal issues. A Microsoft Excel spreadsheet is overlaid on the email, displaying the following text:

Copy of Notes to Marc - final phase [Protected View] - Microsoft Excel

Protected View This file originated from an Internet location and might be unsafe. Click for more details. Enable Editing

B32 DONE.

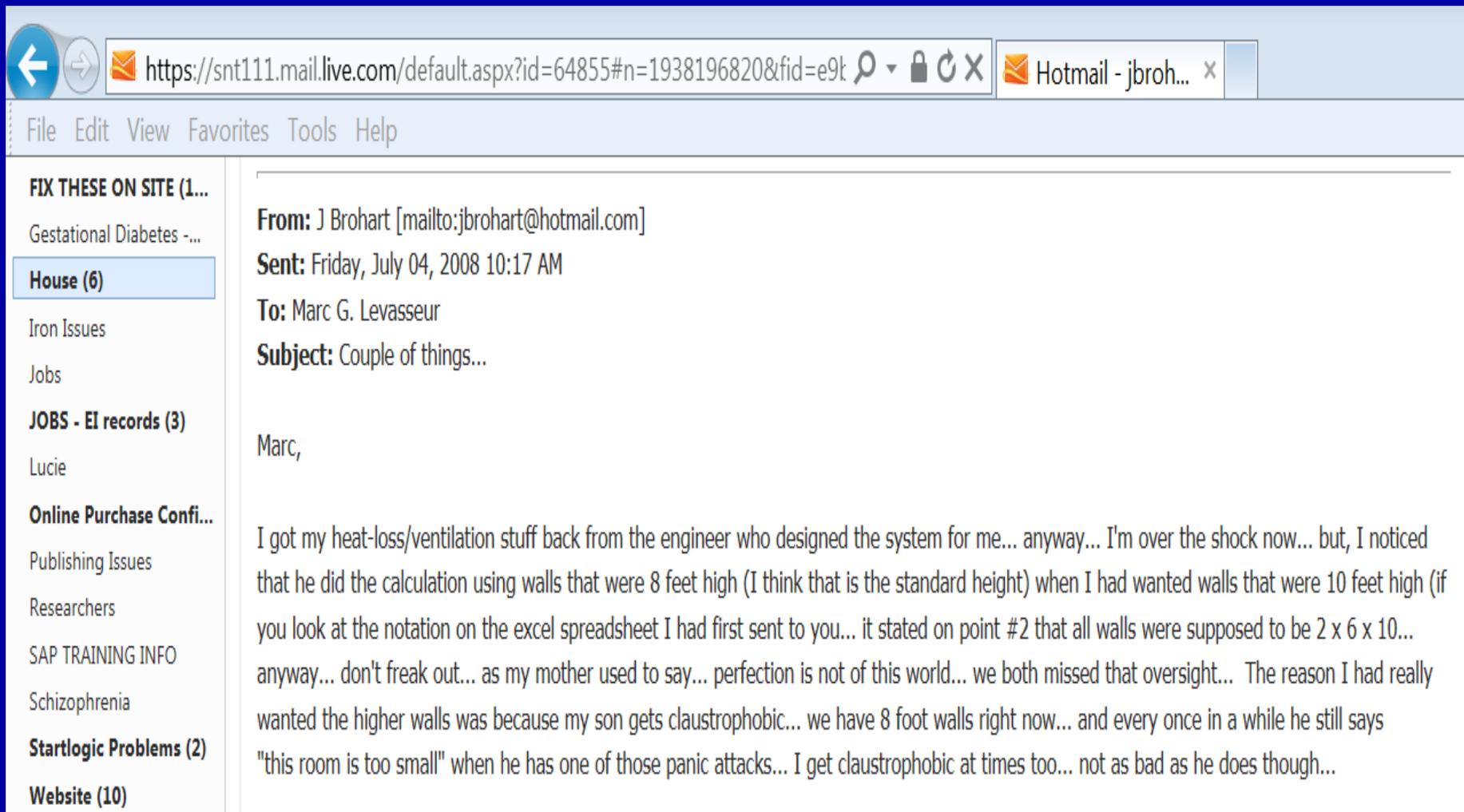
	A	B
		Do you know that diabetes skyrockets your chances for Alzheimer's?... anyway... with diabetes... comes blindness... and one floor is much better for those folks too. We could talk a long time on those - very related - issues. :o) Let me ask you this... when it comes to design copyrights... if someone was to take my design and "just shrink it"... does that make it a "new design"? How much of it needs to be changed to allow someone else to say "this is my design"? I know it isn't a patent but is a house plan copyright more like a "utility patent" or "design patent"? Not sure if you understand what I'm getting at or are familiar with those terms... in a "utility patent", it is the way something is used that is patented - so... even if the design is slightly changed - that doesn't matter... the patent holder is still protected. In a design patent, minor changes allow for a new patent to be issued. So.. is that how design copyrights work for house plans... are they more like "design patents" where just a few changes or a scale change makes it "a new plan"?
217		I used to work for attorneys in Chicago... way back... and I'm still always interested in the legal side of things. :o)
218		
219		
	Marc	BY LAW I HAVE TO KEEP YOUR FILE FOR 7 YEARS, THE B.C.I.N. IS AN ERRORS AND OMISSIONS INSURANCE. IF ALL YOU WANT IS A LETTER SAYING I WILL NEVER SELL THE PLANS, THAT'S NOT A PROBLEM BECAUSE AS MENTIONED YOUR PLAN DOES NOT APPEAL TO MY REGULAR CLIENTELE
220		

Source: Email dated Oct 6, 2008 to Marc Levasseur in which I argued over copyright since as a BCIN designer, he needed to add basically only walls and a roof to the floor plan – and even that was not done properly – catapulting our family into a total nightmare – for years.

Going To A BCIN Designer – for our family – only resulted in the adding of numerous errors to our plan - leading to a whole lot of stress!

1.	We were given the wrong truss for the exterior wall next to our cathedral ceiling
2.	The floor space provided by Marc Levasseur did not have the proper spacing we requested for our huge hand-made oak dressers
3.	We had originally requested 10 foot walls since our son is claustrophobic – and only later (when in floor heating system was designed by an engineer) did we realize Marc had only included 8 foot walls
4.	There were no lintels provided in the 10 foot foyer area between the front door and utility room – luckily – we realized that when framing and added it in to prevent the ceiling from sagging in this area.
5.	We were given a plan including footings – something that is not required when building on bedrock – in spite of having informed our BCIN designer that we were building on solid bedrock – that cost us thousands more in cement, a small fortune in lumber to frame the footings – and about a month more to “scribe the rock” to accommodate the larger footings. We should have had a plan allowing only a 6 – 10” foundation wall anchored directly into the bedrock – with no footing whatsoever since bedrock was stronger than anything a footing could provide anyway.

Going To A BCIN Designer – for our family – only resulted in the adding of numerous errors to our plan - leading to a whole lot of stress!



← → https://snt111.mail.live.com/default.aspx?id=64855#n=1938196820&fid=e9t 🔍 🔒 ↻ ✕ Hotmail - jbroh... x

File Edit View Favorites Tools Help

FIX THESE ON SITE (1...
Gestational Diabetes -...

House (6)

Iron Issues
Jobs

JOBS - EI records (3)
Lucie

Online Purchase Confi...
Publishing Issues
Researchers
SAP TRAINING INFO
Schizophrenia

Startlogic Problems (2)

Website (10)

From: J Brohart [mailto:jbrohart@hotmail.com]
Sent: Friday, July 04, 2008 10:17 AM
To: Marc G. Levasseur
Subject: Couple of things...

Marc,

I got my heat-loss/ventilation stuff back from the engineer who designed the system for me... anyway... I'm over the shock now... but, I noticed that he did the calculation using walls that were 8 feet high (I think that is the standard height) when I had wanted walls that were 10 feet high (if you look at the notation on the excel spreadsheet I had first sent to you... it stated on point #2 that all walls were supposed to be 2 x 6 x 10... anyway... don't freak out... as my mother used to say... perfection is not of this world... we both missed that oversight... The reason I had really wanted the higher walls was because my son gets claustrophobic... we have 8 foot walls right now... and every once in a while he still says "this room is too small" when he has one of those panic attacks... I get claustrophobic at times too... not as bad as he does though...

Source: Email dated July 4, 2008 to Marc Levasseur in which I informed him wall heights were not what we had requested for our claustrophobic autistic son.

Going To A BCIN Designer – for our family – only resulted in the adding of numerous errors to our plan - leading to a whole lot of wasted time and tremendous stress!

The screenshot shows an email interface with a Microsoft Excel spreadsheet embedded. The spreadsheet content is as follows:

	A	B
2		Inside doors should all be 36" doors. I want this house to be very wheelchair accessible and so I want largest doors I can put in easily enough. The 26", 30" and 32" doors are too small... please make them 36" doors throughout the house. I'll forgo the extra rod/shelf behind the door in the master bedroom closet for the bigger door. The only door I'd consider as a 30" door would be for the linen closet in the bathroom... I designed this house so that there are no "colliding doors"... and my original plan, I believe, had allocated plenty of room for all inside doors to be 36". So... please move the master closet door so that it opens against the wall as I originally had it and remove that 3 feet of rod/shelving behind the door so that it opens against that closet wall. You'll also need to change the door from the master bedroom to the master bath to the way I had it originally. I only want a one sink vanity in that area of the bathroom (with add'l pedestal sink on other wall) and so, that leaves plenty of room for door to open against the wall of the master closet as I originally had it.
82		I spent many hours on the door issue... and small doors would be too much of a pain... especially when you need to get around someone who is in a wheelchair and in a doorway... I also have very huge furniture... my dressers are 5 feet high by 6 feet long and 22" deep... solid oak... hand made by the Amish in Iowa... and they take some space to move around... so... doors is something I am very particular about, too. By moving the master bathroom door, you did away with a six foot area to the left of the door which I will require for furniture that is exactly 6 feet long... not something you would know about... but, I planned this house for my furniture too... so... that master bath door from the bedroom needs to open right against that closet wall as I originally had it. I also took care of my mother before she died of cancer... and door size was a huge issue -

Source: Email dated Oct 6, 2008 to Marc Levasseur in which I argued over door sizes, placement, and furniture considerations that had to be taken into consideration on floor plan.

Going To A BCIN Designer – for our family – only resulted in the adding of numerous errors to our plan - leading to a whole lot of wasted time and tremendous stress!

snt111.mail.live.com/default.aspx?id=64855#n=1938196820&fid=e9t

Hotmail (36) Messenger (0) SkyDrive | MSN

J Brohart

profile | sign out

Options ?

(No Subject) Back to messages

Marc Levasseur Documents | 10/06/2008

To Jeanne Brohart

Copy of Notes to Marc - final phase [Protected View] - Microsoft Excel

File Home Insert Page Layout Formulas Data Review View Add-Ins

Protected View This file originated from an Internet location and might be unsafe. Click for more details. Enable Editing

B32 DONE.

	A	B
84	Marc	
85		
86	JRB	I THINK I MIGHT BE MISSING 1/2" TO THE LEFT OF THE MASTER BATH DOOR IN ORDER TO HAVE 6 FEET THERE. (FROM WHERE THE DOOR OPENS TO THAT OUTSIDE WALL). MY FURNITURE NEEDS TO GO THERE... SO... IS THAT JUST A FRAMING ISSUE OR SOMETHING WE NEED TO MAKE SURE IS THERE? WE CAN TAKE THE 1/2" FROM THE CLOSET AREA IF NEED BE... IF JUST AN ISSUE FOR FRAMERS... WE CAN LEAVE IT AS IS AND I'LL JUST MAKE SURE I HAVE 6 FEET TO THE LEFT OF THE MASTER BATHROOM DOOR.
87	Marc	GIVE PROPER DIMENSION TO YOUR FRAMER SO HE CAN ALLOW FOR THE DRESSER INCLUDING DOOR CASING.

Marc G. Levasseur Registered Designer M.G.L. Drafting

Source: Email dated Oct 6, 2008 to Marc Levasseur in which I argued over door sizes, placement, and furniture considerations that had to be taken into consideration on floor plan.

Going To A BCIN Designer – for our family – only resulted in the adding of numerous errors to our plan - leading to a whole lot of wasted time and tremendous stress!

Had our designer taken the time to really look at the foundation and floor plan, he would have realized I was correct – the house and its foundation were off by 6 inches. This was not a “framing issue”. I was missing 6 inches for my huge dressers – which thanks to our BCIN designer, I can not properly place in our bedroom – hand made solid oak furniture for which I had spent thousands – 15 years ago. I had waited 2 years for those dressers to be made (from time ordered to time ready) – and now, I couldn’t even have them the way I wanted them in my bedroom in spite of having raised this issue of very specific furniture spacing being needed several times with our designer – and he still got it wrong! The designer had infiltrated error after error into our floor plan.

Gross Negligence...
A Closer Look At “Policies” Within CGS...

Thus, for our family, having been forced by CGS to go to a BCIN designer – instead of CGS allowing us to design our own house and accept our design/floor plan – as the OBC allowed – had been a total waste of our time and had propelled our family into the eye of a building scandal and nightmare we could never have imagined.

Gross Negligence...

A Closer Look At “Policies” Within CGS...

Also note that “referenced materials” – even here – were most outdated and referred persons to the 1997 OBC instead of having policies updated to reflect the new 2006 OBC and/or Act.

- p. 220 – This was another example of “policies” that were “just notes” – hand written not referencing any issues, no date, no name, no intended audience, etc. If this TRULY constituted “policy”, CGS residents were in SERIOUS trouble!**

Gross Negligence...

A Closer Look At “Policies” Within CGS...

If “emails” constituted “policies” and/or “methods and procedures”, then why did CGS not provide us with ALL correspondence when we requested “methods and procedures” and “policies” for CGS Building Services!

Why were we just provided “a flavor”... and a nasty one at that?

In our opinion, what we had been provided via FOI as “policies”, “methods and procedures” did NOT constitute such documentation... not by a long shot!

Structural Engineering...

“Structural engineering is concerned with the structural design and structural analysis of buildings, bridges, towers, flyovers, tunnels, off shore structures like oil and gas fields in the sea, and other structures. This involves identifying the loads which act upon a structure and the forces and stresses which arise within that structure due to those loads, and then designing the structure to successfully support and resist those loads. The loads can be self weight of the structures, other dead load, live loads, moving (wheel) load, wind load, earthquake load, load from temperature change etc. The structural engineer must design structures to be safe for their users and to successfully fulfill the function they are designed for (to be serviceable).”

Continued...

“Due to the nature of some loading conditions, sub-disciplines within structural engineering have emerged, including wind engineering and earthquake engineering.

Design considerations will include strength, stiffness, and stability of the structure when subjected to loads which may be static, such as furniture or self-weight, or dynamic, such as wind, seismic, crowd or vehicle loads, or transitory, such as temporary construction loads or impact. Other considerations include cost, constructability, safety, aesthetics and sustainability.”

**Source: Civil Engineering, Wikipedia,
http://en.wikipedia.org/wiki/Civil_engineering , downloaded
December 31, 2009,**

Province of Ontario Engineering Code of Ethics

“Section 77 of Regulation 941 states that "it is the **duty** of a practitioner **to the public**, to the practitioner's employer, to the practitioner's clients, to other licensed engineers of the practitioner's profession, and to the practitioner to act at all times with,

- i. fairness and loyalty to the practitioner's associates, employers, clients, subordinates and employees,**
- ii. fidelity to public needs,**
- iii. devotion to high ideals of personal honour and professional integrity,**

Source: Province of Ontario, Code of Ethics for Professional Engineers, http://www.peo.on.ca/Ethics/code_of_ethics.html, downloaded December 31, 2009

Province of Ontario Engineering Code of Ethics

iv. knowledge of developments in the area of professional engineering relevant to any services that are undertaken, [Von Mises stress have been documented since at least 1913!] and

v. competence in the performance of any professional engineering services that are undertaken. [the issue had been missed for 9 years and gone on “unchecked” with no effort made to stop further incidents or provide “correct fixes”!] [emphasis added]

Source: Province of Ontario, Code of Ethics for Professional Engineers, http://www.peo.on.ca/Ethics/code_of_ethics.html, downloaded December 31, 2009

Province of Ontario Engineering Code of Ethics

“Through the Code of Ethics, professional engineers have a clearly defined duty to society, which is to regard the **duty to public welfare as paramount, above their duties to clients or employers”**
[emphasis added]

Source: Province of Ontario, Code of Ethics for Professional Engineers,
http://www.peo.on.ca/Ethics/code_of_ethics.html, downloaded December 31, 2009

Since that “duty to the public is paramount”, should an engineer – or a Chief Building Official - not at least make sure our buildings are “to code” since it states: **“The Code is essentially a set of MINIMUM provisions respecting the safety of buildings with reference to public health,, fire, protection, accessibility and STRUCTURAL SUFFICIENCY”**. [emphasis added]

Source: 2006 Ontario Building Code Act, Preface, Volume 1, p. 1.

**The Professional Engineers Act of Ontario...
CHIEF BUILDING OFFICER – GUIDO MAZZA
Guilty of Professional Misconduct?**

The PEO Act States In Section 72 (1) and 72(2):

“negligence” means an act or an omission in the carrying out of the work of a practitioner that constitutes a failure to maintain the standards that a reasonable and prudent practitioner would maintain in the circumstances. R.R.O. 1990, Reg. 941, s. 72 (1); O. Reg. 657/00, s. 1 (1).

(2) For the purposes of the Act and this Regulation, “professional misconduct” means,

(a) negligence,

Continued...

The Professional Engineers Act of Ontario...
CHIEF BUILDING OFFICER – GUIDO MAZZA
Guilty of Professional Misconduct?

The PEO Act States In Section 72 (1) and 72(2):

“negligence” means an act or an omission in the carrying out of the work of a practitioner that constitutes a failure to maintain the standards that a reasonable and prudent practitioner would maintain in the circumstances. R.R.O. 1990, Reg. 941, s. 72 (1); O. Reg. 657/00, s. 1 (1).

(2) For the purposes of the Act and this Regulation, “professional misconduct” means,

(a) negligence,

Continued...

The Professional Engineers Act of Ontario...
CHIEF BUILDING OFFICER – GUIDO MAZZA
Guilty of Professional Misconduct?

(b) failure to make reasonable provision for the safeguarding of life, health or property of a person who may be affected by the work for which the practitioner is responsible,

(c) failure to act to correct or report a situation that the practitioner believes may endanger the safety or the welfare of the public,

Continued...

Source: PEO Act, R.R.O. 1990, REGULATION 941, Section 72, Downloaded March 6, 2010, http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_900941_e.htm

**The Professional Engineers Act of Ontario...
CHIEF BUILDING OFFICER – GUIDO MAZZA
Guilty of Professional Misconduct?**

(d) failure to make responsible provision for complying with applicable statutes, regulations, standards, codes, by-laws and rules in connection with work being undertaken by or under the responsibility of the practitioner,

(f) failure of a practitioner to present clearly to the practitioner's employer the consequences to be expected from a deviation proposed in work, if the professional engineering judgment of the practitioner is overruled by non-technical authority in cases where the practitioner is responsible for the technical adequacy of professional engineering work,

Continued...

The Professional Engineers Act of Ontario...
CHIEF BUILDING OFFICER – GUIDO MAZZA
Guilty of Professional Misconduct?

(g) breach of the Act or regulations, other than an action that is solely a breach of the code of ethics,

(j) conduct or an act relevant to the practice of professional engineering that, having regard to all the circumstances, would reasonably be regarded by the engineering profession as disgraceful, dishonourable or unprofessional,

(k) failure by a practitioner to abide by the terms, conditions or limitations of the practitioner's licence, provisional licence, limited licence, temporary licence or certificate..."

Continued...

The Professional Engineers Act of Ontario...
CHIEF BUILDING OFFICER – GUIDO MAZZA
Guilty of Professional Misconduct?

(m) permitting, counselling or assisting a person who is not a practitioner to engage in the practice of professional engineering except as provided for in the Act or the regulations,

Source: PEO Act, R.R.O. 1990, REGULATION 941, Section 72, Downloaded March 6, 2010, http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_900941_e.htm

**Canadian Bill of Rights , R.S.C. 1985, Appendix III
An Act for the Recognition and Protection of Human Rights and
Fundamental Freedoms [S.C. 1960, c.44]
PART I, BILL OF RIGHTS**

1. It is hereby recognized and declared that in Canada there have existed and shall continue to exist without discrimination by reason of race, national origin, colour, religion or sex, the following human rights and fundamental freedoms, namely,

(a) the right of the individual to life, liberty, security of the person and enjoyment of property and the right not to be deprived thereof except by due process of law;

(b) the right of the individual to equality before the law and the protection of the law;

Source: Canadian Bill of Rights, downloaded January 3, 2010,

<http://www.efc.ca/pages/law/canada/BillofRights.html>

Canadian Bill of Rights ... CGS City Council... CGS Building Services... and Breach of Trust!!!

http://www.city.greatersudbury.on.ca/cms/index.cfm?app=div_buildingservices&lang=en

View Favorites Tools Help

city of greater sudbury bu Search

Suggested Sites Web Slice Gallery

Services

Greater Grand Sudbury

All City Services

Residents Business Visitors City Hall Search

Home > All City Services > Building Services

Building Services

We provide an efficient system of building permit approvals which minimize hazards to persons and property by ensuring construction within the City of Greater Sudbury adheres to provincial and municipal regulations.

Through inspections, Building Services ensures that projects are designed and constructed in accordance with the terms and conditions of applicable municipal and legislative requirements. This section issues building, plumbing, demolition, occupancy and other permits governed by the Ontario Building Code.

Source: City of Greater Sudbury Website, downloaded Dec. 26, 2010.

http://www.city.greatersudbury.on.ca/cms/index.cfm?app=div_buildingservices&lang=en

This is to inform you that for the past 9 years, it appears the City of Greater Sudbury Building Services has:

- 1. Been issuing building permits for buildings that do not comply with the Ontario Building Code – hundreds of buildings may be involved!**
- 2. Had only 1 in 10 BCIN inspectors even catch the issue of non-code compliance as it relates to continuity of studs for the full storey height (section 9.23.10.4 of OBC) and that 1 inspector then provided a “fix” that was quite clearly not in his area of expertise and as such, may have been a violation of the OBC Act as it relates to Misrepresentation of Qualifications and of the Engineering Act of Ontario. As such, when this type of framing comes into play, there appears to be a 100% failure rate in terms of addressing matters of public safety as they relate to matters of structural integrity such as in our case.**

This is to inform you that for the past 9 years, it appears the City of Greater Sudbury Building Services has:

- 3. Given “different fixes” to different people in spite of the fact that the buildings were all “framed the same”.**
- 4. BCIN certified Building Inspectors, Manager(s) of Code Compliance, Plans Examiner(s), and Chief Building Officer who have not caught the issue and/or if they did - allowed it to continue for at least 9 years – playing Russian Roulette with the time, finances, safety and well-being of the residents of Sudbury, Ontario and indeed – of Canada itself – as this spans much farther than “just Sudbury” – as you shall soon see!**

It is our opinion that:

- 1. The Chief Building Official for the City of Greater Sudbury Building Services may have:**
 - a. Violated the Building Code Act and Ontario Building Code**
 - b. Violated the Code of Conduct for the City of Greater Sudbury**
 - c. Violated the Code of Conduct and Engineering Act for Ontario Professional Engineers**
 - d. Greatly failed in his role as the primary OBC and/or Act enforcement officer**

- 2. The Manager of Code Compliance, Plan(s) Reviewer(s), and Building Inspector(s) for the City of Greater Sudbury may have:**
 - a. Violated the Building Code Act and Ontario Building Code**
 - b. Violated the Code of Conduct for the City of Greater Sudbury**
 - c. Violated the Engineering Act of Ontario by acting as “pseudo-engineers”**

It is our opinion that:

- 3. BCIN qualified designer, Marc Levasseur, may have:**
 - a. Violated the Building Code Act and Ontario Building Code**
 - b. Possibly engaged in practices that may constitute Limitation of Trade**

- 4. Engineer (Ontario), Gus Vertolli, and Alpine Systems Corporation (based in Chicago) may have:**
 - a. Violated the Building Code Act and Ontario Building Code**
 - b. Violated the Code of Conduct for Ontario Professional Engineers**
 - c. Violated the Engineering Act of Ontario**

It is our opinion that:

5. All CGS City Council members may have:

- a. Violated the numerous provisions of the OBC and Act by allowing permits to be issued for structures that are “not to code”**
- b. Violated the Municipal Act by not taking into consideration the safety, well-being and interests of the public and failing to ensure accountability and transparency of Sr. Management within the CGS as well as by failing to develop policies and procedures to address OBC and/or Act violations when they are found in the field by building inspectors, as well as by failing to ensure the financial integrity of the municipality**
- c. Violated the Engineering Act of Ontario by allowing non-engineers such as building inspectors to act as “pseudo-engineers” in the recommendation of “fixes” for matters pertaining to the structural integrity of buildings**

It is our opinion that:

5. All CGS City Council members may have:

- d. Violated the Canadian Bill of Rights by not ensuring the right of our family to equality under the law, our right to security of the person and enjoyment of property, and our right not to be deprived thereof except by due process of law.**
- e. Violated the Tarion New Home Warranties Plan Act that guarantees new home owners that the new homes they have purchased are: 1) built according to the OBC and 2) free of major structural defects.**

It is our opinion that:

- 6. Because the City of Greater Sudbury City Council and Building Services did not enforce the Ontario Building Code and Building Code Act and chose not to address these issues:**
 - a. The People of Ontario - and indeed of Canada have - though unknowingly - funded homes that are “not to code” in not only Sudbury, but in all likelihood in Sault Ste Marie, Barrie and other cities in Ontario and on First Nation properties as well via grants and/or provincial and federal funding for First Nation Businesses and Housing!**

The Nightmare Begins...

We had planned on building a simple, one level house...

To our utter disbelief, we found ourselves entangled in a web of what, in our opinion, was the violation of numerous laws including the OBC and OBC Act, the Engineering Act, The Municipal Act, the New Home Warranties Plan Act, with numerous violations at all levels...

... Violations of the law(s) by “qualified designers”, engineers, plans reviewers, truss manufacturers, building inspectors, chief building officer(s) and the top levels of regulatory bodies themselves – at municipal and Provincial levels and in all likelihood at Federal and indeed, International levels – and involving everything from family-owned businesses to multinational corporations!

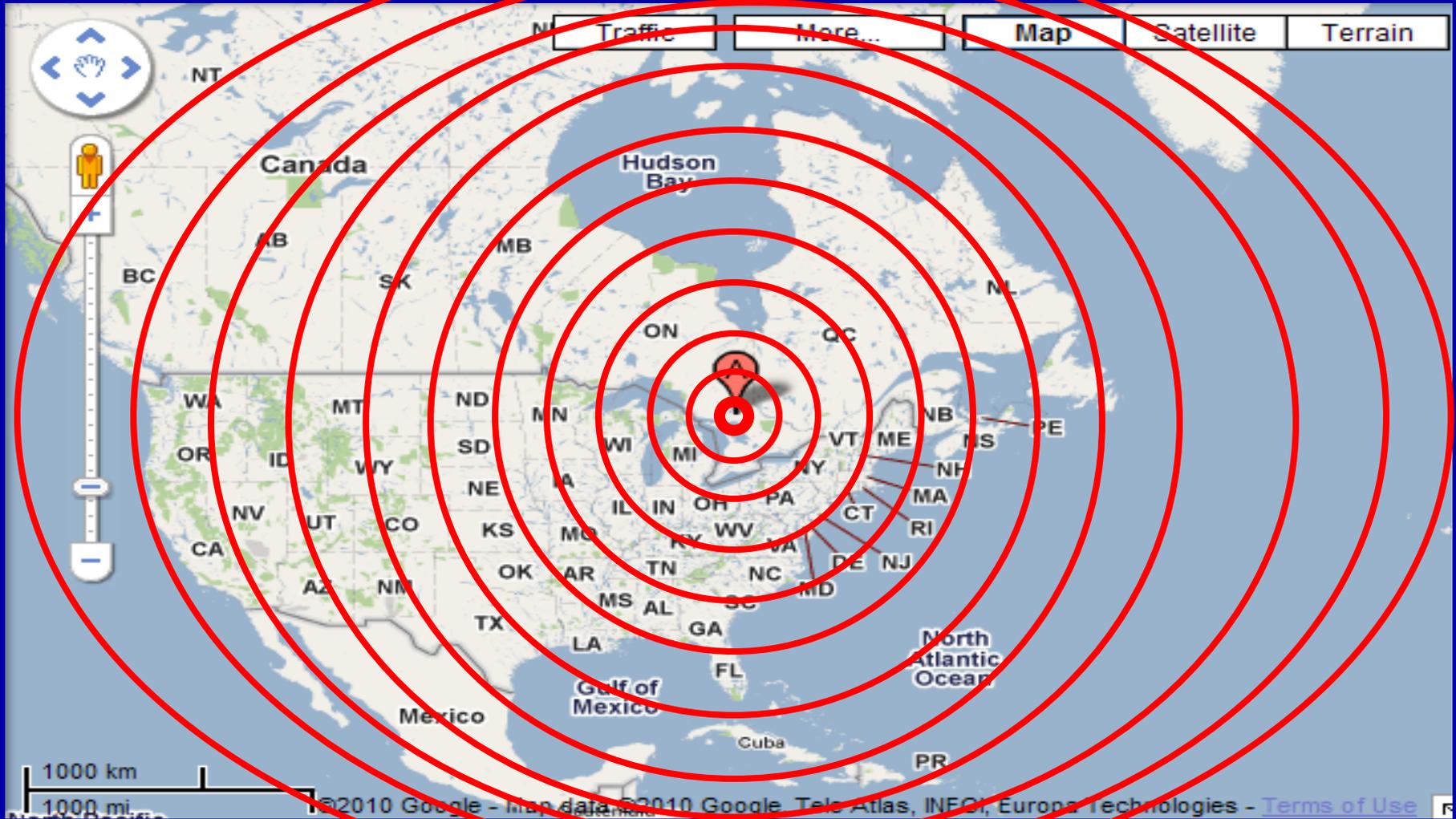
It was - and continues to be - the nightmare with a new twist at every corner.

“The Nightmare Begins...”

Nothing could prepare us for the nightmare on which we were about to embark involving our designer, our truss engineering firm, and the “authority having jurisdiction”!

Nothing could have prepared us for the countless delays, sleepless nights, the stress, the intimidation tactics, the lies, the deceptions and the extensive research that would be required to decipher issues pertaining to the safety of all Canadians and in all likelihood, the safety of the citizens of other countries as well.

“The Epicenter”... The City of Greater Sudbury...



Source: Map (w/o bullseye) by Google Maps, downloaded Apr 5, 2010, <http://maps.google.ca/maps?hl=en&tab=wl>

Important Background Information...

Although the 2006 OBC allowed municipalities to now shift a great deal of liability to Registered Code Agencies (RCAs) – the City of Greater Sudbury did not use RCAs, although, if it did, that would not negate the fact that this situation started 9 years ago – well before the 2006 OBC and/or Act were in place as far as RCAs...

Had the City of Greater Sudbury done its job in the first place with proper operational methods and procedures and plan review and stopped non-code compliant building plans from passing through the system, our situation would not have materialized.

As such, in our opinion, the responsibility and ultimate liability for these issues rests – at least in our situation - to a great extent with the City of Greater Sudbury – among others as will be clearly shown.

On November 20, 2009, I was told by City of Greater Sudbury building inspector, Mike Pilon, that the exterior wall next to my cathedral ceiling was “not to code” and as such, we failed the framing inspection for the new residence we were building at 22 Salo Rd in Whitefish, ON.

At the time, I was told by Mike Pilon – and I quote:

“The fix we accept is that you insert 2x4s @ 4’ O.C. all the way up to the ceiling.”

To confirm “this fix”, see Short Inspection Notice dated November 20, 2009, signed by inspector Mike Pilon under Item number 1 for items NOT approved for framing.

SHORT INSPECTION NOTICE – NOVEMBER 20, 2009



Building Services Section
City of Greater Sudbury
200 Brady Street
Sudbury, Ontario
(705)671-2489 ext. 4278

SHORT INSPECTION NOTICE

Date of: Friday, November 20, 2009

Time: 10:47 am

Permit No.: B08-1658

Location: 22 SALO ROAD

Owner: BROHART, FREDERICK
25, MCLARY

Contractor:

Work Phone: 705 869-5916
home Phone:

Applicant: BROHART, FREDERICK

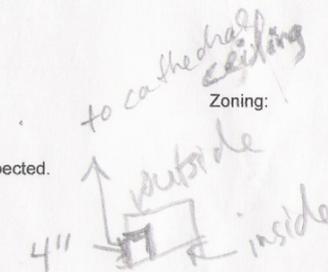
Type of Building: SFD

A(n) Framing inspection was conducted at this site and the following items were inspected.

These items were [NOT] APPROVED.
FOR FRAMING:

1. GABLE END RAKER WALL REQUIRES 2X4 @ 4' O.C. LET INTO MID PLATE
 2. ATTIC ACCESS REQU'D - 2X4 → 2 1/2 x 28 + box on top → use 2x10
 3. ROOF GABLE VENTS TO BE OPENED → after insulation
 4. WEB BRACING TO BE FASTENED TO GABLE ENDS
 5. 10' BOTTOM CHORD BRACING REQU'D FOR CATHEDRAL TRUSSES
 6. WOOD STOVE SPECS REQU'D
- CALL FOR REINSPECTION ONCE RECTIFIED.
DO NOT COVER THESE ITEMS.

brace all walls together



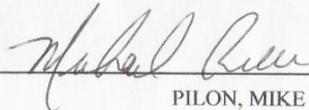
“the fix”
per a
BCIN
“qualified
inspector”

BCIN
“Qualified”
Building
Inspector’s
Signature

If a further explanation is required, contact should be made with the inspector by calling 671-2489 - Ext. 4278 between the hours of 8:30 to 9:00 or 4:00 to 4:30.

November 20, 2009 10:47 am

Date of notice


PILON, MIKE

Printed on: Friday, November 20, 2009 10:51 am

Page 1 of 1

On November 23, 2009, my husband and I wrote an email [all of our correspondence regarding this issue was sent from my husband's email account] to the following persons:

1.Marc Levasseur, d.b.a.: M.G.L. Drafting and Consulting, who had drafted the plans we provided to the City of Greater Sudbury for a building permit. I had already drawn my floor plan but the City of Greater Sudbury told us that they would not accept anything that did not come from a B.C.I.N certified designer.

2.André Guillot of City of Greater Sudbury Building Services – he happened to be on vacation that week – acting in his place was Alfio Mazzuchin who informed me he was the “Acting Code Compliance Officer”

3. Alpine Systems Corporation truss design engineer, Gus Vertolli [I would later receive an email saying there had been a delivery failure and, therefore, I sent a separate email to the President of Alpine Systems, Mr. Lim, asking how I could contact Mr. Vertolli.]

**The email sent November 23, 2009 was entitled:
Failed Framing Inspection. In this email we stated that:**

- 1. We had failed our framing inspection even though our plans were designed by a B.C.I.N. certified designer and our trusses had been designed by a truss engineer certified by the Province of Ontario.**
- 2. Information sent to the City of Greater Sudbury Building Services clearly indicated we were to have 2 gable end (GE) trusses – one at each end of the house – as shown on the truss placement sheet submitted with the truss package and that each gable end truss was to sit on a “CONTINUOUS SUPPORT” as clearly indicated by the truss engineer for Alpine Systems.**
- 3. The City of Greater Sudbury Building Services approved the plans and granted a building permit!**

The Ontario Building Code (O.B.C.) states the following:

9.23.10.4 Continuity of Studs

“(1) wall studs shall be continuous for the full storey height except at openings and shall not be spliced except by fingerjointing with a structural adhesive (See Appendix A.)”

Source: OBC, 2006 Division B, Part 9, section 9.23.10.4, p. 154

Indeed, this issue of “stud continuity” was in the O.B.C. in the 1990 and 1997 versions of the Ontario Building Code also – and – we suspect – perhaps from its inception - in 1976!

1990 was 20 YEARS AGO... thus... this provision of the OBC was certainly “not new”!

1990

9.23.9.9.

storeys unless calculations are provided to show that the allowable design stresses of the cantilevered joists are not exceeded.

(3) Where cantilevered floor joists described in Sentences (1) and (2) are at right angles to the main floor joists, the tail joists in the cantilevered portion shall

- (a) extend inward away from the cantilever support a distance equal to at least 6 times the length of the cantilever, and
- (b) be end nailed to an interior doubled header joist in conformance with Table 9.23.3.A.

9.23.10. Wall Studs

9.23.10.1. Stud Size and Spacing. The size and spacing of studs shall conform to Table 9.23.10.A.

9.23.10.2. Lateral Support. *Loadbearing* studs shall be laterally supported by cladding or blocking.

9.23.10.3. Orientation of Studs

(1) Except as permitted in Sentence (2), all studs shall be placed at right angles to the wall face.

(2) Studs on the flat are permitted to be used in gable ends of roofs that contain only unfinished space or in non-*loadbearing* interior walls within the limits described in Article 9.23.10.1.

(3) Wall studs that support only a load from an *attic* not accessible by a stairway are permitted to be placed on the flat within the limits permitted in Article 9.23.10.1, provided

- (a) the studs are clad on not less than 1 side with plywood, waferboard or strand-board sheathing fastened to the face of the studs with a structural adhesive, and
- (b) the portion of the roof supported by the studs does not exceed 2.1 m (6 ft 11 in) in width.

9.23.10.4. Continuity of Studs. Wall studs shall be continuous for the full *storey* height except at

openings and shall not be spliced except by finger-jointing with a structural adhesive. (See Appendix A.)

9.23.10.5. Support for Cladding Materials

(1) Corners and intersections shall be designed to provide adequate support for the vertical edges of interior and *exterior cladding* materials, and in no instance shall exterior corners be framed with less than the equivalent of 2 studs.

(2) Where the vertical edges of interior cladding at wall intersections are supported at vertical intervals by blocking or other acceptable methods, the vertical distance between such supports shall not exceed the maximum distance between supports specified in Section 9.29.

9.23.10.6. Studs at Sides of Openings

(1) Except as provided in Sentence (2), studs shall be doubled on each side of openings so that the inner studs extend from the lintel to the bottom wall plate and the outer studs extend from the top wall plate to the bottom wall plate.

(2) Single studs may be used on either side of openings in non-*loadbearing* interior walls not required to have *fire-resistance ratings* provided the studs extend from the top wall plate to the bottom wall plate.

9.23.11. Wall Plates

9.23.11.1. Size of Wall Plates. Wall plates shall be not less than 38 mm (1½ in) thick and shall be the same width as the wall studs except that in non-*loadbearing* walls and in *loadbearing* walls where the studs are located directly over framing members, the bottom wall plate may be 19 mm (¾ in) thick.

9.23.11.2. Bottom Wall Plates

(1) A bottom wall plate shall be provided in all cases.

(2) The bottom plate in exterior walls shall not project more than one third the plate width over the support.

1997

(4) *Loadbearing* interior walls parallel to floor joists shall be supported by beams or walls of sufficient strength to transfer safely the design loads to vertical supports.

(5) *Loadbearing* interior walls at right angles to floor joists shall be located not more than 900 mm (2 ft 11 in) from the joist support when the wall does not support a floor, and not more than 600 mm (23¾ in) from the joist support when the wall supports one or more floors, unless the joist size is designed to support such loads.

9.23.9.10. Cantilevered Floor Joists

(1) Floor joists supporting roof loads shall not be cantilevered more than 400 mm (15¾ in) beyond their supports where 38 mm by 184 mm (2 in by 8 in) joists are used and not more than 600 mm (23¾ in) beyond their supports where 38 mm by 235 mm (2 in by 10 in) or larger joists are used.

(2) The cantilevered portions referred to in Sentence (1) shall not support floor loads from other *storeys* unless calculations are provided to show that the design resistances of the cantilevered joists are not exceeded.

(3) Where cantilevered floor joists described in Sentences (1) and (2) are at right angles to the main floor joists, the tail joists in the cantilevered portion shall

- (a) extend inward away from the cantilever support a distance equal to not less than 6 times the length of the cantilever, and
- (b) shall be end nailed to an interior doubled header joist in conformance with Table 9.23.3.4.

9.23.10. Wall Studs**9.23.10.1. Stud Size and Spacing**

(1) The size and spacing of studs shall conform to Table 9.23.10.1.

9.23.10.2. Bracing and Lateral Support

(See Appendix A.)

(1) Except as provided in Sentence (2), each exterior wall in each *storey* shall be braced with at least one diagonal brace conforming to Sentence (3).

- (2) Bracing is not required where the walls
 - (a) have an interior finish conforming to the requirements of Section 9.29., or
 - (b) where the walls are

- (i) clad with panel type siding,
- (ii) diagonally sheathed with lumber, or
- (iii) sheathed with plywood, OSB, waferboard, gypsum or fibreboard sheathing.

- (3) Where bracing is required, it shall
 - (a) consist of not less than 19 mm by 89 mm (1 in by 4 in) wood members,
 - (b) be applied to the studs at an angle of approximately 45° to the horizontal, and
 - (c) extend the full height of the wall on each *storey*.

(4) Bracing described in Sentence (3) shall be nailed to each stud and wall plate by at least two 63 mm (2½ in) nails.

(5) Where *loadbearing* interior walls are not finished in accordance with Sentence (2), blocking or strapping shall be fastened to the studs at mid-height to prevent sideways buckling.

9.23.10.3. Orientation of Studs

(1) Except as permitted in Sentences (2) and (3), all studs shall be placed at right angles to the wall face.

(2) Studs on the flat are permitted to be used in gable ends of roofs that contain only unfinished space or in non-*loadbearing* interior walls within the limits described in Article 9.23.10.1.

(3) Wall studs that support only a load from an attic not accessible by a stairway are permitted to be placed on the flat within the limits permitted in Article 9.23.10.1, provided

- (a) the studs are clad on not less than 1 side with plywood, OSB or waferboard sheathing fastened to the face of the studs with a structural adhesive, and
- (b) the portion of the roof supported by the studs does not exceed 2 100 mm (6 ft 11 in) in width.

9.23.10.4. Continuity of Studs

(1) Wall studs shall be continuous for the full *storey* height except at openings and shall not be spliced except by finger-jointing with a structural adhesive. (See Appendix A.)

Thus, the O.B.C. stated we needed continuous studs – up to the cathedral ceiling – yet, our BCIN designer, BCIN truss engineer, BCIN Plan Reviewers for the City of Greater Sudbury, BCIN Code Compliance Officer for the City of Greater Sudbury and Chief Building Official had all missed this issue of our plans not being “to code” – and indeed – the City of Greater Sudbury had issued a building permit for a house that was not “to code”.

Our question now was:

Why had this not been caught at the planning and permit issuance stage? Instead, the City of Greater Sudbury waited until our house was erected to tell us we were “not to code”!

Yet, we had provided everything the City of Greater Sudbury Building Services had asked us to provide and had gone through all appropriately “qualified” personnel – BCIN, engineers, etc.!

“What is a Building Code Identification Number (BCIN)?

A Building Code Identification Number, or BCIN, is the unique identifying number assigned to individuals who file their qualifications with the Ministry of Municipal Affairs and Housing, and firms which register with the Ministry. The BCIN is used for several purposes: you may need to provide it on building permit applications in all correspondence with the Ministry, and in any other building-related work that requires a qualified person or registered firm.”

Source: <http://www.obc.mah.gov.on.ca/Page143.aspx>, downloaded December 28, 2009

Disbelief Sets In...

We certainly we not prepared for what came next... an email to us dated November 23, 2009 by our BCIN designer, Marc Levasseur of M.G.L. Drafting and Consulting, stating – I quote:

“Sold HUNDREDS of Scissor Truss JOBS in the last 9 YEARS, ALL FRAMED THE SAME WAY. When you left the message I knew that Mike Pilon was the Inspector, and I did get that confirmed by Building Services. HE IS THE ONLY INSPECTOR AT THE CITY FAILING JOBS WHEN THIS TYPE OF CONSTRUCTION COMES INTO PLAY... I have to wait for Andre to get back next Monday before I have an answer and know how they want to go about it. As for Gus, I cannot give you his number and not even the city gets to talk to him. Everything has to go thru me.” [emphasis added]

The Smoking Gun... Shot #1...

RE: Failed Framing Inspection

From: **Marc G. Levasseur** (mgldc@cyberbeach.net)

Sent: November 23, 2009 3:14:21 PM

To: 'frederick brohart' (fbrohart@hotmail.com)

Sold hundreds of Scissor Truss jobs in the last 9 years, all framed the same way.

When you left the message I knew that Mike Pilon was the Inspector, and I did get it confirmed by Building Services. He is the only Inspector at the city failing jobs when this type of construction comes into play.

Therefore,

I have made previous calls to this Inspector for failing Scissor Truss jobs and he has never called back. I have to wait for Andre to get back next Monday before I have an answer and know how they want to go about it.

As for Gus, I cannot give you his number and not even the city gets to talk to him.

Everything has to go thru me.

Regards,

Marc G. Levasseur

GRTC Sales & Marketing Manager

Manager & Technical Sales Representative - Sudbury Sales Office

Garden River Truss Company Inc.

Source: Email from BCIN Designer, Marc Levasseur to F. Brohart, Nov. 23, 2009.

Thus, it would seem that a violation of the Building Code Act occurred when our building permit was issued by the City of Sudbury Building Services – for a house designed “not to code” - and that... given our designer has done “HUNDREDS of scissor truss jobs in the past 9 years... all framed the same way”... it appeared we were certainly NOT AN ISOLATED CASE .

Indeed, the Building Code Act may have been violated HUNDREDS of times... with no measures whatsoever taken to stop the festering of this problem over at least 9 years!

Was this the result of total incompetence at all levels?... Unethical behavior?... Potential Criminal Negligence?

YOU DECIDE!

The Smoking Gun... Shot #2...

We then inquired a little more from our BCIN designer as to “how to proceed” - another bombshell was sent our way by our BCIN designer in an email dated November 23, 2009. Again – I quote:

“Even if I tell you how to do it LIKE EVERYBODY HAS BEEN DOING IT DOESN’T MEAN THAT THEY ARE GOING TO ACCEPT IT, therefore, they have to tell me how they want it done, not how Mike Pilon wants it but how Andre wants it and I want it in writing, this is the second or third time since Mr. Pilon has been an inspector that he fails an inspection for this reason, NONE ELSE HAS.” [emphasis added]

The Smoking Gun... Shot #2...

RE: Failed Framing Inspection

From: **Marc G. Levasseur** (mgldc@cyberbeach.net)

Sent: November 23, 2009 3:45:19 PM

To: 'frederick brohart' (fbrohart@hotmail.com)

Like I said, I have to talk to Andre to get this resolved before I tell you how to proceed.

Even if I tell you how to do it like everybody has been doing it doesn't mean that they will accept it, therefore they have to tell me how they want it done, not how Mike Pilon wants it but how Andre wants it, and I want it in writing, this is the second or third time since Mr. Pilon has been an Inspector that he fails an inspection for this reason, none else has.

Marc G. Levasseur

GRTC Sales & Marketing Manager

Manager & Technical Sales Representative - Sudbury Sales Office

Garden River Truss Company Inc.

We then sent an email dated November 25, 2009 to Mr. Mazzuchin, Acting Code Compliance Officer and Plan Reviewer, asking him to explain this comment made in an email by Marc Levasseur as to “how everybody else has been doing it”.

We have yet to hear back from anyone in the City of Greater Sudbury Building Services on this issue!

How was it that only 1 inspector identified this issue in the field and that all others missed it given building inspections are supposed to be conducted by “qualified inspectors” and that these inspections by “qualified BCIN inspectors” are included in the fee paid when one obtains a building permit and given there are supposed to be operational methods and procedures in place to prevent such things from happening?

The ONLY engineer in the City of Greater Sudbury Building Services – we were told – was the Chief Building Officer - so why was it up to André Guillot who had not even seen our non-code compliant wall to decide “the fix”?

Given our wall had a structural integrity issue, should an engineer not be the one providing consultation as to any “fix” required? Was this not misrepresentation as to one’s expertise by City of Greater Sudbury Building Services employees (both the Building Inspector and the Manager of Code Compliance since neither is an engineer!)

And...

Why was that “fix” not the same for everyone given these HUNDREDS of jobs had all been “framed the same way” according to our BCIN designer?

Why should we be treated “differently”?

“Different treatment” for “the same problem” – in our opinion – is discrimination!

Why had this not been stopped earlier – at the planning and permit issuance stage - if the City of Greater Sudbury knew this was an issue in the past?

The City of Sudbury Building Services knew this was a problem – if only because Mike Pilon had previously failed similar, non-code compliant framing in the past.

How could this have been going on for 9 years?

The City of Greater Sudbury and indeed, the Province of Ontario are supposed to provide “qualified” building inspectors, managers, officers and agencies capable of properly enforcing the Ontario Building Code and Act. Yet, no one caught this issue for at least 9 years – that we know of!

How was it that only 1 inspector even identified this issue in the field and that all others missed it and that this inspector then went on to provide a “fix” that would not have been “to code”?

Why was it up to André Guillot who was not an engineer and had not even seen our non-code compliant wall to decide “the fix”? And why was that “fix” not the same for everyone given these HUNDREDS of jobs had all been “framed the same way” according to our BCIN designer?

**As we started to push back on the City of Greater Sudbury
Building Services – more emails began to flow...**

And things got a whole lot nastier...

In an email dated November 24, 2009 from Alfio Mazzuchin, Plans Examiner and Acting Manager of Code Compliance while Mr. Guillot was on vacation, we were told the following – I quote:

“Item #1 requires reinforcing since the wall studs in this area are not continuous for the full storey height. The inspector is asking for 2x4’s from the bottom plate continuous for the full storey @ 4 ft o.c. let into the top plate. This should still provide 1 1/2” continuous support for the gable end truss. This detail is not clearly shown on the drawings, however, it is still the role of the builder to comply with the Ontario Building Code.”

Note that in the above statement, we were told to do “a fix” to comply with the Ontario Building Code – only – the embarrassing point here is that – “the fix itself – proposed by the City of Greater Sudbury Building Services” was not “to code”!

The Smoking Gun... Shot #3...

We Were Told To “Comply” With A CGS “Fix” That Wasn’t Even “To Code” And Constituted Numerous Violations of the OBC!

Framing Inspection 08-1658

From: **Alfio Mazzuchin** (Alfio.Mazzuchin@city.greatersudbury.on.ca)

Sent: November 24, 2009 1:54:46 PM

To: fbrohart@hotmail.com

Cc: Corrie-Jo Delwo (cj.delwo@city.greatersudbury.on.ca)

Mr Bohart,

I am responding to your email addressed to Andre Guillot, who is away this week.

I believe items # 2,3,4,5,and 6 [on the Short Inspection Notice dated Nov 20,2009] are straight forward and can easily be rectified. e.g. installing extra bracing as per truss drawings, etc. I believe our inspector has explained this to you.

Item # 1 requires reinforcing since the wall studs in this area are not continuous for the full storey height. The inspector is asking for 2x4's from the bottom plate continuous for the full storey @ 4 ft o.c. let into the top plate. This should still provide 1 1/2" continuous support for the gable end truss. This detail is not clearly shown on the drawings however it is still the role of the builder to comply with the Ontario Building Code .

Alternatively you could retain the services of a professional engineer to design this detail , we do not provide this service , or install wall studs continuous for the full storey as per the Ont. Building Code.

Please recall for a framing inspection, approval is required before covering. Thank - you for your attention. In our conversation you wanted to know my qualifications. I am not an engineer, I am a qualified building inspector BCIN # 13315, relieving acting manager of code compliance for this week.

Alfio Mazzuchin,
Plans Examiner, City of Greater Sudbury
Phone :671-2489 Ext 4210
Fax :675-1075
email : alfio.mazzuchin@city.greatersudbury.on.ca

**Violation of 2006 OBC, Sections
9.23.5.4, 9.23.10.1, 9.23.10.4(1),
and 9.4.1.1(1)**

Source: Email from CGS Acting Mgr of Code Compliance, A. Mazzuchin, Nov. 24, 2009

Three Critical Statements In Alfio Mazzuchin's Email...

Framing Inspection 08-1658

Back to messages |  

Alfio Mazzuchin
To fbrohart@hotmail.com, Corrie-Jo Delwo

24/11/2009
Reply 

Mr Bohart,

I am responding to your email addressed to Andre Guillot, who is away this week.



- 1) Mazzuchin advised he was only “acting Code Compliance Manager” that week,
- 2) He stated CGS did not provide engineering services and, that alternatively, we could retain an engineer, and
- 3) He provided his qualifications per my request to him

Alternatively you could retain the services of a professional engineer to design this detail , we do not provide this service , or install wall studs continuous for the full storey as per the Ont. Building Code.



Please recall for a framing inspection, approval is required before covering. Thank - you for your attention. In our conversation you wanted to know my qualifications. I am not an engineer, I am a qualified building inspector BCIN # 13315, relieving acting manager of code compliance for this week.



Alfio Mazzuchin,
Plans Examiner, City of Greater Sudbury
Phone :671-2489 Ext 4210
Fax :675-1075
email : alfio.mazzuchin@city.greatersudbury.on.ca

Source: Email from CGS Acting Mgr of Code Compliance, A. Mazzuchin, Nov. 24, 2009

**We Were Told To “Comply” ...
With A Proposed Fix That Wasn’t Even “To Code”!**

In his email, A. Mazzuchin, CGS Acting Mgr Of Code Compliance proposed a “fix” that would be a clear violation of numerous sections of the OBC. He also made no mention of any need to reinforce anything... and in our opinion, having a truss for a load-bearing wall sit on a 1 1/2” support just didn’t seem right!

With this “proposed fix”... in our opinion, we felt CGS BS would even violate the OBC to cover its mistakes – and as such, we started to think an independent engineer had to be involved.

In an email dated November 24, 2009, Alfio Mazzuchin, Plans Examiner and Acting Manager of Code Compliance for Mr. Guillot who was on vacation, we were told the following – again – I quote:

“Alternatively, you could retain the services of a professional engineer to design this detail, we do not provide this service, or install wall studs continuous for the full storey as per the Ontario Building Code.”

At least Mr. Mazzuchin was correct on this...

We did decide to involve an independent engineer... because... not only did the CGS not provide professional engineering services... they obviously also did not “provide detail” or “install walls” per the O.B.C.!

**“Comply With The O.B.C.”...
Even If We - “The Qualified” - Don’t!!!**

Throughout what would become an incredible nightmare for our family... we would be told to “comply” by many individuals who had much “at stake” in urging us to “cover our wall and make the whole issue just – go away!”

Our house had been designed by a BCIN designer, our trusses had been designed by truss engineers, our plans had been approved by plan reviewers and our permit issued by CGS CBO – a structural engineer – all of them “qualified” by the Province of Ontario!

The fact that everyone had missed this issue was not due to negligence on our part – we had gone to “qualified” persons – as we were told to do – from the very beginning – by the City of Sudbury Building Services!

We were now told to have our gable end truss – a truss for a load-bearing wall - sit on a 1 1/2 “ continuous support.

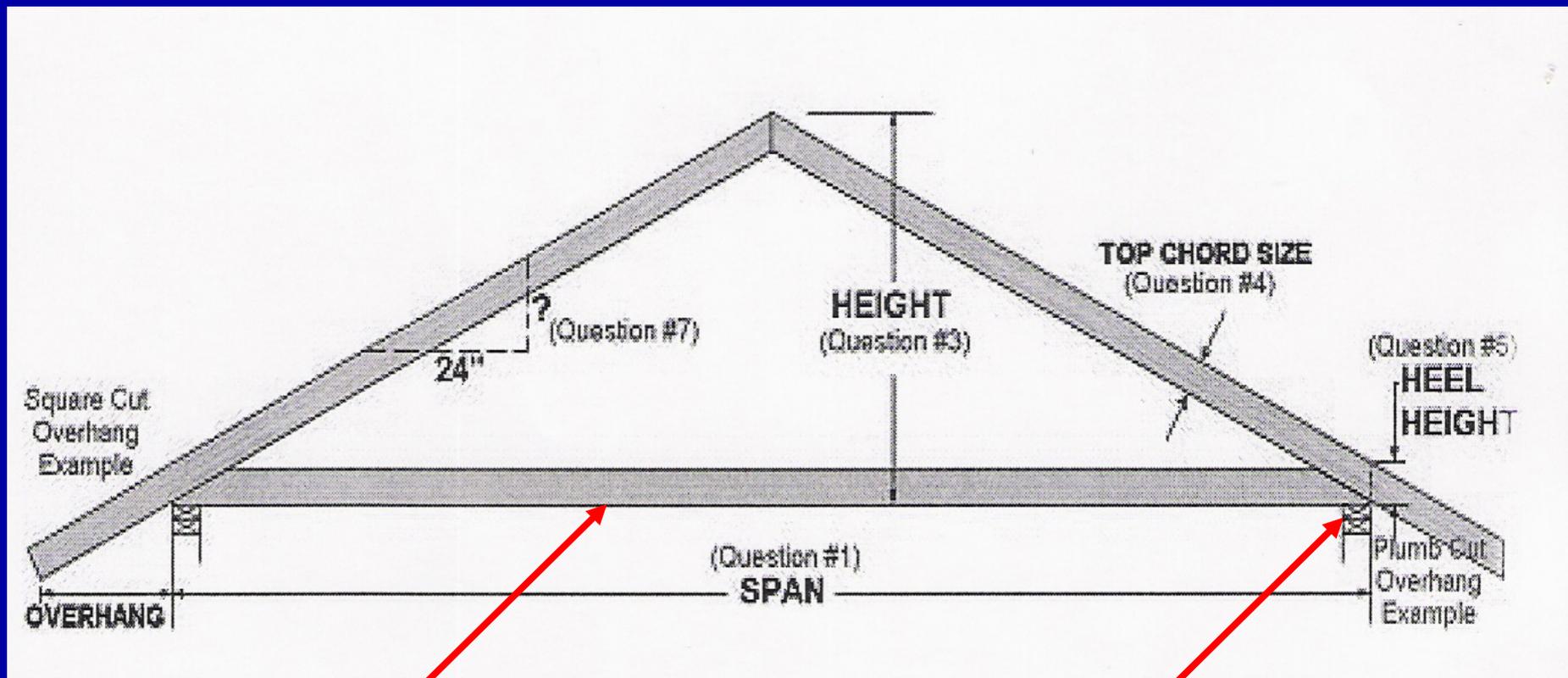
Surely, on the gable end truss drawing calling for a “continuous support”, truss engineers had not intended for that to be a “1 1/2” continuous support” since all our exterior walls were made of 2x6s – as clearly indicated on our plans!

To be told it was “up to us to comply with the O.B.C.” – by an agency that - itself -was supposed to be there to comply with and enforce the Ontario Building Code yet had itself failed to do so for 9 years and to be told to “add extra support at 4 ft o.c to comply with the O.B.C.” – “a fix” that was not “to code” ... and, of course, to be told that “we could hire an engineer to design this detail” – when it was the City of Greater Sudbury Building Services – itself – that had failed to comply with and enforce the OBC and this had resulted in our non-compliant home – all of this was just “too much”!

We had already gone through a BCIN truss engineer and designer and BCIN plan reviewers and code compliance managers and they had ALL missed this issue at the planning and permit issuance stage and now... because they had not done their jobs in catching this...and/or preventing it from happening again... we were being told to insert these extra supports at 4 ft o.c. “to meet OBC requirements”!

The ONLY thing they seemed to have correct in the City of Greater Sudbury Building Services was the fact that they were NOT engineers – and now – we found ourselves with a wall having a structural integrity issue – and as such – we wanted an engineer to weigh in on these matters as trusses – we felt – could certainly involve complicated issues when it came to load distributions!

Basic Truss Terms and/or Parts...

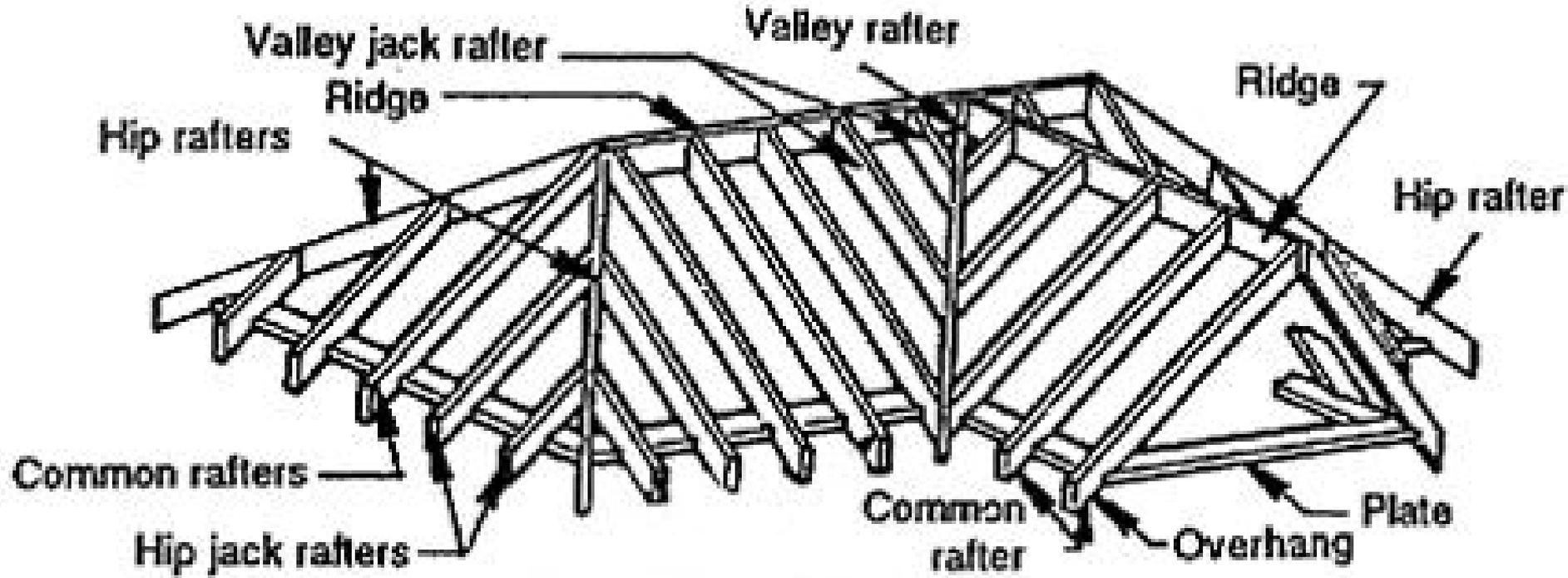


Bottom Chord

Support

Source: Alpine Systems Corp., A Builders Guide To Trusses, page 40, available via Alpine Systems at: <http://www.alpinesys.com>

Basic Truss Terms and/or Parts...



Source: Constructing Roof Rafters, Renovation Headquarters.com Downloaded

March 06, 2010,

http://www.google.ca/imgres?imgurl=http://www.renovation-headquarters.com/images20/j0439313.jpg&imgrefurl=http://www.renovation-headquarters.com/rafters.htm&h=400&w=600&sz=119&tbnid=OmGeu1z8v-hGzM:&tbnh=90&tbnw=135&prev=/images%3Fq%3Dcomplex%2Broof%2Bdesign%2Bpicture&hl=en&usg=__iqDY0pd3rweTLKvLCvLCKPFPNls=&ei=Md-SS8bhJYOWtgfE27XUCg&sa=X&oi=image_result&resnum=2&ct=image&ved=0CA8Q9QEwAQ

Complexity of Roofing Systems...

Some roof systems are complex combinations of trusses and rafters...



Source: Constructing Roof Rafters, Renovation Headquarters.com Downloaded March 06, 2010,

http://www.google.ca/imgres?imgurl=http://www.renovation-headquarters.com/images20/j0439313.jpg&imgrefurl=http://www.renovation-headquarters.com/rafters.htm&h=400&w=600&sz=119&tbnid=OmGeu1z8v-hGzM:&tbnh=90&tbnw=135&prev=/images%3Fq%3Dcomplex%2Broof%2Bdesign%2Bpicture&hl=en&usg=__iqDY0pd3rweTLKvLCvLCKPFPNls=&ei=Md-SS8bhJYOWtgfE27XUCg&sa=X&oi=image_result&resnum=2&ct=image&ved=0CA8Q9QEwAQ

Complexity of Roofing Systems...

Our roof APPEARED to be “very simple”... just a “straight across” roof...

Yet, even we knew that with a simple roof there could still be complex load distribution issues... and as such, in our opinion, nothing should be done without first consulting a structural engineer...

A scissor truss on this exterior wall would have:

- 1. Provided a design that was “to code” meeting the requirement for “continuous studs” from the floor to the cathedral ceiling as per Section 9.23.10.4 of the Ontario Building Code and**
- 2. Allowed us to provide adequate bracing with 2x6 studs for this exterior wall...**

But... instead... because “qualified” persons did not “catch this” – not the BCIN designer, nor the truss engineering firm, nor the City of Greater Sudbury Plan Reviewer, nor the Manager of Code Compliance, nor the Chief Building Official - we - the homeowners - who were not “qualified” by the Ministry of Municipal Affairs and Housing – along with perhaps hundreds of others - were left with a rather nasty situation – I quote:

“Stud Continuity: Studs shall be continuous between horizontal supports, including but not limited to girders, floor diaphragm assemblies, ceiling diaphragm assemblies, and roof diaphragm assemblies...

These requirements are based on sound engineering and framing practices aimed at ensuring that there is an adequate lateral load path through the structure. These provisions prevent framing practices in which a flat bottom chord gable end is used with adjacent trusses that have sloped bottom chords (Figure 6). This condition creates a hinge in the end wall/gable end frame interface that is below the ceiling plane support. ADEQUATE BRACING OF THIS CONDITION IS DIFFICULT IF NOT IMPOSSIBLE.” [emphasis added]

Source: Gjinolli, A., (P.E.) and Vogt, J., (P.E.), Wood Truss Gable End Frames, Structure Magazine, August 2007, p. 56.

Important Definitions:

“Qualified: v. 1. To describe; characterize. 2. To make competent or eligible for an office, position, or task. 3. To declare competent or capable; certify.”

“Competent: adj. 1. properly or well qualified. 2 Adequate for the purpose. 3 Legally qualified to perform an act.”

“Incompetent: adj. not competent.”

Source: The American Heritage Dictionary, Office Edition, Fourth Edition, Houghton Mifflin Company, NY, 2001

Important Definitions:

“Incompetent: adj. without adequate ability, knowledge, fitness, etc.”

Taken from: Webster’s New World Dictionary, Revised and Updated, Fourth Edition, Pocket Books, NY, 2003

What Is The Ontario Building Code?...

“The Code is essentially a set of MINIMUM provisions respecting the SAFETY of buildings with reference to public health, fire, protection, accessibility and STRUCTURAL SUFFICIENCY”.
[emphasis added]

Source: 2006 Ontario Building Code Act, Preface, Volume 1, p. 1.

An Important Statement:

On drawings prepared by our BCIN certified designer and submitted by us to the City of Sudbury Building Services for the issuance of our building permit, the following statement appears:

“I, Marc G. Levasseur review and take responsibility for the design work on behalf of a firm registered under subsection 2.17.4 of the Building Code. I AM QUALIFIED, AND THE FIRM IS REGISTERED IN THE APPROPRIATE CLASSES/ CATEGORIES.” [emphasis added]

“Qualified: v. 1. To describe; characterize. 2. To make competent or eligible for an office, position, or task. 3. To declare competent or capable; certify. ”

Source: The American Heritage Dictionary, Office Edition, Fourth Edition, Houghton Mifflin Company, NY, 2001

What does it mean to be “APPROPRIATELY QUALIFIED”?

“Qualified: v. 1. To describe; characterize. 2. To make competent or eligible for an office, position, or task. 3. To declare competent or capable; certify.”

Source: The American Heritage Dictionary, Office Edition, Fourth Edition, Houghton Mifflin Company, NY, 2001

Ontario Ministry of Municipal Affairs and Housing

Although the Ontario MMAH would like everyone to believe it only has “administrative roles” as they pertain to the “qualification” of various persons (i.e., chief building officials, building inspectors, designers, etc.), the FACT is that the MMAH most definitely has also assigned itself an ENFORCEMENT ROLE per the OBC Act and OBC Division C – Part I, Section 1.5, Designated Persons and Powers, p. 15:

Ontario Ministry of Municipal Affairs and Housing

OBC Act, Section 2.(1), Enforcement Authorities, states the following:

Enforcement Authorities

2. (1) Administration. The Minister is responsible for the administration of this Act. 1992, c.23, s.2(1)

(2) Director. There shall be a director of the Building and Development Branch of the Ministry of Municipal Affairs and Housing who is appointed by the Lieutenant Governor in Council for the purposes of this Act. 2002, c.9, s.5

Source: OBC Act, 2006 OBC Compendium, Enforcement Authorities, p. 4.

“Administer: v. 1 To direct or manage 2 To give or apply in a formal way”

“Direct: v. 1 To conduct the affairs of; manage 2 To have or take charge of; control” [emphasis added]

“Manage: v. 1 To direct, control or handle. 2 To make submissive. 3 To direct business affairs (of)”

Source: The American Heritage Dictionary, Office Edition, Fourth Edition, Houghton Mifflin Company, NY, 2001

Ontario Ministry of Municipal Affairs and Housing

If the MMAH did not have an ENFORCEMENT ROLE, why would it list itself under ENFORCEMENT AUTHORITIES as the PRIMARY ENFORCEMENT BODY – listing itself above municipalities, chief building officers, building inspectors and/or anyone else with an ENFORCEMENT role!

Ontario Ministry of Municipal Affairs and Housing

The FACT that the MMAH has an ENFORCEMENT ROLE is further confirmed by OBC, Division C, Administrative Provisions, Part 1, Section 1.5, Designated Persons and Powers, p. 15

Section 1.5. Designated Persons and Powers

1.5.1. General

1.5.1.1. General

(1) The *director* and employees of the Ministry of Municipal Affairs and Housing specified by the *director* are designated for the purposes of the enforcement of the Act and this Code in relation to the qualifications of:

- (a) *chief building officials*,
- (b) *inspectors*,
- (c) *registered code agencies*,
- (d) persons engaging in the activities described in subsection 15.11(5) of the Act, and
- (e) persons engaged in the business of *constructing* on site, installing, repairing, servicing, cleaning or emptying *sewage systems*.

(2) The *director* may, for the purposes set out in Sentence (1), exercise the following powers under the Act of a *chief building official*:

- (a) certify for the purposes of subsection 37(2) of the Act statements as to any matter of record in the office of the *director*, and
- (b) apply for an order under section 38 of the Act.

(3) The employees of the Ministry of Municipal Affairs and Housing designated by the *director* may, for the purposes set out in Sentence (1), exercise the following powers under the Act of an *inspector*:

- (a) subject to section 16 of the Act, exercise the powers of entry for inspection purposes in subsection 12(1) of the Act, and
- (b) exercise the powers of an *inspector* under section 18 of the Act.

(4) Sections 15.23 and 19 of the Act apply to the exercise of powers under this Article by the *director* and employees of the Ministry of Municipal Affairs and Housing designated by the *director*.

**Ontario Ministry of Municipal Affairs and Housing...
OBC and Act Enforcement Role...**

“Enforce: v. To compel observance of or obedience to.”

**Source: The American Heritage Dictionary, Office Edition,
Fourth Edition, Houghton Mifflin Company, NY, 2001**

Ontario Ministry of Municipal Affairs and Housing... Enforcement Roles...

By stating that the Director of the MMAH can designate employees of the MMAH to act and have the enforcement powers of chief building officers and building inspectors, including providing them with the power to enter dwellings (OBC Act Section 16), to conduct inspection of building sites (OBC Act, Section 12(1)), and to have the right to exercise the powers of an inspector (OBC Act, Section 18) and be protected as an inspector by the clause pertaining to Obstruction of Inspectors (OBC Act, Section 19), clearly indicates that the MMAH DOES PROVIDE FOR ITSELF ENFORCEMENT ROLES!

The Ontario MMAH can not argue that “ENFORCEMENT” is solely the responsibility of municipalities and in the same breath provide for itself the SAME ENFORCEMENT ROLES as are provided to municipalities.

**Ontario Ministry of Municipal Affairs and Housing...
Within “Administrative Functions” Reside...
Enforcement Roles...**

Given the roles and powers the Ontario MMAH provides for itself, and given that under Administrative Provisions the MMAH itself includes “enforcement functions” for its employees, it can only be argued that the MMAH DOES indeed have an ENFORCEMENT role when it comes the OBC and Act!

Indeed, tucked at the back of the OBC, as part of their “ADMINISTRATIVE PROVISIONS” as set out in the 2006 OBC, Division C, Part 1, Section 1.5.1.1, Designated Persons and Powers, the MMAH INCLUDES FOR ITSELF ENFORCEMENT ROLES AND/OR FUNCTIONS!

Furthermore, if it can be shown that an entire agency and its members have failed in their ability to enforce the building code, this may be deemed to be a failure in the “qualification process” as the problem is clearly a “systemic one” – one originating at the top echelons of “the system”... Or... in this case... The Ontario Ministry of Municipal Affairs and Housing!

As such, one could argue that The Province of Ontario has failed in providing the people of Ontario with Qualified Building Inspectors, Managers of Code Compliance, Plan Reviewers, and Chief Building Officials who are ultimately responsible for issuing building permits.

MMAH... Part of the Problem???

In our opinion, the MMAH “qualification process” was nothing but a “money pump” and did almost nothing to guarantee safer homes for homeowners. If anything, the “qualification process” itself, was very much part of the problem.

Just what exactly did one need to do to be “qualified”?

The answer to that appeared to depend on who paid your paycheck and/or licensing fees.

MMAH...

A “Qualification Process” That Varied Based On...

“Who Was Paying The Fees...”

As we investigated “qualification issues”, it became evident that “one’s qualifications” and “requirements for those qualifications” varied tremendously depending on whether or not one was considered a “city employee” (on a city payroll) or whether or not one was an independent “Registered Code Agency”.

MMAH...

A “Qualification Process” That Varied Based On...

“Who Was Paying The Fees...”

Building Inspectors, Plan Reviewers, Managers of Code Compliance, Supervisors in Building Services, Chief Building Officers, etc. all needed to be “qualified” by the Province of Ontario...

To be “qualified” – if on a city payroll - one simply had to pass the appropriate examinations offered by the MMAH, be on “the register” and pay one’s fees annually.

MMAH...

A “Qualification Process” That Varied Based On...

“Who Was Paying The Fees...”

Cities could choose to have their own employees act as building inspectors, plan reviewers/examiners, managers of code compliance, supervisors, chief building officers, etc. or they could choose to hire independent agencies (not on city payrolls) to perform these functions.

What was “required” of a person to be registered and/or have his/her license renewed by the MMAH each year varied tremendously based on whether or not one was a “city employee” or a Registered Code Agency... and herein, in our opinion, was the root of a TREMENDOUS problem when it came to “qualifications” and/or competence!

MMAH...

A “Qualification Process” That Varied Based On...

“Who Was Paying The Fees...”

City employees who were building inspectors, plan reviewers, managers of code compliance, supervisors, etc., needed ONLY to PAY THEIR ANNUAL FEES and be listed “in the public register” in order to renew their license each year! That was it!

The “requirements” for Registered Code Agencies, however, were much, much more stringent indeed – for persons performing virtually the SAME functions as those who were on city payrolls!

Let us examine this issue a little more closely...

MMAH...

A “Qualification Process” That Varied Based On... “Who Was Paying The Fees...”

MUNICIPAL EMPLOYEE LICENSING	REGISTERED CODE AGENCY LICENSING
Take your exam	Take your exam
Get on the public register	Get on the public register (registration subject to having a quality management plan in place)
	Each year, submit your application for renewal which includes:
NO SUCH REQUIREMENT	1. Quality Management Plan (see OBC, Div C, Part 3, p. 19&20) “for carrying out activities of the registered person, including, without limitation:”
NO SUCH REQUIREMENT	(a) Procedures relating to the commencing of activities... no conflict of interest...
NO SUCH REQUIREMENT	(b) Identification of responsibilities of persons who will carry out plans review and inspection activities of the applicant or registered person and procedures for the supervision of those persons,
NO SUCH REQUIREMENT	(c) Procedures for assessing plans and specifications for conformity with this Code, including procedures for the assessment of alternative solutions
NO SUCH REQUIREMENT	(d) Procedures for inspecting the construction of buildings,
NO SUCH REQUIREMENT	(e) Procedures for receipt of notices that construction is ready for inspection and of written reports from architects and professional engineers arising out of the general review of the construction of buildings

Source: 2006 OBC, Div. C, Part 3, “Qualifications”.

MMAH...

A “Qualification Process” That Varied Based On... “Who Was Paying The Fees...”

MUNICIPAL EMPLOYEE LICENSING	REGISTERED CODE AGENCY LICENSING
NO SUCH REQUIREMENT	(f) procedures for the issuance of certificates and orders under the Act, including the responsibility of persons with the qualifications set out in Sentences 3.7.5.3(1) and (2).
NO SUCH REQUIREMENT	(g) procedures for the referral of matters to a chief building official under subsection 14(5) of the Act,
NO SUCH REQUIREMENT	(h) procedures for participation... in proceedings before the Building Code Commission...
NO SUCH REQUIREMENT	(i) procedures for documenting the activities of the applicant or registered person under the registration, including data control, records retention and the maintenance of security and confidentiality of records and transferring records to the principal authority
NO SUCH REQUIREMENT	(j) procedures for training and supervision of personnel, and
	(k) procedures for review and up-dating of quality management plan.
NO SUCH CONDITIONS	REGISTRATION IS SUBJECT TO CONDITIONS:
NO SUCH CONDITIONS	(a) the registered person shall carry out activities under the registration in accordance with the Act, this Code and the quality management plan referred to in Clause 3.4.3.2(1)(d), etc.

Source: 2006 OBC, Div. C, Part 3, “Qualifications”.

MMAH...

A “Qualification Process” That Varied Based On... “Who Was Paying The Fees...”

MUNICIPAL EMPLOYEE LICENSING	REGISTERED CODE AGENCY LICENSING
NO SUCH PROVISIONS	SUSPENSION, REVOCATION, REFUSAL TO REGISTER OR RENEW A REGISTRATION (2006 OBC, Div C, Part 3, Sec. 3.4.3.9, p. 22):
NO SUCH PROVISIONS	(1) (a) The director may, in the circumstances set out in Sentence (2) (a) refuse to register an applicant, (b) refuse to renew a registration, or © suspend or revoke a registration
NO SUCH PROVISIONS	(2) The circumstances referred to in Sentence (1) are (a) the registered person is in contravention of the Act or this Code, (b) the registered person is in breach of a condition of the registration other than the condition set out in Clause 3.4.3.7.(1)(d), (c) the registration was issued on the basis of mistaken, false or incorrect information, (d) the director is of the opinion that past conduct of the applicant or registered person, as the case may be, affords reasonable grounds for belief that the business that would be or is authorized by the registration will not be carried on in accordance with law, (e) the director is of the opinion that there are reasonable grounds for belief that the activities of the applicant or registered person are or will be carried on in a manner that poses a threat to public safety, (f) the application is incomplete, or (g) any fees required under Article 3.4.3.5 remain unpaid.
Pay your annual fees	Pay your annual fees

Source: 2006 OBC, Div. C, Part 3, “Qualifications”.

MMAH...

**A “Qualification Process” That Varied Based On...
“Who Was Paying The Fees...”**

The following pages were from the OBC, Div. C, Part 3, clearly showing these discrepancies in “licensing”, “registration and registration renewal requirements” and conditions for the suspension and/or revocation of licenses, etc.

Part 3

Qualifications

Section 3.1. Qualifications for Chief Building Officials and Inspectors

3.1.1. Scope

3.1.1.1. Scope

- (1) Except as provided in Sentence (2), this Section prescribes, for the purposes of subsections 15.11(1), (2) and (3) of the Act
- (a) the qualifications that a person must satisfy to be appointed and to remain appointed as
 - (i) a *chief building official* under the Act, or
 - (ii) an *inspector* who has the same powers and duties as a *chief building official* in relation to *plumbing*,
 - (b) the qualifications that a person must satisfy to be appointed and to remain appointed as
 - (i) an *inspector* who has the same powers and duties as a *chief building official* in relation to *sewage systems*, or
 - (ii) an *inspector* whose duties include plans review or inspection under the Act of *sewage systems*, and
 - (c) the qualifications that a person must satisfy to be appointed and to remain appointed as an *inspector* under the Act, other than an *inspector* described in Subclause (a)(ii) or (b)(i) or (ii).
- (2) The qualification requirements for *chief building officials* and *inspectors* in Sentence (1) do not apply to plan review and inspection of
- (a) site services including
 - (i) surface drainage, and
 - (ii) *plumbing* located underground either outside a *building* or under a *building*,
 - (b) *construction* of a factory-built house certified to CAN/CSA-A277, “Procedure for Certification of Factory-Built Houses”,
 - (c) *construction* of a mobile home conforming to CAN/CSA-Z240 Series, “Mobile Homes”,
 - (d) *construction* of a park model trailer conforming to CAN/CSA-Z241 Series, “Park Model Trailers”, or
 - (e) signs.

3.1.2. Chief Building Officials

3.1.2.1. Qualifications

- (1) The following are prescribed as qualifications for a person to be appointed and to remain appointed under the Act as a *chief building official* or as an *inspector* who has the same powers and duties as a *chief building official* in relation to *sewage systems* or *plumbing*
- (a) the person shall successfully complete the examination program administered or authorized by the Ministry of Municipal Affairs and Housing relating to the person’s knowledge of the Act and this Code and the powers and duties of *chief building officials*,
 - (b) if, under subsection 22(2) of the Act, the person will also exercise any of the powers or perform any of the duties of an *inspector*, the person shall also have the qualifications contained in Sentence 3.1.4.1.(1), and

3.1.2.1.

2006 Building Code

- (c) the person shall file the information set out in Sentence 3.1.6.1.(1) with the *director* in a form established by the *director*.
- (2) An *inspector* who has the same powers and duties as a *chief building official* in relation to *sewage systems* and who had, on August 31, 2003, the qualification described in Article 2.11.3.1. of Ontario Regulation 403/97 (Building Code), as it read on that day
 - (a) shall be deemed to have successfully completed the examination program described in Clause (1)(a),
 - (b) shall be deemed to have successfully completed the examination program described in Clause 3.1.4.1.(1)(a) in the category of qualification described in Column 3 of Row 10 of Table 3.5.2.1., and
 - (c) shall be deemed to have filed with the *director* the information required in Clause (1)(c) if the person filed with the *director*, before the day this Article came into force, the information required under Article 2.11.3.1. of Ontario Regulation 403/97 (Building Code), as that Article read on August 31, 2003.

3.1.3. Supervisors and Managers

3.1.3.1. Qualifications

- (1) The following are prescribed as the qualifications for a person to be appointed and to remain appointed under the Act as an *inspector* whose duties are solely the supervision or management of *inspectors*
 - (a) the person shall successfully complete the examination program administered or authorized by the Ministry of Municipal Affairs and Housing of the person’s knowledge of the Act and this Code and the powers and duties of *chief building officials*,
 - (b) the person shall successfully complete the examination program administered by the Ministry of Municipal Affairs and Housing of the person’s knowledge of the Act and this Code related to any one category of qualification set out in Column 3 of Table 3.5.2.1., and
 - (c) the person shall file the information set out in Sentence 3.1.6.1.(1) with the *director* in a form established by the *director*.

3.1.4. Inspectors

3.1.4.1. Qualifications

- (1) Except as provided in Article 3.1.4.2., the following are prescribed as qualifications for a person to be appointed and to remain appointed under the Act as an *inspector* whose duties include plans review or inspection under the Act
 - (a) the person shall successfully complete the examination program administered or authorized by the Ministry of Municipal Affairs and Housing relating to the person’s knowledge of the Act and this Code in the category or categories of qualifications in Column 3 of Table 3.5.2.1. that correspond to the types of *buildings* set out in Column 4 of Table 3.5.2.1. in respect of which the person will exercise the powers or perform the duties of an *inspector* under the Act,
 - (b) the person shall file the information set out in Sentence 3.1.6.1.(1) with the *director* in a form established by the *director*.
- (2) An *inspector* who had, on August 31, 2003, the qualification described in Article 2.11.3.1., of Ontario Regulation 403/97 (Building Code), as that Article read on August 31, 2003
 - (a) shall be deemed to have successfully completed the examination program described in Clause (1)(a) in the category of qualification described in Column 3 of Row 10 of Table 3.5.2.1., and
 - (b) shall be deemed to have filed with the *director* the information required in Clause (1)(b) if the person filed with the *director*, before September 1, 2003, the information required under Article 2.11.3.1. of Ontario Regulation 403/97 (Building Code), as that Article read on August 31, 2003.

3.1.4.2. Qualifications for Intern Inspectors

- (1) A person appointed under the Act as an intern *inspector* whose duties include supervised plans review or inspection under the Act is exempt from the requirements in Article 3.1.4.1. if
 - (a) the person is enrolled in an internship program approved by the *Minister*, and
 - (b) the person is supervised by an *inspector* or *chief building official* who meets the category of qualification in respect of which the person will exercise the powers or perform the duties.
- (2) An intern *inspector* described in Clause (1)(a) shall not issue orders under the Act except orders under subsections 12(2) or 13(1) of the Act.
- (3) An intern *inspector* described in Clause (1)(a) shall not undertake a site inspection of a *building* related to a notice in respect of
 - (a) substantial completion of footings and *foundations* prior to commencement of backfilling, or
 - (b) completion of *construction* and installation of components required to permit the issuance of an occupancy permit under Sentence 1.3.3.1.(2) or to permit occupancy under Sentence 1.3.3.2.(1), if the *building* or part of the *building* to be occupied is not fully completed.

3.1.5. Updating of Qualifications

3.1.5.1. Updating of Qualifications

- (1) When an examination that is part of an examination program referred to in Clause 3.1.2.1.(1)(a), 3.1.3.1.(1)(a) or (b) or 3.1.4.1.(1)(a) or (b) is replaced with a new examination, the *director* shall give notice of the new examination to every person who has, pursuant to Clause 3.1.2.1.(1)(c), 3.1.3.1.(1)(c) or 3.1.4.1.(1)(c), informed the *director* that the person completed the examination before it was replaced or who is deemed to have successfully completed the examination program.
- (2) The *director* may give the notice referred to in Sentence (1) by sending it by regular letter mail to the last address of the person filed with the *director*.
- (3) It is a prescribed qualification for the purposes of subsections 15.11(1), (2) and (3) of the Act that, not later than 180 days after the day on which a notice referred to in Sentence (1) is sent, the person to whom the notice is given shall
 - (a) successfully complete all new examinations referred to in the notice, and
 - (b) file the information set out in Sentence 3.1.6.1.(1) with the *director* in a form established by the *director*.

3.1.6. Information

3.1.6.1. Qualifications

- (1) The information referred to in Clauses 3.1.2.1.(1)(c), 3.1.3.1.(1)(c), 3.1.4.1.(1)(c) and 3.1.5.1.(3)(b) is the following
 - (a) the person's name, residence address and residential mailing address, if different from the residence address,
 - (b) the name and address of every *principal authority* that has appointed the person as a *chief building official* or *inspector* under the Act, and
 - (c) information about the examinations that the person has successfully completed, in such form and in such detail as may be required by the *director*.
- (2) A person who files information under Sentence (1) with the *director* shall advise the *director* of any change of the information not later than 15 days after the change.

MMAH... And Municipal (City) Employees... A “Qualification Process” That Varied Based On... “Who Was Paying The Fees...”

3.1.7. Fees

3.1.7.1. Fees

- (1) The fee payable upon the filing of information under Clause 3.1.2.1.(1)(c), 3.1.3.1.(1)(c), 3.1.4.1.(1)(c) or 3.1.5.1.(3)(b) is \$80.
- (2) The amount of a fee referred to in Sentence (1) is reduced by \$10 if the information is filed and the fee is paid in accordance with a means of electronic filing and payment specified by the *director*.
- (3) The Ministry of Municipal Affairs and Housing may charge a fee to a person who takes an examination for the purposes of this Section.

3.1.8. Public Register

3.1.8.1. Public Register

- (1) The *director* shall establish and maintain a register available to the public listing every person who has the qualifications required by subsections 15.11(1), (2) and (3) of the Act and has been appointed as a *chief building official* or *inspector* by a *principal authority*.
- (2) The register referred to in Sentence (1) shall contain the following information with respect to each person listed in it
 - (a) the name of the person,
 - (b) any identifying number assigned by the *director* to that person,
 - (c) the name of each *principal authority* that has appointed the person as a *chief building official* or *inspector*, and
 - (d) the qualifications of the person.

3.1.9. Categories of Qualifications

3.1.9.1. Categories

- (1) Table 3.5.2.1. contains the categories of qualifications for the purposes of this Section.

Section 3.2. Qualifications for Designers

3.2.1. Scope

3.2.1.1. Scope

- (1) This Section prescribes, for the purposes of clause 8(2)(c) and subsection 15.11(5) of the Act, the qualifications for a person who carries out *design activities* after December 31, 2005.

**MMAH... And Municipal (City) Employees...
A “Qualification Process” That Varied Based On...
“Who Was Paying The Fees...”**

Thus, for CBO and/or Inspectors (that would include building inspectors, plan reviewers, managers of code compliance, etc.), all that was required to be “qualified” was:

- 1) Take your exam(s)**
- 2) Get on the Register**
- 3) Pay your fees...**

Once you did that... then things got even easier... for those on municipal or CITY payrolls because renewal of a license – for these “qualified personnel” basically meant you needed only to get on the register and pay your fees each year!

MMAH... A “Qualification Process” That Varied Based On... “Who Was Paying The Fees...”

Municipal Employees (on city payrolls) had NOTHING in the OBC pertaining to Qualifications as far as:

- 1. Conditions for suspension and/or revocation of licenses (i.e., violation of the OBC and/or Act, unethical behaviors, misrepresentation of qualifications (i.e., acting as engineers when not engineers), etc.).**
- 2. Quality Management Plan that had to be followed during the performance of one’s duties in order to ensure activities were carried out in compliance with the OBC and/or Act and any other applicable laws (i.e., Municipal Act, Engineering Act of Ontario) and in order to ensure that inspections/issues, etc. were properly documented and matters referred to the CBO as necessary (i.e., plans approved when “not to code”, field issues where homes were allowed to be built when structurally unsound, etc.).**

MMAH...

**A “Qualification Process” That Varied Based On...
“Who Was Paying The Fees...”**

But... what was required of Registered Code Agencies performing virtually identical functions pertaining to inspections, plan review, etc.?

**MMAH...And Registered Code Agencies...
A “Qualification Process” That Varied Based On...
“Who Was Paying The Fees...”**

Section 3.4. Qualifications for Registered Code Agencies

3.4.1. Scope

3.4.1.1. Scope

(1) This Section prescribes, for the purposes subsection 15.11(4) of the Act, the qualifications that a person must meet in order to be eligible to be appointed after June 30, 2005 as a *registered code agency* under the Act.

MMAH...And Registered Code Agencies... A “Qualification Process” That Varied Based On... “Who Was Paying The Fees...”

3.4.2. Definition

3.4.2.1. Definition

- (1) In this Section,

registered means registered under Article 3.4.3.2.

3.4.3. Qualifications

3.4.3.1. General

- (1) The following are prescribed as qualifications for persons to be appointed under the Act as a *registered code agency*
- (a) the person must be *registered* with the *director*.
- (2) A registration shall be in a form established by the *director*.

3.4.3.2. Registration and Renewal of a Registration

- (1) Subject to Article 3.4.3.9., the *director* may register an applicant, or renew a *registered* person's registration, in each class of registration applied for if
- (a) the applicant or *registered* person or, if the applicant or *registered* person is a corporation or partnership, a director, officer, partner or employee of the applicant or *registered* person, has successfully completed the examination program administered or authorized by the Ministry of Municipal Affairs and Housing relating to the person's knowledge of the Act and this Code and the powers and duties of a *registered code agency*,
- (b) the applicant or *registered* person or, if the applicant or *registered* person is a corporation or partnership, one or more directors, officers, partners or employees of the applicant or *registered* person, have successfully completed the examination program administered or authorized by the Ministry of Municipal Affairs and Housing relating to the person's knowledge of the Act and this Code in the category of qualification set out in Column 2 of Table 3.5.2.2. that corresponds to each class of registration set out in Column 1 of Table 3.5.2.2. for which application is made,
- (c) all persons who will carry out plans review and inspection activities on behalf of the *registered code agency* have the qualifications set out in Clause (b) in respect of each class of registration for which application is made,
- (d) the applicant or *registered* person has in place a quality management plan referred to in Sentence 3.4.3.3.(3) for carrying out the activities of the applicant or *registered* person under the registration that is acceptable to the *director*,
- (e) the applicant or *registered* person is covered by the insurance required under Subsection 3.6.2. during the term of the registration applied for,
- (f) the application is complete, and
- (g) all fees required under Article 3.4.3.5. are paid.

3.4.3.3. Application for Registration or Renewal of a Registration

- (1) An application for registration or renewal of a registration shall be made to the *director* in a form established by the *director*.
- (2) An application for renewal of a registration shall be made at least 60 days before the expiry of the registration being renewed.
- (3) An application for registration or renewal of a registration shall include a quality management plan for carrying out the activities of the applicant or *registered* person under the registration, including, without limitation

MMAH...And Registered Code Agencies...

A “Qualification Process” That Varied Based On...

“Who Was Paying The Fees...”

3.4.3.3.

2006 Building Code



- (a) procedures relating to the commencement of activities as a *registered code agency*, including procedures to verify that the applicant or *registered* person is qualified to undertake the activities and to verify that there exists no conflict of interest within the meaning of Sentence 3.7.3.1.(4).
 - (b) identification of the responsibilities of persons who will carry out plans review and inspection activities of the applicant or *registered* person and procedures for the supervision of those persons.
 - (c) procedures for assessing plans and specifications for conformity with this Code, including procedures for the assessment of *alternative solutions*.
 - (d) procedures for inspecting the *construction of buildings*.
 - (e) procedures for receipt of notices that *construction* is ready for inspection and of written reports from *architects* and *professional engineers* arising out of the general review of the *construction of buildings*.
 - (f) procedures for the issuance of certificates and orders under the Act, including the responsibility of the persons with the qualifications set out in Sentences 3.7.5.3.(1) and (2).
 - (g) procedures for referral of matters to a *chief building official* under subsection 14(5) of the Act.
 - (h) procedures for participation of the applicant or *registered* person in proceedings before the Building Code Commission under section 24 of the Act and before the Superior Court of Justice under section 25 of the Act.
 - (i) procedures for documenting the activities of the applicant or *registered* person under the registration, including data control, records retention and the maintenance of security and confidentiality of records, and transferring records to the *principal authority*.
 - (j) procedures for training and supervision of personnel, and
 - (k) procedures for the review and up-dating of the quality management plan.
- (4) An application for registration or renewal of a registration shall include an undertaking by the applicant or *registered* person to comply with the conditions set out in Article 3.4.3.7.
- (5) If a partnership or a corporation is the applicant for registration or renewal of a registration, an application for registration or renewal of a registration shall set out the names and residence addresses of all its partners, directors or officers, as the case may be.
- (6) An application for registration or renewal of a registration shall contain the names of all partners, directors, officers or employees of the applicant or *registered* person, as the case may be, and all other persons who have been engaged by the applicant or *registered* person, who
- (a) have the qualifications set out in Clauses 3.4.3.2.(1)(a) and (b), and
 - (b) have the qualifications set out in Clauses 3.4.3.2.(1)(b) and (c) and will exercise powers and perform functions under the Act on behalf of the applicant or *registered* person.
- (7) An application for registration or renewal of a registration shall contain evidence, provided by the applicant or *registered* person, that the persons referred to in Sentence (6) meet the qualifications set out in Clauses 3.4.3.2.(1)(a) to (c).
- (8) An application for registration or renewal of a registration shall contain evidence, provided by the applicant or *registered* person, that the applicant or *registered* person is covered by the insurance required under Subsection 3.6.2. during the term of the registration applied for.

3.4.3.4. Term

- (1) A registration expires one year after the date of its issuance.

3.4.3.5. Fees

- (1) The fee for registration is \$300.
- (2) The fee for the addition of a new class of registration is \$50.

MMAH...And Registered Code Agencies...

A “Qualification Process” That Varied Based On...

“Who Was Paying The Fees...”

(3) The fee for renewal of a registration is \$220.

(4) The amount of a fee referred to in Sentence (1), (2) or (3) is reduced by 15 per cent and rounded to the nearest whole dollar if the application is made and the fee is paid in accordance with a means of electronic filing and payment specified by the *director*.

(5) The Ministry of Municipal Affairs and Housing may charge a fee to a person who takes an examination for the purposes of this Section.

3.4.3.6. Not Transferable

(1) A registration is not transferable.

3.4.3.7. Conditions

(1) The following are the conditions of a registration

(a) the *registered* person shall carry out activities under the registration in accordance with the Act, this Code and the quality management plan referred to in Clause 3.4.3.2.(1)(d),

(b) if the *registered* person is a corporation or partnership, during the term of the registration there must be

(i) an officer, director, partner or employee of the *registered* person who has the qualifications set out in Clause 3.4.3.2.(1)(a), and

(ii) one or more officers, directors, partners or employees of the *registered* person who have the qualifications set out in Clause 3.4.3.2.(1)(b) in respect of each class of registration that is held by the *registered* person,

(c) not more than 180 days after the day a notice is given under Sentence 3.4.3.8.(1) by the *director* to the *registered* person, the *registered* person shall:

(i) ensure that the persons referred to in Clause (1)(b) have successfully completed the new examinations referred to in the notice, and

(ii) provide to the *director* the names of the persons and information about the examinations that the persons have successfully completed, in such detail as may be required by the *director*.

(d) the *registered* person shall during the term of the registration, be covered by the insurance required by Subsection 3.6.2.,

(e) the *registered* person shall, within 15 days after the event, notify the *director* in writing

(i) of any change in address of the *registered* person for correspondence relating to the registration, and

(ii) of any change in the information set out in Sentences 3.4.3.3.(5) and (6),

(f) the *registered* person shall give prompt written notice to the *director* of any material change in any of the information, other than the information referred to in Clause (e) that is contained in or accompanies an application for registration or renewal of a registration,

(g) the *registered* person shall, from time to time, at the *registered* person's expense, give to the *director* such documents or information relating to the registration of the *registered* person or to activities carried out under the registration as the *director* may reasonably require,

(h) the *registered* person shall allow the representatives of the *director* access to the *registered* person's books and records during normal business hours for the purpose of confirming matters related to the registration.

3.4.3.8. Updating of Qualifications

(1) Where an examination in an examination program referred to in Clause 3.4.3.2.(1)(a), (b) or (c) is replaced with a new examination, the *director* shall give notice of the new examination to every *registered* person who is registered in a class of registration set out in Column 1 of Table 3.5.2.2. to which the examination relates.

(2) The *director* may give the notice referred to in Sentence (1) by sending it by regular letter mail to the last address of the *registered* person that has been provided to the *director*.

MMAH...And Registered Code Agencies... A “Qualification Process” That Varied Based On... “Who Was Paying The Fees...”

3.4.3.9. Suspension, Revocation, Refusal to Register or Renew a Registration

- (1) The *director* may, in the circumstances set out in Sentence (2)
 - (a) refuse to register an applicant,
 - (b) refuse to renew a registration, or
 - (c) suspend or revoke a registration.
- (2) The circumstances referred to in Sentence (1) are
 - (a) the *registered* person is in contravention of the Act or this Code,
 - (b) the *registered* person is in breach of a condition of the registration other than the condition set out in Clause 3.4.3.7.(1)(d),
 - (c) the registration was issued on the basis of mistaken, false or incorrect information,
 - (d) the *director* is of the opinion that the past conduct of the applicant or *registered* person or, if the applicant or *registered* person is a partnership or a corporation, the partners, officers or directors of the *registered* person, as the case may be, affords reasonable grounds for belief that the business that would be or is authorized by the registration will not be carried on in accordance with law,
 - (e) the *director* is of the opinion that there are reasonable grounds for belief that the activities of the applicant or *registered* person are or will be carried on in a manner that poses a threat to public safety,
 - (f) the application is incomplete, or
 - (g) any fees required under Article 3.4.3.5. remain unpaid.
- (3) If the *director* proposes to refuse to register or renew a registration or proposes to suspend or revoke a registration under Sentence (1), the *director* shall serve a notice of the proposal, together with the reasons for it, on the applicant or *registered* person.
- (4) A notice under Sentence (3) shall state that the applicant or *registered* person is entitled to a hearing before the *Tribunal* if the applicant or *registered* person, within 15 days after service of the notice referred to in Sentence (3), serves the *director* and the *Tribunal* with notice in writing requesting a hearing.
- (5) If an applicant or *registered* person does not request a hearing by the *Tribunal* in accordance with Sentence (4), the *director* may carry out the proposal stated in the notice under Sentence (3).
- (6) If an applicant or *registered* person requests a hearing before the *Tribunal* in accordance with Sentence (4), the *Tribunal* shall appoint a time for and hold a hearing and may by order direct the *director* to carry out the *director's* proposal or refrain from carrying it out and to take such other action as the *Tribunal* considers the *director* ought to take in accordance with the Act and this Code, and for those purposes the *Tribunal* may substitute its opinion for that of the *director*.
- (7) The *director*, the applicant or *registered* person who requested the hearing, and such other persons as the *Tribunal* may specify, are parties to proceedings before the *Tribunal*.
- (8) A proposal to suspend or revoke a registration by reason of Clause (2)(e) takes effect immediately and the commencement of a proceeding before the *Tribunal* does not stay the operation of the proposal to suspend or revoke the registration.
- (9) The *Tribunal* may, on the application of the *registered* person, stay the operation of the proposal of the *director* to suspend or revoke the registration, and may grant the stay subject to conditions.
- (10) Sentences (3) to (9) do not apply and the *director* may cancel the registration of a *registered* person upon receipt of a request in writing for cancellation from the *registered* person in a form established by the *director*.

MMAH...And Registered Code Agencies...

A “Qualification Process” That Varied Based On...

“Who Was Paying The Fees...”

(11) Subject to Sentence (8), if within the time period set out in Sentence 3.4.3.3.(2) a *registered* person has applied for renewal of a registration, paid the fee required under Article 3.4.3.5. and provided evidence satisfactory to the *director* that the *registered* person is covered by insurance required under Subsection 3.6.2. for the term of the renewal of the registration, the registration shall be deemed to continue until the earliest of

- (a) the day the registration is renewed,
- (b) if the *registered* person is served with notice that the *director* proposes to refuse to renew the registration, the day the time for giving notice requesting a hearing expires or, if a hearing is held, the day the *Tribunal* makes its order, and
- (c) the day when the *registered* person ceases to be covered by the insurance required under Subsection 3.6.2.

3.4.3.10. Mandatory Suspension or Revocation of Registration or Refusal to Register or Renew a Registration

(1) The *director* shall, in the circumstances set out in Sentence (2)

- (a) refuse to register an applicant,
- (b) refuse to renew a registration, or
- (c) suspend or revoke a registration.

(2) The circumstances referred to in Sentence (1) are

- (a) the *registered* person is not covered by the insurance required under Subsection 3.6.2., or
- (b) an order under subsection 69(2) of the *Provincial Offences Act* is in effect directing that the registration of the person be suspended and that no registration be issued to that person until a fine is paid.

(3) If the *director* refuses to register an applicant, refuses to renew a registration or suspends or revokes a registration under Sentence (1), the *director* shall serve a notice of the refusal, suspension or revocation, together with the reasons for it, on the *registered* person.

(4) A suspension or revocation of a registration under Sentence (1) takes effect immediately and the commencement of a proceeding before the *Tribunal* does not stay the operation of the suspension or revocation of the registration.

(5) The *Tribunal* may, on the application of the *registered* person, stay the operation of a decision of the *director* to suspend or revoke the registration, and may make the stay subject to conditions.

(6) A notice under Sentence (3) shall state that the *registered* person is entitled to a hearing before the *Tribunal* if the *registered* person, within 15 days after service of the notice referred to in Sentence (3), serves the *director* and the *Tribunal* with notice in writing requesting a hearing.

(7) If a *registered* person requests a hearing before the *Tribunal* in accordance with Sentence (6), the *Tribunal* shall appoint a time for and hold a hearing and may by order confirm, alter or revoke the decision of the *director* to refuse to register or to suspend or revoke the registration and may take such action as the *Tribunal* considers the *director* ought to take in accordance with the Act and this Code, and for such purposes the *Tribunal* may substitute its opinion for that of the *director*.

(8) The *director* and the *registered* person who requested the hearing, and such other persons as the *Tribunal* may specify, are parties to proceedings before the *Tribunal*.

3.4.4. Public Register

3.4.4.1. Public Register

(1) The *director* shall establish and maintain a register available to the public listing every person who has the qualifications required by subsection 15.11(4) of the Act.

MMAH...And Registered Code Agencies... A “Qualification Process” That Varied Based On... “Who Was Paying The Fees...”

3.4.4.1.

2006 Building Code



- (2) The register referred to in Sentence (1) shall contain the following information in respect of every *registered* person
- (a) the name of the *registered* person,
 - (b) any identifying number assigned by the *director* to the *registered* person,
 - (c) the business address of the *registered* person,
 - (d) the classes of registration of the *registered* person, and
 - (e) the names of any persons who will exercise powers and perform functions under the Act on behalf of the *registered* person in each class of registration and any identifying number assigned by the *director* to that person.

3.4.5. Classes of Registration and Categories of Qualifications

3.4.5.1. Classes and Categories

- (1) Table 3.5.2.2. contains the classes of registration and categories of qualifications for the purposes of this Section.

Section 3.5. Classes of Registration and Categories of Qualifications

3.5.1. Scope

3.5.1.1. Scope

- (1) This Section sets out classes of registration and categories of qualifications for the purposes of Sections 3.1, 3.2., 3.4. and 3.7.

3.5.2. Classes of Registration and Categories of Qualifications

3.5.2.1. Inspectors and Persons Who Carry out Design Activities

- (1) Table 3.5.2.1. sets out the classes of registration and categories of qualifications for persons who carry out *design activities* and the categories of qualifications for *inspectors*.

MMAH...

**And A “Qualification Process” That Varied Based On...
“Who Was Paying The Fees...”**

Whether or not a person was a building inspector on a city payroll or a building inspector on the payroll of a Registered Code Agency, the functions they performed were virtually identical. As such, why the tremendous variance in “requirements” and/or conditions that had to be met in order to obtain and/or maintain a license?

Why were there NO PROVISIONS whatsoever to ensure city employees were working in accordance with the OBC and/or Act? Why were there NO PROVISIONS whatsoever for suspending and/or revoking the license of municipal employees who could be violating the OBC and/or Act and the Engineering Act by practicing “engineering” without a license to do so?

MMAH...

**And A “Qualification Process” That Varied Based On...
“Who Was Paying The Fees...”**

When we raised our issues regarding these discrepancies with the MMAH, we were told that “the Ministry felt municipalities were capable of governing themselves”...

Well... that may be true... but, then, we were not talking about “governing themselves”... we were talking about “qualification processes”... and the fact that there were different rules based on who was paying the fees. Municipalities had nothing to do with the qualification process... that was solely the responsibility of the MMAH!

MMAH...

**And A “Qualification Process” That Varied Based On...
“Who Was Paying The Fees...”**

**Municipalities were not setting the standards for the
“qualification process”... they only employed those who had been
“qualified” by the MMAH.**

**Whether or not those persons employed were “on municipal
payrolls” or on the payrolls of independent registered code
agencies played no bearing on what it meant to be “qualified”.
Thus, if municipalities could contract for these “building
services” as they related to “inspection and plan review
functions”, for example, then, municipalities should be able to
determine for themselves whether or not someone had the proper
methods and procedures in place to do the job well. The MMAH
should have no say in that whatsoever... so again... why the
double standard?**

MMAH Minister Rick Bartolucci... Part of the Problem...

What was amazing to us was the fact that the very office telling us that municipalities were capable of governing themselves, the MMAH, was now headed by MPP Rick Bartolucci - originally of Sudbury (the very city with which we had all of our issues).

Indeed, Rick Bartolucci had previously acted as a Deputy Mayor and Councilman for the City of Sudbury. As such, you would think that Rick Bartolucci, now Minister for MMAH, would be speaking “from experience” as a municipal employee himself. But, how was it that if municipalities could “govern themselves” that this very municipality – home of our sitting Minister for the MMAH – had so many problems and had been issuing building permits for homes that were “not to code” and structurally unsound?

MMAH Minister Rick Bartolucci... Part of the Problem...

W Rick Bartolucci - Wikipedia, the free encyclopedia



WIKIPEDIA
The Free Encyclopedia

Main page
Contents
Featured content
Current events
Random article

Interaction

- About Wikipedia
- Community portal
- Recent changes
- Contact Wikipedia
- Donate to Wikipedia
- Help

Toolbox

Print/export

Article Discussion Read Edit View h

Rick Bartolucci

From Wikipedia, the free encyclopedia

Rick Bartolucci (born October 10, 1943) is a politician in Ontario, Canada. He has represented Sudbury in the Legislative Assembly of Ontario since 1995, and is a cabinet minister in the government of Dalton McGuinty. Bartolucci is a member of the Ontario Liberal Party.

Contents [hide]

- Early life and career
- Member of Provincial Parliament
 - Opposition member
 - Cabinet minister
 - Minister of Northern Development and Mines
 - Minister of Community Safety and Correctional Services
- Electoral record
- References
- External links

Early life and career [edit]

Bartolucci was born in Sudbury, has degrees from Laurentian University and the North Bay Teacher's College, and worked as a teacher and school principal for thirty years before becoming an MPP. He was a Sudbury alderman and regional councillor from 1979 to 1982 and again from 1985 to 1991, and served as the city's deputy mayor for a time.^[1]

Source: Wikipedia, Rick Bartolucci, http://en.wikipedia.org/wiki/Rick_Bartolucci, downloaded Nov. 1, 2010.

MMAH Minister Rick Bartolucci...

Part of the Problem...

When I requested to see a copy of the Operational Methods and Procedures in place for the Department of Building Services for the City of Greater Sudbury, to my amazement, there were virtually NONE. Instead, I was given 3 binders of “miscellaneous information” gathered over many, many years. Information that was basically just put in binders but that had nothing to do with operational methods and procedures.

As such, based on what we were given (FOI Request 2010-38 and FOI Request 2010-188), it appeared Rick Bartolucci himself had not done his job while on Council for the City of Greater Sudbury... only proving that there was a need to also further regulate municipalities by ensuring that appropriate methods and procedures were indeed in place as part of the registration/license renewal process for municipal employees also!

Note that the OBC Act specifically stated that it was the duty of the Chief Building Officer to establish operational policies (OBC Act, 1.1(6) Role of Chief Building Official, 2006 OBC Compendium, OBC Act, p. 4).

The Municipal Act also stated that it was the responsibility of the City Council to ensure methods and procedures were in place to guarantee accountability to the public.

Criminal Negligence (C.C.C. section 219 (1))

CGS Council's DUTY TO PROTECT THE PUBLIC!!!

PART VI PRACTICES AND PROCEDURES

MUNICIPAL ORGANIZATION AND ADMINISTRATION

Role of council

224. It is the role of council.

- (a) to represent the public and to consider the well-being and interests of the municipality;
- (b) to develop and evaluate the policies and programs of the municipality;
- (c) to determine which services the municipality provides;
- (d) to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of council;
- (d.1) to ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;
- (e) to maintain the financial integrity of the municipality; and
- (f) to carry out the duties of council under this or any other Act. 2001, c. 25, s. 224; 2006, c. 32, Sched. A, s. 99.

Source: Ontario Municipal Act 2001, S.O. 2001, CHAPTER 25, Part VI, Practices and Procedures, Municipal Organization and Administration, Role of Council, Section 224.

http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_01m25_e.htm

MMAH Minister Rick Bartolucci... Part of the Problem...

How ironic that the very office now telling us that “municipalities were capable of governing themselves” was now headed by a man who had himself, it very much appeared, failed to do his job while in senior management in the City of Sudbury... a man who, if we were correct, would have himself been in violation of the Municipal Act... a man who now headed the Ministry of Municipal Affairs and Housing... how ironic indeed!

The following was a list of documents that had been provided to us in the 3 binders we were given when we requested a copy of Operational Methods and Procedures currently in place for CGS:

List of Documents Provided As “Operational Methods and Procedures” by CGS Building Services:

See Documents 1, 2 and 3 also provided on memory stick as “supporting documents”.

These documents supposedly constituted “Methods, Procedures and Policies” per CGS as obtained via Freedom of Information and IPC Appeals Process.

My “grade” for the Ontario Ministry of Municipal Affairs and Housing , Minister Rick Bartolucci and the City of Greater Sudbury City Council and Building Services Department:

Clearly an “F”!

Does The Qualification Process Absolve The City Of Greater Sudbury Of Liability Issues?...

Short answer... NO!

The website for the Ministry of Municipal Affairs and Housing clearly states that a passing grade for “qualifications” exams administered by the MMAH is only 70%!

Does The Qualification Process Absolve The City Of Greater Sudbury Of Liability Issues?...



Ontario

Ministry of Municipal
Affairs and Housing

| central site | OBC home | about us | contact | search | sitemap | français

Publications | Qualification & Registration | Interpretations | Appeals & Approvals | Training | CodeNews

Qualification & Registration

Preparing for the Exam: Before The Exam

Last point under this section states:

- As you work on the exam, focus only on the exam, not on what others are doing. If you feel anxious during the exam, take a few minutes to calm yourself down. Stretch your arms and legs, take a few slow deep breaths, do some positive internal self-talk. If the exam is more difficult than you anticipated, try to focus and simply give it your best effort. The passing grade is 70%.

Source: Ministry of Municipal Affairs and Housing, Qualifications and Registration, Preparing for the Exam, downloaded April 5, 2010, <http://www.obc.mah.gov.on.ca/Page196.aspx>

Was The “Qualification Process” Sufficient?...

Since the problem appeared to be a systemic one, certainly one had to question the following:

- 1. Was a 70% “qualified” person “qualified enough” or should the passing grade be higher?**
- 2. What was covered on those exams and what critical material affecting public safety was excluded?**
- 3. Did the questions and material covered truly make one “qualified enough” for the tasks at hand or should “qualifications” include a certain number of years of field experience and/or continuous testing as opposed to simply the “payment of fees” in order to renew one’s license?**

Did The Qualification Process Absolve The City Of Greater Sudbury Of Liability Issues?...

Municipalities were clearly aware that those who were “qualified by the Province of Ontario” may actually only be “70% qualified”...

... and as such, MUNICIPALITIES – CURRENTLY - ACCEPT the consequences of “incompetence” or “lack of knowledge” – and the associated liabilities - that resulted from an error rate of up to 30% on qualifying exams...

However, with time and experience and appropriate operational methods and procedures...and multiple levels (i.e., plan reviewers, managers of code compliance, building inspectors, chief building officials who were often structural engineers – as in this case...) should come “more competence” and “more knowledge”... and the prevention of errors and/or omissions that could threaten the safety of the public.

Did The Qualification Process Absolve The City Of Greater Sudbury Of Liability Issues?...

In order to minimize liabilities that may result from a 70% passing rate, operational methods and procedures were supposed to be in place to “catch errors” and stop them in the future...

Indeed, this was one of the RESPONSIBILITIES of the Chief Building Officer as outlined in the OBC Act and of CGS City Council as outlined in the Municipal Act.

Does The Qualification Process Absolve The City Of Greater Sudbury Of Liability Issues?...

- (6) Role of Chief Building Officials.** It is the role of a chief building official,
- (a) to establish operational policies for the enforcement of this Act and the building code within the applicable jurisdiction;
 - (b) to co-ordinate and oversee the enforcement of this Act and the building code within the applicable jurisdiction;
 - (c) to exercise powers and perform the other duties assigned to him or her under this Act and the building code; and
 - (d) to exercise powers and perform duties in accordance with the standards established by the applicable code of conduct. 2002, c.9, s.3

Source: OBC Act, 2006 Building Code Compendium, Section 1.1(6) Role of Chief Building Officials, p. 4.

CGS Council's DUTY TO PROTECT THE PUBLIC...

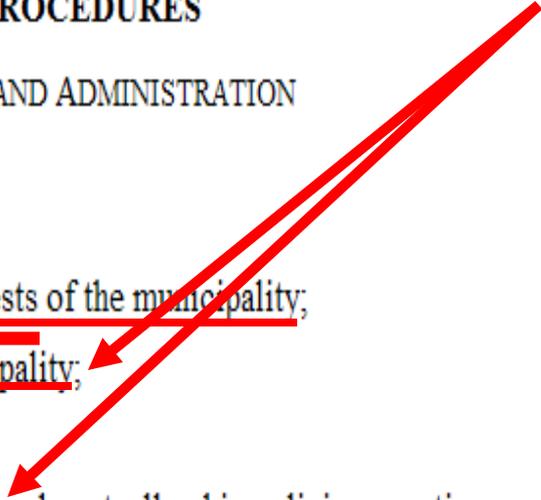
By Ensuring Appropriate Administrative Policies, Practices and Procedures Were In Place...

PART VI PRACTICES AND PROCEDURES

MUNICIPAL ORGANIZATION AND ADMINISTRATION

Role of council

224. It is the role of council,

- (a) to represent the public and to consider the well-being and interests of the municipality;
 - (b) to develop and evaluate the policies and programs of the municipality;
 - (c) to determine which services the municipality provides;
 - (d) to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of council;
 - (d.1) to ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;
 - (e) to maintain the financial integrity of the municipality; and
 - (f) to carry out the duties of council under this or any other Act. 2001, c. 25, s. 224; 2006, c. 32, Sched. A, s. 99.
- 

Source: Ontario Municipal Act 2001, S.O. 2001, CHAPTER 25, Part VI, Practices and Procedures, Municipal Organization and Administration, Role of Council, Section 224.

http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_01m25_e.htm

Does The Qualification Process Absolve The City Of Greater Sudbury Of Liability Issues?...

When I asked via a FOI request to see the Methods and Procedures currently in place for addressing operational issues (i.e., building inspectors finding compliance issues while in the field), to my horror, there were NONE!

This obviously explained why this problem of non-code compliant designs and erected homes was never stopped even when caught as homeowners failed their framing inspections... and why homeowners were then... as we were... provided “fixes” that were also “not to code”.

Clearly CGS City Council had not “developed or evaluated policies”, and had not “ensured that administrative policies, practices and procedures were in place... to ensure accountability and transparency of operations and of Senior Management...”

Did The Qualification Process Absolve The City Of Greater Sudbury Of Liability Issues?...

“Municipalities are responsible for assessing building permit applications for completion, including ensuring that the designers listed on the application have the necessary qualifications, and if required have insurance and are registered with the province.

Municipalities are also responsible for enforcing the *Building Code Act, 1992* and Building Code, including reviewing building permit applications for **COMPLIANCE WITH THE BUILDING CODE.**” [emphasis added]

Source: <http://www.obc.mah.gov.on.ca/Page143.aspx> , downloaded December 28, 2009

Did The Qualification Process Absolve The City Of Greater Sudbury Of Liability Issues?...

Clearly, the municipality had previously failed such framing... and yet... did NOTHING to stop the problem!

On this alone – my grade for the City of Greater Sudbury City Council and Building Services Department – “F-”

... But for them... even an “F-” in our opinion, was simply NOT ENOUGH as the facts would clearly show!

The Building Code Act of Ontario States The Following:

“Construction and Demolition

- 8. (2) Issuance of Permits. The chief building official shall issue a permit referred to in subsection (1) unless,**
- (a)The proposed building, construction or demolition will contravene this Act, the building code or any other applicable law:”**

Source: Building Code Act of Ontario, 2006, p. 10.

Our Story...
Building Permit 08-1658

A tragedy brought to you courtesy of:

The City of Greater Sudbury City Council and Building Services

The Ontario Ministry of Municipal Affairs and Housing

The Province of Ontario and...

**The Wonderful People of Canada – also victims in all of this -
who – unknowingly - have helped to fund this disaster – making
this – in our opinion - a FEDERAL ISSUE!**

**Building Permit 08-1658...
A Failed Framing Inspection... November 20, 2009...
Our Story Gets Much Nastier...**

When we failed our framing inspection, we were left with the following notice by building inspector, Mike Pilon...

SHORT INSPECTION NOTICE – NOVEMBER 20, 2009



Building Services Section
City of Greater Sudbury
200 Brady Street
Sudbury, Ontario
(705)671-2489 ext. 4278

SHORT INSPECTION NOTICE

Date of: Friday, November 20, 2009

Time: 10:47 am

Permit No.: B08-1658

Location: 22 SALO ROAD

Owner: BROHART, FREDERICK
25, MCLARY

Contractor:

Work Phone: 705 869-5916

home Phone:

Applicant: BROHART, FREDERICK

Type of Building: SFD

A(n) Framing inspection was conducted at this site and the following items were inspected.

These items were [NOT] APPROVED.
FOR FRAMING:

1. GABLE END RAKER WALL REQUIRES 2X4 @ 4' O.C. LET INTO MID PLATE

2. ATTIC ACCESS REQU'D - 2X4 → 2 1/2 x 28 + box on top → use 2x10

3. ROOF GABLE VENTS TO BE OPENED → after insulation

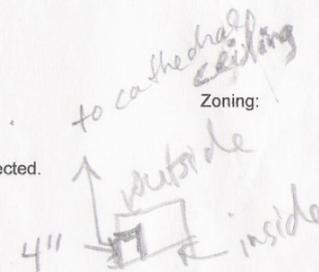
4. WEB BRACING TO BE FASTENED TO GABLE ENDS

5. 10' BOTTOM CHORD BRACING REQU'D FOR CATHEDRAL TRUSSES

6. WOOD STOVE SPECS REQU'D

7. 10' " chord bracing for web trusses, or use internal walls.
CALL FOR REINSPECTION ONCE RECTIFIED.
DO NOT COVER THESE ITEMS.

brace all walls together



“the fix”
per a
BCIN
certified
inspector

BCIN
“Qualified”
Building
Inspector’s
Signature

If a further explanation is required, contact should be made with the inspector by calling 671-2489 - Ext. 4278 between the hours of 8:30 to 9:00 or 4:00 to 4:30.

November 20, 2009 10:47 am

Date of notice

PILON, MIKE

Printed on: Friday, November 20, 2009 10:51 am

Page 1 of 1

The Building Inspector informed me that we would need to cut into the top plates in order to insert the vertical supports at 4 ft o.c. intervals!

Note: At first, I referred to these as “headers”, but the technical building industry term is “top plates”.

When I informed my husband of the fact that we had failed our framing inspection and of “the fix” proposed by the building inspector, he stated that he had great concerns over “the proposed fix” since we were being asked to cut through top plates for a load-bearing wall – a wall the City had INSISTED we put on a cement footing in spite of the fact that we were building on solid ROCK!

The Issue...At Least Initially... Improper Truss Design For A Wall/Roof Section Next To A Cathedral Ceiling...

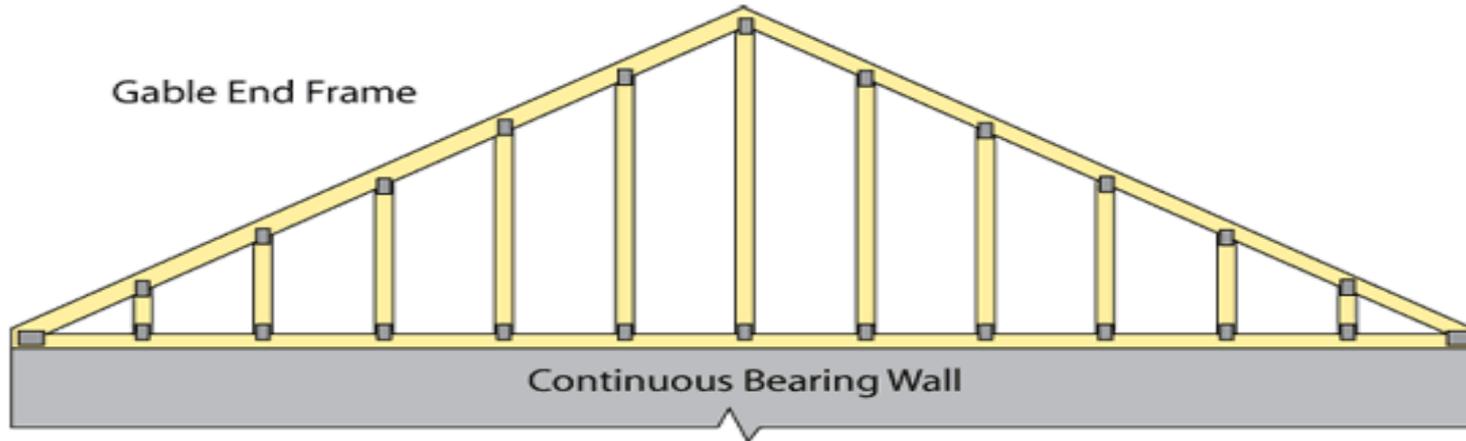


Figure 1: Example of a non-structural gable end frame with continuous bearing along the entire span.

Basic Design Considerations for Gable End Frames

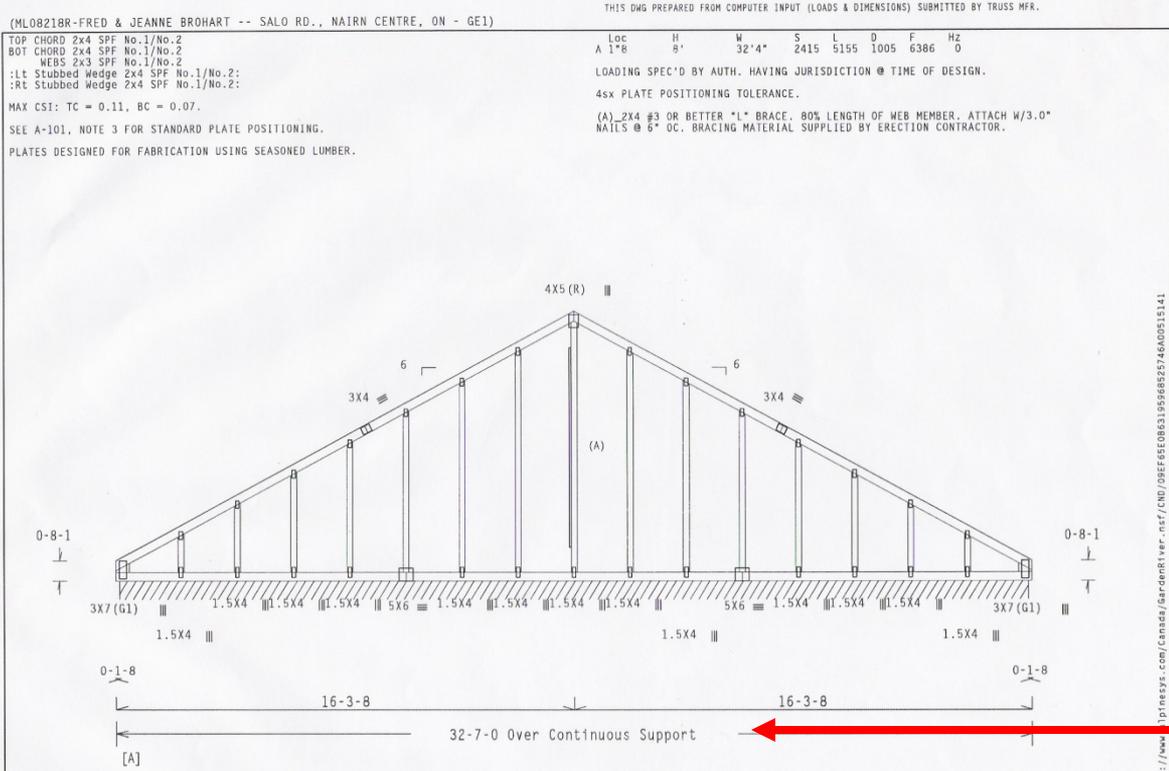
A gable end frame is a manufactured component used to complete the end wall of a building. Most gable end frames are designed to have continuous support along their entire span. The truss industry refers to this as a non-structural gable end frame in that the component is not designed to transfer load from bearing wall to bearing wall across a span. The web members in a non-structural gable end frame are oriented vertically (Figure 1) as opposed to the triangulated web members in a typical truss.

This was
EXACTLY
what we
had been
given!

“Figure 1: Example of a non-structural gable end frame with continuous bearing along the entire span.”

Source [All text and images taken from]: Gjinolli, A., (P.E.) and Vogt, J., (P.E.), Wood Truss Gable End Frames, Structure Magazine, August 2007, p. 54

This was exactly the same type of gable end truss that was designed by our BCIN designer and sealed by our truss engineer as part of the application which resulted in the issuance of building permit no. 08-1658.



**Note
 Wording:
 "Over
 Continuous
 Support"**

PLT TYP. Wave-Canada	Design Crit: RESIDENTIAL	7.35.0313.22	QTY: 2	ON/-/1/-/-/-	Scale = .25"/Ft.
Garden River Truss (705) 942-6774 177 Hwy #17 East, Garden River ON	THIS DRAWING MUST BE APPROVED BY THE BUILDING DESIGNER AND REVIEWED BY THE TRUSS INSTALLER BEFORE USE. VISIT http://alpinetys.com/Specs FOR THE LATEST INFORMATION AND WARNINGS AND SEE A100 FOR GENERAL NOTES. IMPORTANT SPECIFICATIONS AND WARNINGS CCMC #12182-L 12802-L 13124-L CONFORMS TO NBCC 2005 PART 9, HOUSING AND SMALL BUILDINGS. (LSD)			TC LL 37.1 PSF	REF R9275- 83910
<p>Alpine Systems Corporation http://www.alpinetys.com/Specs</p>		Ground Snow Load = 52.2 psf OR LESS	TC DL 3.0 PSF	DATE 06/17/08	
		Rain Load = 8.4 psf OR LESS	BC DL 7.0 PSF	DRW 0NUSR9275 08169001	
		Cb = 0.55 Cw = 1.00 Cs = 1.00 Importance Factor = 1.00	BC LL 10.0 PSF	ON-ENG DS/AV	
			TOT.LD. 57.1 PSF	SEQN- 43416	
			DUR.FAC. 1.00		
	SPACING 24.0"	JREF- 1TIF9275Z02			

**Source:
 Alpine Systems Corp.,
 JREF- 1TIF9275Z02**

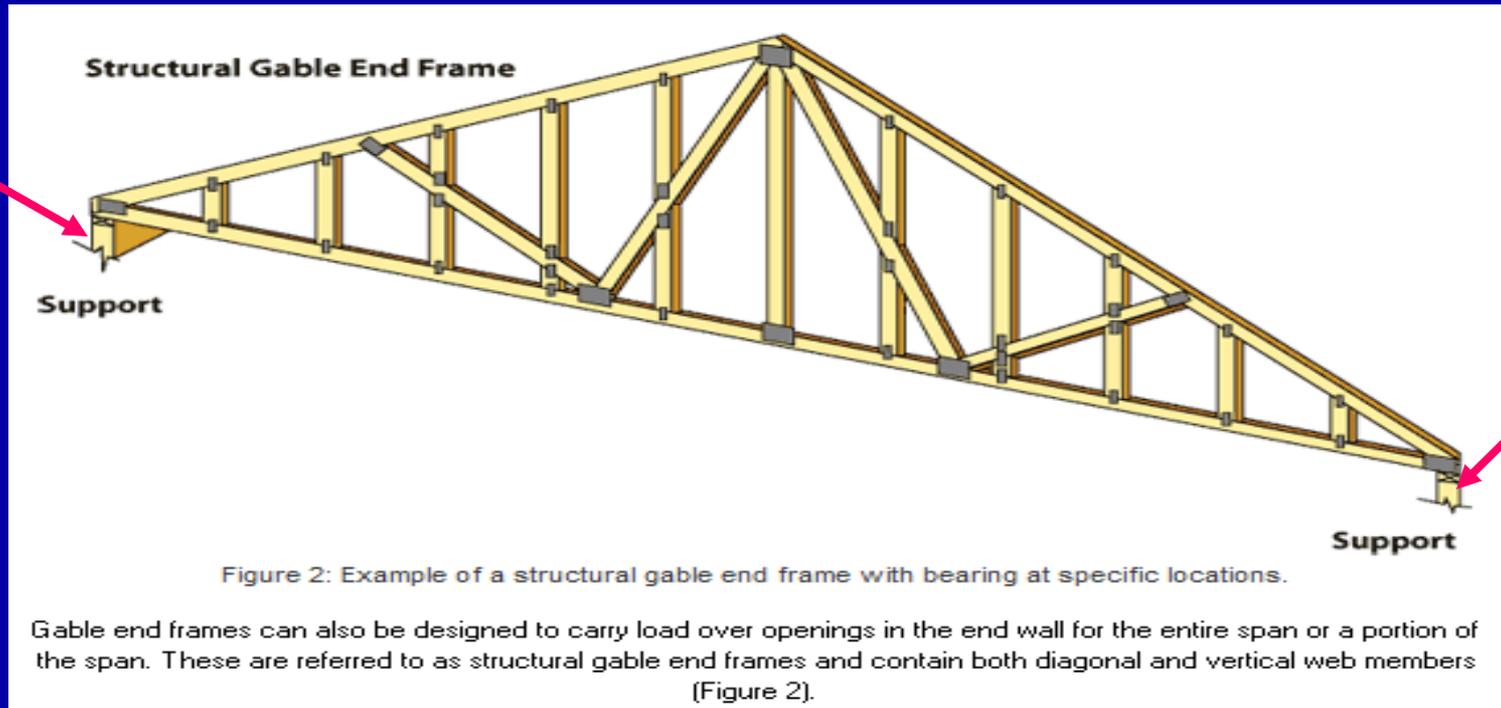
A Critical Point To Keep In Mind...

There were many ways to frame exterior walls – using various types of trusses and/or framing methods.

As such, it can only be argued that this PARTICULAR design – calling for a non-structural gable end on a continuous support - designed by a “qualified” BCIN designer and also by a “qualified” truss company engineer from Alpine Systems, was, therefore, specifically DESIGNED for our house.

The fact that this design was “not to code” did not take away from the fact that THIS PARTICULAR design was SPECIFICALLY DESIGNED FOR OUR HOUSE BY “QUALIFIED” PERSONS!

There were indeed “other ways” that could have been indicated to frame this part of the house – some “to code” and “others – not!”

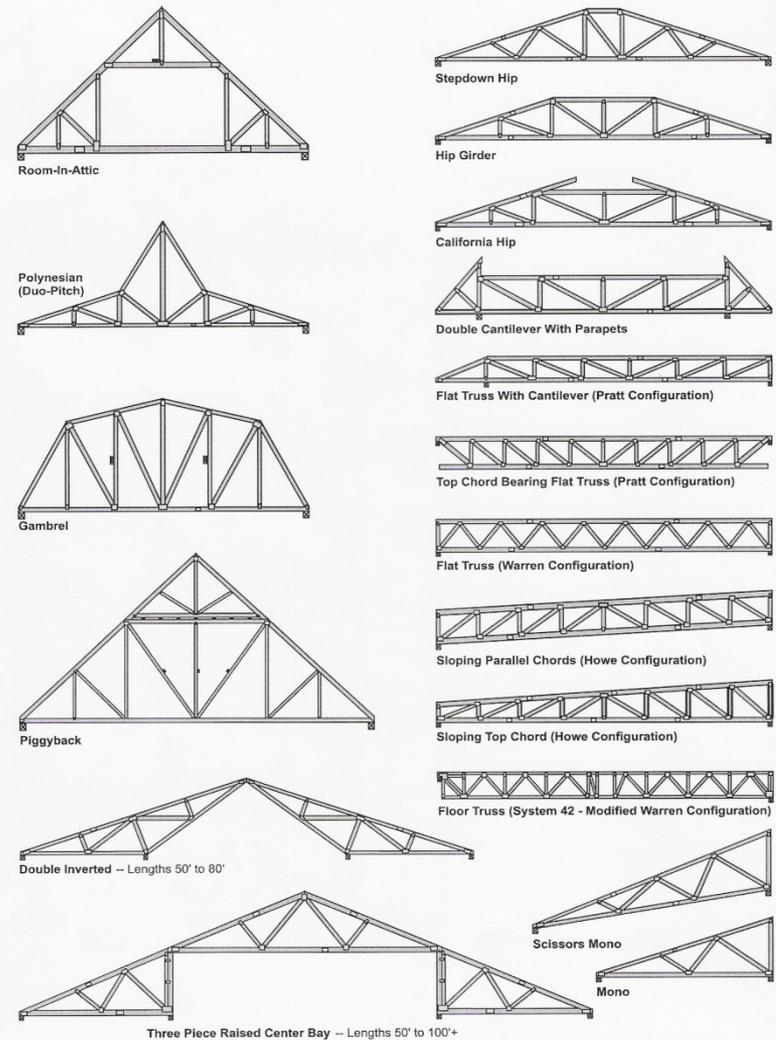
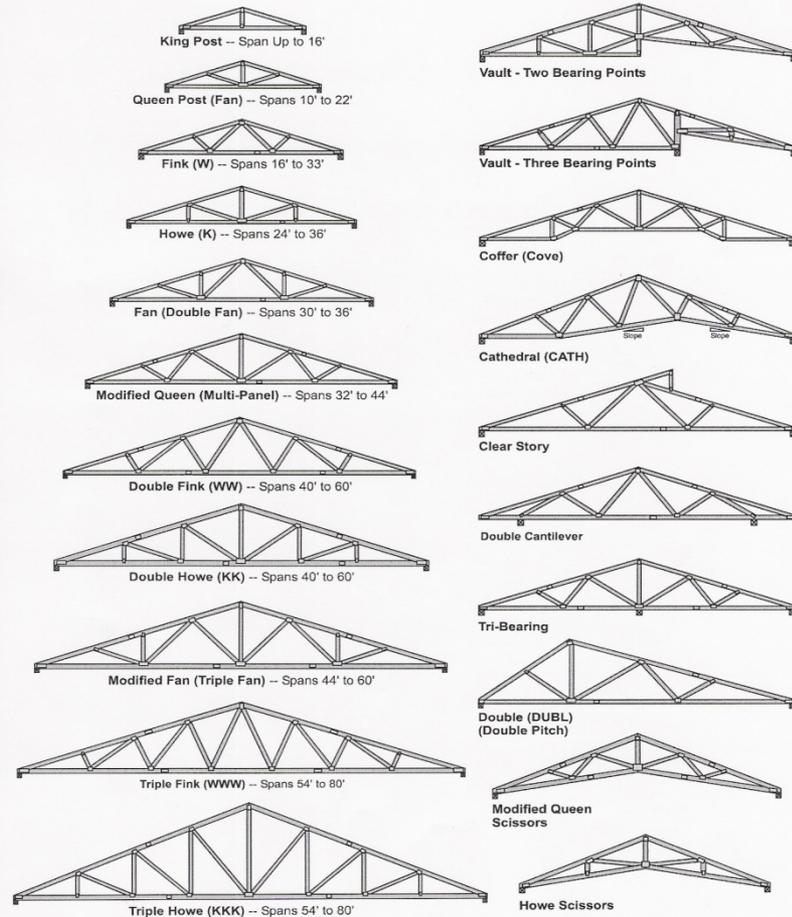


“Figure 2: Example of a structural gable end frame with bearing at specific locations.”

Source [All text and images taken from]: Gjinolli, A., (P.E.) and Vogt, J., (P.E.), Wood Truss Gable End Frames, Structure Magazine, August 2007, p. 54

Truss Designs Vary TREMENDOUSLY....

TYPICAL TRUSS CONFIGURATIONS

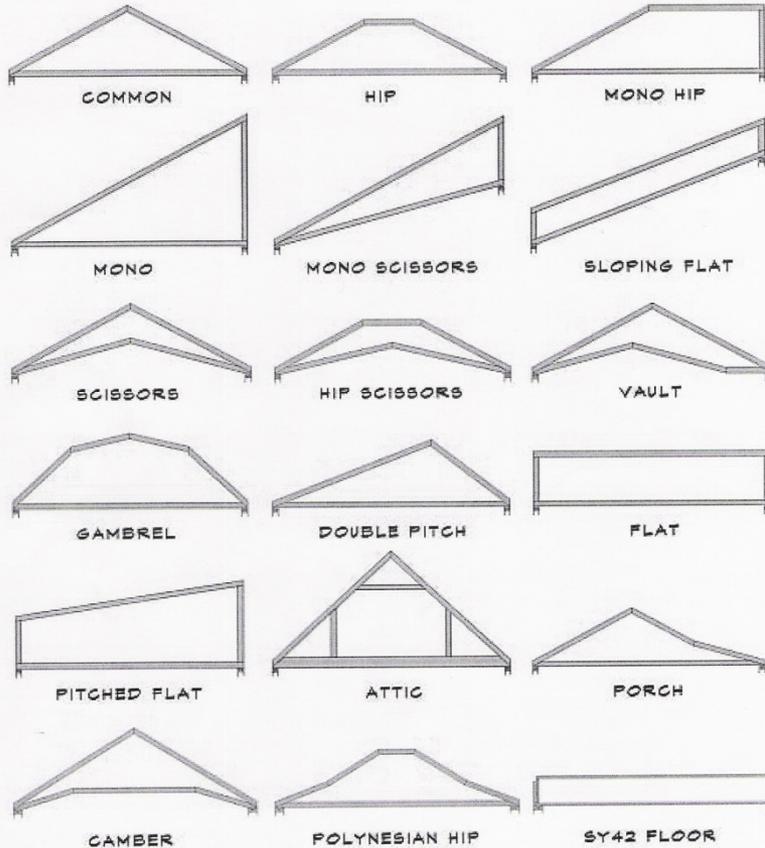


Source: Alpine Systems Corp., A Builders Guide To Trusses, pages 18-19, available via Alpine Systems at: <http://www.alpinesys.com>

Truss Designs Vary TREMENDOUSLY....

TYPICAL TRUSS SHAPES

The outside profile of your truss can take on just about any shape you can imagine. Some of the more common truss shapes appear below.



Note that this Builders Guide To Trusses was a document created by Alpine Corporation – the SAME COMPANY that supposedly “engineered our trusses”!

Alpine Systems Corporation... And The Alpine Builders Guide To Trusses!!!

Building Excellence Homepage

Page 1 of 1



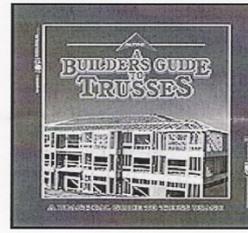
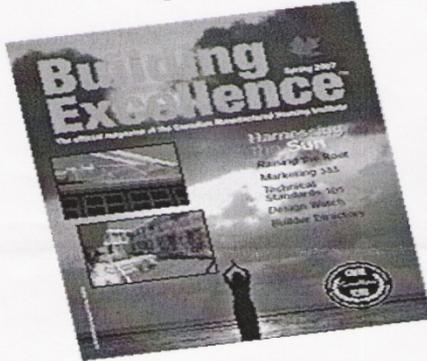
The Only Full Service Supplier of Metal Connector Plates
To Wood Truss Manufacturers across Canada

As Advertised in the CMHI's
Current Edition of
Building Excellence

Please click the link below
to fill in the on-line form:

<http://www.AlpineSys.com/BuildingExcellence.htm>

To Receive a Free Copy of "The Guide to
Equipment for the Building Component
Industry" and/or
"A Builder's Guide to Trusses"



ITW Building Components Group, Inc.

**SUPERIOR PRODUCTS
AND SERVICES FOR THE
BUILDING INDUSTRY THROUGHOUT THE WORLD**

ITW Building Components Group, Inc., is a world leader in residential and light commercial construction products and services. Its brands - including Alpine Engineered Products, Truswal Systems, Intelligent Building Systems, TrusSteel, SpaceJoist TE and Alpine Equipment - represent the building components industry's premier equipment, and engineering products and services...
<http://www.ITWBCG.com>

**Source:
Alpine Systems Webpage,
Downloaded Nov. 23, 2009.**

Alpine Systems Corporation... And "Margin Notes"...

Welcome to Alpine Systems Corporation's Homepage - Windows Internet Explorer

http://www.alpinesys.com/

File Edit View Favorites Tools Help

alpine systems

Norton

Cards & Logins

Easy Rider System

Alpine 42ft RAM FAQ's & Easy Rider Pricing **NEW!**

Alpine AutoSet C4 Case Study

New Infeed and **NEW!** Outfeed System for the ALS Linear Saw

AutoSet C4 **NEW!** Will Blow You Away

Alpine X4 **NEW!** Linear Saw

Orlando Workshops Jan 17-18 2008

Alpine is Ontario Bill 124 Ready

Even More From the ALS Linear Saw

New Alpine Super Strength 18 gauge plates

Double your Cutting Output with Alpine Speed Cut Express Automation

Reduce Jig Setup time by 40% with Alpine TrusSet Rails

Increase Truss Production by 20% Using Laser Projection

ALPINE

Alpine Systems Corporation
A Division of ITW Building Components Group Inc.

The Only Full Service Supplier of Metal Connector Plates To Wood Truss Manufacturers across Canada

As Advertised in the CMHI's Current Edition of **Building Excellence**

Please click the link below to fill in the on-line form:

<http://www.AlpineSys.com/BuildingExcellence.htm>

To Receive a Free Copy of "The Guide to Equipment for the Building Component Industry" and/or "A Builder's Guide to Trusses"

Building Excellence

EQUIPMENT

BUILDER'S GUIDE TO TRUSSES

FOR ALPINE CUSTOMERS ONLY - Alpine's standard practice is already Bill 124 ready including layout reviews and an end-to-end complete electronic solution - click to learn more

ITW Building Components Group, Inc.

SUPERIOR PRODUCTS AND SERVICES FOR THE BUILDING INDUSTRY THROUGHOUT THE WORLD

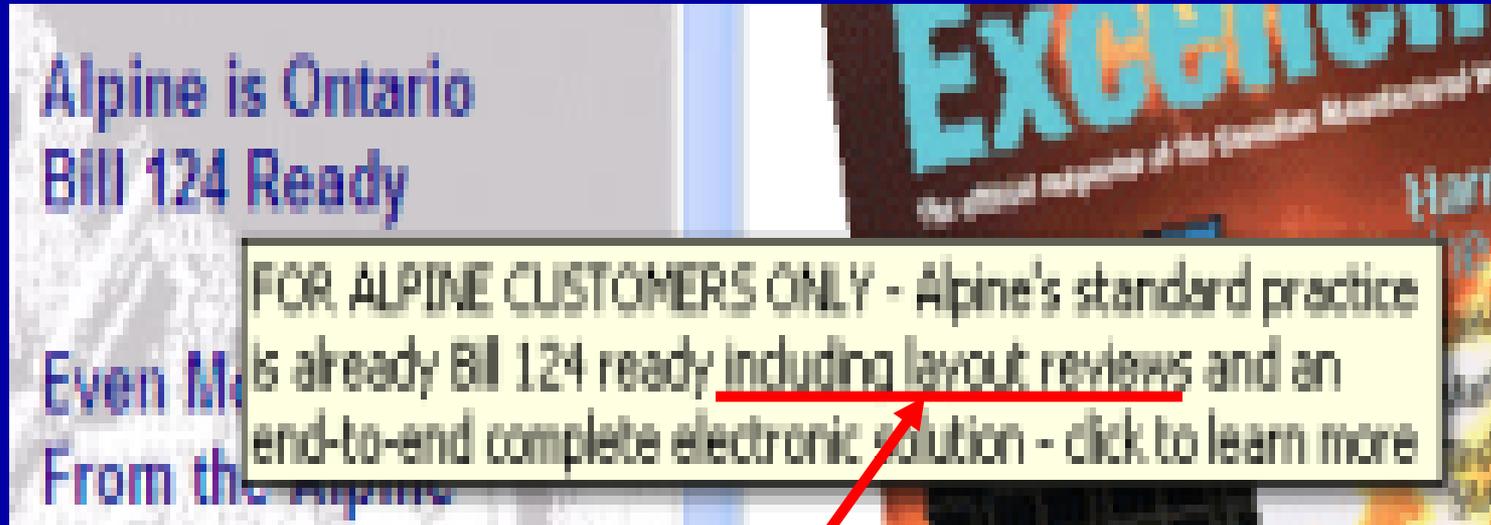
http://www.alpinesys.com/AlpineIV.NSF/36d3bdb7210f9c1585256798001edb83/5a6f2a66a708ad0e852570220061b71e?OpenDocument

Internet 100%

Desktop 12:57 PM

Source: <http://www.alpinesys.com/>

Alpine Systems Corporation... And “Margin Notes”...



What did this mean?

What was “layout review”? Would this not be referring to the review of the “truss placement guide”?

Who was “an Alpine Customer”?

Source: <http://www.alpinesys.com/>, margin notes that appeared when user cursor at “Alpine is Ontario Bill 124 Ready” on webpage.

Alpine Systems Corporation... And "Margin Notes"...

The screenshot shows the Alpine Systems Corporation website in a Windows Internet Explorer browser window. The address bar displays <http://www.alpinesys.com/>. The page header features the ITW Building Components Group, Inc. logo and contact information: ALPINE SYSTEMS CORPORATION, 1701 Creditstone Road, Concord ON L4K 5V6, Tel:(905) 417-2766, and <http://www.alpinesys.com>.

The main content area is titled "Welcome to Your Alpine Authentication Site" and contains a login form with fields for "User Name:" and "Password:", a "Login" button, and a "Remember me on this computer" checkbox. Below the form are links for "Register New Account" and "Change Your Password?".

A sidebar on the left lists various products and services, including "Alpine Premium Tray Packaging", "Alpine RAM Easy Rider System", "Alpine 42ft RAM FAQ's & Easy Rider Pricing", "Alpine AutoSet C4 Case Study", "New Infeed and Outfeed System for the ALS Linear Saw", "AutoSet C4 Will Blow You Away", "Alpine X4 Linear Saw", "Orlando Workshops Jan 17-18 2008", "Alpine is Ontario Bill 124 Ready", "Even More From the ALS Linear Saw", "New Alpine Super Strength 18 gauge plates", "Double your Cutting Output with Alpine Speed Cut Express Automation", and "Reduce Jig Setup time by 40% with Alpine TrusSet Rails".

A red arrow points from a "margin note" box to the "Alpine is Ontario Bill 124 Ready" link in the sidebar. The margin note text reads: "FOR ALPINE CUSTOMERS ONLY - Alpine's standard practice is already Bill 124 ready including layout reviews and an end-to-end complete electronic solution - click to learn more." Another red arrow points from the "margin note" box to a "SECURED BY GeoTrust" badge located below the login form.

The browser's status bar at the bottom shows the URL: <http://www.alpinesys.com/AlpineIV.NSF/36d3bdb7210f9c1585256798001edb83/5a6f2a66a708ad0e852570220061b71e?OpenDocument>. The system tray shows the time as 2:47 PM.

Note that this was still on Alpine's website on Feb. 1, 2012

The OBC... And Bill 124...

July 28, 2003

COMING INTO FORCE OF BILL 124 : QUESTIONS AND ANSWERS

When will the changes take effect?

On July 25, 2003 the regulation required to implement the *Building Code Statute Law Amendment Act, 2002* (Bill 124) was filed.

Bill 124 and the supporting regulation will take effect in two steps.

On September 1, 2003, certain provisions will come into force. These include:

- Provisions allowing building officials and other building practitioners to take examinations related to Building Code knowledge;
- Provisions that govern the qualifications of on-site sewage inspectors and installers who are already required under the *Building Code Act, 1992*, to have qualifications (in order to allow for a smooth transition); and,
- Provisions which provide for certain “housekeeping” changes.

Source: Ontario Ministry of Municipal Affairs and Housing, Questions and Answers, July 28, 2003, <http://www.mah.gov.on.ca/AssetFactory.aspx?did=8226>

The OBC... And Bill 124...

Most provisions of Bill 124 will take effect on July 1, 2005, including:

- Qualifications for building officials which become mandatory on this date;
- Mandatory registration for certain classes of designers and private building inspectors, known as Registered Code Agencies (RCAs), including mandatory qualifications and professional indemnity insurance;
- The use of a common building permit application form;
- Time frames within which decisions must be made on issuing a building permit;
- Stages of construction when a building must be inspected;
- Authority to allow municipalities to appoint RCAs or to allow certain building permit applicants to appoint their own RCA;
- New rules governing building permit fees to enhance transparency; and
- An expedited route to the Ontario Municipal Board in the case of site plan disputes.

Source: Ontario Ministry of Municipal Affairs and Housing, Questions and Answers, July 28, 2003, <http://www.mah.gov.on.ca/AssetFactory.aspx?did=8226>

The OBC... And Bill 124...

How will Bill 124 and its regulation affect public safety?

The reforms in Bill 124 will significantly improve public safety in new building construction and building renovation in Ontario. The following reforms, in particular, will have a positive impact:

- Mandatory provincial Building Code knowledge exams for building designers will help ensure that buildings are safe and building designs comply with the Building Code.
- Mandatory provincial code knowledge exams for municipal building inspectors and person employed or engaged by private building inspectors, RCAs, will help to ensure that persons responsible for plans review and inspection functions are qualified.
- Mandatory inspections for all buildings will be established. Most buildings will be subject to mandatory inspections at 7 stages of construction.

Source: Ontario Ministry of Municipal Affairs and Housing, Questions and Answers, July 28, 2003, <http://www.mah.gov.on.ca/AssetFactory.aspx?did=8226>

The OBC... And Bill 124...

How do the changes affect designers?

Several changes in Bill 124 will affect designers, including the following:

- Designers who take responsibility for design activities in connection with plans submitted with building permits, will be required to pass provincial Building Code knowledge exams.
- Designers who provide services to the public, in connection with plans submitted with building permits, will be required to carry professional indemnity insurance and be registered annually in accordance with provincial requirements.

The OBC... And Bill 124...

How do the changes affect builders?

Builders will benefit from several of the reforms in Bill 124 including:

- The introduction of time limits on decisions about building permit applications, which will reduce delays and uncertainty.
- The introduction of mandatory Building Code qualifications for designers which should contribute to improved Building Code compliance and building quality. Mandatory Building Code qualifications for inspectors should contribute to improved quality of plans review and building inspections.
- The requirement for mandatory inspections by municipalities will enhance the quality of building inspection services.
- The introduction of a standardized building permit application form which will reduce paperwork for large homebuilders and other firms operating in several jurisdictions.

Source: Ontario Ministry of Municipal Affairs and Housing, Questions and Answers, July 28, 2003, <http://www.mah.gov.on.ca/AssetFactory.aspx?did=8226>

The OBC... And Bill 124...

How does the Province intend to address the issue of accountability for builders?

The Bill 124 Regulation does not require insurance for builders in the institutional, commercial and industrial (ICI) sector.

To address issues related to building contractor accountability, an advisory committee of stakeholders will be formed with a mandate to develop options for improved accountability for builders. The Building Advisory Committee (BAC) will be asked to report back on this issue within six months of being formed.

Homebuilders will continue to be covered by warranty insurance provided by the Ontario New Home Warranty Program.

The OBC... And Bill 124...

Note that there was NOTHING in Bill 124 that indicated builders would be required to be “qualified” in any way.

Builders were supposed to be able to trust that the plans on which they depended were accurate and “to code”. It was not the job of builders to question engineers and/or designers.

To ask that builders review the work of engineers and/or designers who were “qualified” would be completely absurd and would result, in our opinion, in nothing less than a most chaotic building industry.

Trusses...

PRE-ENGINEERED STRUCTURAL ELEMENTS...

It was because trusses can vary so much and because of the fact that DETERMINATION as to the “proper truss” had to take several factors (i.e., scientific principles as they related to various types of loads, site/zone conditions as they related to snow, wind, earthquakes, etc.) into consideration that trusses were considered PRE-ENGINEERED elements.

BCIN designers were NOT persons who could design PRE-ENGINEERED elements. These structural elements HAD to be designed and drawings sealed by ENGINEERS!

Only an engineer could determine the PROPER TYPE of truss and its correct placement for each part of the roof structure!

But...

In Practice...

Are Trusses...

PRE-ENGINEERED STRUCTURAL ELEMENTS...

REALLY being “DESIGNED BY ENGINEERS”...

As the OBC and OBC Act stipulate they MUST be...

Since only an engineer is “qualified” to act as an engineer...

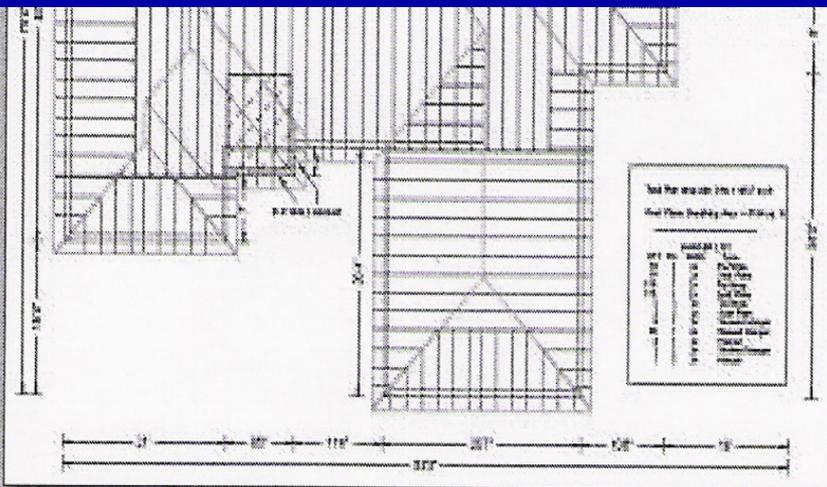
**Or... Is there a MAJOR violation of the OBC and OBC Act...
IN PRACTICE???**

Trusses... PRE-ENGINEERED Structural Elements...

In PRACTICE... where does the “truss design” process begin?

According to Alpine Systems Corporation’s own documentation, “truss design” begins with “the TRUSS designer working from plans” to FIRST complete the truss placement guide!

NOTE: A “TRUSS DESIGNER” for PRE-ENGINEERED TRUSSES CAN ONLY BE A TRUSS ENGINEER!!!



The truss designer will work from a set of plans, first creating a truss placement plan, and then designing each truss in the system.

Trusses... PRE-ENGINEERED Structural Elements...

Although BCIN designer Marc Levasseur had, in our opinion, acted as a “pseudo-engineer” by completing the first step in the truss design process – the truss placement guide – and placing his name upon it – clearly, that did not remove liability from the project engineer of record, Gus Vertolli – who should have caught the error.

Indeed, Gus Vertolli, as the project engineer of record, had placed his seal perhaps not on the placement guide, but on page A-100 of the truss package – thus assuming responsibility for suitability of the trusses for their intended purpose – and a gable end truss next to a cathedral ceiling was NOT suitable and resulted in a structure subject to collapse.

“Truss Suitability”...

SPECIFICATIONS:

Design standards conform with applicable provisions of TPIC, CSA 086-01 and NBCC (Latest Edition)

Alpine Systems Corporation certifies that trusses manufactured to its design are suitable for the use specifically indicated provided that:

1. The truss loading, as well as load transfer mechanism, is indicated on the drawing.
2. The building matches the type of building requested by the manufacturer, which is indicated on the drawing.
3. Compression chords, typically Top Chords, are braced using a continuous rigid diaphragm sheathing, or are braced at intervals not exceeding 12.5 times their thickness [18.75" o.c.], or as specified on the individual design. Tension chords, typically Bottom Chords, are braced using a continuous rigid diaphragm sheathing, or are braced at intervals not exceeding 80 times their thickness, 10'-0" o.c. maximum, or as specified on the individual design. All other members are to be braced as indicated by the individual design. Bracing that is referred to here is to be securely anchored to prevent overall movement of the structures as a whole.
4. A properly designed bracing system, maintaining the trusses in a plumb position and providing resistance to wind and sway is installed. Bracing appearing on Alpine drawings is used as a component of the truss and forms an integral part of the truss component design.
5. Proper care and handling of trusses during fabrication, shipping and erection are the responsibilities of the fabricator and the erectors respectively. Procedures consistent with good workmanship and good building practices are the responsibility of the building contractor.
6. Trusses are supported where indicated on the design sheet and anchored where considered necessary by the designer of the overall structure. Bearing sizes and bearing details shown on the design are adequate or more than adequate to prevent crushing of the truss member. This does not, however, take into account the overall stability of the supporting structure. Alpine does not design supporting structures.
7. Plates used by the fabricator are supplied by Alpine and are of that type, size and gauge as indicated on the drawings and placed on both faces of the truss. The truss is manufactured by an authorized fabricator in accordance with a design approved by a registered professional engineer authorized by Alpine.
8. Dimensions and geometry of the installed truss match that of the design sheet.
9. Brace Locations and Lengths:
 - (a) One(1) continuous lateral brace, (CLB) to be placed at the center of the web length.
 - (b) Two(2) CLB's to be placed at third points of web length.
 - (c) Three(3) CLB's to be placed at quarter points of web length.
 - (d) T-Brace, Scab Brace & L-Braces are to be a minimum of 80% of the length of the web.

10. MINIMUM DEFLECTION REQUIREMENTS:

Maximum truss deflection shall be based on the greater of live or dead load deflection for trusses; 1-1/3 live plus dead load deflection for HSB and Sectional/Mobile home roof trusses; live load deflection for LH0 farm trusses and live load deflection for HSB floor trusses.

MAXIMUM DEFLECTION shall be limited as follows:

- a) With plaster or gypsum board ceiling finish:
 - Part 4: LL= L/360 TL= L/240
 - Part 9: TL= L/360
- b) Other than plaster or gypsum board ceiling finish:
 - Part 4 including Low Human Occupancy: LL= L/240 TL= L/180
 - part 9: TL= L/360
- c) Part 4 floor truss design:
 - With plaster or gypsum board ceiling: LL= L/360 TL= L/240
 - Other than plaster or gypsum board ceiling: LL= L/240 TL= L/180
- d) Cantilever deflection shall be limited to length of cantilever/120.
- e) Overhang Deflection - Maximum overhang deflection shall be based on total load and shall be limited to overhang length/120.
- f) Top Chord Panel Deflection - Maximum top chord panel deflection shall be based on total load and shall be limited to panel length/180.
- g) Bottom Chord Panel Deflection - Maximum bottom chord panel deflection shall be based on total load and shall be limited to panel length/360.
- h) Horizontal Deflection at Supports - Maximum horizontal total load deflection shall not exceed 25 mm.

11. For lumber sizes 2x10 and 2x12 MSR Grades, the assigned tension design values are based on those as listed in Table 5.3.2 in CSA 086, latest edition, provided the lumber is subject to the appropriate level of qualification and daily quality control testing for tension strength, as specified in NLGA SPS 2.

- * TPIC-96 Truss Design Procedures and Specifications for Light Metal Plate Connected Wood Trusses, Limit States Design, 1996 Edition. Truss Plate Institute of Canada.
- * TPIC-2007 Truss Design Procedures and Specifications for Light Metal Plate Connected Wood Trusses, Limit States Design, 2007 Edition. Truss Plate Institute of Canada.
- ** CSA 086-01 CSA Standard 086-01 Engineering Design in Wood (Limit States Design)
 - + NBCC - The National Building Code of Canada, 1995 Edition.
 - + NBCC - The National Building Code of Canada, 2005 Edition.
 - + BCBC - The British Columbia Building Code, 2006 Edition.
 - + ABC - The Alberta Building Code, 2006 Edition.
 - + OBC - The Ontario Building Code, 2006 Edition.

Maximum overhang deflection for HSB trusses and Sectional/Mobile home trusses shall be based on 1-1/3 live plus dead load and shall be limited to overhang length/120.

Visit <http://www.alpinesys.com/Specs> for the latest information and warnings



****WARNING**** TRUSSES REQUIRE EXTREME CARE IN FABRICATING, HANDLING, SHIPPING, INSTALLING AND BRACING. REFER TO BEST PRACTICES FOR HANDLING, INSTALLING AND BRACING, PUBLISHED BY THE TRUSS PLATE INSTITUTE (BID-BRIBRIB DR., SUITE 200, MADISON, WI 53719) FOR SAFETY PRACTICES PRIOR TO PERFORMING THESE FUNCTIONS. UNLESS OTHERWISE INDICATED, TOP CHORD SHALL HAVE PROPERLY ATTACHED STRUCTURAL PANELS AND BOTTOM CHORD SHALL HAVE A PROPERLY ATTACHED RIGID CEILING.
****IMPORTANT**** FURNISH A COPY OF THIS DESIGN TO THE INSTALLATION CONTRACTOR. ALPINE SYSTEMS CORPORATION SHALL NOT BE RESPONSIBLE FOR ANY DEVIATION FROM THIS DESIGN. ANY FAILURE TO BUILD THE TRUSSES IN CONFORMANCE WITH TPIC OR FABRICATING, HANDLING, SHIPPING, INSTALLING AND BRACING OF TRUSSES DESIGN CONFORMS WITH APPLICABLE PROVISIONS OF CSA 086-01 (CANADIAN STANDARDS ASSOCIATION), NBCC (LATEST EDITION), AND TPIC. ALPINE CONNECTORS ARE MADE OF 300A ASTM A653 GR40 GALV. STEEL EXCEPT AS NOTED. APPLY CONNECTORS TO EACH FACE OF TRUSS AND, UNLESS OTHERWISE INDICATED IN THIS DESIGN, POSITION CONNECTORS PER DRAWINGS 160-A-2. THE SEAL IN THIS DRAWING INDICATES ACCEPTANCE OF PROFESSIONAL ENGINEERING RESPONSIBILITY. SILENTLY FOR THE TRUSS COMPONENT DESIGN SHOWN. THE SUITABILITY AND USE OF THIS COMPONENT FOR ANY PARTICULAR BUILDING IS THE RESPONSIBILITY OF THE BUILDING DESIGNER, PER TPIC 96.



REF	
DATE	09/20/07
-ENG	TB/AV
A-100	

But... In PRACTICE... IS the “truss designer” a “truss engineer”?

Note the following...

Also in the Alpine Systems Builders Guide To Trusses...

Most truss manufacturers utilize sophisticated truss design software that is capable of designing the truss system as well as the truss itself.

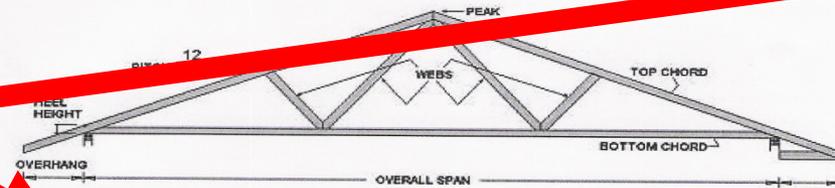
**Source: Alpine Systems Corp., A Builders Guide To Trusses, page 6,
available via Alpine Systems at: <http://www.alpinesys.com>**

When we combine these two statements... The “IN PRACTICE” picture becomes much more focused...

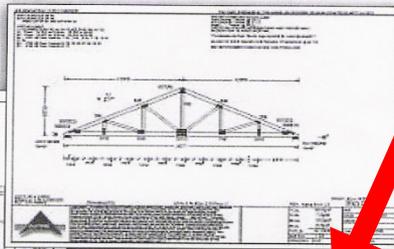
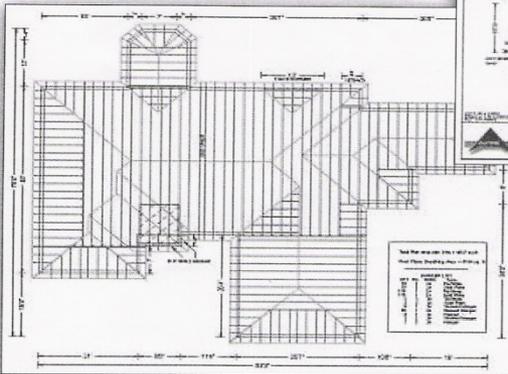
HOW DOES A TRUSS WORK?

A truss is a frame that supports loads by efficiently transferring its forces to end supports. While stick framing might use larger 2x8, 2x10, etc. members (which are expensive and hard to find without going into old growth forests), and might require either additional beams or interior load bearing walls, trusses can span a longer distance without additional supports, while using less expensive and more plentiful 2x4 members, usually arranged in intersecting triangles.

Trusses can span up to approximately 90', although very long truss spans are more challenging to deliver, erect, brace and install properly. While longer trusses may be “wobbly” as they are lifted off of the ground and onto the bearing walls, once they are properly braced, the truss system is extremely strong.



Most truss manufacturers utilize sophisticated truss design software that is capable of designing the truss system as well as the truss itself.



The truss designer will work from a set of plans, first creating a truss placement plan, and then designing each truss in the system.

IN PRACTICE...

THIS SOFTWARE MAKES...

**THE TRUSS
MANUFACTURER...**

OR BCIN DESIGNER...

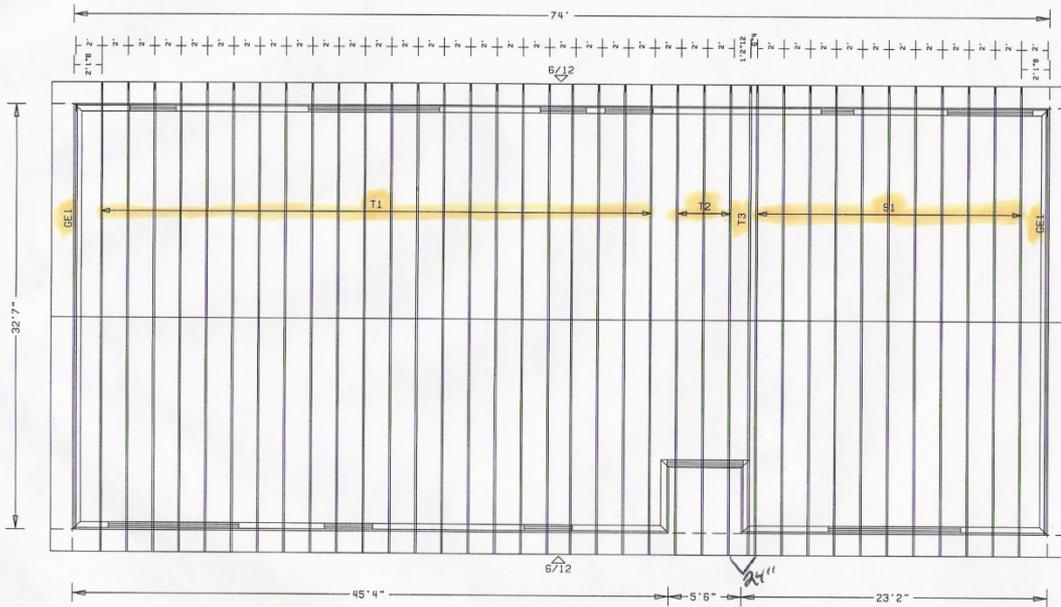
OR SECRETARY...

OR LUMBER YARD GUY...

THE TRUSS ENGINEER!

Source: Alpine Systems Corp., A Builders Guide To Trusses, page 6,
available via Alpine Systems at: <http://www.alpinesys.com>

THIS "PRACTICE" WAS CLEARLY INDICATED BY THE NOTATION INDICATING WHO "DESIGNED" OUR TRUSS PLACEMENT GUIDE!!!



ALL LINTELS ARE TO BE 5.5"x9.5" GLULAM MATERIAL

Roof Plane Sheathing Area = 3105 sq. Ft
 Gable Sheathing Area = 309 sq. Ft
 Total Sheathing Area = 3415 sq. Ft
 Fascia Material = 235 Linear Ft
 Ridge Cap Material = 77 Linear Ft
 Total Truss Quantity = 39
 Peak Height = 12"
 Overhang = 20"
 Cantilever = 1 1/2"
 L50 Loading = 52.2 / 8.4

THIS DRAWING IS A PLACEMENT GUIDE ONLY.
 CONFIRMATION OF ALL DIMENSIONS, QUANTITIES, LENGTHS & DETAILS REMAIN THE RESPONSIBILITY OF THE PERSON(S) INSTALLING THE ROOF SYSTEM.
 ALL TRUSS DIMENSIONING IS TO THE CENTER, UNLESS STATED OTHERWISE.
 GARDEN RIVER TRUSS CO. INC.

JOB LOCATION:
 SALLO RD., NAIRN CENTRE, ON

JOB DESCRIPTION:
 FRED & JEANNE BROHART

DESIGNED BY:
 MARC G. LEVASSEUR

JOB NO:
 MLO8218R

PAGE NO:
 1 OF 1

**BCIN
 DESIGNER...
 MARC
 LEVASSEUR...**

AND

**GARDEN RIVER
 TRUSS!!!**

**NOT
 ENGINEERS!!!**

THIS “PRACTICE” WAS CLEARLY INDICATED IN THE ALPINE SYSTEMS BUILDERS GUIDE TO TRUSSES!!!

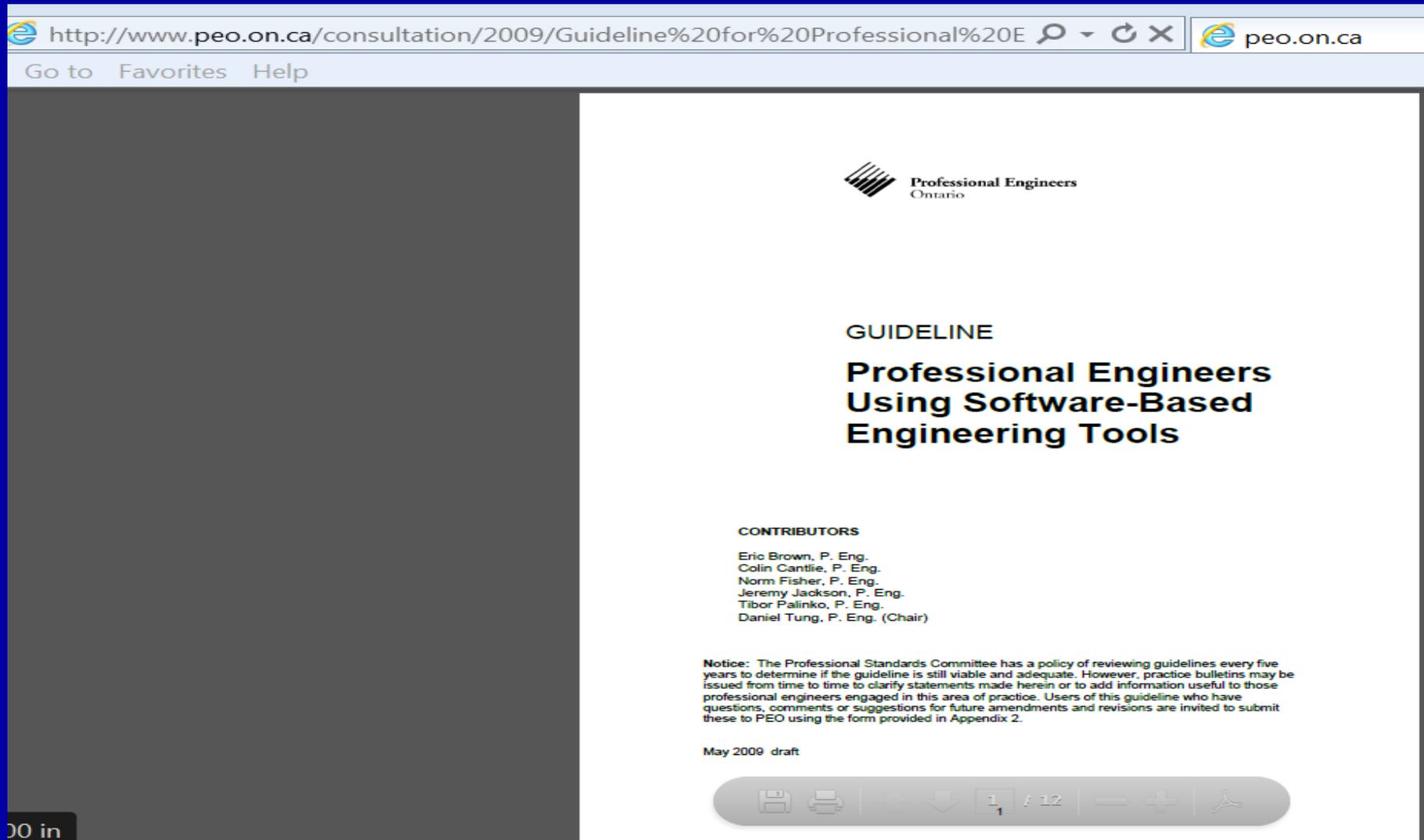
State of the art truss design software allows manufacturers to design them to be:

- Hurricane-resistant, and/or
- Withstand heavy snow loads, and/or
- Support storage areas above the ceiling.

**Manufacturers
acting as...
“Pseudo-
engineers”**

**Source: Alpine Systems Corp., A Builders Guide To Trusses, page 4,
available via Alpine Systems at: <http://www.alpinesys.com>**

WHO IS RESPONSIBLE FOR ENGINEERING SOFTWARE OUTPUT? THE ENGINEER!!!



The image shows a screenshot of a web browser window. The address bar contains the URL: <http://www.peo.on.ca/consultation/2009/Guideline%20for%20Professional%20E>. The browser's navigation bar includes "Go to", "Favorites", and "Help". The main content area displays the logo of the Professional Engineers of Ontario, followed by the title "GUIDELINE Professional Engineers Using Software-Based Engineering Tools". Below the title, the "CONTRIBUTORS" section lists: Eric Brown, P. Eng., Colin Cantlie, P. Eng., Norm Fisher, P. Eng., Jeremy Jackson, P. Eng., Tibor Palinko, P. Eng., and Daniel Tung, P. Eng. (Chair). A "Notice" section states that the Professional Standards Committee reviews guidelines every five years. At the bottom, it says "May 2009 draft" and includes a navigation bar with icons for save, print, and page navigation (1 / 12).

http://www.peo.on.ca/consultation/2009/Guideline%20for%20Professional%20E

Go to Favorites Help

 Professional Engineers
Ontario

GUIDELINE

**Professional Engineers
Using Software-Based
Engineering Tools**

CONTRIBUTORS

Eric Brown, P. Eng.
Colin Cantlie, P. Eng.
Norm Fisher, P. Eng.
Jeremy Jackson, P. Eng.
Tibor Palinko, P. Eng.
Daniel Tung, P. Eng. (Chair)

Notice: The Professional Standards Committee has a policy of reviewing guidelines every five years to determine if the guideline is still viable and adequate. However, practice bulletins may be issued from time to time to clarify statements made herein or to add information useful to those professional engineers engaged in this area of practice. Users of this guideline who have questions, comments or suggestions for future amendments and revisions are invited to submit these to PEO using the form provided in Appendix 2.

May 2009 draft

1 / 12

Source: Professional Engineers of Ontario, Guideline Professional Engineers Using Software-Based Engineering Tools,
<http://www.peo.on.ca/consultation/2009/Guideline%20for%20Professional%20Engineers%20Using%20Software%202009.pdf>

WHO IS RESPONSIBLE FOR ENGINEERING SOFTWARE OUTPUT? THE ENGINEER!!!

http://www.peo.on.ca/consultation/2009/Guideline%20for%20Professional%20E peo.on.ca

Go to Favorites Help

4. INTRODUCTION

The practice of professional engineering has become increasingly reliant on computers, and engineers use many computer programs that incorporate engineering principles as aids in carrying out their assignments. This software generally provides numerical or graphical output that the engineer will use as the basis of decisions. In many cases software provides complete design information such as pipe or wire sizing, truss layouts, or equipment selection that the engineers can utilize directly in their work. Parametric design software such as that available for ductwork and piping design can produce complete drawings with no operator interaction beyond inputting initial conditions.

Every practitioner has responsibility for all aspects of the design or analysis they incorporate into their work whether it is done by an engineer-in-training, a technologist or a computer program. Therefore, practitioners are advised to always use the data obtained from engineering software judiciously and use it only after submitting results to

WHO IS RESPONSIBLE FOR ENGINEERING SOFTWARE OUTPUT? THE ENGINEER!!!

http://www.peo.on.ca/consultation/2009/Guideline%20for%20Professional%20E peo.on.ca

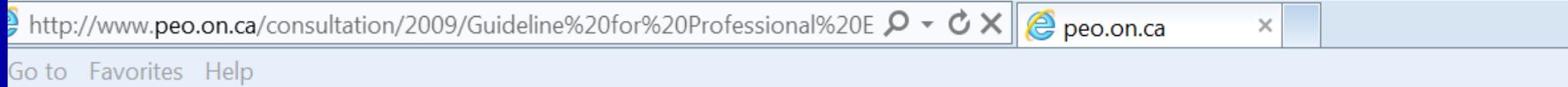
Go to Favorites Help

vigorous checking process. This guideline explains the steps needed to fulfill the practitioner's due diligence obligations.

Due diligence is the effort expected to be made by an ordinarily prudent or reasonable party to avoid harm to another party. A practitioner's due diligence is best demonstrated by taking an organized approach to ensuring all potential sources of error and omission are assessed and, if necessary, corrected before any action is taken. The procedures and processes described in this guideline are an example of best practices for due diligence in situations where practitioners rely on software tools.

All practitioners must have an acceptable knowledge of the engineering principles involved in all the work they undertake. Article 72(2)(h), O. Reg. 941 identifies one criteria of professional misconduct as "undertaking work that practitioner is not competent to perform by virtue of the practitioner's training and experience". Using software to automate part of the work does not relieve practitioners of the obligation to provide services only in their area of competency.

WHO IS RESPONSIBLE FOR ENGINEERING SOFTWARE OUTPUT? THE ENGINEER!!!



5. USING SOFTWARE-BASED ENGINEERING TOOLS

This guideline deals with situations where software is used to provide assistance to professional engineers in performing the engineering activities included in the definition of the practice of professional engineering given in Section 1 of the *Professional Engineers Act*. The listed activities are designing, composing, evaluating, advising, reporting, directing or supervising. This guideline refers to the use of engineering software as a contributor to any of these activities.

5.1 Choosing the right software

As part of their due diligence obligations practitioners have responsibility to accept or reject software based on their own assessment of the compatibility and viability of the software to the task at hand. Engineering practitioners must understand the limitations of the software tools proposed to be used for an engineering project and carefully consider whether the software is appropriate for the purpose intended. A practitioner should decide to use a software-based engineering tool only if he or she has a high degree of confidence that it is the appropriate technical means for accomplishing the task.

WHO IS RESPONSIBLE FOR ENGINEERING SOFTWARE OUTPUT? THE ENGINEER!!!

http://www.peo.on.ca/consultation/2009/Guideline%20for%20Professional%20E peo.on.ca

Go to Favorites Help

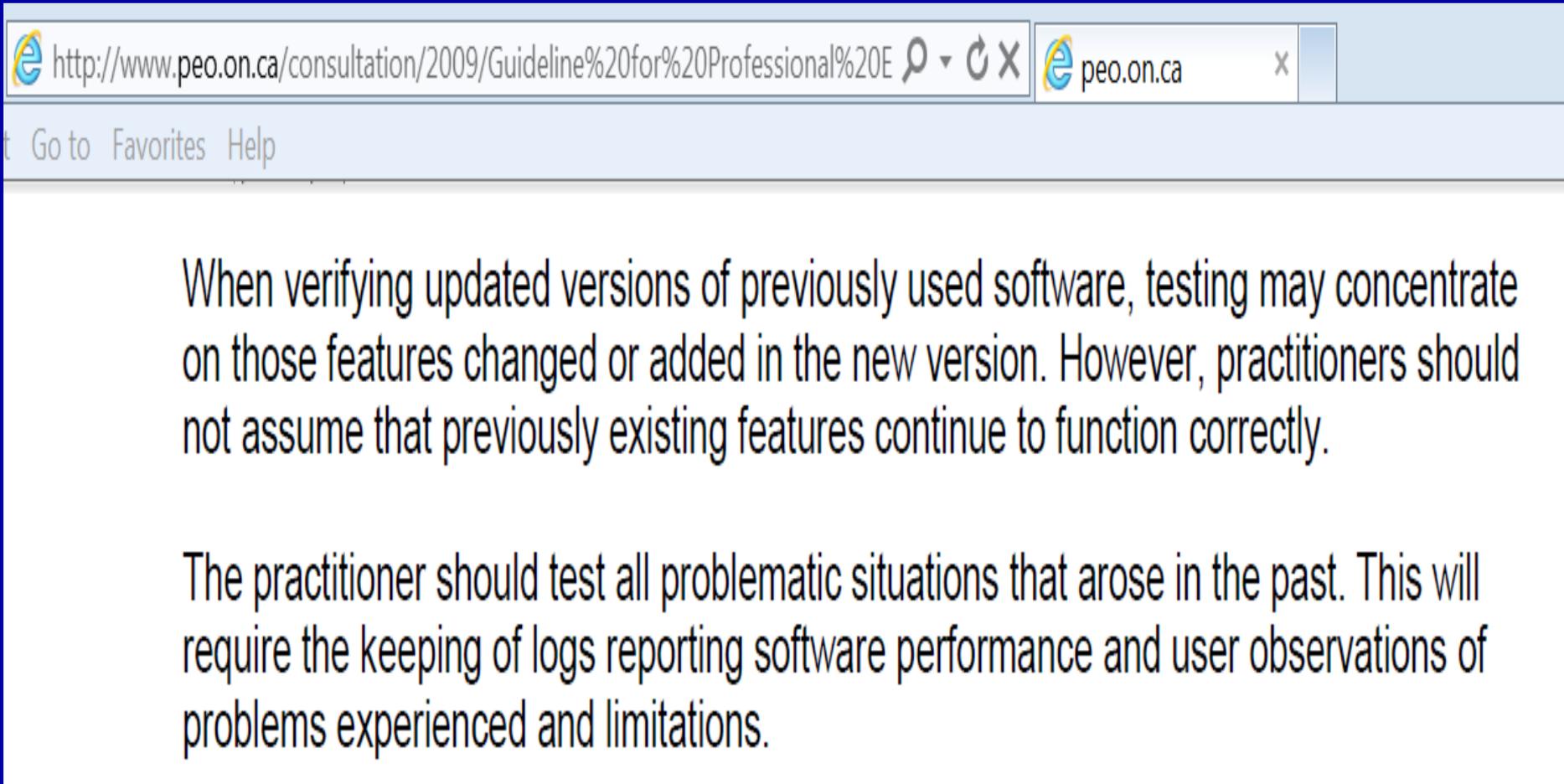
it appear that certain constants are fixed by the developer. In other words, does the software offer the practitioner sufficient control or is the practitioner held hostage to decisions made by the developer?

5.2 Understanding the software in an engineering context

Knowing how to use the software properly is crucial for getting correct answers. Practitioners should become familiar with all aspects of the software prior to using it for design or analysis purposes.

Engineering programs are based upon or include assumptions, limitations, interpretations and judgments on engineering matters that were made by or on behalf of the user when the program was first developed. It is often difficult to determine, just by using a program or by being given a description of its function how the software deals with the engineering principles and technical information it incorporates. Engineers should become familiar with the engineering principles, equations, models, algorithms and assumptions used in the software. Some developers provide manuals or white papers containing detailed explanations of the software's underlying structure. Practitioners should acquire and read these documents.

WHO IS RESPONSIBLE FOR ENGINEERING SOFTWARE OUTPUT? THE ENGINEER!!!



When verifying updated versions of previously used software, testing may concentrate on those features changed or added in the new version. However, practitioners should not assume that previously existing features continue to function correctly.

The practitioner should test all problematic situations that arose in the past. This will require the keeping of logs reporting software performance and user observations of problems experienced and limitations.

WHO IS RESPONSIBLE FOR ENGINEERING SOFTWARE OUTPUT? THE ENGINEER!!!

http://www.peo.on.ca/consultation/2009/Guideline%20for%20Professional%20E peo.on.ca

Go to Favorites Help

5.7 Quality control

Quality control procedures should be implemented each time software is used to carry out engineering activities. It is the responsibility of engineers to ensure that their designs or the opinions they provide in reports are correct. This includes designs and opinions based on software derived data. Output data should be checked thoroughly enough that the engineer is reasonably assured that the data is correct. This may involve manual calculation of a random selection of the output data or comparison with data obtained for past projects of a similar nature. Defective output discovered while using software-based tools should be examined closely to determine the implications on suitability for use of the tools. Practitioners who are not directly responsible for a firm's QA/QC or management/configuration processes should, after discovering 'defective' output where the nature of the defect is not obviously user error, notify the responsible persons.

WHO IS RESPONSIBLE FOR ENGINEERING SOFTWARE OUTPUT? THE ENGINEER!!!

6. VERIFICATION

Professional engineers are responsible for the accuracy, completeness and acceptability of all aspects of services they provide including information obtained using software. Given the increasing reliance on computer software, the engineer should ensure that a comprehensive verification of the software's performance exists.

Widely used, industry standard software undergoes ongoing verification by the regular users who routinely apply results obtained from the software to their engineering work. Each completed project based on the software is a testament to its applicability. In all cases, the engineer should establish and conduct suitable tests to determine whether the software performs as it is required to do.

Software verification is not the same as checking the output of a run to see if is reasonable. Checking of output after each run is necessary in order to ensure that the data was entered correctly for the particular engineering project underway. The checking process is a quality assurance measure employed to ensure that the output of a specific run is reliable and can be used for design purposes. This process assumes that the software operates correctly and, therefore, problematic output is caused by incorrect use, faulty input data, or a design that falls outside the bounds of the software's reliability.

WHO IS RESPONSIBLE FOR ENGINEERING SOFTWARE OUTPUT? THE ENGINEER!!!

http://www.peo.on.ca/consultation/2009/Guideline%20for%20Professional%20E peo.on.ca

Engineering Activities

Activities included in the definition of the practice of professional engineering given in Section 1 of the *Professional Engineers Act*. The listed activities are designing, composing, evaluating, advising, reporting, directing or supervising.

Quality Assurance

Refers to a managerial function involving all the planned and systematic activities implemented within the quality management system to provide confidence that the project will satisfy the relevant quality standards.

Quality Control

An inspection function using quality control tools that involves monitoring specific project results to determine if they comply with relevant quality standards, and identifying ways to eliminate causes of unsatisfactory results. It is focused on the deliverables and involves procedures that determine if specified quality is attained.

Validation

Refers to the process of determining the correctness of a deliverable with respect to the user's needs.

WHO IS RESPONSIBLE FOR ENGINEERING SOFTWARE OUTPUT? THE ENGINEER!!!

Verification

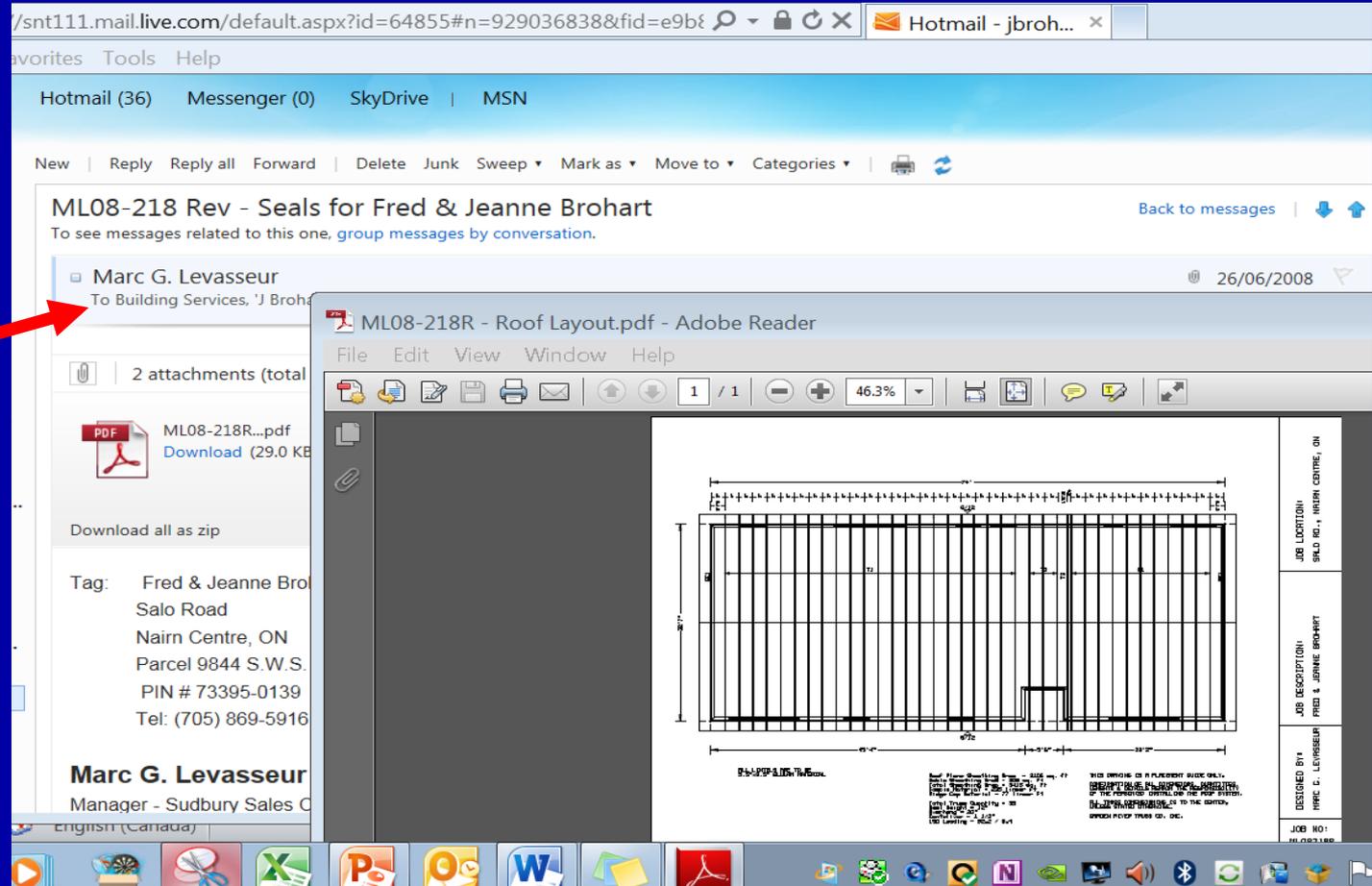
Refers to the process of reviewing, inspecting, and testing of a software tool under standardized conditions to determine whether there is adequate assurance that the output of such tool will conform to the specified requirements.

UNLIKE ENGINEERS AND BCIN DESIGNERS, BUILDERS ARE NOT QUALIFIED BY THE PROVINCE OF ONTARIO AND THUS, SHOULD NOT HAVE TO QUESTION THE WORK OF PROVINCE QUALIFIED PROFESSIONALS.

Indeed, when our seals were ready, they were sent DIRECTLY to CGS Building Services and when we asked if we needed to do anything further, we were specifically told – in writing - that we needed to do “nothing”.

SEALS WERE SENT DIRECTLY TO BUILDING SERVICES – CLEARLY INDICATING WE – AS BUILDERS – NEEDED TO DO NOTHING WITH THESE.

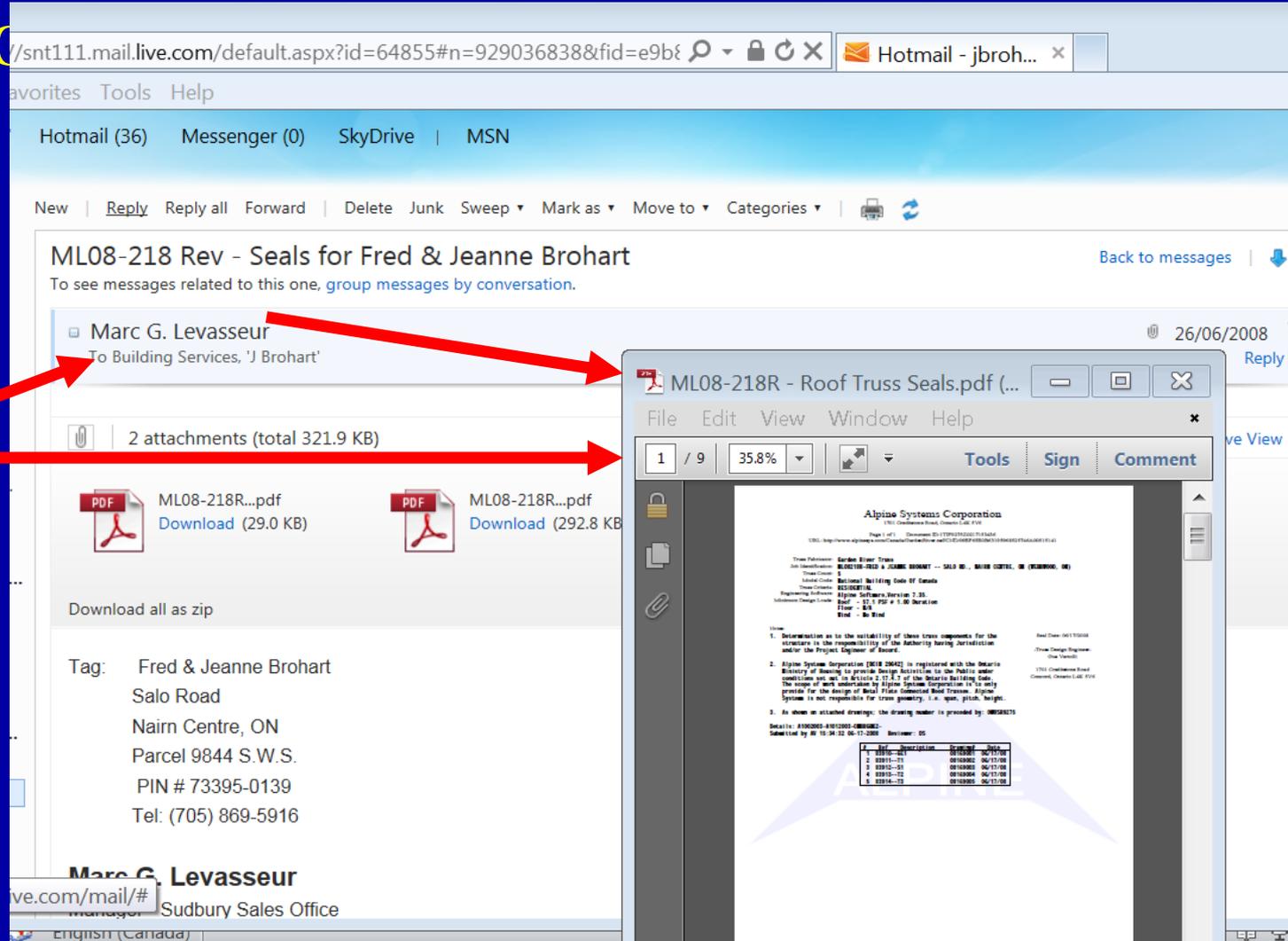
SEALS (here – placement guide) SENT DIRECTLY TO CGS BUILDING SERVICES BY BCIN DESIGNER – NOT BY ENGINEER OF RECORD



Source: Email from BCIN Designer to CGS BUILDING SERVICES and to J Brohart, dated June 26, 2008.

SEALS WERE SENT DIRECTLY TO BUILDING SERVICES – CLEARLY INDICATING WE – AS BUILDERS – NEEDED TO DO NOTHING

SEALS (here – truss package – 9 pages) SENT DIRECTLY TO CGS BUILDING SERVICES BY BCIN DESIGNER – NOT BY ENGINEER OF RECORD



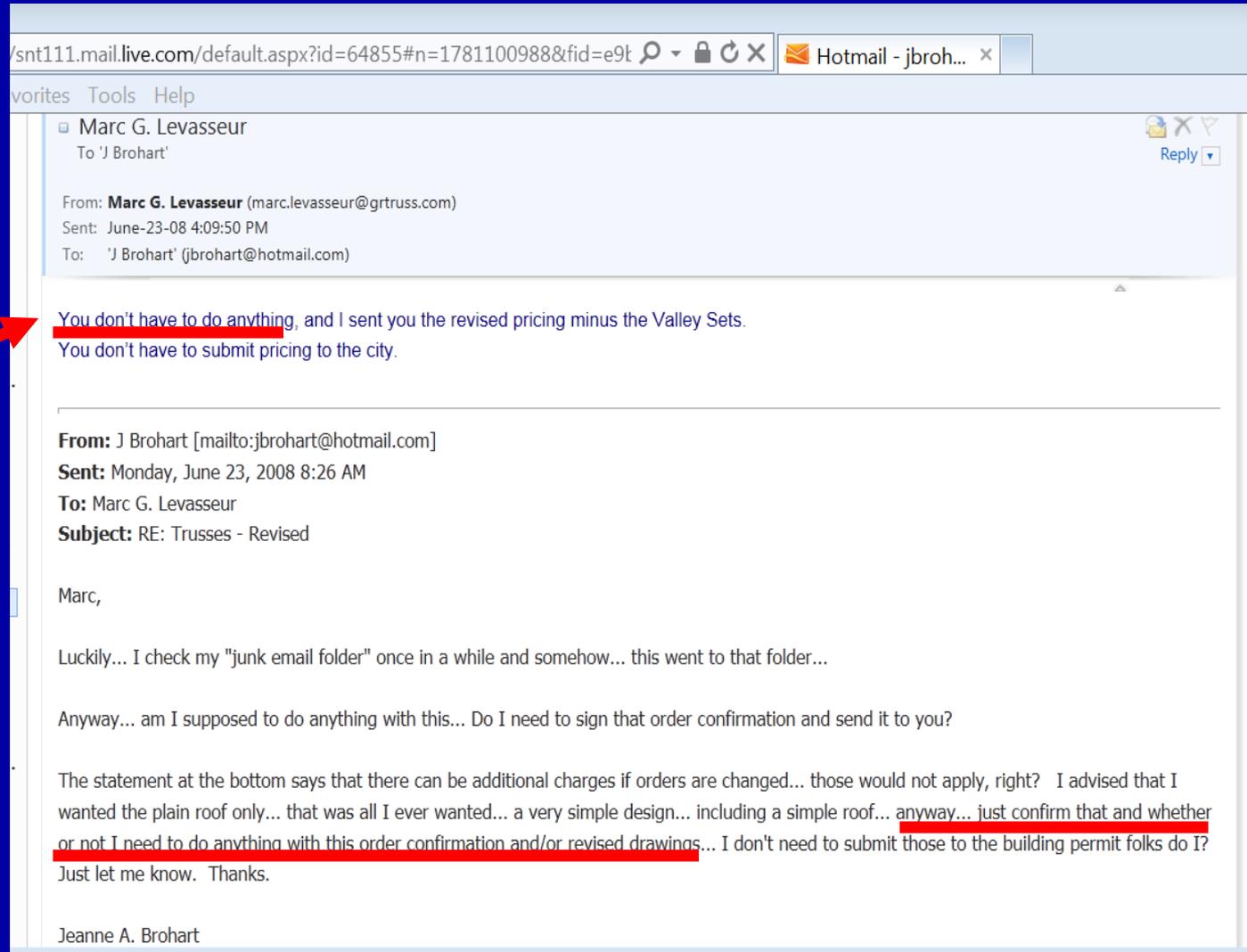
Source: Email from BCIN Designer to CGS BUILDING SERVICES and to J Brohart, dated June 26, 2008.

Interestingly, the actual floor layout/plans (blueprints), however, we picked up from BCIN designer Marc Levasseur and brought to CGS Building Services ourselves.

But, clearly, the engineered drawings and placement guide were sent to CGS Building Services not by the engineer of record, but by BCIN designer Marc Levasseur. Why was a non-engineer submitting engineered drawings to CGS? Should these not have come from the engineer? Was this further indication that, in our opinion, trusses were truly designed by guys in the lumber yard and almost blindly sealed by engineers? Should not the designer of the truss package have submitted the sealed drawings to building services? Who had REALLY designed our trusses?

SEALS WERE SENT DIRECTLY TO BUILDING SERVICES – CLEARLY INDICATING WE – AS BUILDERS – NEEDED TO DO NOTHING WITH THESE.

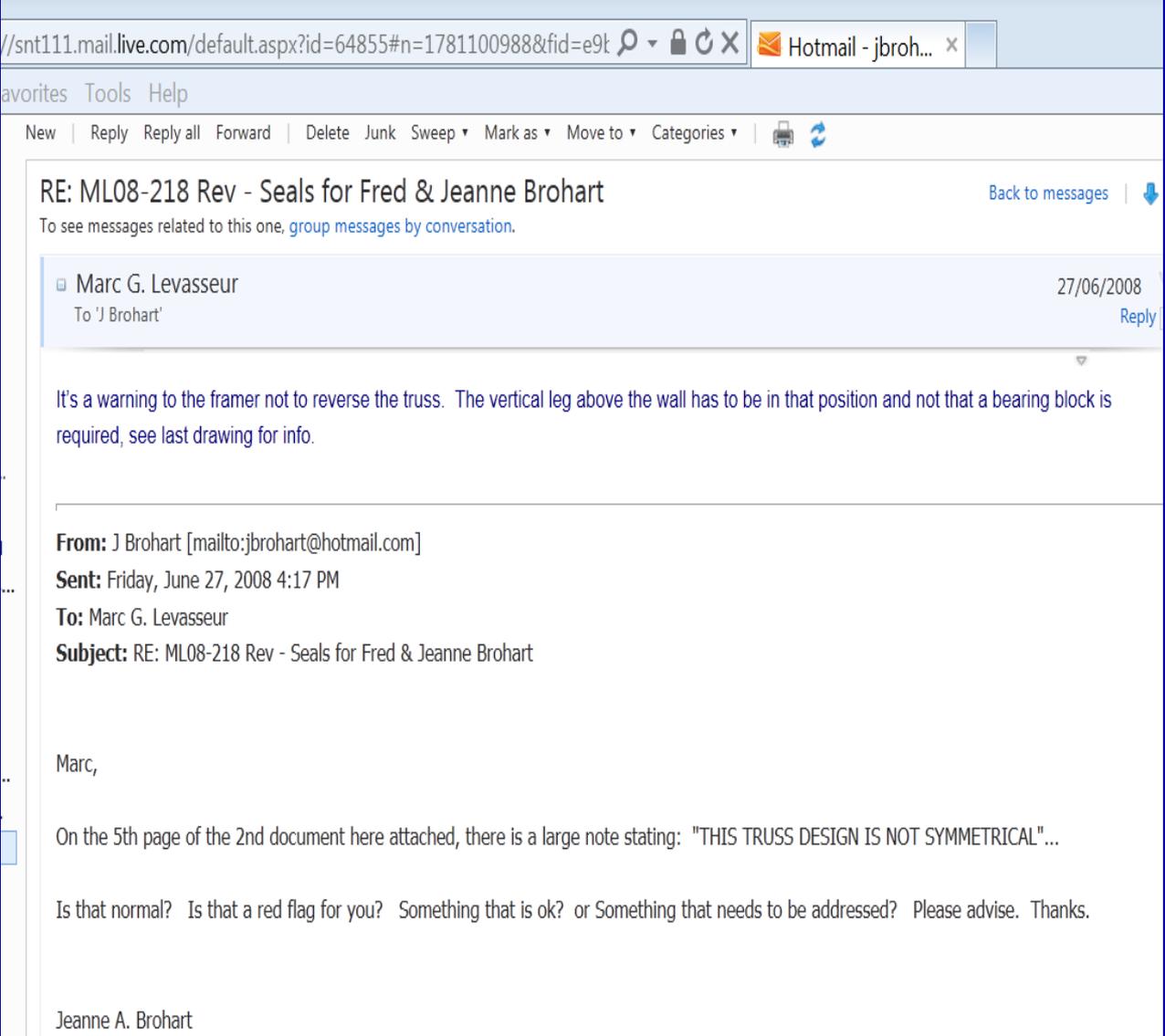
If we – as builders – needed to do anything, our BCIN designer was certainly provided with the opportunity to tell us that. Instead, he told us the opposite – that nothing was required on our part.



Source: Email from BCIN Designer to J Brohart, dated June 23, 2008 as response to email asking if we (owners) needed to do anything further..

Clearly, we reviewed the truss package...

In spite of having been told we needed to do nothing with the truss package, we still reviewed it and asked questions we did have. We did not, however, question the SUITABILITY of the trusses we were given - we expected the right ones had been provided!



The screenshot shows an email interface with the following content:

Address bar: //snt111.mail.live.com/default.aspx?id=64855#n=1781100988&fid=e9t

Browser tabs: Hotmail - jbroh...

Navigation: Favorites Tools Help

Actions: New Reply Reply all Forward Delete Junk Sweep Mark as Move to Categories

Subject: RE: ML08-218 Rev - Seals for Fred & Jeanne Brohart

Sender: Marc G. Levasseur (To: 'J Brohart')

Date: 27/06/2008

Body text: It's a warning to the framer not to reverse the truss. The vertical leg above the wall has to be in that position and not that a bearing block is required, see last drawing for info.

Metadata: From: J Brohart [mailto:jbrohart@hotmail.com], Sent: Friday, June 27, 2008 4:17 PM, To: Marc G. Levasseur, Subject: RE: ML08-218 Rev - Seals for Fred & Jeanne Brohart

Body text: Marc,

Body text: On the 5th page of the 2nd document here attached, there is a large note stating: "THIS TRUSS DESIGN IS NOT SYMMETRICAL"...

Body text: Is that normal? Is that a red flag for you? Something that is ok? or Something that needs to be addressed? Please advise. Thanks.

Signature: Jeanne A. Brohart

Source: Email from J Brohart to BCIN Designer Marc Levasseur asking for clarification on something in truss package, email is dated June 27, 2008

At no time were we ever allowed to speak with the project engineer, Gus Vertolli and indeed, as clearly indicated in BCIN designer, Marc Levasseur's own email, "everything had to go through him (Marc)" - even if he, himself, was not the project engineer of record for our truss package – or even – an engineer.

As a non-engineer, Marc Levasseur should not have attempted to block our access to our engineer of record – and Gus Vertolli – the project engineer of record – should have at least contacted us in order to address our concerns – but no such attempt was EVER made – clearly violating the Province of Ontario Engineering Code of Ethics!

ACCESS TO ENGINEER OF RECORD ... BLOCKED BY BCIN DESIGNER!

**BCIN Designer
Blocks Our Access
To Our Engineer
Of Record... and
Engineer of
Record, NOT
ONCE, EVER
REPLIED TO
OUR
CONCERNS...
even after we
obtained his email
address from his
CEO at Alpine
Systems.**

From: mgldc@cyberbeach.net
To: fbrohart@hotmail.com
Subject: RE: Failed Framing Inspection
Date: Mon, 23 Nov 2009 15:13:51 -0500

Sold hundreds of Scissor Truss jobs in the last 9 years, all framed the same way. When you left the message I knew that Mike Pilon was the Inspector, and I did get it confirmed by Building Services. He is the only Inspector at the city failing jobs when this type of construction comes into play.

Therefore, I have made previous calls to this Inspector for failing Scissor Truss jobs and he has never called back. I have to wait for Andre to get back next Monday before I have an answer and know how they want to go about it.

As for Gus, I cannot give you his number and not even the city gets to talk to him.

Everything has to go thru me.

Regards,

Marc G. Levasseur
GRTC Sales & Marketing Manager
Manager & Technical Sales Representative - Sudbury Sales Office
Garden River Truss Company Inc.
Sudbury, ON P3A 1K6
Tel: (705) 524-2564
Fax: (705) 524-3347
Cell: (705) 929-4227
Toll Free: (877) 524-2564
E-mail: marc.levasseur@grtruss.com
Web Site: www.grtruss.com

Source: Emails from Levasseur to Brohart, Nov. 23, 2009

Where Did Truss Design Software Come From?...

A Brief History...

A brief history of the development of truss design software is available at:

http://www.sbcleg.com/common/kb/KB_SingleWebPage.php?KBID=6127

Source: Structural Building Components Legislative, Downloaded March 1, 2010, http://www.sbcleg.com/common/kb/KB_SingleWebPage.php?KBID=6127

Companies That MAY Be Guilty Of Creating “Pseudo-Engineers”...

ALL WOOD TRUSS FABRICATORS...

There could literally be thousands of them...

**ALL DEVELOPERS OF TRUSS DESIGN SOFTWARE USED BY
BCIN DESIGNERS AND TRUSS ENGINEERS...**

Again... there could also be a great many involved here...

In our case, our BCIN designer was also a sales representative for Garden River Truss (GRT) – a First Nations Corporation that made use of Alpine Systems truss design software.. and a First Nations Corporation funded in part... by the people of Ontario and Canada!

GRT – “Designing Trusses That Span Up To 80 FT”... ??? A Frightening Thought Indeed!!!

Garden River Truss - Windows Internet Explorer

http://www.grtruss.com/products.php

Search: garden river truss

Garden River Truss

NORDIC ENGINEERED WOOD

ALPINE

SIMPSON Strong-Tie

Roof Assemblies



- ▶ Stock trusses from 12' to 32' or custom wood trusses from 8' to 80'
- ▶ Manufactured from high quality SPF #2 and MSR - Machine Stressed Rated lumber
- ▶ Assembled with galvanized plates giving tight joints
- ▶ Full range of EWP products for vaulted ceilings
- ▶ Distributed and manufactured to withstand Northern Ontario's heaviest snow loads

Source: GRT Website, Downloaded March 1, 2010, <http://www.grtruss.com>

Garden River Truss (GRT)...

“Designing Trusses That Spanned Up To 80 FT”... ???

A Frightening Thought Indeed!!!

Did wood truss software used by truss manufacturers allow them to DESIGN trusses that were over 80 ft long and then provide truss packages to truss engineers who simply “rubber stamped” them?

If true, this would be a most frightening thing indeed!

2006 OBC As It Related To Wood Truss Spans... GRT – “Designing Trusses That Span Up To 80 FT”... ???

Section 9.23. Wood-Frame Construction

9.23.1. Application

9.23.1.1. Limitations (See Appendix A.)

- (1) This Section applies where wall, floor and roof planes are generally comprised of lumber frames of small repetitive structural members, or engineered components, and where,
 - (a) roof and wall planes are clad, sheathed or braced on at least one side,
 - (b) the small repetitive structural members are spaced not more than 600 mm (23⁵/₈ in) o.c.,
 - (c) the walls do not serve as *foundations*,
 - (d) the specified *live load* on supported subfloors and floor framing does not exceed 2.4 kPa (50 psf), and
 - (e) the span of any structural member does not exceed 12.20 m (40 ft).

- (2) Where the conditions in Sentence (1) are exceeded for wood construction, the design of the framing and fastening shall conform to Subsection 4.3.1.

Source: 2006 OBC, Wood-Frame Construction, Section 9.23.1(e).

2006 OBC Act As It Related To Wood Truss Spans... Pertaining To Part 4 OBC Structures... And “Qualifications”...

All truss software manufacturers who provided “Part 4 [for trusses with spans over 40 ft that necessitated the involvement of an engineer in truss design] code” access to truss designers and/or manufacturers who were NOT ENGINEERS, in our opinion, violated the OBC Act as it pertained to “qualifications” as this resulted in the creation of “pseudo-engineers” (i.e., secretaries, lumber yard personnel, BCIN designers, etc.) without the necessary qualifications to engage in such “truss design”.

**2006 OBC Act As It Related To Wood Truss Spans...
Pertaining To Part 4 OBC Structures... And “Qualifications”...**

When I inquired from a truss manufacturer who had used “Part 4 code” before my eyes, as to why they even had access to this code, he simply stated:

“We’ve always had it...”

When I discussed the issue with a builder... he stated:

“Well... I know the reason they have that... it’s for pricing purposes...”

2006 OBC Act As It Related To Wood Truss Spans... Pertaining To Part 4 OBC Structures... And “Qualifications”...

But, even “pricing purposes” was, in our opinion, not a valid argument since “pricing” was provided based on flawed documents and on the wrong materials – and no one was catching this.

The “cost savings” associated with faster turn-around times, in our opinion, had clearly resulted in the opening of huge liabilities in the industry as who knew how many structures now had major structural defects as a result of such practices in the industry – practices for which there were clearly no checks and balances as this had gone on for years.

2006 OBC Act As It Related To Wood Truss Spans...

Pertaining To Part 4 OBC Structures... And “Qualifications”...

Note that this, in our opinion, was not an acceptable argument as “pricing” could NOT begin to be accurate unless the Part 4 trusses had actually been designed by a QUALIFIED ENGINEER and that as such, the trusses – in terms of type, placement, appropriateness, suitability, etc. – were indeed “to code” and as such, “suitable”...

To provide any customer “pricing information” for trusses having spans of greater than 40 ft, would otherwise, be subject to a great deal of error.

As such, in our opinion, Part 4 code should NOT be included in any truss design software package that created “pseudo-engineers” as the liability and inaccuracies that could result from having non-engineers design such truss packages – were – in our opinion – and given these materials – simply too great!

Thus, in our opinion, it may be argued, that by providing such software to BCIN designers and truss manufacturers, Alpine Systems Corporation and any other “software providers” may be VIOLATING the OBC and OBC Act that clearly stated:

“Section 15.11 (7) Prohibition. No person shall represent, directly or indirectly, that he, she or it has the qualifications or meets the requirements established under this section if the person does not have those qualifications or does not meet those requirements. 2002, c.9, s. 27,; 2006, c.19, SCched.O., s.1(7).” [emphasis added]

Source: Ontario Building Code, Qualifications, Section 15.11(7), Prohibition, Building Code Act, 2006, p. 20.

The Ontario Building Code is clear as to “who can provide engineering services”!!!

“Only a professional engineer may provide services within the practice of professional engineering”.

Source: 2006 OBC, Division C, Part 1, Section 1.2.1.1(3), Table Note (3).

Likewise, the Professional Engineers Act of Ontario is also quite clear as to who can provide professional engineering services:

Licensing requirement

12.(1)No person shall engage in the practice of professional engineering or hold himself, herself or itself out as engaging in the practice of professional engineering unless the person is the holder of a licence, a temporary licence, a provisional licence or a limited licence. R.S.O. 1990, c. P.28, s. 12 (1); 2001, c. 9, Sched. B, s. 11 (16).

Certificate of authorization

2No person shall offer to the public or engage in the business of providing to the public services that are within the practice of professional engineering except under and in accordance with a certificate of authorization. R.S.O. 1990, c. P.28, s. 12 (2).

Source: Professional Engineers of Ontario Website, Professional Engineers Act, Licensing Requirement and Certificate of authorization, Section 12.(1) and Section 12.(2), <http://www.peo.on.ca/>

Defining... “A Professional Engineer”...

What is a Professional Engineer?

The practice of professional engineering is defined in Section 1 of the [Professional Engineers Act](#) and comprises three tests. Professional engineering is:

1. any act of designing, composing, evaluating, advising, reporting, directing or supervising;
 2. wherein the safeguarding of life, health, property or the public welfare
 3. that requires the application of engineering principles, but does not include practising as a natural scientist.
- If what you do meets all three tests, you are practising professional engineering and must be licensed by the association.

Like medical or legal professionals, professional engineers are licensed, and are accountable for their work. Their duty is to serve and protect the public welfare where engineering is concerned. Professional engineers subscribe to a strict code of ethics and practice standards. The practice of the profession is regulated by Professional Engineers Ontario.

In Canada, the title "professional engineer"; is restricted by law. In Ontario, only those individuals who have demonstrated that they possess the necessary qualifications and have been licensed by PEO can use the title, which is often abbreviated as "P.Eng."

Source: Professional Engineers of Ontario Website, About PEO, “What is a Professional Engineer?”, <http://www.peo.on.ca/> . The Professional Engineers Act can be accessed at <http://www.peo.on.ca/>

The Engineer's Seal...

Professional Engineer's Seal

The Professional Engineers Act provides that every professional engineer shall have a seal denoting licensure, including the type of licence held. Section 53 of the Act sets out the use of the engineers seal, which has legal implications. The appearance of the seal on documents and drawings indicates that the documents and drawings are final and have been prepared under the supervision of a professional engineer who is assuming responsibility for them. Since engineers assume technical and ethical responsibilities for work done under their supervision, the use of the seal is the engineer's "stamp of approval" about the technical accuracy of the materials.

Source: Professional Engineers of Ontario Website, About PEO, “What is a Professional Engineer?”, Professional Engineer’s Seal, <http://www.peo.on.ca/>.

**Truss Packages...Even For Residential Buildings...
Require The SEAL Of A Professional Engineer...**

Given the truss package included a “truss placement guide” and given that the “truss placement guide” was considered the “first step to the process of truss engineering” [as indicated in the Alpine Builders Guide to Trusses], it stood to reason that the truss placement guide should have been sealed along with the rest of the package in order confirm the technical accuracy of the truss package specifications.

When should a Professional Engineer's Seal Be Used?

Q4. When do I need to use my seal?

A. Section 53 of Regulation 941 of the Professional Engineers Act states that "[e]very holder of a licence, temporary licence or limited licence who provides to the public a service that is within the practice of professional engineering shall sign, date and affix the holder's seal to every final drawing, specification, plan, report or other document prepared or checked by the holder as part of the service before it is issued."

Source: Professional Engineers of Ontario Website, About PEO, "What is a Professional Engineer?", Professional Engineer's Seal, <http://www.peo.on.ca/> .

A Professional Engineer's Seal Is Supposed To Be Used... On Specifications!!!

“Specification: n. something that is specified. 2. specifications. A detailed statement of particulars, esp. one prescribing materials, dimensions, and quality of work for something to be built, installed or manufactured.”

**Source: The American Heritage Dictionary, Office Edition,
Fourth Edition, Houghton Mifflin Company, NY, 2001**

A “truss placement guide” falls within the practice of engineering as it “specifies” the type and placement of each truss – something that must be determined based on scientific principles that can only be applied by an engineer! As such, the truss placement guide should have been sealed by an engineer.

Although in our case, the engineer did NOT seal the placement guide, Alpine Systems Corp.’s OWN documentation states that the truss placement guide is the FIRST step in truss design... and, as such, the truss engineer had to have at the very least “seen it” prior to designing the trusses for our home!

Given BCIN designer, Marc Levasseur and Garden River Truss [a truss manufacturer], placed their names on the truss placement guide, it is clear that this “first step” in our truss design package was completed by NON-ENGINEERS... and when the “FIRST STEP” is incorrect... it stands to reason that there will be inherent errors in the structural integrity of the entire building!

Structural Adequacy of Trusses and the Truss Engineer...

It is the responsibility of the truss engineer to determine the structural adequacy of each individual truss component.

“Adequate: adj. 1. Sufficient to satisfy a requirement.”

Source: The American Heritage Dictionary, Office Edition, Fourth Edition, Houghton Mifflin Company, NY, 2001

Structural Adequacy of Trusses and the Truss Engineer...

Clearly, a gable end truss over a continuous support next to a cathedral ceiling was NOT adequate to meet proper load distribution requirements...

To be properly distributed, loads required continuous vertical studs from the sill plate for the entire storey height... per the Ontario Building Code. Furthermore, providing a gable end truss in a roof section next to a cathedral ceiling also violated SEVERAL provisions of the OBC .

Thus, even though, in our case, the truss placement guide was NOT sealed, the review of each individual truss in terms of its suitability was still a responsibility of the truss engineer who obviously knew we had a cathedral ceiling given he had “sealed” the scissor truss design!

Structural Adequacy of Trusses and the Truss Engineer...

It was thus, in our opinion, the responsibility of engineers and Alpine System to ensure that the scissor trusses and any truss next to them, in terms of “placement issues” and “load issues” was suitable!

Structural Adequacy of Trusses and the Truss Engineer...

A truss placement guide may be said to “serve only as a guide” (in notations that attempted to limit liability and that may or may not be technically and/or legally correct), however, the fact remained that the individual truss components on that guide HAD to conform to good engineering practice... and as such, in our opinion, all truss placement guides should be sealed by truss engineers since they were an integral and structural FIRST STEP in the truss design process – per Alpine Systems’ OWN DOCUMENTATION!

To allow a truss placement guide to be determined by anyone other than a truss engineer was absurdity!

The use of software by designers and truss manufacturers DID NOT an engineer make!

“The Bug... That No One Caught...”

The PRACTICE of creating “pseudo-engineers” in the building industry is a VERY DANGEROUS practice indeed.

In our case, Alpine Systems’ proprietary software clearly had what I would consider a MAJOR “bug” in it... a “bug” that no one caught... a “bug” that allowed a BCIN designer or a complete layman to design a building that was NOT to code from a structural integrity perspective... by allowing the wrong type of truss to be assigned to a specific region of the house on the truss placement guide.

It was unlikely that a person who was NOT an engineer would have caught this issue and/or “the bug”... and clearly... it can be argued that no one had since this practice of generating “non-code compliant buildings” was rampant in the industry!

The Use Of Software... Does Not... “An Engineer Make”...

Our autistic son is an avid fan of a few software programs that – in real life – would fall under “engineering”... Roller Coaster Tycoon and Train Simulator are among his absolute favorites.

Via these programs, my autistic son becomes the best of roller coaster designers and the best of train engineers as he takes control of numerous train engines and “commands them”.

But...

Use of “software” ... in real life... does not an engineer make... and the same is true of any software that applies engineering principles... be it Roller Coaster Tycoon or Alpine Systems proprietary software... because... in “real life”... lives and the overall safety of the public come into play!

The PRACTICE of creating “pseudo-engineers” was one that violated not only the OBC Act but also the Engineering Act and perhaps several other “Acts”, such as the Municipal Act, etc. – and certainly many “codes of conduct” as well!

The PRACTICE of creating “pseudo-engineers” in the building industry was a dangerous one indeed... and one that explained why “no one caught this issue”... and why... so many homes were NOT meeting MINIMUM building code requirements... as in the case of our home!

Not only was this PRACTICE of creating “pseudo-engineers” ILLEGAL, it was also one of TREMENDOUS misrepresentation and FALSE ADVERTISING by companies who told consumers they can have “piece of mind” knowing their trusses had been “pre-engineered” by “qualified” personnel...

SPECIAL BENEFITS FOR THE OWNER

The owner can enjoy peace of mind, knowing that the trusses have been professionally engineered and quality manufactured for the specific job.

The resiliency of wood provides a floor system that is comfortable.

Wood is a natural insulator because it is composed of thousands of individual cells, making it a poor conductor of heat and cold.

Roof truss details such as tray, vaulted or studio ceilings improve the appearance and comfort of homes, offices, churches and commercial buildings.

- Floor trusses can conceal mechanical services, leaving a clear plane for ceiling installations. This is ideal for finished rooms in a lower level.
- Trusses provide clear spans so interior walls can be moved easily during remodeling or when making additions. It is very economical to remodel homes with trusses, versus frame houses.

Source: Alpine Systems Corp., A Builders Guide To Trusses, page 5, available via Alpine Systems at: <http://www.alpinesys.com>

FALSE ... AND... DANGEROUS... ADVERTISING... LEADING TO COMPLACENCY IN CODE ENFORCEMENT!

SPECIAL BENEFITS FOR CONTRACTORS AND BUILDERS

Trusses go up faster and easier, with less skilled labor requirements, no matter how complicated the roof or ceiling is.

Trusses put you under roof faster, which helps in drawing construction loans.

The use of preassembled components generates less waste at the jobsite. This improves safety and reduces cleanup costs. On-site losses from mis-cutting, theft and damage are virtually eliminated.

Trusses are built in a computer-aided manufacturing environment to assure accuracy and quality.

Industry standards for manufacturing and handling assure code-compliance. Building departments recognize these standards and respect the software used to design trusses. While many building departments are wary about inspecting

• conventional framing, sealed truss designs are easily inspected.

• Trusses are lightweight and easy to install, requiring only normal construction tools.

• The wide nailing surface of 4x2 floor trusses safely speeds deck and flooring installation.

• Expenses are accurately controlled because truss costs can be predetermined.

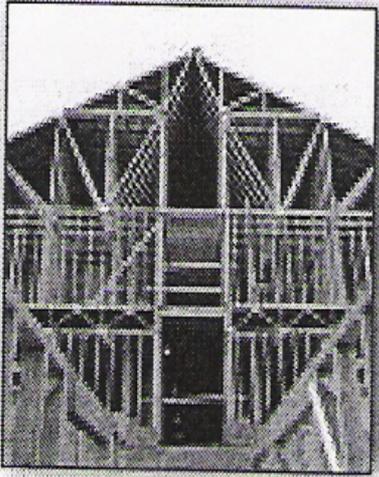
• Open web design allows easy installation of plumbing, electrical wiring and heating/cooling ductwork.

• Trusses are available locally for fast delivery. More than 550 truss manufacturers throughout the United States and Canada are backed by the expertise of Alpine Engineered Products, Inc.

**Source: Alpine Systems Corp., A Builders Guide To Trusses, page 5,
available via Alpine Systems at: <http://www.alpinesys.com>**

FALSE ... AND... DANGEROUS... ADVERTISING... LEADING TO COMPLACENCY IN CODE ENFORCEMENT!

WOOD TRUSSES



Lowest overall cost.

Fast to install.

Requires ordinary tools and
doesn't require skilled labor to
install.

Virtually any roof and ceiling is
possible.

Engineered product.

No job site waste.

Because of “pseudo-engineers”, and the fact that no one caught “the bugs” in Alpine Systems’ software... and in other truss design software, we had to hire engineers to first tell us “what was wrong” with the design and then to redesign an exterior wall, rip it out and start over!

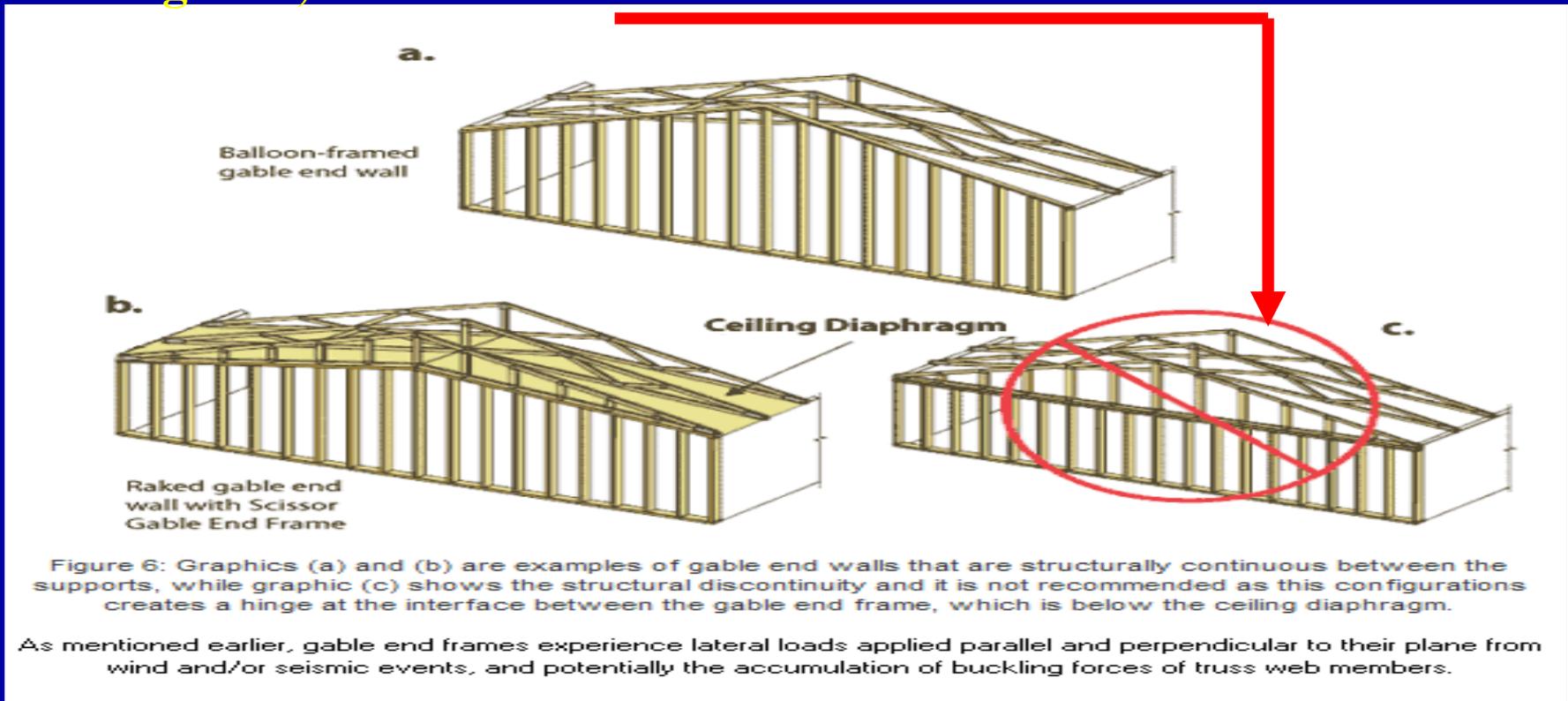
Source: Alpine Systems Corp., A Builders Guide To Trusses, page 3,
available via Alpine Systems at: <http://www.alpinesys.com>

**FALSE ... AND... DANGEROUS... ADVERTISING...
LEADING TO COMPLACENCY IN CODE ENFORCEMENT!**

“Enjoy peace of mind”...

My husband and I had not had a good night's sleep since this nightmare had started... and now... given the City of Greater Sudbury, in our opinion, was very much in “damage control mode”, as would most likely be many others as we disclosed our issues, we could only wonder “what else” they would attempt to put us through!

Our nightmare... Courtesy of “pseudo-engineer”, Marc Levasseur and silent engineer, Gus Vertolli...



“Figure 6: Graphics (a) and (b) are examples of gable end walls that are structurally continuous between the supports, while graphic (c) shows the structural discontinuity and it is not recommended as this configurations [sic] creates a hinge at the interface between the gable end frame, which is below the ceiling diaphragm.”

Source [All text and images taken from]: Gjinolli, A., (P.E.) and Vogt, J., (P.E.), Wood Truss Gable End Frames, Structure Magazine, August 2007.

Since our son was **autistic** and had difficulty with stairs, ours was to be a simple **ONE LEVEL, RECTANGULAR SLAB-ON-GRADE HOUSE** – with **NO BASEMENT** and **NO UPPER LEVELS!**

One would think things could not be any “simpler to design”!

But... Even A ONE-LEVEL, RECTANGULAR HOUSE had to be able to support pressures from various loads!

Lateral Load Pressures Exerted On Gable Ends

Additional Design Considerations for Gable End Frames

In service, gable end frames also experience lateral loads applied both parallel and perpendicular to their plane from wind and/or seismic events (Figure 4)

Note that proper load transfer involved not only 1 truss but the entire roof system!

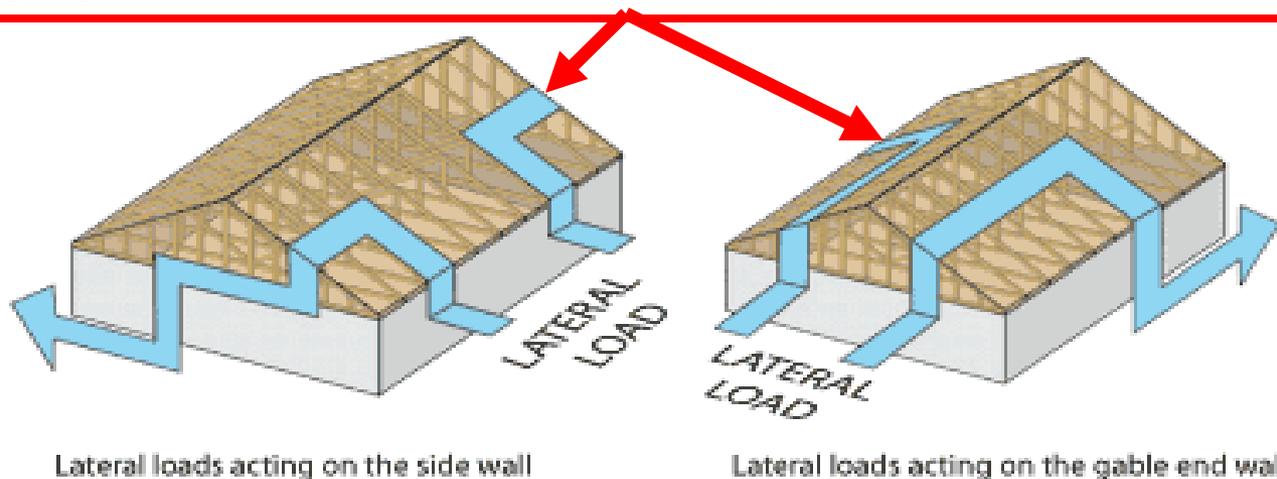
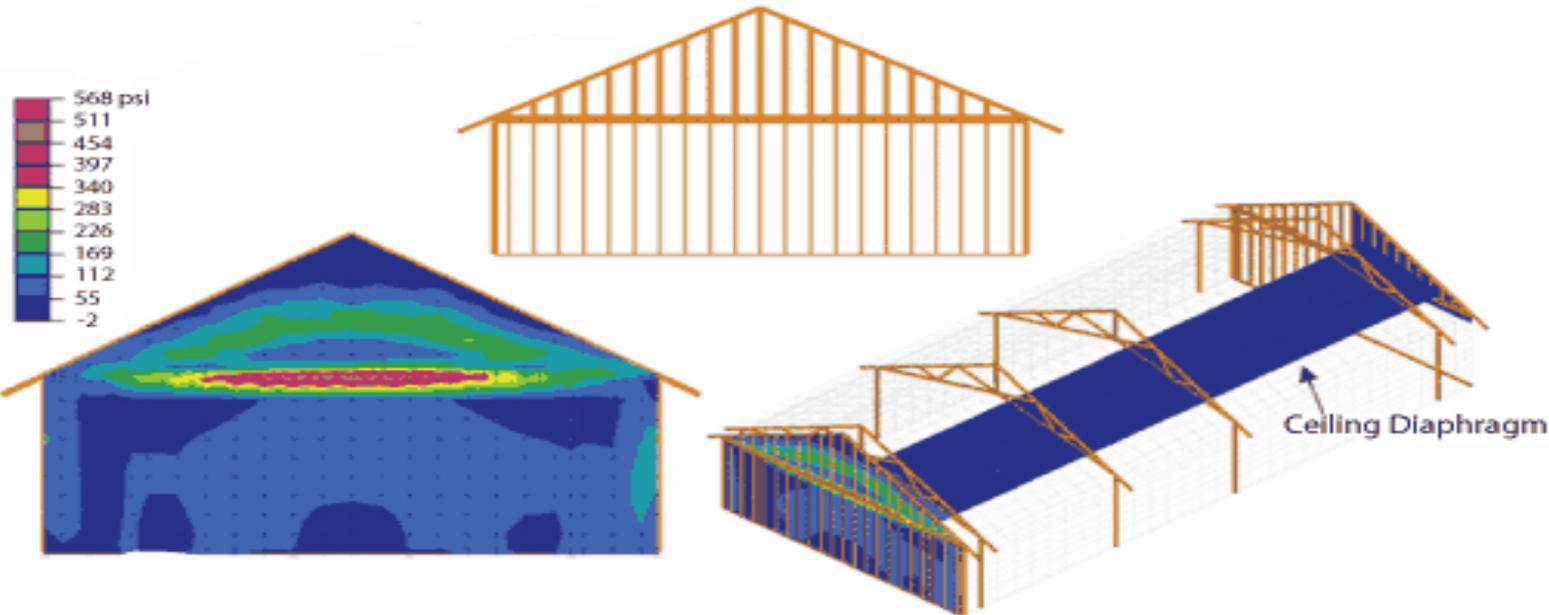


Figure 4: Typical lateral load path through the gable end of a building.

“Figure 4: Typical lateral load path through the gable end of a building.”

Source [All text and images taken from]: Gjinolli, A., (P.E.) and Vogt, J., (P.E.), Wood Truss Gable End Frames, Structure Magazine, August 2007, p. 54

Von Mises Stress On Bottom Gable End Chords...



“Figure 7: High stress concentration (Von Mises) on the flat bottom chord gable end wall. High stresses and deflections creates potential for hinge development at the interface between the bottom chord of the gable end truss and bearing wall below.”

Source [All text and images taken from]: Gjinolli, A., (P.E.) and Vogt, J., (P.E.), Wood Truss Gable End Frames, Structure Magazine, August 2007.

“This condition creates a hinge in the end wall/gable end frame interface that is below the ceiling plane support. ADEQUATE BRACING OF THIS CONDITION IS DIFFICULT IF NOT IMPOSSIBLE.” [emphasis added]

Source: Gjinolli, A., (P.E.) and Vogt, J., (P.E.), Wood Truss Gable End Frames, Structure Magazine, August 2007, p. 56.

BCIN “qualified” Building Inspector, Mike Pilon, we knew, could not even begin to address the structural integrity issues we now faced as he was not “an engineer” capable of calculating Von Mises stresses acting on the bottom chord of a gable end truss or a designer/engineer able to provide us with a viable “fix” to this problem – as clearly evidenced by the “non-code compliant fixes” he did provide for us – in writing!

“If not properly braced and anchored, it can collapse and you will have a catastrophic amount of damage to your home.” [emphasis added]



The most common gable end failure is one where the wall loses support along its top edge and is folded outward



An example of the second most common type of gable end failure - the connection between the rectangular and triangular walls - It is rare that you actually find one that looks like this because usually the wall below fails and the whole end collapses.
(click image for larger version)



This is the more common look of a gable end failure when the triangular wall and rectangular wall separate
(click image for larger version)

**Source: Gable End Walls, HRG,
http://www.intrarisk.com/hrg/content/structural/gable_end_walls.asp**

“The non-structural gable end frames are designed to receive vertical loads (i.e., gravity and/or uplift) applied within the plane of the frame and to transfer these loads to the continuous bearing below. During normal non-wind loading, this is a reasonable presumption.

However, in service, gable end frames also experience lateral loads applied both parallel and perpendicular to their plane from wind and/or seismic events, as well as the possible accumulation of buckling forces of truss web members. Gable end frames are typically not designed to resist these loads.” [emphasis added]

Source: Gjinolli, A., (P.E.) and Vogt, J., (P.E.), Wood Truss Gable End Frames, Structure Magazine, August 2007.

Structural Integrity Issues...

Affecting STATUTORY Tarion Home Warranties For New Homes... As IMPOSED by the Ontario New Home Warranties Plan Act...

Warranties

13. (1) Every vendor of a home warrants to the owner,
- (a) that the home,
 - (i) is constructed in a workmanlike manner and is free from defects in material,
 - (ii) is fit for habitation, and
 - (iii) is constructed in accordance with the Ontario Building Code;
 - (b) that the home is free of major structural defects as defined by the regulations; and
 - (c) such other warranties as are prescribed by the regulations. R.S.O. 1990, c. O.31, s. 13 (1).

Same, major structural defect

(4) Subject to the regulations, an owner who suffers damage because of a major structural defect mentioned in clause 13 (1) (b) is entitled to receive payment out of the guarantee fund for the cost of the remedial work required to correct the major structural defect if the owner makes a claim within four years after the warranty expires or such longer time under such conditions as are prescribed. 1998, c. 19, s. 185 (1).

Source: Ontario New Home Warranties Plan Act, Warranties, Section 13.(1).

Downloaded February 27, 2010, http://www.tarion.com/NR/rdonlyres/BFEE782D-1638-4DF4-8E66-BD41A378FE25/0/ONHWP_Act_Sept09.pdf

Structural Integrity Issues...

Affecting STATUTORY Tarion Home Warranties

For New Homes...

The Seven Year Warranty

Your home's seven year warranty covers major structural defects (MSD) and begins on the date you take possession of the home and ends on the day before the seventh anniversary of that date.

For example, if your home's **date of possession** is October 23, 2005, the seven year MSD warranty begins on October 23, 2005 and remains in effect until and including October 22, 2012.

A major structural defect is defined in the *The Ontario New Home Warranties Plan Act* as:

- Any defect in work or materials that results in the failure of a load-bearing part of the home's structure or materially and adversely affects its load-bearing function; or
- Any defect in work or materials that materially and adversely affects the use of the building as a home.

Source: Tarion Website, Downloaded February 27, 2010, Warranty Protection, <http://www.tarion.com/HOME/Warranty+Protection/Warranty+Coverage/Seven+Year+Warranty.htm>

Defining Terms... “Guide” vs. “Specification”

“Specification: n. something that is specified. 2. specifications. A detailed statement of particulars, esp. one prescribing materials, dimensions, and quality of work for something to be built, installed or manufactured.

Guide: n. 1. One who shows the way by leading, directing, or advising, esp. a person employed to conduct others, as on a tour or expedition. 2. Something, such as a pamphlet, that offers basic information or instruction. 3. Something that serves to direct. 4. A device, such as a ruler, that serves as an indicator or regulates motion.”

Source: The American Heritage Dictionary, Office Edition, Fourth Edition, Houghton Mifflin Company, NY, 2001

Defining Terms... “Guide” vs. “Specification”

It could also be argued, that although the industry stated this was “simply a guide”, the fact remained that the truss placement guide **WAS a CRITICAL SPECIFICATION** from which one can not deviate given deviations could result in a Major Structural Defect (MSD) as defined in the Ontario New Home Warranties Plan Act which could adversely affect the structure’s load bearing capacity and as such, result in a negation of a statutory home warranty.

If a truss placement guide **COULD** be changed in such a manner, then a statutory New Home Warranty could **NOT** be issued per the Ontario New Home Warranties Plan Act. Thus, this placement guide was not “simply a guide”... it was a **STRUCTURAL SPECIFICATION** dealing with load bearing capacities of structures... and as such... the truss placement guide could only fall under the practice of engineering!

Defining Terms... “Guide” vs. “Specification”

The placement guide, as it related to truss suitability and the actual placement of each truss could only be a responsibility that fell under the practice of engineering as the “guide” was not “simply a guide” but a STRUCTURAL SPECIFICATION from which one could not deviate without violating new home warranty provisions!

To place trusses where they did not belong would impact the structure’s load bearing capabilities and as such, violate the OBC!

Wood Truss Specifications... And The OBC...

The OBC was quite clear that wood trusses could NOT be spaced more than 23 5/8" apart. This was a SPECIFICATION...shown on the truss placement guide. Since this was a PROVISION of the OBC... it was not simply “a guide”.

Section 9.23. Wood-Frame Construction

9.23.1. Application

9.23.1.1. Limitations (See Appendix A.)

Spacing specified in “mm” and “fractions” was rather “SPECIFIC”!

- (1) This Section applies where wall, floor and roof planes are generally comprised of lumber frames of small repetitive structural members, or engineered components, and where,
 - (a) roof and wall planes are clad, sheathed or braced on at least one side,
 - (b) the small repetitive structural members are spaced not more than 600 mm (23⁵/₈ in) o.c.,
 - (c) the walls do not serve as *foundations*,
 - (d) the specified *live load* on supported subfloors and floor framing does not exceed 2.4 kPa (50 psf), and
 - (e) the span of any structural member does not exceed 12.20 m (40 ft).
- (2) Where the conditions in Sentence (1) are exceeded for wood construction, the design of the framing and fastening shall conform to Subsection 4.3.1.

Source: 2006 OBC, Wood Frame Construction, Section 9.23.1.1(b).

Truss Design Limitations...

Furthermore, trusses MUST NOT Span Over 40 ft...

If the span was over 40 ft... or any part of that “design” or “fixes to it” that were not under PART 9 made that “design” and/or “fix” default to “PART 4”...

... AND THAT REQUIRED AN ENGINEER!!!

Truss Design Limitations...

Theory Vs. Practice...

Having tested software code in the past, and knowing the facts I did as they pertained to our situation, I knew that a MAJOR flaw in the entire “truss design process” had to do with “software bugs” that CLEARLY allowed one to violate the OBC!

The proof came as I sat next to a truss manufacturer and asked him – as any homeowner could – to “design my roof”... but, I had another purpose in mind... I wanted to test how much I could have him “bend the code” and make the design violate many laws – including the OBC and OBC Act, the Engineering Act of Ontario, The New Home Warranties Act, and most likely, several others as well!

Truss Design Limitations... Theory Vs. Practice...

Given this was truss design software was “proprietary software”, I could not touch the keyboard/input any data, etc., as this would have violated software licensing provisions... as such... I scheduled time for a truss manufacturer to sit down with me and literally input what I would request of him in “testing the software”...

Truss Design Limitations...

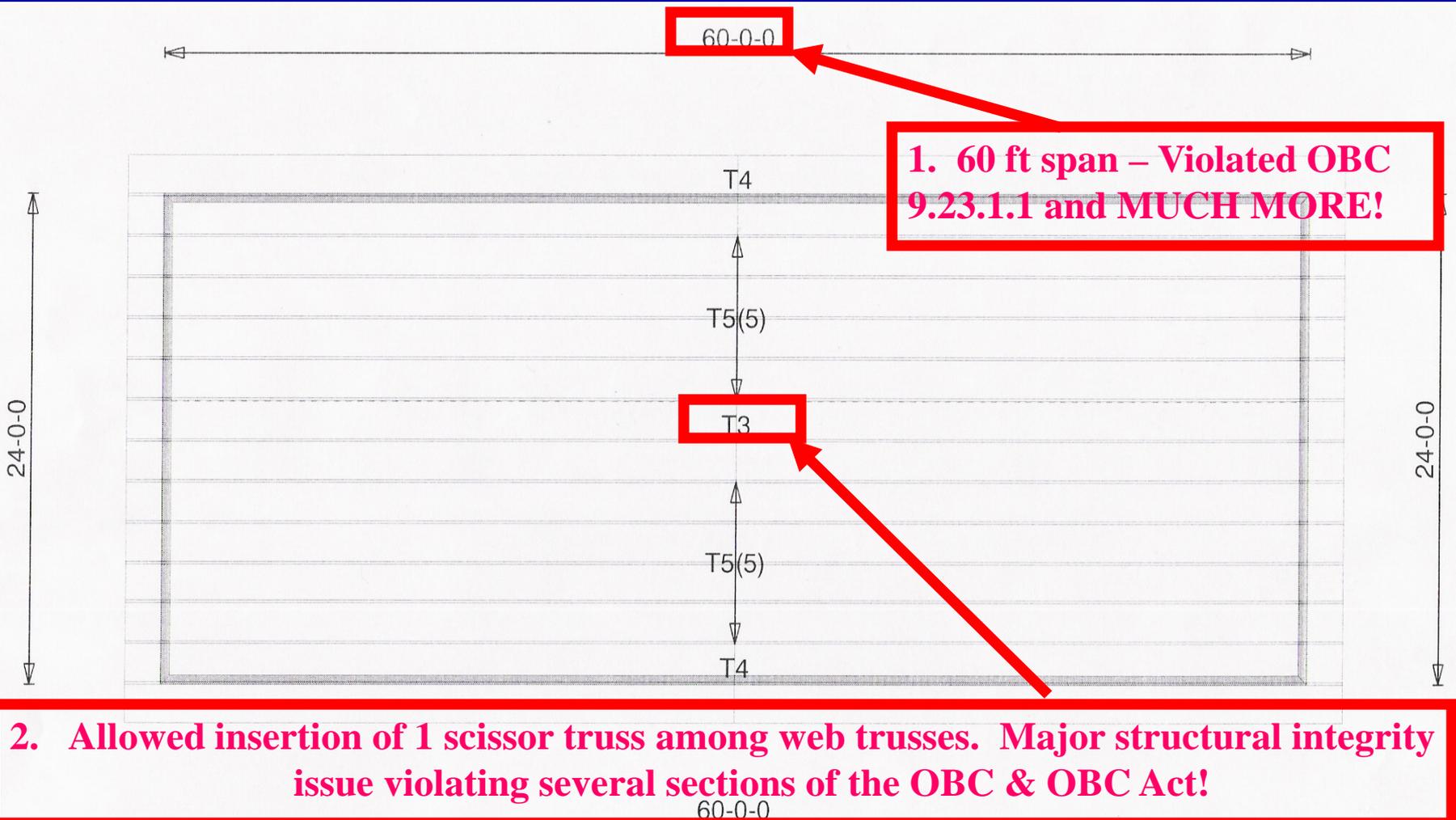
Theory Vs. Practice...

When the truss manufacturer used his software, I asked him to first design a truss that fell under Part 9. I then asked him if he could design a 60 foot truss.

To my horror, at the click of a button, the truss manufacturer, his secretary, and anyone else could go from “Part 9 code” to “Part 4 code” – in effect turning the end user – any end user – INTO AN ENGINEER since any truss over 40 ft and PART 4 required an engineer!

From discussions we had during my visit, I was informed that some packages, it appeared, allowed for truss manufacturers/secretaries/anyone to design trusses that were much, much wider still – at least 80 ft wide and potentially, I had been told – up to 120 ft wide!

**Truss Design Limitations... From A 2nd Software Maker...
Theory Vs. Practice...The Results...
A Truss Placement Guide...
Here With 2 Code Violations...**



1. 60 ft span – Violated OBC 9.23.1.1 and MUCH MORE!

2. Allowed insertion of 1 scissor truss among web trusses. Major structural integrity issue violating several sections of the OBC & OBC Act!

Truss Design Limitations...

Theory Vs. Practice...

Thus, at the click of a button...

... ANYONE became “A PSEUDO- ENGINEER”...

... Capable of designing high occupancy buildings... such as SCHOOLS, CHURCHES, COMMUNITY HALLS, MOTELS, RESTAURANTS and on and on and on...

... with software that was CLEARLY “bug loaded” in that it allowed not only INAPPROPRIATE access levels but also allowed one to violate the building code by allowing for designs that violated standards pertaining to STRUCTURAL INTEGRITY!!!

This, in my opinion, was TRULY FRIGHTENING!!!

Truss Design Limitations... Theory Vs. Practice...

And WHO would take responsibility for a catastrophe resulting from such “code bugs”... especially when truss placement guides were generated by truss manufacturers and were NOT sealed by engineers... the ONLY persons who could LEGALLY provide engineering services in Ontario?

Note that the OBC did NOT currently REQUIRE that the truss placement guide be sealed by an engineer!

This, in our opinion, was a MAJOR oversight on the part of the Ontario MMAH, responsible for the administration of the OBC and Act as well as a MAJOR oversight on the part of the Professional Engineers of Ontario, the organization responsible for enforcing and overseeing the Engineering Act of Ontario.

Truss Design Limitations...
Theory Vs. Practice...
No Consistency and/or Need For An Engineer...
In Matters of Liability!!!

THIS DRAWING IS A PLACEMENT GUIDE ONLY.

CONFIRMATION OF ALL DIMENSIONS, QUANTITIES,
LENGHTS & DETAILS REMAIN THE RESPONSIBILITY
OF THE PERSON(S) INSTALLING THE ROOF SYSTEM.

ALL TRUSS DIMENSIONING IS TO THE CENTER,
UNLESS STATED OTHERWISE.

GARDEN RIVER TRUSS CO. INC.

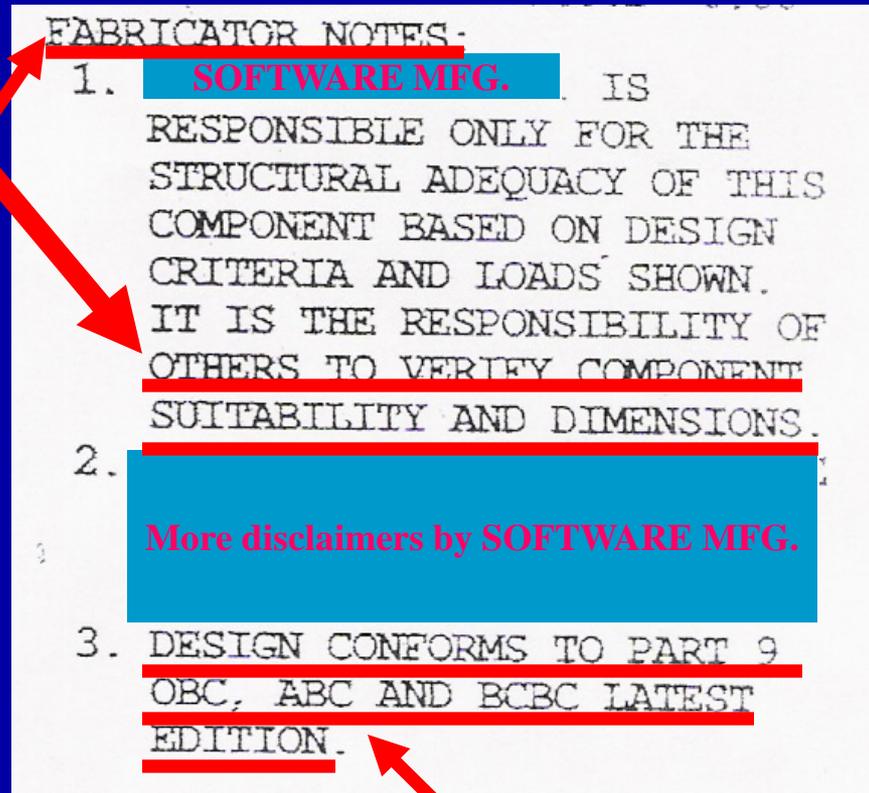
**In our case, the key words
missing were “truss
suitability responsibilities”
– found nowhere on the
placement guide!**

**So... who was responsible
for this ENGINEERING
function... the designer, the
manufacturer and/or the
engineer?**

**Truss Design Limitations... Theory Vs. Practice...
No Consistency and/or Need For An Engineer...
In Matters of Safety And Liability!!!**

**Who – EXACTLY
– would this be?
The Designer, the
Fabricator and/or
the Engineer?**

**This was after all
under “fabricator
notes”...**



NO – IT DID NOT!!! The design in our example violated bracing, suitability, strength and rigidity and MANY other key requirements and/or provisions in the OBC, OBC Act, Engineering Act, etc.!

A Bogus Argument...

**“Engineers Are Only Responsible For INDIVIDUAL Components...
Not The Entire System!”**

Engineers would try to argue that they were not liable or responsible or designing “the roof system” but only the “individual truss COMPONENTS”.

That may be a “nice argument on paper”... but in practice... the facts stated otherwise.

Defining Terms... “Components” or “Elements”... And “The System”...

“Component: n. An element of a system.

Element: n. 1. A substance composed of atoms.... 2. A fundamental or essential part of a whole. 3. Math. a. A member of a set. b. A point, line, or plane. c. A part of a geometric configuration.

System: n. 1. A group of interacting elements forming a complex whole. 2. The human body regarded as a functional physiological unit. 3. A network of structures and channels, as for communications. 4. A condition of harmonious, orderly interaction. 5. An organized method; procedure.”

Source: The American Heritage Dictionary, Office Edition, Fourth Edition, Houghton Mifflin Company, NY, 2001

Thus, by **DEFINITION**, an “element” or “component” is **PART OF A SYSTEM** and as such you **COULD NOT** have one without the other.

For a system to “be a system” it had to have all the **RIGHT** components... or else, one had **NO SYSTEM**...

If the object of designing trusses was **NOT** to have “a load distribution system”, then why would we need an engineer to determine load paths, truss suitability, etc., if indeed the individual components did not need to **INTERACT HARMONIOUSLY** as part of the system!

A “**SYSTEM**” was by **DEFINITION** “a group of **interacting** elements forming a complex whole”!

Proper load distribution required a load path involving more than “just 1 truss”... it required the ENTIRE SYSTEM working together to distribute the various loads acting on the structure!

Bracing... “The System”...

Further evidence that engineers WERE designing “A SYSTEM” was evidenced by the fact that documentation they provided as it relates to BRACING involved the ENTIRE ROOF.

Homeowners were not told to “secure each individual truss”... instead... all trusses had to be BRACED TO EACH OTHER... and that... constituted “A SYSTEM”!

If engineers did not include bracing instructions as they related to the ENTIRE ROOF system, they could be guilty of NEGLIGENCE under the Engineering Act!

The Truss Placement Guide... The Truss Industry's "O-Ring"...

Sadly, without the proper "o-ring"... there was no shuttle!

Likewise, without the proper truss placement guide... there was "no assurance of safety" – a fundamental responsibility for engineers as there was no way to generate the proper individual truss components without the truss placement guide!

As such... engineers – who had a DUTY to society COULD NOT argue that they were not responsible for designing "a system" since – by definition – a "component" was PART OF A SYSTEM!

Each component had its system... and each system... had its components!

You simply could not separate the two!

The simple fact was that in order to generate the appropriate components, the system had to first be defined and this was why the TRUSS PLACEMENT GUIDE was the FIRST STEP in the process...

The laws of physics and scientific principles found in the practice of engineering NECESSITATED that this FIRST STEP – THE TRUSS PLACEMENT GUIDE - be completed by someone who had an understanding of these principles...

And, indeed, this explained why truss design software STARTED the PROCESS of truss design with the TRUSS PLACEMENT GUIDE!

**“Simply Stating Something...
Did Not Make It So...”**

Engineers – among others – may like to state they “were not liable” and “not designing a system”... but “simply stating something” - in theory - did not “make it so” – in practice!

I could state – in theory - that:

“I was a taxpayer”... but if I didn’t pay my taxes... in practice... I could/would go to jail!

“I was not a bank robber... but if ... in practice... I robbed a bank... I would go to jail!

“I was not designing a “system””... but...in practice... the facts stated otherwise!

**“Simply Stating Something...
Did Not Make It So...”**

In the truss design process, “an individual truss” COULD NOT be designed without seeing “the whole” since PROPER BRACING REQUIRED that the engineer know the type of truss that was next to the one being designed/placed given proper bracing required 3 like trusses.

In law, one was not “convicted” by matters of theory... but rather... by matters of PRACTICE!

In engineering that “PRACTICE” included both ACTIONS TAKEN AS WELL AS THOSE OMITTED – explaining why professionals, such as engineers, had to carry ERRORS AND OMISSIONS INSURANCE!!!

**And “More Special Clauses”...
That Still Did NOT Negate Liability...**

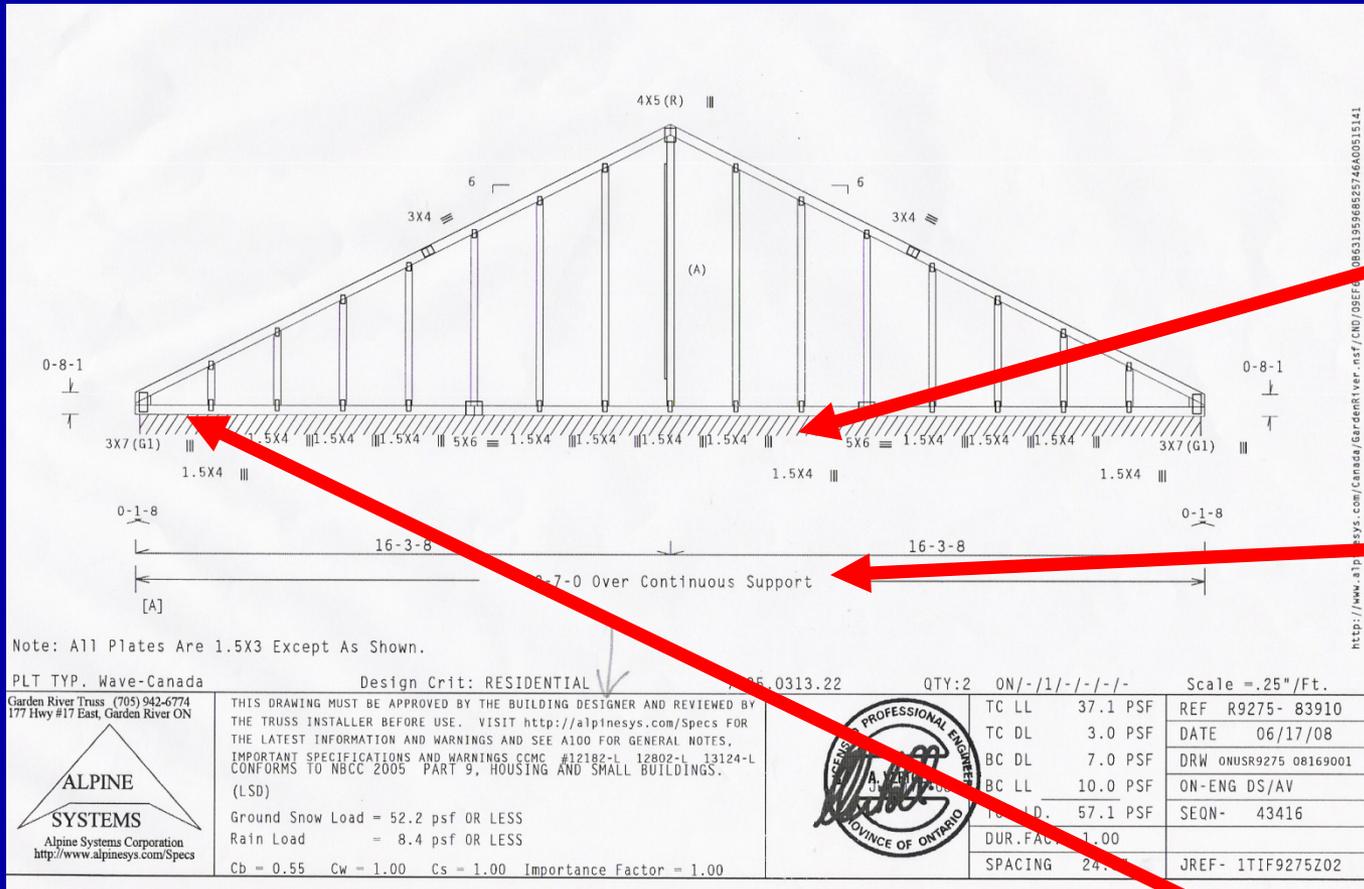
6. Trusses are supported where indicated on the design sheet and anchored where considered necessary by the designer of the overall structure. Bearing sizes and bearing details shown on the design are adequate or more than adequate to prevent crushing of the truss member. This does not, however, take into account the overall stability of the supporting structure.
Alpine does not design supporting structures.



**A BCIN designer COULD NOT
determine “proper anchoring” of
building components!**

Source: Alpine Systems, Truss Package Specifications Sheet A-100.

Truss Support Design And Suitability...



Simply by

“highlighting the area”...

And indicating
“OVER CONTINUOUS SUPPORT”...

Vertolli had
CREATED the
HINGE
AREA!!!

Source: Brohart Truss Package, GE Truss Specifications.

The fact that Vertolli had nothing to do with the “type of support” below the truss did not negate the fact that he indicated “a continuous support was needed”... and that... in and of itself... created a hinge area by placing a gable end truss bottom chord over a continuous support below the ceiling level of the cathedral ceiling.

Thus, regardless of the type of support below the truss, Vertolli, by stipulating a “continuous support” CREATED the HINGE area! The truss could have been on a toothpick... and it still would not have mattered.

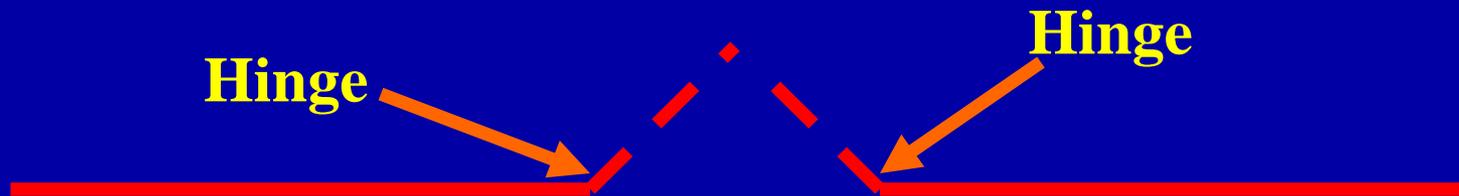
The issue of “suitability” was not one of “stability” pertaining to the supporting structure... but rather one of actually CREATING the HINGE via specifications provided by Vertolli.

The truss could have been a truss with absolutely NO support...

... A truss with AIR beneath it...

And this could still have created a “HINGE AREA”...

As in the case of inserting a single scissor truss in the middle of a web truss section. A single truss would not allow for proper bottom chord bracing... and as such, could create 2 “hinge areas” at the point of the scissor truss insertion... as in this cross section...



Support Is NOT The Issue...

The issue was one of truss suitability and proper truss placement as it related to minimum number of trusses required for proper bracing in order to prevent any hinge from developing!

As we saw previously, with the ability to insert a single scissor truss in software currently used by truss designers and/or manufacturers , “software bugs” allowed for several violations of the OBC and/or Act as well as violations of the Engineering Act...

**I suspected the software, potentially, may have a lot of other “bugs” since it appeared, in my opinion, to have been very poorly tested...
... Clearly, some “bugs” in software could be caught by a person such as myself, others, however, in my opinion, could only be truly caught by someone who understood the issues and had some training in the application of scientific principles as the related to load distribution... and that meant... an ENGINEER!**

**Support Was NOT The Issue...
Suitability and Stability Were!!!**

To allow a NON-ENGINEER to determine the truss placement guide and/or individual truss suitability in matters relating to “structural integrity” would, in our opinion, constitute negligence on the part of an engineer given proper load distributions and bracing matters could ONLY be determined by an engineer!

Architects Held Liable... For Something Beyond Their Control...

Clearly, architects also had issues to raise here. If they were to be held accountable for the proper erecting of structures that mandated engineers be involved and that engineers had “reviewed and taken responsibility for trusses in terms of “suitability, strength and rigidity, etc”, it stood to reason that architects should be able to count on the fact that engineers would take responsibility for “engineered components” that REQUIRED that a truss placement guide be accurate!

Given truss manufacturers, secretaries, etc. were using software intended for use in the design of commercial buildings (anything over 40 foot truss spans), how could architects possibly be held liable for matters of structural integrity as they pertained to roof structures? These persons were NOT engineers... yet, they were, in our opinion, acting as “pseudo-engineers” engaging in what constituted engineering services as they “designed the roof system”!

The Professional Engineers of Ontario... And “Software Engineers”...

The screenshot shows a web browser window displaying the Professional Engineers of Ontario website. The browser's address bar shows the URL <http://www.peo.on.ca/>. The website header includes the PEO logo and a navigation menu with the following items: Fee Schedule, Information for Consumers of Services, Access to Information, Public Forum, FAQ - Professional Practice, FAQ - Consulting Engineers, Complaints, Investigations, Enforcement, and Use of the term "Engineer". The "Use of the term "Engineer"" item is highlighted in blue. The main content area features a dark blue navigation bar with tabs for Directories, Members' Forum, Pay Fee/Change of Address, FAQs, and Applications/Forms. The "Directories" tab is active, displaying an article titled "Classified Advertising." The article text reads: "PEO scans the classified advertising sections of major newspapers daily, and writes to companies who place classified ads for such positions as "quality engineer", "industrial engineer", or "software engineer", but which do not appear to require that a professional engineer fill the position. These letters explain proper use of engineering titles under the Act and possible consequences for employers who use them inappropriately. Recently, PEO also began writing to employers who place classified advertising that specifies the requirement for professional licensing through PEO. These letters point out the efforts the association is taking to combat misuse of the job title "engineer" among employers, and thank them for including in their ads the requirement for P.Eng. licensure. The letters conclude: "The association appreciates your support of its efforts to protect the integrity of the term "engineer"."

Clearly, the PEO wanted “software engineers” to require professional engineers be involved in software using “engineering practices”!

Source: Professional Engineers of Ontario website, Downloaded March 6, 2010, <http://www.peo.on.ca>

The Professional Engineers Act of Ontario... Professional Misconduct...

The PEO Act States In Section 72 (1) and 72(2):

“negligence” means an act or an omission in the carrying out of the work of a practitioner that constitutes a failure to maintain the standards that a reasonable and prudent practitioner would maintain in the circumstances. R.R.O. 1990, Reg. 941, s. 72 (1); O. Reg. 657/00, s. 1 (1).

(2) For the purposes of the Act and this Regulation, “professional misconduct” means,

(a) negligence

Continued...

The Professional Engineers Act of Ontario...

Professional Misconduct...

(b) failure to make reasonable provision for the safeguarding of life, health or property of a person who may be affected by the work for which the practitioner is responsible,

(c) failure to act to correct or report a situation that the practitioner believes may endanger the safety or the welfare of the public,

(d) failure to make responsible provision for complying with applicable statutes, regulations, standards, codes, by-laws and rules in connection with work being undertaken by or under the responsibility of the practitioner,

Continued...

The Professional Engineers Act of Ontario...

Professional Misconduct...

(e) signing or sealing a final drawing, specification, plan, report or other document not actually prepared or checked by the practitioner,

(f) failure of a practitioner to present clearly to the practitioner's employer the consequences to be expected from a deviation proposed in work, if the professional engineering judgment of the practitioner is overruled by non-technical authority in cases where the practitioner is responsible for the technical adequacy of professional engineering work,

(g) breach of the Act or regulations, other than an action that is solely a breach of the code of ethics,

Continued...

The Professional Engineers Act of Ontario...

Professional Misconduct...

(h) undertaking work the practitioner is not competent to perform by virtue of the practitioner's training and experience,
(i) failure to make prompt, voluntary and complete disclosure of an interest, direct or indirect, that might in any way be, or be construed as, prejudicial to the professional judgment of the practitioner in rendering service to the public, to an employer or to a client, and in particular, without limiting the generality of the foregoing, carrying out any of the following acts without making such a prior disclosure:

Continued...

The Professional Engineers Act of Ontario...

Professional Misconduct...

- 1. Accepting compensation in any form for a particular service from more than one party.**
- 2. Submitting a tender or acting as a contractor in respect of work upon which the practitioner may be performing as a professional engineer.**
- 3. Participating in the supply of material or equipment to be used by the employer or client of the practitioner.**
- 4. Contracting in the practitioner's own right to perform professional engineering services for other than the practitioner's employer.**

Continued...

The Professional Engineers Act of Ontario... Professional Misconduct...

5. Expressing opinions or making statements concerning matters within the practice of professional engineering of public interest where the opinions or statements are inspired or paid for by other interests,

(j) conduct or an act relevant to the practice of professional engineering that, having regard to all the circumstances, would reasonably be regarded by the engineering profession as disgraceful, dishonourable or unprofessional,

(k) failure by a practitioner to abide by the terms, conditions or limitations of the practitioner's licence, provisional licence, limited licence, temporary licence or certificate..."

The Professional Engineers Act of Ontario...

Professional Misconduct...

(l) failure to supply documents or information requested by an investigator acting under section 33 of the Act,

(m) permitting, counselling or assisting a person who is not a practitioner to engage in the practice of professional engineering except as provided for in the Act or the regulations,

(n) harassment. R.R.O. 1990, Reg. 941, s. 72 (2); O. Reg. 657/00, s. 1 (2); O. Reg. 13/03, s. 19.

Truss Design Limitations...

Theory Vs. Practice...

Truss manufacturers were often family-owned operations that may not be as “business savvy” as major software manufacturers when it came to the “terminology” in documents as were provided by software packages often designed by HUGE corporations with ruthless legal teams!

Truss Design Limitations...

Theory Vs. Practice...

What was even worse for truss manufacturers was the fact that if they did see violations of the building code and or Act, because they were often NOT BCIN “qualified” and/or engineers, truss manufacturers were threatened with lawsuits if they “provided any input as to design”.

YOU CAN NOT IMPOSE A LIABILITY ON SOMEONE AND THEN GIVE THEM A “GAG ORDER” PREVENTING THEM FROM DEFENDING THEMSELVES AND/OR LIMITING DAMAGES AGAINST THEM!

These practices were simply unethical and worse – DANGEROUS and POTENTIALLY CATASTROPHIC!

**The Code of Hammurabi...
And Going From Physical Death... As Punishment...
To Financial Ruin...**

The Code of Hammurabi (the ruler of Babylonia in biblical times) was decreed and this Code stipulated that in event of the collapse of a house [we can now add, school, church, community hall, restaurant, theatre, etc.], in which the householder [we can add schoolchildren, churchgoers, residents, customers, viewers, etc.] was [were] killed, then "the builder shall be slain".

Today, the “financial sacrificial lambs” were architects, builders, those who provided builders insurance and/or homeowners insurance and/or errors and omissions insurance for architects, truss manufacturers who designed the truss placement guides and often “paid for the fix”, etc.

Truss Design ...And Critical Safety Check Ignored... “Proper Code Testing”!

Given what I had seen and what I knew as a person who “tested software code” for years, I knew that there were potentially MANY other bugs in such packages – “bugs” that, potentially, had gone – unnoticed for YEARS...

Many hypothetical situations should be tested. For example, what was allowed by such software packages? Did software manufacturers test to see if end users could specify “no/low/med wind conditions” for buildings in hurricane zones and/or tornado zones? Would the software allow it? If one specified “low wind” but also selected “hurricane zone” and/or tornado zone, which part of the code would “override” and/or take precedence? Would the building REALLY be designed for “a hurricane or tornado zone” or would it be designed based on the “low wind” criteria – which could have been selected in error, etc.?

Truss Design Limitations...

Theory Vs. Practice...

It only took one year of abnormal snowfalls, one incident of abnormal winds and/or vibrations from seismic activity and/or human activity (i.e., loud concerts as we now see in church buildings), etc., to make the entire “house of cards” ... collapse!

Who truly knew how many buildings collapsed during tornadoes, hurricanes, etc., - not due entirely to storms – but to contributory “bugs” in design and/or engineering software...

... And how many may have died as a result of such issues!

We will never have answers to such questions!

**More “Disclaimer” Statements...
On The Truss Placement “Guide”....**

The following statement appeared on our truss placement guide designed by BCIN designer Marc Levasseur

THIS DRAWING IS A PLACEMENT GUIDE ONLY.

CONFIRMATION OF ALL DIMENSIONS, QUANTITIES, LENGTHS & DETAILS REMAIN THE RESPONSIBILITY OF THE PERSON(S) INSTALLING THE ROOF SYSTEM.

ALL TRUSS DIMENSIONING IS TO THE CENTER, UNLESS STATED OTHERWISE.

GARDEN RIVER TRUSS CO. INC.

Source: Truss Placement Guide As Designed By BCIN designer Marc Levasseur.

“Confirmation Statement”...

“Confirmation: n. The act of confirming. 2. A verification.

Confirm: v. 1. To establish the validity of; verify. 2. To make firmer; strengthen. 3.To ratify.”

Source: The American Heritage Dictionary, Office Edition, Fourth Edition, Houghton Mifflin Company, NY, 2001

Defining Terms... Dimensions... Quantities...

“Dimensions: n. A measure of spatial extent, esp. width, height, or length. 2. extent or magnitude; scope. 3. Math. One of the least number of independent coordinates required to specify uniquely a point in space. 4. Phys. A physical property, such as mass, length, or time, regarded as a fundamental measure.

Quantities: n. pl., 1. A specified or indefinite number or amount. 2. A considerable amount or number.”

Source: The American Heritage Dictionary, Office Edition, Fourth Edition, Houghton Mifflin Company, NY, 2001

Defining Terms... Lengths... Detail....

“Lengths: n. 1. The measurement of something along its greatest dimension. 2. Measured distance or dimension. 3. Extent or duration.

Detail: n. 1. An individual part. 2. Itemized or minute treatment of particulars; attention to detail. 3. An inconsequential item or aspect”.

Source: The American Heritage Dictionary, Office Edition, Fourth Edition, Houghton Mifflin Company, NY, 2001

Defining Terms... “Confirmation” vs. “Determination”...

“Determination: n. 1a. The act of arriving at a decision. B. The decision reached. 2. Firmness of purpose; resolve. 3. The ascertaining or fixing of the quantity, quality, position, or character of something.

Determine: v. 1. To decide, establish, or ascertain definitely. 2. To cause to come to a conclusion or resolution; influence. 3. To limit; regulate. 4. To give direction to.”

Source: The American Heritage Dictionary, Office Edition, Fourth Edition, Houghton Mifflin Company, NY, 2001

Defining Terms... “Suitability”... “Type”... “Quality”...

“Suitable: adj. Appropriate to a purpose or occasion. – *suitability, suitability n. suitably adv.*”

Type: n. 1. A number of people or things sharing common traits; class; category. 2. One having the features of a group or class. 3. An example or model; embodiment.

Quality: n. 1. A trait or characteristic; property. 2. Essential character; nature. 3. Degree or grade of excellence.”

We were asked to confirm “what we were given” in terms of dimensions, lengths, number(s) of trusses delivered, and inconsequential items and/or aspects...

At NO TIME were we ever asked to DETERMINE the type(s) of trusses to be used, their individual placement(s) and/or suitability.

The Words Clearly Missing...

“DETERMINATION”, “SUITABILITY”, “TYPE”, “QUALITY”...

These words, fell within the practice of engineering!

In our opinion, BCIN Marc Levasseur could not, as a non-engineer DETERMINE the suitability of a particular truss... nor could he ask someone who was not an engineer (i.e., a builder) to do so as that would be asking someone to violate the Engineering Act which stated that only an engineer could provide services within the practice of engineering.

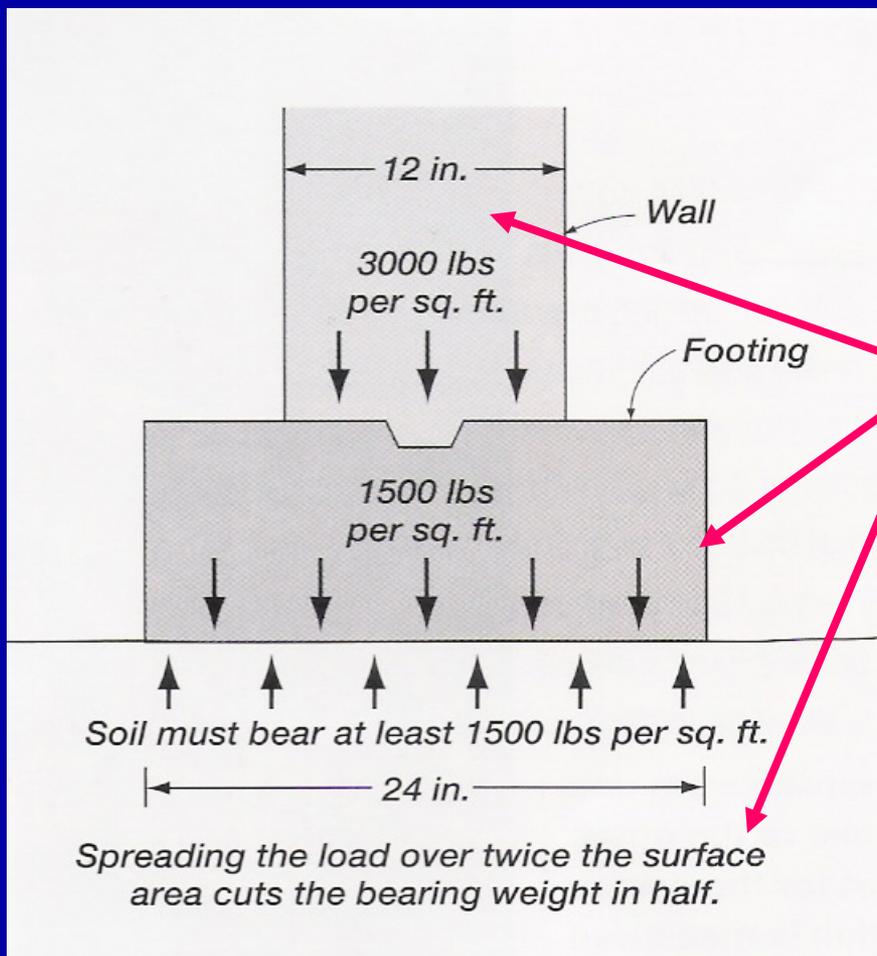
Had we been asked to determine such factors, we would have hired a truss engineer rather than attempt to specify these matters ourselves...

...Although homeowners could make their own trusses, we had chosen NOT to do that and had opted – as most homeowners and builders did - for pre-engineered trusses DESIGNED BY AN ENGINEER.

Given that our trusses were pre-engineered elements... and that the drawings were sealed by a truss engineer, we believed that an engineer had indeed DESIGNED our trusses and made all appropriate decisions as they related to types, suitability, placement, etc. - as we were led to believe!

“Transfer these loads to the continuous bearing below...”

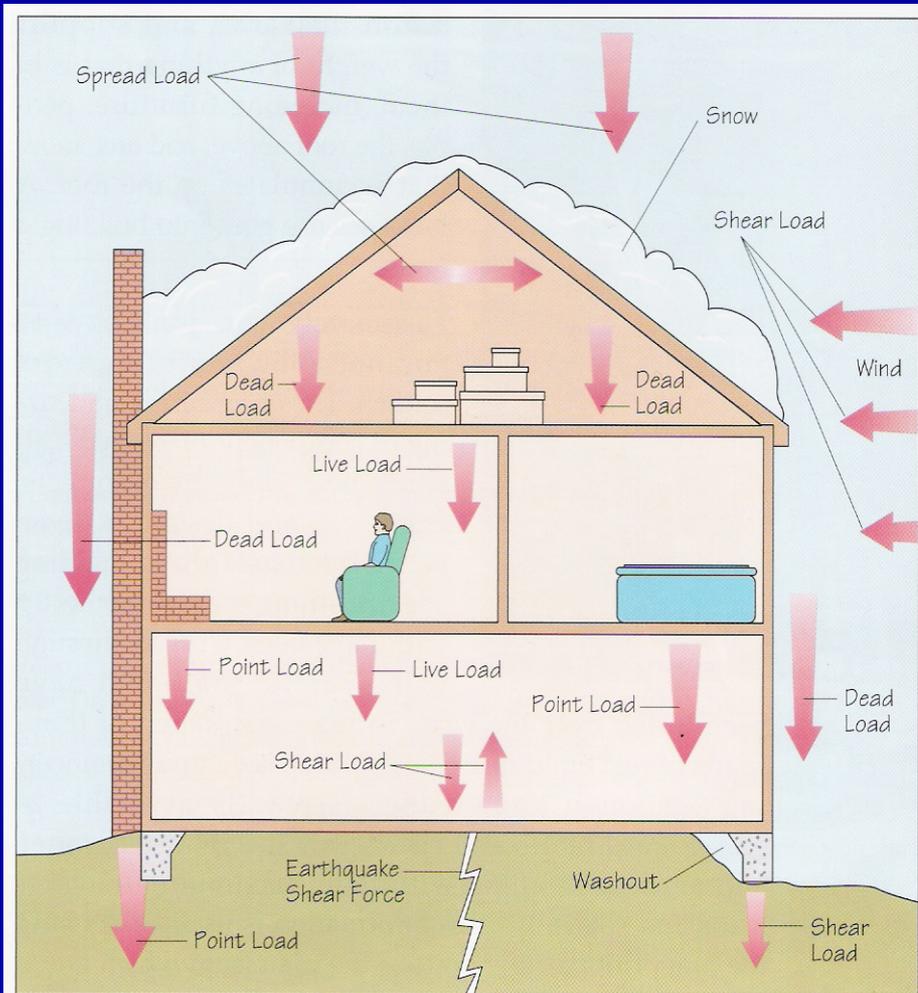
The transfer of loads was one of the ultimate goals in building design and construction. Although the picture below was for concrete, the principle of distributing loads also applied to wood.



“Spreading the load over twice the surface area cuts the bearing weight in half”.

Source: Arnold. R., Working With Concrete, The Taunton Press, CT, 2003, p. 45.

Defining Loads...



Defining Loads. The combined loading on a typical structure can be substantial and must be accounted for with proper design practices and proper beam and lumber sizing.

“The combined loading on a typical structure can be substantial and must be accounted for with proper design practices and proper beam and lumber sizing”.

Note: This was provided under a chapter called “ENGINEERING BASICS”!

Source: Wagner, J.D., Ultimate Guide To House Framing, New Revised Edition, Creative Homeowner, New Jersey, 2005, p. 24

“The most common framing design **ERRORS concern load paths. A load path is the route that loads take through the house as the load exerts its force downward on the structure. Load paths must be **STRAIGHT VERTICAL LINES** from the top of the structure to the foundation. If the load paths are not vertical or **CONTINUOUS**, loads may bear on areas of the building that are **NOT** able to support them... These framing errors, described in more detail below, may seem obvious. But even experienced builders make mistakes in interpreting building design and work themselves into **PREDICAMENTS WITH NO GOOD SOLUTIONS... BUILDING DESIGN IS NOT FOR AMATEURS. IF YOU’RE NOT WORKING FROM DESIGNER- OR ARCHITECT APPROVED PLANS, HAVE THEM LOOKED OVER BY A STRUCTURAL ENGINEER.**” [emphasis added]**

Source: Wagner, J.D., Ultimate Guide To House Framing, New Revised Edition, Creative Homeowner, New Jersey, 2005, pgs. 24-25 – under “ENGINEERING BASICS**” – Chapter 2!**

In building our house, we were working from plans designed by a BCIN “qualified” designer who provided us with an engineered truss package we believed had been designed and reviewed by truss engineers at Alpine Systems Corporation.

In addition, our plans had gone through the appropriate channels at the City of Greater Sudbury Building Services as far as “plan review”, “code compliance” and “plan approval” and this had resulted in the issuance of building permit #08-1658!

We had done everything asked of us – all others – all “qualified” personnel - had COMPLETELY failed in catching this “ENGINEERING BASICS” issue – and “STUD CONTINUITY REQUIREMENT” in the building code !

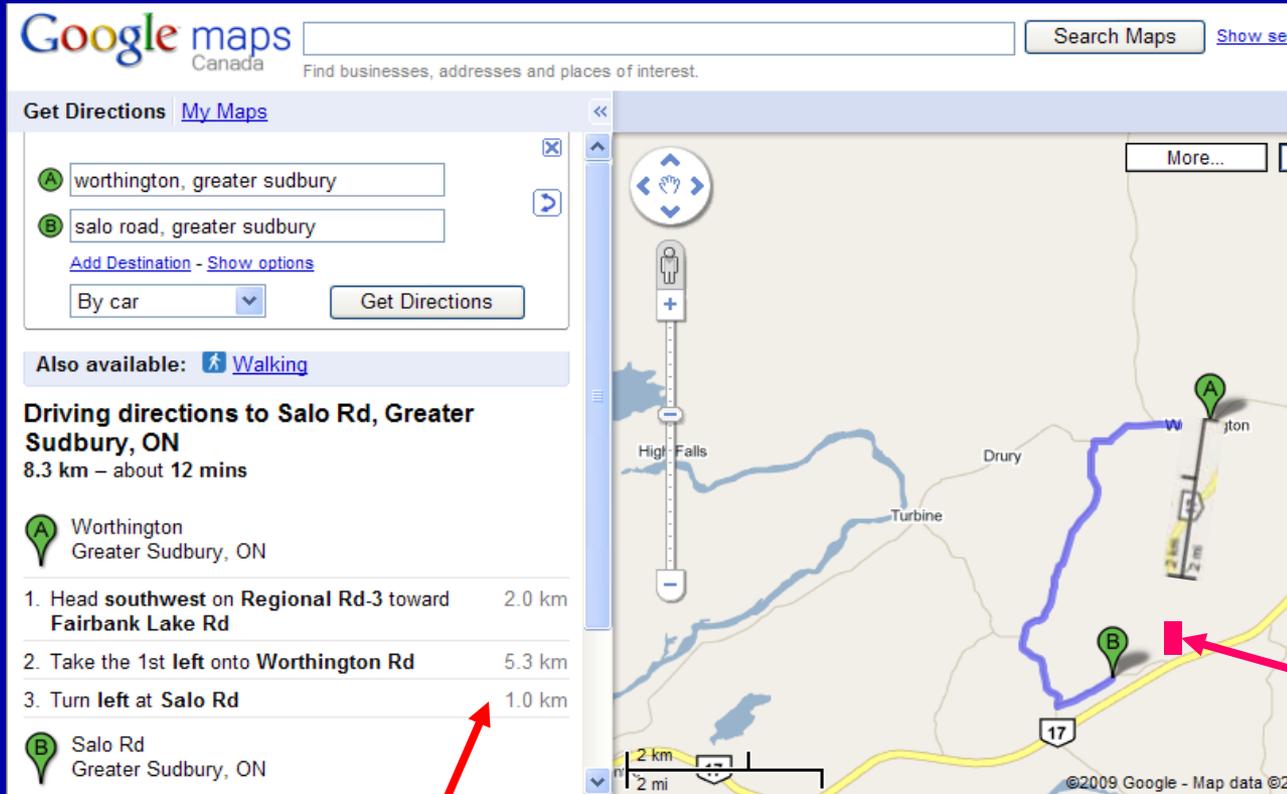
Seismic Events...

“Seismic activity

Mining-related seismological activity is not uncommon in the region, although it rarely causes any significant damage — in the most notable such incident, the then-outlying community of Worthington was destroyed on October 4, 1927 when a rock shift caused part of the community to collapse into a mine shaft...On November 29, 2006, the city was hit by a minor earthquake, which registered 4.1 on the Richter scale and had its epicentre approximately five kilometres west of Lively [close to our building site] .. No major damage was reported, although there were reports of the quake being felt as far away as Toronto. Seismologists confirmed in early December that the quake was most likely related to mining activity in the region.”

Source: Greater Sudbury, Wikipedia, Seismic Activity, http://en.wikipedia.org/wiki/Greater_Sudbury#Seismic_activity, downloaded December 31, 2009.

Totten Mine To Salo Road... And Our Building Site!



Totten Mine to our building site is about 8-9 km via car!

Source: Map provided by Google Maps, downloaded December 31, 2009.

Our building site was at the junction of Hwy 17 and Salo Road, placing us - in a direct line - less than 3 miles from Totten Mine – a mine that could have corridors closer to us still!

In 2007, VALE had plans to reopen the Totten Mine... investing up to \$450 million dollars into this project.

“The company announced today (Friday, May 4) that it will spend \$400 million (CDN) to reopen Totten Mine in Worthington. The company expects to create 150 new jobs by the time the mine is in full operation in 2011.”

Totten mine was located almost directly behind us... perhaps less than 2 km from our building site... and in better economic times, this mine would surely once again be on VALE’s radar, potentially contributing to further seismic activity in the area!

Source: CVRD Inco invests \$445 million in Sudbury mining projects, May 4, 2007

<http://www.northernlife.ca/News/LocalNews/2007/05-04-07-newmine.aspx>, downloaded December 31, 2009

Seismic Events Were A Fact Of Life In The Sudbury Area...

Home > Sudbury News

Sudbury shakes as earthquake hits near Ottawa

Jun 23, 2010

By: Heidi Ulrichsen - Sudbury Northern Life Staff

UPDATED June 23 at 3:50 p.m.

Sudburians felt the effects of a 5.5 magnitude earthquake centred in the Ontario-Quebec border region, about 53 kilometres from Ottawa, at around 1:41 p.m. this afternoon (June 23).

More information about the specifics of the earthquake can be found on the U.S. Geological Survey's website.

Northern Life's building shook back and forth at approximately that time, and other Sudbury residents contacted Northern Life to report that they felt the earth move.

Both Tom Davies Square and the downtown provincial building were evacuated because of the earthquake, according to city spokesperson Pat McCauley. Employees were brought to the Sudbury Arena, and stayed there for about half an hour.

"(The earthquake in the Ottawa region) was definitely what we felt (in Sudbury) this afternoon," Amy Henson, a staff scientist with Science North, said.

Henson said the area where the earthquake was centred is home to several geological faults. Energy release associated with rapid movement on active faults is the cause of most earthquakes.

The region experiences earthquakes about once every 10 years, Henson said.

The Globe and Mail reports that Twitter users as distant as Springfield, Massachusetts and Traverse City, Michigan reported feeling tremors. A Globe reporter in Montreal said that city also shook.

"What's very interesting about earthquakes in eastern Canada...is they are generally felt over a much broader region than those earthquakes we might be more familiar with, like earthquakes out in British Columbia or California," Henson said.

"Usually those earthquakes (in British Columbia or California) are very localized over a small area. But an earthquake with a magnitude of 5.5, like the one in the Ottawa region, can be felt in Sudbury."

Sandra Mews, the owner of Dundee Wealth Management, located on Larch Street in downtown Sudbury, said her office felt the shaking.

The reception desk even shifted several inches. "It felt like when you shake a cube of jello," Mews said.

One employee with Dundee Wealth Management was on the phone with someone in Toronto, and the person on the other end of the line reported that his cabinet had fallen over, Mews said.

Several members of Northern Life's Facebook fan page, who said they are from areas as diverse as Val Caron, Markstay, Coniston, Garson and the Flour Mill, also felt the shaking.

"I'm in the Flour Mill. I felt it. My stove pushed me back (I was leaning on it)," wrote Joelle Demers-G.

Check back to NorthernLife.ca for more information as it becomes available.

**Source: Northern Life,
June 23, 2010**

Lateral loads, wind, seismic events, accumulation of buckling forces of truss web members, gable ends not engineered to support these types of loads... all these now factored into the equation leading to “Von Mises stress” acting on our non-code-compliant wall... all issues to be taken into consideration in determining an appropriate “fix” – a “fix” no one in the City of Greater Sudbury Building Services seemed able to provide given all had “missed the issue” in the first place!

Von Mises stress was something that had been known about since at least 1913 and as such, was certainly not something “new” to those in the field of engineering.

**Source: von Mises yield criterion, downloaded December 30, 2009
http://en.wikipedia.org/wiki/Von_Mises_yield_criterion and
http://www.absoluteastronomy.com/topics/Von_Mises_stress**

Calculation/Understanding of VonMises stress was something done by engineers – not by those who simply carry a “BCIN designation” – and “as such” – given our wall and its bracing were now considered “not to code”, anyone NOT an engineer should have remained silent as to any “fix” given we now had a structural integrity issue with our “non-code-compliant wall”!

Von Mises stress, σ_v , is a *scalar function* of the components of the *stress tensor* that gives an appreciation of the overall ‘magnitude’ of the tensor and is often used to predict failure by ductile tearing. In 3-D, the Von Mises stress is expressed as:

$$\sigma_v = \sqrt{\frac{(\sigma_1 - \sigma_2)^2 + (\sigma_2 - \sigma_3)^2 + (\sigma_3 - \sigma_1)^2}{2}}$$

This was NOT on MMAH BCIN exams and fell within practice of engineering.

where $\sigma_1, \sigma_2, \sigma_3$ are the *principal stresses*. In 1-D (planar), this reduces to the uniaxial stress and in terms of local coordinate system the stress is expressed as follows:

$$\sigma_v = \frac{1}{\sqrt{2}} \sqrt{(\sigma_x - \sigma_y)^2 + (\sigma_y - \sigma_z)^2 + (\sigma_z - \sigma_x)^2 + 6(\tau_{xy}^2 + \tau_{yz}^2 + \tau_{zx}^2)}$$

($\tau_{xy}, \tau_{yz},$ and τ_{zx} are shear stresses)

Source: Gjinolli, A., (P.E.) and Vogt, J., (P.E.), Wood Truss Gable End Frames, Structure Magazine, August 2007.

Indeed, the ONLY person who could have spoken out on this situation - based on his “qualifications” – would have been Chief Building Official for the City of Greater Sudbury, Guido Mazza – but he remained amazingly “silent” as to the issue and the “first fix” and “second fix” proposed to us by the City of Greater Sudbury Building Services. We had already been advised – in writing- that CGS did not provide engineering services.

Under no circumstances would we have even considered hiring any engineer on CGS payroll!

In our opinion, given the “fixes” we had been provided by CGS BS personnel, these persons were clearly not to be trusted.

Why, after all, had they not addressed what we saw as one of the roots of the problem – our BCIN designer and his role in all of this?

Given BCIN designer, Marc Levasseur, himself had stated in an email to us – that we forwarded to the City of Greater Sudbury Building Services – that there had been other instances where Mike Pilon had failed such framing based on the lack of stud continuity, why had the City of Greater Sudbury Building Services not stopped Marc Levasseur “in his tracks” by advising him – in writing – that such framing designs as he had been submitting were against provisions of the Ontario Building Code and that submitting such plans would no longer be allowed!

Instead... NOTHING was done to stop this! By not “speaking out” against such practices, the City of Greater Sudbury Building Services was, in effect, approving them – as clearly indicated by the issuance of building permits for buildings that were NOT to code!

We had not been “the first case” to be seen over this issue!

By allowing this type of designing to continue, the City of Greater Sudbury was, in effect, giving Marc Levasseur the “green light” and thus, all parties were playing Russian Roulette with:

1.Our family’s safety

2.Our finances

3.Our time

... as well as with that of countless others... and this... to us... was COMPLETELY UNACCEPTABLE!

When, on December 23, 2009, I spoke to David Brezer at the Ontario Ministry of Municipal Affairs and Housing, he, too, wondered why this had been allowed to go on for so long!

Enough Blame To Go Around...

The independent engineer with whom we consulted had been the one to provide us with a copy of this article on gable ends from *Structure Magazine* dated August 2007.

In an email, he also told us that our wood truss supplier – Alpine Truss Corporation – should have been familiar with this issue.

He also pointed out that the article in *Structure Magazine* was for a truss span shorter than ours – 28 ft – our trusses were – in total [if you included overhang] – about 36 ft!

Also “rather revealing” to us was the fact that he seemed most concerned over the area of our “non-compliant wall” where we had approximately 10 feet of windows...

BCIN “qualified” Building Inspector, Mike Pilon, had stated to us that all we could do there was to insert a 2x4 stud along each side of this particular section of our wall.

The engineer we hired indicated to us that this “fix” – along with the “rest of the fix” proposed to us by the City of Greater Sudbury Building Services would be “unacceptable” in this situation.

Note that the area of “most concern” to the engineer we hired was given “no special mention” in the “fix” proposed by the City of Greater Sudbury Building Services personnel – a “fix” we had been encouraged to do by the BCIN building inspector, our BCIN designer, the Acting Manager of Code Compliance and the President of Alpine Systems Corporation.

What happened when there was a gable end failure?

1. Potential for death and/or personal injury

2. Severe property damage

Note: Gable end failures could occur in wood construction, as well as in gable ends covered with bricks, etc.

Source: CROSS [Confidential Reporting on Structural Safety], Some press reports on wall collapses in January 2006

**Report ID: cross75, Published: Newsletter No 6 - April 2007 ,
<http://www.cross-structural-safety.org/view-report/cross75/>**

Note that we were provided with “a fix” by the following persons:

- 1. The building inspector (as indicated on our 2 different failed framing inspections dated November 20, 2009 and December 1, 2009 – much more on this “second notice” is forthcoming!)**
- 2. The Acting Code Compliance Manager and Plan Reviewer – via email.**
- 3. The BCIN designer - by phone!**
- 4. The President of Alpine Systems Corporation – via email.**

A call we placed to the City of Greater Sudbury Building Services confirmed that there were currently 10 building inspectors in this department – not one of whom was an engineer. We were told the ONLY engineer in the CGS BS was the Chief Building Officer – who was responsible for the issuance of permits – and who had remained fairly “silent” on this matter.

The Ontario Building Code Act Stated:

Section 1.1 (7) Role of Inspectors. It is the role of an inspector... b) to exercise powers and perform duties in respect of only those matters for which he or she has the qualifications required by this Act and the building code...” [emphasis added]

Source: Ontario Building Code, Section 1.1(7), Role of Inspectors, Building Code Act, 2006, p. 4.

And... The OBC Act also stated... under “Qualifications”...

“Section 15.11 (7) Prohibition. No person shall represent, directly or indirectly, that he, she or it has the qualifications or meets the requirements established under this section if the person does not have those qualifications or does not meet those requirements. 2002, c.9, s. 27,; 2006, c.19, SCched.O., s.1(7).” [emphasis added]

Source: Ontario Building Code, Qualifications, Section 15.11(7), Prohibition, Building Code Act, 2006, p. 20.

By providing “a fix”, building inspectors, Manager(s) of Code Compliance, and Plan Reviewer(s) were in all likelihood “speaking out of line” in terms of “their qualifications”.

Perhaps worse was “the fix” as it was presented to us by persons who were “qualified” and/or were engineers!

My husband was not comfortable with the “fix” originally proposed by building inspector, Mike Pilon, as it meant we would have to cut into our top plates currently acting as a “continuous support” for our gable end truss in a load-bearing wall next to the cathedral ceiling.

We insisted on having an engineer confirm “the original fix” we had been given on our failed framing inspection dated November 20, 2009!

Our designer, Marc Levasseur, had told us – in writing – in an email dated November 23, 2009 that – I quote:

“As for Gus, I cannot give you his number and not even the city gets to talk to him”.

“Gus” referred to Gus Vertolli, a truss engineer employed by Alpine Systems Corporation at their office located in Concord, Ontario. He was the engineer who had “sealed” our truss package.

The above comment – in email – by Marc Levasseur – to us was the WRONG answer!

As a result I went on the Internet to find a contact for Alpine Systems Corporation...in order to have an engineer “weigh in” on the “proposed fix”!

A first engineer speaks out... The President of Alpine Systems Corporation, Mr. Edmond Lim, a structural engineer licensed in Ontario.

Mr. Lim quickly provided for me the contact information for Mr. Gus Vertolli, engineer at Alpine Systems Corporation in Concord, Ontario... and he added – in writing - ... I quote:

“It looks like this is an issue for the building designer and not the truss engineer... Your trusses would have been designed according to an APPROVED PERMIT PLAN. NORMALLY, MODIFICATIONS ARE REQUESTED AT THE TIME OF PERMIT AND AT THE DESIGN STAGE...” [emphasis added].

Note how, already, in our opinion, Alpine Systems was attempting to “shift the blame” to the building designer, our BCIN designer, Marc Levasseur.

My husband and I then wrote – 2 emails - to Gus Vertolli, asking him very specific questions as to the “proposed fix” on our failed framing inspection dated November 20, 2009 and the “continuous support” for this gable end truss.

In a third email to Gus Vertolli, we asked him to clarify if he had intended for our “continuous support” for the gable end truss to be simply 1 ½ inches wide – given that would be what we would end up with if we did the CGS “proposed fix”.

To this day... we had yet to hear back from Mr. Vertolli!

Instead, Mr. Lim, President of Alpine Systems Corporation chose to “weigh in” saying...

And I quote... from an email dated November 25, 2009 by Edward Lim, President of Alpine Systems Corporation...

“We concur with Item 1 of “Framing Inspection 08-1658” as per the OBC.... I trust this is the confirmation you require.”

Mr. Lim was alluding to the fact that my husband and I insisted on an engineer “weighing in” on the “proposed fix” since we had a structural integrity issue on our hands.

In between the above 2 statements, however, were other statements that very much made my husband and I suspect there was much more to all of this!

Edmond Lim – CEO Alpine Systems and Structural Engineer – “Weighed In”... Another Person With “Much At Stake”...

To: fbrohart@hotmail.com; jbrohart@hotmail.com
CC: Alfio.Mazzuchin@city.greatersudbury.on.ca; cj.delwo@city.greatersudbury.on.ca;
GVertolli@www2.alpeng.com
Subject: Re: Truss Integrity/Framing Inspection 08-1658
From: Edmond.Lim@itwbcbg.com
Date: Wed, 25 Nov 2009 17:08:50 -0500

We concur with Item 1 of "Framing Inspection 08-1658" as per the OBC.

The GE1 truss design (and only the GE1 truss) can be notched at 4ft o.c. to accomodate the continuous studs.

I would like to correct your assertions in previous forwarded e-mails. The scope of the work of Alpine Systems covers only the individual truss designs as per our sealed truss designs. We were not contracted by any other party to layout the trusses. We also were not contracted to design the house and were not contracted to design the wall studs.

I trust this is the confirmation you require.

Sincerely,

ALPINE SYSTEMS CORPORATION

Edmond Lim, P.Eng.
President

Alpine Systems Corporation
1701 Creditstone Road
Concord, Ontario
L4K 5V6

Tel: (905) 417-2766 VoiceMail: 1-800-663-2766
E-Mail: Edmond.Lim@itwbcbg.com

frederick brohart <fbrohart@hotmail.com> 11/25/2009 08:09 AM

**Attached to this email
was CGS BS email from
A. Mazzuchin pertaining
to “Item 1”! Not
surprising, in our
opinion, CEO Edmond
Lim was no longer at
Alpine Systems!**

To: Alpine Systems <elim@www2.alpeng.com>
Cc: Edmond.Lim@itwbcbg.com
Subject: Re: Truss Integrity/Framing Inspection 08-1658

**The “proposed fix” by
Building Inspector
Mike Pilon violated
SEVERAL provisions
of the OBC... yet...
everyone was telling us
“to comply per the
OBC”... a Building
Code that too many
seemed NOT to know!**

**Source: Email from E. Lim,
CEO Alpine Truss, Nov. 25,
2009.**

Again, I quoted from Mr. Lim's email dated November 25, 2009:

“The scope of the work of Alpine Systems covers only the individual truss designs as per our sealed truss designs. We were not contracted by any other party to layout the trusses. We also were not contracted to design the house and were not contracted to design the wall studs”.

We had 5 types of trusses in our house...

Whose responsibility was it to determine “where each type of truss for our roof belonged”?

Was this really the responsibility of a BCIN designer... or... of an engineer?

In addition, whose responsibility was it to determine which type of truss to use next to the cathedral ceiling? The designer or the engineer?

Clearly, engineer Gus Vertolli KNEW we had scissor trusses SOMEWHERE in our house...

Should he not have made sure trusses next to these scissor trusses were “suitable” as he warranted?

Since trusses were engineered products, it seemed to us that the ultimate responsibility for these issues should lie with the truss engineers – or Alpine Systems Corporation.

Yet, clearly other players... the Manager of Code Compliance, Plan Reviewer(s) and the Chief Building Officer also had a responsibility to ensure designs and truss packages were in compliance with the Ontario Building Code.

Clearly, you could not have BOTH a gable end on a continuous support – as indicated in our engineered truss package – AND vertical continuous studs from the floor to the cathedral ceiling per Section 9.23.10.4(1) of the Ontario Building Code.

**1. “Determination as to the suitability
of these truss components
for the structure is the
responsibility of the Authority
having Jurisdiction and/or
the Project Engineer of
Record.” [emphasis added]**

“Suitability of Trusses...”

Notes:

1. Determination as to the suitability of these truss components for the structure is the responsibility of the Authority having Jurisdiction and/or the Project Engineer of Record.

Seal Date: 06/17/2008

-Truss Design Engineer-

Gus Vertolli

Source: Alpine Systems Corporation – Truss Package Cover Page

Gus Vertolli was clearly the Truss Design Engineer... But... Who was...

“The Authority Having Jurisdiction”???

“The Authority Having Jurisdiction”...

“Authority: n. 1a. The right or power to enforce laws, exact obedience, command, determine or judge, b. one that is invested with this right and power, esp. a government or government official. 2. Authorization. 3a. One that is an accepted source of expert information. b. A citation from such a source. 4. Firm self assurance; confidence.

Source: The American Heritage Dictionary, Office Edition, Fourth Edition, Houghton Mifflin Company, NY, 2001

**Thus, “The Authority Having Jurisdiction”
was
City of Greater Sudbury Building Services!!!**

The City of Greater Sudbury Building Services Was...

- 1. A government body,**
- 2. Accepted as a source of expert information by the residents of the City of Greater Sudbury in matters pertaining to the construction of buildings and/or other structures, and**
- 3. Given power(s) and right(s) by the Province of Ontario,**
- 4. To enforce the OBC and OBC Act, and**
- 5. To determine or judge whether or not a building complies with the OBC, and**
- 6. “As necessary”, command exact obedience for compliance with the OBC**

**“The Authority Having Jurisdiction...
City of Greater Sudbury City Council...**

There was NO DOUBT that the “authority having jurisdiction” was indeed the City Council... per the Ontario Building Code... I quote:

“7(1) By-laws, Resolutions, Regulations. The council of a municipality... has jurisdiction for the enforcement of this Act...”

**Source: 2006 OBC Act, 2006 Building Code Compendium,
Section 7.(1), p. 8.**

Clearly, as part of its roles, The City of Greater Sudbury Building Services reviews plans and truss packages for compliance with the OBC and “fails” [or is at least supposed to] framing that did NOT comply with the OBC as it related to all framing members and trusses (i.e., stud continuity, truss placement, truss suitability, appropriate bracing, etc.). Yet, Marc Levasseur, a BCIN designer and resident of CGS had been designing buildings “not to code” for 9 YEARS.

The fact that the City of Greater Sudbury had PREVIOUSLY FAILED SUCH FRAMING in the past, and had done NOTHING to stop it in the future –put much of the blame, in our opinion – squarely – on this authority

TO NOT TAKE RESPONSIBILITY FOR TRUSS SUITABILITY WOULD MEAN THAT THE CITY OF GREATER SUDBURY WAS CHOOSING NOT TO TAKE RESPONSIBILITY FOR ENFORCING THE OBC!!!

Although The City of Greater Sudbury Building Services Department was certainly “responsible in matters relating to truss suitability issues”, clearly, Gus Vertolli, as truss engineer, and Alpine Systems corporation, itself, also had to carry “some of the blame” as indicated in their own documentation!

The software used by engineer Gus Vertolli was clearly software DESIGNED IN-HOUSE by Alpine Systems Corporation...

IN-HOUSE DESIGNED ENGINEERING SOFTWARE...

Engineering Software...

Alpine Software, Version 7.35

Alpine Systems Corporation

1701 Creditstone Road, Ontario L4K 5V6

Page 1 of 1 Document ID:1TIF9275Z0217153436

URL: <http://www.alpinesys.com/Canada/GardenRiver.nsf/CND/09EF65E0B63195968525746A00515141>

Truss Fabricator: Garden River Truss

Job Identification: ML08218R-FRED & JEANNE BROHART -- SALO RD., NAIRN CENTRE, ON (WEBBWOOD, ON)

Truss Count: 5

Model Code: National Building Code Of Canada

Truss Criteria: RESIDENTIAL

Engineering Software: Alpine Software, Version 7.35.

Minimum Design Loads: Roof - 57.1 PSF @ 1.00 Duration

Floor - N/A

Wind - No Wind

Source: Cover page of Brohart Truss Package sealed by Gus Vertolli.

Having worked for years in Chicago in the field of software testing myself, I knew that if there existed “a bug” in the form of “non-code compliance” designs allowed within that software, that would be something that should have been caught by Alpine Systems Corporation quality assurance teams during “software testing and review”.

For example, the “software code” should have prevented a GE1 truss from being used in an exterior load bearing wall that was next to a scissor truss in a cathedral ceiling design!

The software should have caught this issue and should ONLY have allowed for a “scissor type” truss in this location – especially since a GE1 design of this type was designed for “no wind” and as such, provided no good lateral bracing point [more on this later].

Alpine Systems Corporation... Truss Package Cover Sheet...

This cover sheet also stated...

**2. Alpine Systems Corporation [BCIN 29642] is registered with the Ontario Ministry of Housing to provide Design Activities to the Public under conditions set out in Article 2.17.4.7 of the Ontario Building Code. The scope of work undertaken by Alpine Systems Corporation is to only provide for the design of Metal Plate Connected Wood Trusses. Alpine Systems is not responsible for truss geometry, i.e. span, pitch, height.”
[emphasis added].**

The word “design” could be used as a verb or a noun!

“Design: v. 1 To conceive; invent. 2 To formulate a plan for; devise. 3 To have as a goal or purpose; intend. n. A drawing or sketch, especially a detailed plan for construction or manufacture. 2 The purposeful arrangement of parts or details. 3 The art or practice of making designs.”

Source: The American Heritage Dictionary, Office Edition, Fourth Edition, Houghton Mifflin Company, NY, 2001

Alpine Systems Corporation... Truss Package Cover Sheet And “Design Statement”...

2. Alpine Systems Corporation [BCIN 29642] is registered with the Ontario Ministry of Housing to provide Design Activities to the Public under conditions set out in Article 2.17.4.7 of the Ontario Building Code. The scope of work undertaken by Alpine Systems Corporation is to only provide for the design of Metal Plate Connected Wood Trusses. Alpine Systems is not responsible for truss geometry, i.e. span, pitch, height.

**Source: Alpine Systems Corporation Truss Package Cover Sheet,
Paragraph 2.**

**Alpine Systems Corporation ...
Responsibility In Matters Relating To...
“Truss Suitability”...**

In reality... the “scope” of Alpine Systems Corporation’s liability went further than what was stated in their truss package cover sheet - as indicated in their “other documentation”...

Alpine Systems Corporation ...

Responsibility In Matters Relating To...

“Truss Suitability” ..

SPECIFICATIONS:

Design standards conform with applicable provisions of TPIC, CSA 086-01 and NBCC (Latest edition)

Alpine Systems Corporation certifies that trusses manufactured to its design are suitable for the use specifically indicated provided that:

1. The truss loading, as well as load transfer mechanism, is indicated on the drawing.
2. The building matches the type of building requested by the manufacturer, which is indicated on the drawing.
3. Compression chords, typically Top Chords, are braced using a continuous rigid diaphragm sheathing, or are braced at intervals not exceeding 12.5 times their thickness [18.75" o.c.], or as specified on the individual design. Tension chords, typically Bottom Chords, are braced using a continuous rigid diaphragm sheathing, or are braced at intervals not exceeding 80 time their thickness, 10'-0" o.c. maximum, or as specified on the individual design. All other members are to be braced as indicated by the individual design. Bracing that is referred to here is to be securely anchored to prevent overall movement of the structures as a whole.
4. A properly designed bracing system, maintaining the trusses in a plumb position and providing resistance to wind and sway is installed. Bracing appearing on Alpine drawings is used as a component of the truss and forms an integral part of the truss component design.
5. Proper care and handling of trusses during fabrication, shipping and erection are the responsibilities of the fabricator and the erectors respectively. Procedures consistent with good workmanship and good building practices are the responsibility of the building contractor.
6. Trusses are supported where indicated on the design sheet and anchored where considered necessary by the designer of the overall structure. Bearing sizes and bearing details shown on the design are adequate or more than adequate to prevent crushing of the truss member. This does not, however, take into account the overall stability of the supporting structure. Alpine does not design supporting structures.
7. Plates used by the fabricator are supplied by Alpine and are of that type, size and gauge as indicated on the drawings and placed on both faces of the truss. The truss is manufactured by an authorized fabricator in accordance with a design approved by a registered professional engineer authorized by Alpine.
8. Dimensions and geometry of the installed truss match that of the design sheet.
9. Brace Locations and Lengths:
 - (a) One(1) continuous lateral brace, (CLB) to be placed at the center of the web length.
 - (b) Two(2) CLB's to be placed at third points of web length.
 - (c) Three(3) CLB's to be placed at quarter points of web length.
 - (d) T-Brace, Scab Brace & L-Braces are to be a minimum of 80% of the length of the web.

10. MINIMUM DEFLECTION REQUIREMENTS:

Maximum truss deflection shall be based on the greater of live or dead load deflection for trusses; 1-1/3 live plus dead load deflection for HSB and Sectional/Mobile home roof trusses; live load deflection for LHO farm trusses and live load deflection for HSB floor trusses.

MAXIMUM DEFLECTION shall be limited as follows:

- a) With plaster or gypsum board ceiling finish:
Part 4: LL- L/360 TL- L/240
Part 9: TL- L/360
 - b) Other than plaster or gypsum board ceiling finish:
Part 4 including Low Human Occupancy: LL- L/240 TL- L/180
Part 9: TL- L/360
 - c) Part 4 floor truss design:
With plaster or gypsum board ceiling: LL= L/360 TL= L/240
Other than plaster or gypsum board ceiling: LL= L/240 TL= L/180
 - d) Cantilever deflection shall be limited to length of cantilever/120.
 - e) Overhang Deflection - Maximum overhang deflection shall be based on total load and shall be limited to overhang length/120.
 - f) Top Chord Panel Deflection - Maximum top chord panel deflection shall be based on total load and shall be limited to panel length/180.
 - g) Bottom Chord Panel Deflection - Maximum bottom chord panel deflection shall be based on total load and shall be limited to panel length/360.
 - h) Horizontal Deflection at Supports - Maximum horizontal total load deflection shall not exceed 25 mm.
11. For lumber sizes 2x10 and 2x12 MSR Grades, the assigned tension design values are based on those as listed in Table 5.3.2 in CSA 086, latest edition, provided the lumber is subject to the appropriate level of qualification and daily quality control testing for tension strength, as specified in NLGA SPS 2.

- * TPIC-96 Truss Design Procedures and Specifications For Light Metal Plate Connected Wood Trusses, Limit States Design, 1996 Edition, Truss Plate Institute Of Canada.
- * TPIC-2007 Truss Design Procedures and Specifications for Light Metal Plate Connected Wood Trusses, Limit States Design, 2007 Edition, Truss Plate Institute Of Canada.
- ** CSA 086-01 CSA Standard 086-01 Engineering Design In Wood (Limit States Design)
 - + NBCC - The National Building Code Of Canada, 1995 Edition.
 - + NBCC - The National Building Code Of Canada, 2005 Edition.
 - + BCBC - The British Columbia Building Code, 2006 Edition.
 - + ABC - The Alberta Building Code, 2006 Edition.
 - + OBC - The Ontario Building Code, 2006 Edition.

Maximum overhang deflection for HSB trusses and Sectional/Mobile home trusses shall be based on 1-1/3 live plus dead load and shall be limited to overhang length/120.

Visit <http://www.alpinesys.com/Specs> for the latest information and warnings



****WARNING**** TRUSSES REQUIRE EXTREME CARE IN FABRICATING, HANDLING, SHIPPING, INSTALLING AND BRACING. REFER TO BEST PRACTICE HANDLING, INSTALLING AND BRACING, PUBLISHED BY THE TRUSS PLATE INSTITUTE OR A DEPENDENT BR. SUITE 200, MADISON, WI 53719 FOR SAFETY PRACTICES PRIOR TO PERFORMING THESE FUNCTIONS. UNLESS OTHERWISE INDICATED, TOP CHORD SHALL HAVE PROPERLY ATTACHED STRUCTURAL PANELS AND BOTTOM CHORD SHALL HAVE A PROPERLY ATTACHED RIGID CEILING.

****IMPORTANT**** FURNISH A COPY OF THIS DESIGN TO THE INSTALLATION CONTRACTOR. ALPINE SYSTEMS CORPORATION SHALL NOT BE RESPONSIBLE FOR ANY DEVIATION FROM THIS DESIGN. ANY FAILURE TO BUILD THE TRUSSES IN CONFORMANCE WITH TPIC OR FABRICATING, HANDLING, SHIPPING, INSTALLING AND BRACING OF TRUSSES IN ACCORDANCE WITH APPLICABLE PROVISIONS OF CSA 086-01 CANADIAN STANDARDS ASSOCIATION, NBCC, LATEST EDITION, AND TPIC ALPINE CONNECTORS ARE MADE OF 304A ASTM A639 GRAD GALV. STEEL EXCEPT AS NOTED. APPLY CONNECTORS TO EACH FACE OF TRUSS AND UNLESS OTHERWISE INDICATED IN THIS DESIGN, POSITION CONNECTORS PER DRAWINGS 160 A-Z. THE SEAL ON THIS DRAWING INDICATES ACCEPTANCE OF PROFESSIONAL ENGINEERING RESPONSIBILITY ONLY FOR THE TRUSS COMPONENT DESIGN SHOWN. THE SUITABILITY AND USE OF THIS COMPONENT FOR ANY PARTICULAR BUILDING IS THE RESPONSIBILITY OF THE BUILDING DESIGNER, PER TPIC 96.



REF	DATE
	09/20/07
ENG	TB/AV
A-100	

Alpine Systems Corporation ... Responsibility In Matters Relating To... “Truss Suitability”... Specification Sheet A100... A Closer Look...

SPECIFICATIONS:

Design standards conform with applicable provisions of TPIC, CSA 086-01 and NBCC (Latest edition)

Alpine Systems Corporation certifies that trusses manufactured to its design are suitable for the use specifically indicated provided that:

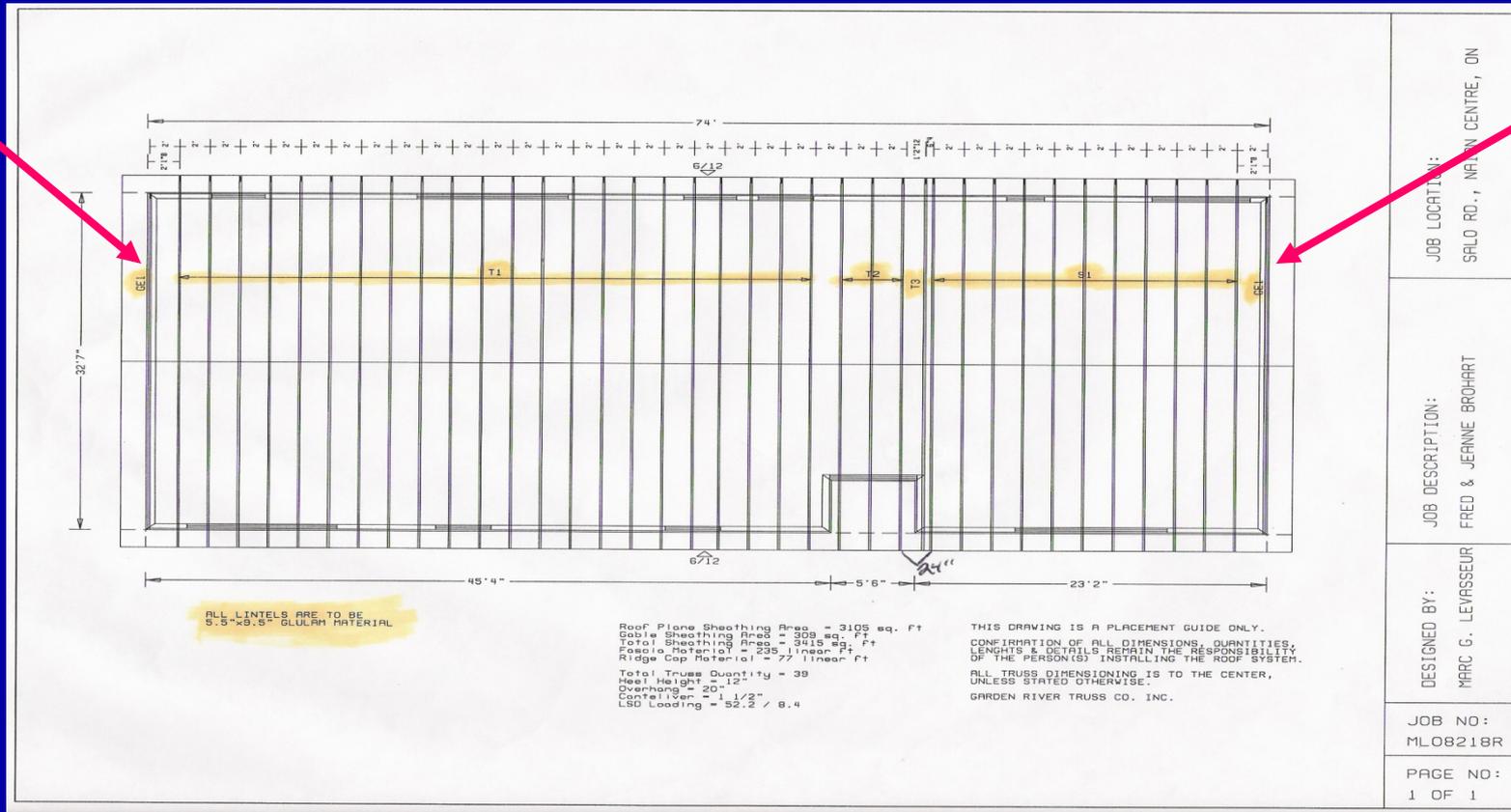
7. Plates used by the fabricator are supplied by Alpine and are of that type, size and gauge as indicated on the drawings and placed on both faces of the truss. The truss is manufactured by an authorized fabricator in accordance with a design approved by a registered professional engineer authorized by Alpine.

**Alpine Systems Corporation ...
Responsibility In Matters Relating To... “Truss Suitability”...
Specification Sheet A100... A Closer Look...**

Thus, clearly, Alpine Systems Corporation had CERTIFIED that our GE1 truss was “SUITABLE” for the use specifically indicated – a truss that would be next to a cathedral ceiling - when IN FACT... IT WAS NOT!!!

The FACT that PEO’s letter dated Feb. 7, 2007 ADMITTED NON-engineers were ‘inputing loads’ and that engineers were sealing truss designs WITHOUT REVIEWING the drawings only further HIGHLIGHTED these dangerous practices and why we had now been living a nightmare for 2 years!

Truss layout indicating the positioning of 5 different types of trusses for our home! This document was “designed” by Marc Levasseur - a BCIN designer – but not an engineer! This same document was provided to the City of Greater Sudbury Building Services as part of our “truss package”.



NOTE:
 Gable
 End
 (GE)
 trusses
 to be
 placed
 at each
 end of
 the
 house!

The truss manufacturer, Garden River Truss clearly indicated on its truss delivery ticket that they had delivered 2 gable end (GE) trusses – one for each end of the house per the truss layout provided by BCIN designer, Marc Levasseur (who was not an engineer)!

PAGE 1



GARDEN RIVER TRUSS Co.

177 Hwy #17 East, Garden River, ON.
Tel: (705) 942-6774 Fax: (705) 942-6939

DELIVERY TICKET

JOB # ML08218R

SHIP TO PRE-PAID CANADIAN FRED BROHART 705-869-5916 SALO ROAD NAIRN CENTRE, ON	DATE: 11/05/2008 JOB NAME: FRED & JEANNE BROHART REQUIRED: 06/03/2008 TELEPHONE:
---	---

Truss Profile	Label	Qty	Fly	Slope		OA Span	Heel Height	OA Height	Weights	
				Top	Bot				Unit	Totals
	T3	1		6.00	0.00	32'7"	1'	9'2"15	117	117
	T2	3		6.00	0.00	32'7"	1'	9'2"15	119	357
	S1	11		6.00	4.00	32'7"	1'	9'2"15	144	1584
	T1	22		6.00	0.00	32'7"	1'	9'2"15	117	2574
	GE1	2		6.00	0.00	32'7"	8"1	8'9"13	121	242

DELIVERY INSTRUCTIONS:	TOTAL WEIGHT 5081 lbs.
SALO RD., NAIRN CENTRE, O	
1 --- 32' X 5 1/2" X 9 1/2" 3 --- 30' X 1 3/4" X 9 1/2" 74 X H1	

Accepted By: _____	Date: <u>Nov 5/08</u>
Signature _____	_____
Print Name _____	Truss Company Representative

Conditions:
 Our responsibility stops at the road re deliveries. Towing charges are the responsibility of the customer. Enclosed are Engineered truss certificates. A copy of CWTFB brochure on handling, erection and bracing of wood trusses is available on request.

It is the responsibility of the general contractor to:

1. Ensure all trusses are located at proper bearing points of the truss.
2. Supply and install all permanent and temporary truss bracing
3. Allow adjustments for seasonal uplift of trusses.
4. Our liability shall not exceed the value of the goods sold.

NOTE: No back charges/hold backs permitted.

For us... nothing had been easy – not even the truss delivery itself!

Note that our trusses were about 36 feet in span!

Source: Email from J Brohart to BCIN Designer and Garden River Truss Sales Person, Marc Levasseur, Nov 27, 2008.

Trusses/Beam/Engineered lumber

From: **J Brohart** (jbrohart@hotmail.com)

Sent: November 27, 2008 4:14:43 PM

To: mgl dc@cyberbeach.net

Hi Marc,

I finally have a second to write to you regarding a few things.

1. As you know, our trusses were delivered on November 5th. The good part to that was that it was during very favorable weather... the bad part was that we were told by Josh that they would be coming on the shorter truck... they didn't... and the driver (Joe) said he couldn't make it up the hill with the bigger truck. So... Joe... said he basically had to drop them at the bottom of the hill... that would have been acceptable, had he put them entirely on our property... instead... he dumped them 2 feet onto the road, and, when he dropped them... the tips of the trusses rubbed against a tree... again... not very professional. My husband was less than pleased with that. Joe simply stated he was not the regular driver for that truck... that the regular driver had quit on Monday of that week. He stated he had a crane on the truck which could have been used to pull them onto our lot, but that he did not know how to use it. So... there we were... with a stack of trusses.. partly onto the road. Not a good situation. It took us the better part of 2 days to finally get them up the hill and properly stored when it should have taken one afternoon had the smaller truck delivered them as we were told would be the case.

Anyway... we are passed that nightmare now... but... frankly... in the interest of better customer service, your delivery folks should really be a little more professional in dropping off loads... Had Joe taken a little more time to maneuver his truck, I think he could have easily made it so that the trusses were at least sitting on our property at the bottom of the hill. We've had truckers deliver 65 foot hydro poles to our location, and a 40 foot storage container... both made it onto the property just fine... and the container... that was actually brought all the way up the hill just fine... so... there was no reason for which we should have ended up with the fiasco we did on the truss delivery date.

The Ontario Building Code (2006), in its Section 1.1 (1) did not make a distinction between a BCIN “designer” and/or an “engineer”. The ONLY role stated in this section was “Role of Designers”. It stated:

“Role of Designers: It is the role of a designer,

(a) If the designer’s designs are to be submitted in support of an application for a permit under this Act, to provide designs which are in accordance with this Act and the building code and to provide documentation that is sufficiently detailed to permit the design to be assessed for compliance with this Act and the building code and to allow a builder to carry out the work in accordance with the design of this Act and the building code;

Continued...

“Role of Designers: It is the role of a designer,

(b) To perform the role described in clause (a) in respect of only those matters for which the designer has the qualifications, if any, required by this Act and the building code; and

(c) If the building code requires that all or part of the design or construction of a building be under general review, to perform the general review in respect of only those matters for which the designer has the qualifications, if any, required by this Act and the building code. 2002, c.9, s.3”

Source: Ontario Building Code Act, Section 1.1(2) Role of Designers, OBC, 2006, p. 3.

Thus, the issue appeared to be one of “qualifications”.

Was a BCIN designer a “qualified engineer” able to design engineered trusses and “qualified” in the determination of “appropriate truss placement”?

By providing the “truss layout”, it could be argued that Marc Levasseur was “acting” as a truss engineer... a violation of the Ontario Building Code Section 15.11(7) as it related to “Qualifications” and “Prohibition” that – I quoted:

“No person shall represent directly or indirectly, that he, she or it has the qualifications or meets the requirements established under this section if the person does not have those qualifications or does not meet those requirements. 2002, c.9, s.27, 2006, c.19, Sched. O., s.1(7).”

Source: Ontario Building Code Act, 2006, Section 15.11(7), “Qualifications” and “Prohibition”, p. 20.

Given that proper layout of trusses would most likely fall in the jurisdiction of an engineer who would be familiar with “structural issues” as they related to various types of “loads” and “forces” exerted on buildings, and given we had 5 different types of trusses, it would seem that the person(s) “qualified” to determine the proper “truss layout design” would have been the truss engineer.

Thus, it appeared we had some “acting as engineers” and others who were engineers “failing to do so” – both situations – in our opinion, – constituted violation(s) of the Building Code Act and Engineering Act of Ontario!

Clearly, any matters relating to “engineered trusses” – their design, their type, their load capabilities, their bracing, their placement, etc. – seemed to fall under the responsibility of ENGINEERS – or - in our case – Gus Vertolli.

In regard to the actions – or perhaps – more specifically – non-actions - of engineer Gus Vertolli, the following could also be argued from a LEGAL standpoint:

« Qui tacet consentire videtur[...] »

Which meant... «He who is silent is supposed to consent. The silence of a party implies his consent.» or

«Qui tacet consentire videtur, ubi tractatur de ejus commodo [...] »

Which meant...

«He who is silent is considered as assenting, when his interest is at stake.»

Source: Black, Henry Campell, Black's Law Dictionary, 6th ed., St. Paul 1990, <http://trans-lex.org/100700>

Qui tacet consentire videtur

Thus, by not saying anything in opposition of the truss layout provided by BCIN “qualified” designer, Marc Levasseur, it could be argued that truss design engineers at Alpine Systems Corporation and CGS BS agreed with the truss placement guide and selection of truss types!

Thus the principle of “Qui tacet consentire videtur[...] » or «He who is silent is supposed to consent. The silence of a party implies his consent”, could also be applied to all those who remained silent as to the “appropriateness” of plans submitted with our application for a building permit.

This included any “qualified” Manager(s) of Code Compliance, any “qualified” Plan Reviewer(s) and, of course, the Chief Building Official – a “qualified” engineer - who was ultimately responsible for the issuance of building permits – and of course, CGS City Council – responsible for enforcing the OBC and Act!

Since “silence can be construed as agreement” and given no objections had been raised as to the plans designed by “qualified personnel” that were submitted along with our building permit application, and, indeed, given the fact that a building permit was issued for these plans – indicating to us that the City of Greater Sudbury Building Services had reviewed them for “code compliance”, as builders, we felt we had been given the appropriate “green light” to go ahead and build our house based on these approved plans and pre-engineered materials and specifications provided to us!

We had ABSOLUTELY NO REASON to believe our plans were not “code compliant” as we had gone through all the “appropriate, qualified” personnel, channels and methods and procedures imposed upon us by the City of Greater Sudbury Building Services.

As “PRUDENT” persons building this house, we built it based on the designs made, submitted and approved by “qualified” persons.

Who was “most qualified” in determining the “design” of the trusses and their placement?

Builders had nothing to do with the design, planning and approval process. They simply built based upon APPROVED plans by “qualified” persons.

If a discrepancy or conflict should then arise, a PRUDENT person would proceed based on the work of the person “most qualified” to address a specific issue such as truss design, truss type and appropriateness, truss loads and/or stresses, truss placement, truss bracing, etc. – and that – in our opinion – would be – the truss engineers – who designed/engineered trusses and who in no way indicated that there was a problem with the truss package submitted – using that company’s own software!

What Constitutes “Due Diligence” in law?



The Shorter Oxford Dictionary defines the two words “due” and “diligence” as follows:

Due: A. adj. 1. That is owing or payable, as a debt. 2. Belonging or falling *to* by right. 3. That ought to be giving or rendered; merited. 4. Such as ought to be; fitting; proper; rightful. 5. Such as is requisite or necessary; adequate. 6. To be ascribed or attributed; owing to, caused by, in consequence of. 7. Under engagement or contract to be ready or arrive (at a defined time).

Diligence: 1. The quality of being diligent; industry, assiduity. 2. Speed, dispatch. 3. Careful attention, heedfulness, caution. 4. *Law.* The attention and care due from a person in a given situation....

Black’s Law Dictionary (6th ed., p. 457) defines due diligence as:

Such a measure of prudence, activity, or assiduity, as is properly to be expected from, and ordinarily exercised by a reasonable and prudent man under the particular circumstances; not measured by any absolute standard, but depending on the relative facts of the special case.

The courts have held that to rely on a defence of due diligence, a person must show:

- a) that the person took all reasonable steps to prevent non-compliance with the law, and
- b) that at the time of the non-compliance, the person had an honest and reasonable belief in a set of facts that, if true, would have resulted in there not being any non-compliance.

Clearly, we (my husband and I) acted in a prudent and diligent manner in:

- 1. Obtaining our house designs from “qualified” designers and engineers**
- 2. Applying for and obtaining our building permit per the plan review and approval process and**
- 3. Building our house based on the fact that everything we had submitted had been approved and a permit had been issued by the CGS CBO.**

The questions now became...

Did the CGS Council and CGS BS act in a prudent and diligent manner:

- 1. In reviewing our building plans for appropriateness and code compliance?**
- 2. In granting a building permit based on plans and/or designs submitted?**
- 3. By not ensuring that appropriate operational methods and procedures were in place?**

The questions now became...

3. Did BCIN “qualified” designer Marc Levasseur act in a prudent and diligent manner in designing our home and truss placement guide?

4. Did “qualified” engineers at Alpine Systems Corporation act in a prudent and diligent manner in designing our truss package in matters relating to their specific qualifications - which would include the appropriate placement of each type of truss on our house?

In an email dated afternoon of November 24, 2009 (Tuesday), we were advised by Acting Manager of Code Compliance, Alfio Mazzuchin, that the City of Greater Sudbury Building Services did NOT provide engineering services in such matters.

Yet, in an email sent to us early on November 26, 2009 (Thursday) – again by Mr. Mazzuchin - we were told our plans were now given to the Chief Building Official for the City of Greater Sudbury, Mr. Guido Mazza, “who was also a professional engineer”.

I did not see this particular email until Thursday night (this was verifiable since I had a dial-up Internet service that required I “log in” using a username and password via my phone line so Bell Canada could tell EXACTLY when I was online!).

In this email dated November 26th (Thursday), we were told Mike Pilon (the building inspector who had failed our framing inspection) would be revisiting our building site “in order to take photos and confirm measurements on the building plans.”

He was to return on Thursday (he would have already missed us that day) or Friday (if that worked – to take measurements, pictures, etc.)... if not, we were to advise them of a time that did work.

I advised Mr. Mazzuchin late Thursday night (approximately 10:00 pm) that Friday would not work. We had an autistic son and this was simply too little notice given one of our vehicles had a broken transmission and we were down to 1 vehicle.

As we saw more and more “damage control” on the part of those involved, my husband and I felt we could no longer trust anything we were told by the parties involved as all seemed to want to “shift the blame” to someone else.

As such, in this same email dated November 26, 2009, I advised the City of Greater Sudbury Building Services that my husband was considering hiring an independent engineer over this, that we needed more time to decide our next move in this situation, and that we needed time to consider our options.

I also stated we would be contacting Mr. Mazzuchin at the end of the following week. That would have placed our response to the City of Greater Sudbury Building Services around December 3 or 4, 2009 in terms of “a good time for us”.

Our mention in this email of going to an independent engineer seemed to “trigger” yet another response from the City of Greater Sudbury Building Services:

A second “Inspection Notice” – this one dated December 1, 2009... and now... the “fix” originally proposed by a “qualified” BCIN building inspector, Mike Pilon, that originally called for the inserting 2x4s at 4 ft o.c. - was “no longer acceptable” and had just gotten a lot harder.

Remember: Mike Pilon – the ONLY inspector to even catch this issue in the field – or in his office for that matter - had on November 20, 2009 told me that the “fix they accepted” was 2x4s at 4 ft o.c. – as clearly indicated on the Inspection Notice he had left with us, dated November 20, 2009, the day of our initial “failed framing inspection”!

Note: This states “A(n) Framing Inspection was conducted”... On December 1, 2009 at 11:32 am!

 Building Services Section
City of Greater Sudbury
200 Brady Street
Sudbury, Ontario
(705)671-2489 ext. 4278

SHORT INSPECTION NOTICE

Date of Inspection: **Tuesday, December 1, 2009** Time: **11:32 am** Permit No.: **B08-1658**
Location: **22 SALO ROAD**
Owner: **BROHART, FREDERICK
25, MCLARY** Contractor: _____
Work Phone: **705 869-5916**
home Phone: _____
Applicant: **BROHART, FREDERICK**
Type of Building: **SFD** Zoning: _____

A(n) **Framing** inspection was conducted at this site and the following items were inspected.

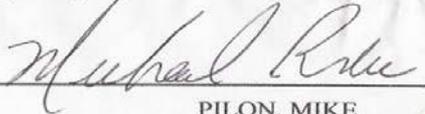
These items were [NOT] APPROVED.
FRAMING DEFICIENCIES ARE AS FOLLOWS:

- 1.PROVIDE 2X6 STUDS @ 16" o.c. CONTINUOUS FOR THE ENTIRE HEIGHT OF THE STOREY.....from sill plate to underside of ceiling, ALONG WITH SOLID BLOCKING @ 48" o.c. AS PER O.B.C. ref. # 9.23.10.4 (1) titled " CONTINUITY OF STUDS" , and as indicated on plans submitted page A06,dwg. # 7/7 Titled "DOUBBLED VOLUME WALL".
- 2.PROVIDE TOP PLATES FOR THE PREVIOUS MENTIONED WALL AND FASTEN TO SCISSOR TRUSSES @ 48" o.c.
- 3.PROVIDE 10' BOTTOM CHORD BRACING FOR ALL TRUSSES AND FASTEN TO GABLE ENDS
- 4.PROVIDE AN ATTIC ACCESS
- 5.PROVIDE ROOF VENTS
- 6.PROVIDE WOOD BURNING APPLIANCE SPECS. AND SCHEDULE AN INSPECTION AND OBTAIN APPROVAL PRIOR TO USING WOODSTOVE

CALL FOR REINSPECTION ONCE RECTIFIED.
DO NOT COVER THESE ITEMS.

If a further explanation is required, contact should be made with the inspector by calling 671-2489 - Ext. 4278 between the hours of 8:30 to 9:00 or 4:00 to 4:30.

December 1, 2009 11:32 am
Date of notice


PILON, MIKE

**Signature
of BCIN
“qualified”
Building
Inspector –
who was
NOT an
engineer!**

Our now “much harder fix”... with no explanation given as to what prompted the change from our “CGS previously acceptable fix”!

We had several issues with this particular “Inspection Notice”:

- 1. This inspection NEVER took place and I could prove it via pictures that had a date and time stamp on them showing some items for which we had once again been “failed” had already been cared for as of November 30, 2009 – the day before the supposed “inspection”. At the very time the supposed “inspection” took place, I was online in Webbwood – via dial up service - requesting an inspection for December 2, 2009! My husband was at work in Sudbury – half an hour away. There was NO WAY the inspector had access to the premises in question!**
- 2. Mike Pilon was NOT an engineer! The integrity of this wall was now in question and only an engineer was qualified in calculating/ understanding Von Mises stresses on the bottom chord of gable end trusses. As such, in providing yet another “fix”, in our opinion, Mike Pilon was misrepresenting his “qualifications” – AGAIN - a violation of the Building Code Act, Section 15.11 (7) on Qualifications and Prohibition and of the Engineering Act.**

Reminder: “This condition creates a hinge in the end wall/gable end frame interface that is below the ceiling plane support. ADEQUATE BRACING OF THIS CONDITION IS DIFFICULT IF NOT IMPOSSIBLE.” [emphasis added]

Source: Gjinolli, A., (P.E.) and Vogt, J., (P.E.), Wood Truss Gable End Frames, Structure Magazine, August 2007, p. 56.

BCIN “qualified” Building Inspector, Mike Pilon, we knew, could not even begin to address the structural integrity issues we now faced as he was not “an engineer” capable of calculating/understanding Von Mises stresses acting on the bottom chord of a gable end truss or a designer/engineer able to take into consideration various loads acting on our non-code compliant wall and/or able to provide us with a viable “fix” to this problem!

We had several issues with this particular “Inspection Notice”...Cont.

- 3. There was absolutely no reason given why the “fix” I had been previously told was acceptable by the ONLY inspector to even catch this issue was no longer “acceptable”. Had others who had also been failed on this same issue also been given an “updated fix” as we had? We very much doubted that to be the case as BCIN “qualified” Building Inspector, Mike Pilon, would have simply given us the “updated, much more complicated fix” in the first place had this indeed been the case!**
- 4. Thus, we very much suspected we were, once again, being treated “differently” than others had in the past given the “same” framing issue – and that – constitutes “discrimination”!**
- 5. Had we done what was provided as a “first fix” we would now have been told it was “unacceptable”! Luckily, we had, by now, already decided to speak to an independent engineer!**

Inspection Notice ... December 1, 2009

Item #1 – with no explanation for the change - now stated – I quote:

“Provide 2x6 studs @ 16” o.c. CONTINUOUS FOR THE ENTIRE HEIGHT OF THE STOREY... from the sill plate to underside of ceiling, ALONG WITH SOLID BLOCKING @ 48” o.c. AS PER O.B.C. Ref.#9.23.10.4(1) titled “CONTINUITY OF STUDS”, and as indicated on plans submitted page A06, dwg #7.7 Titled “DOUBBLED VOLUME WALL”.

Our building plans – designed by a “qualified” BCIN designer and engineer - had already gone through the review process AND BEEN APPROVED.

Furthermore...

The now referenced p. A06, dwg #7.7 Titled “DOUBBLED VOLUME WALL” in Item #1 had above it – on my plans – the following statement – I quote:

“These notes may be superseded by details and information contained in the attached drawings relating to plans, elevations, sections and details SPECIFIC TO THE CONSTRUCTION OF THE PLANNED DWELLING.” [emphasis added]

Clearly, over 95% of the information on the above referenced page in Item #1 – did NOT apply to our specific dwelling...

Our truss package, however, had been SPECIFICALLY DESIGNED FOR OUR HOUSE and as such, based on the above notation, could SUPERSEDE information as referenced in Item #1 of our “Inspection Notice” dated December 1, 2009!

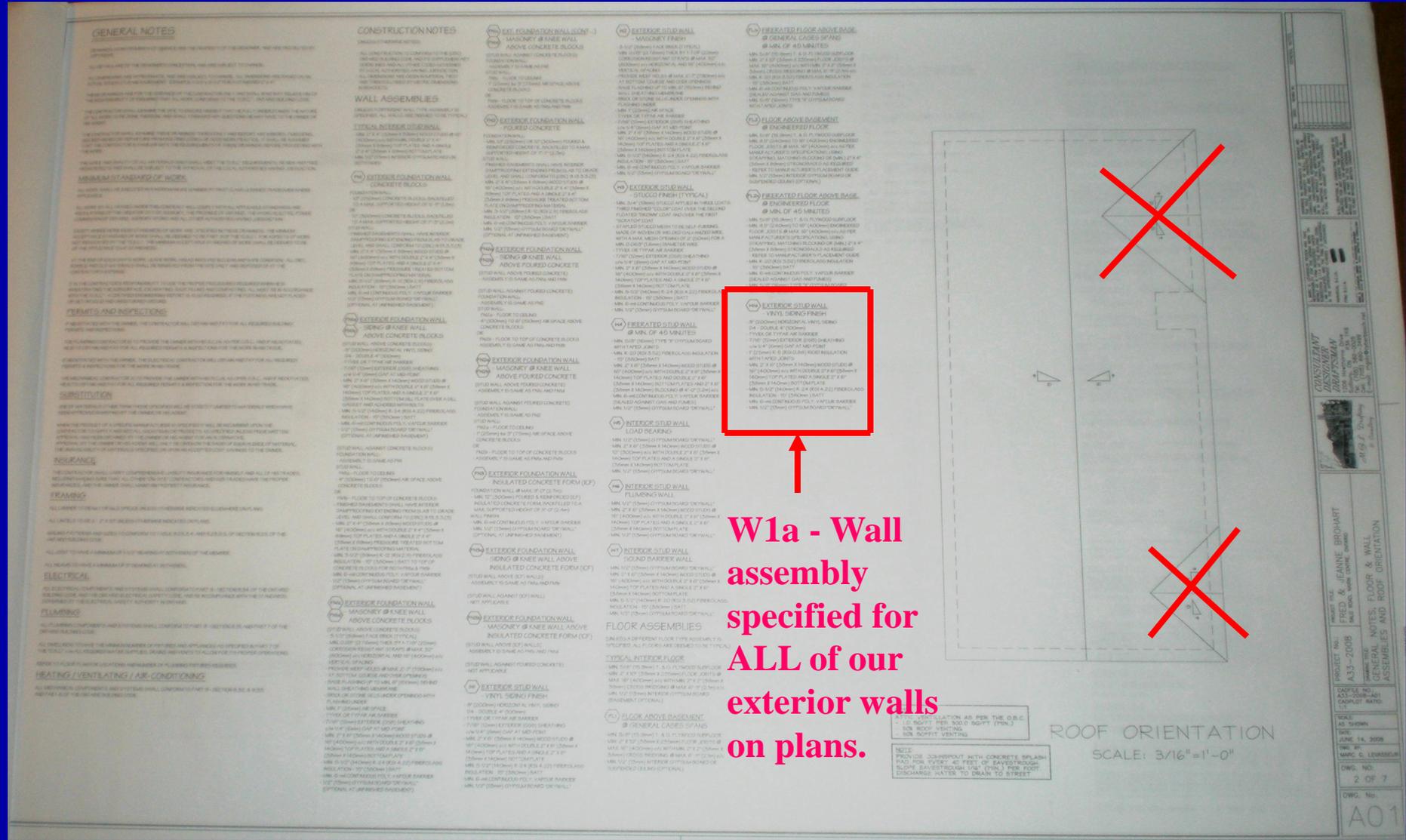
Plans... Subject To Change...

“plan: n. 1. A detailed scheme or method for the accomplishment of an objective. 2. A proposed or tentative project or goal. 3. An outline or sketch, esp. a drawing or diagram made to scale.”

Source: The American Heritage Dictionary, Office Edition, Fourth Edition, Houghton Mifflin Company, NY, 2001

Plans... "Subject To Change"... Drawing No. A01...

"Roof Orientation" as provided by BCIN designer Marc Levasseur



Drawing and red box appeared to be the only info specific to our home - rest of info were "general notes" or not applicable to our home.

Plans... “Subject To Change”... Drawing No. A02... “Foundation, Slab And Plumbing Info” as provided by designer Marc Levasseur “General notes” – again - are NOT specific to our building project!

The drawing includes several key sections and notes:

- Typical Step Footing:** Shows details for "ON ROCK & FIRM SOIL" and "ON GRAVEL OR SAND".
- Typical Concrete Slab:** Shows details for "4\" (MIN.) THICK REINFORCED CONCRETE SLAB" with reinforcement specifications.
- Plumbing:** Lists fixtures such as WATER FIXTURES, SINKS, and TOILETS.
- Electrical:** Lists items like EXHAUST FAN, ELECTRIC SPARK DETECTOR, and ELECTRICAL PANEL.
- Mechanical (HVAC) Heating & Ventilation:** Details for ROOF VENTILATION, ROOF VENTING LOAD, and ROOF SLOPE / PITCH.
- Attic Access:** Details for ACCESS TO ATTIC.
- Doors & Windows:** Details for DOORS AND WINDOWS.
- Lintels:** Details for LINTELS.
- Column Capacities:** Lists capacities for various column sizes.
- Pad Footings:** Details for PAD FOOTINGS.
- Strip Footings:** Details for STRIP FOOTINGS.
- Stepped Footings:** Details for STEPPED FOOTINGS.
- Backfilling:** Details for BACKFILLING.

Annotations: Red arrows point to specific notes and details, and red 'X' marks are placed over certain areas of the plan.

NOT “per designer” but per “installer and manufacturer”

We were on a hill and told by building services inspector that weeping tiles were not needed... but we put them in anyway since they were!

Plans... “Subject To Change”... To An Extent...

Although “layouts” can change (i.e., where to put a window, a washer/dryer, etc.), some things were NOT easily changed – such as EXTERIOR LOAD BEARING ROOF/WALLS SECTION or TRUSS COMPONENT part of the truss package!

Our drawings CLEARLY indicated all walls were to be identical in construction – all W1a walls – with no special provisions provided on the drawings for the wall/roof section now in question.

Both Vertolli and Levasseur, as “qualified designers” should have caught this error – Levasseur as it related to the wall itself and Vertolli as it related to the truss within the exterior wall.

Plans... “Subject To Change”... To An Extent...

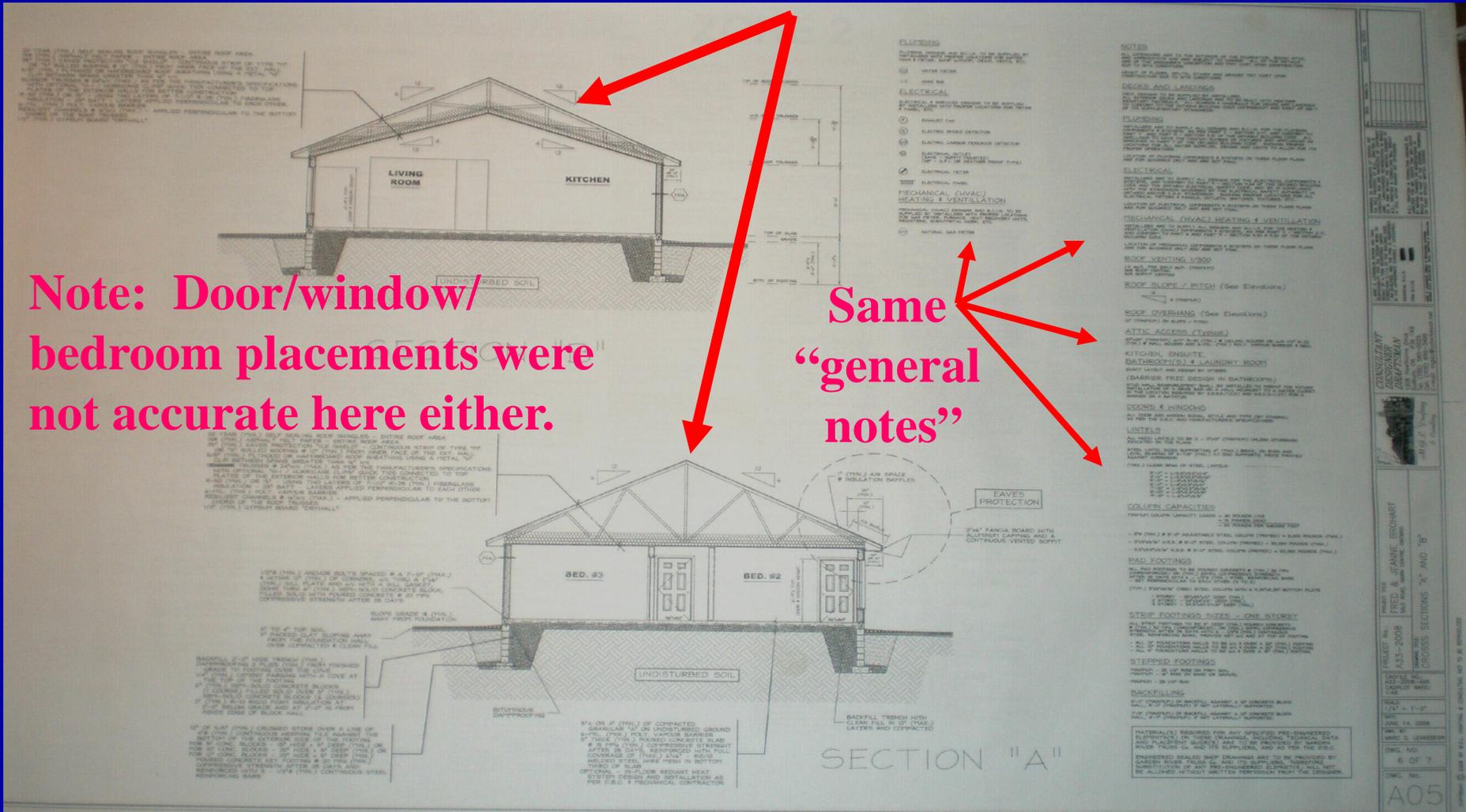
W1a Walls... As Indicated on A01 Building Plan Submitted To City of Greater Sudbury Building Services... I quote:

““Exterior Stud Wall – Vinyl Siding Finish”

- **8” (200 mm) HORIZONTAL VINYL SIDING D4 – DOUBLE 4” (100mm)**
- **TYVEK or TYPAR AIR BARRIER**
- **7/16” (12mm) EXTERIOR (OSB) SHEATHING c/w ¼” (6mm) GAP AT MID-POINT**
- **1” (25mm) R-5 (RS10.88) RIGID INSULATION WITH TAPED JOINTS**
- **MIN. 2”X6” (38 mm x 140 mm) WOOD STUDS @ 16” o/c WITH DOUBLE 2”X6” (38mm x 140 mm) TOP PLATES AND A SINGLE 2”X6” (38mm X 140 mm) BOTTOM PLATE**
- **MIN. 5 ½” (140 mm) R-24 (RSI 4.22) FIBERGLASS INSULATION – 15” (380 mm) BATT**
- **MIN. 6-mil CONTINUOUS POLY. VAPOUR BARRIER**
- **MIN. ½” (13 mm) BYPSUM BOARD “DRYWALL”” [emphasis added]**

**Source: 1) Description Provided For W1a Exterior Stud Wall on Drawing No. A01
2) Wall TYPE Provided For on Drawing No. A03**

Plans...More Discrepancies “NOT CAUGHT” via the “PLAN REVIEW” and “PERMIT ISSUANCE” process...Drawing No. A05 – Cross Section of A and B.. Same Issue Here..



Note: Door/window/
bedroom placements were
not accurate here either.

Same
“general
notes”

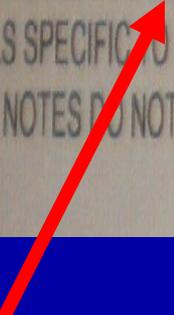
The “Double Volume Wall” Notation was found ONLY in “general notes”. It was not referenced ANYWHERE on the drawings and indeed, our DRAWINGS CLEARLY INDICATED that the wall in question was to be a W1a type wall as discussed earlier and such a wall – according to drawings SPECIFICALLY made for our home – required a DOUBLE TOP PLATE!

There was ABSOLUTELY NO DISTINCTION made between the wall in question and all other W1a walls on the plans and drawings SPECIFIC to our house!

The City of Greater Sudbury Building Services, in our opinion, could NOT hide behind “general notes” – especially in view of the notation provided on this same page of Drawing A06 which clearly stated – I quoted:

Plans... Drawing A06 Notation...

THESE NOTES REPRESENT THE MINIMUM REQUIREMENTS OF THE 1997 EDITION OF THE (OBC) ONTARIO BUILDING CODE AND ITS SUPPLEMENTARY GUIDELINES. THESE NOTES MAY BE SUPERSEDED BY DETAILS AND INFORMATION CONTAINED IN THE ATTACHED DRAWINGS RELATING TO PLANS, ELEVATIONS, SECTIONS AND DETAILS SPECIFIC TO THE CONSTRUCTION OF THE PLANNED DWELLING. THE BUILDER SHALL ENSURE THAT THE MOST RESTRICTIVE SCENARIO IS USED, AND THESE NOTES DO NOT PERMIT HIM TO USE THE MINIMUM REQUIREMENTS IF MORE STRINGENT REQUIREMENTS ARE SPECIFIED ELSEWHERE ON THESE DRAWINGS.



“NOTES MAY BE SUPERSEDED BY DETAILS AND INFORMATION CONTAINED IN THE ATTACHED DRAWINGS RELATING TO PLANS, ELEVATIONS, SECTIONS AND DETAILS SPECIFIC TO THE CONSTRUCTION OF THE PLANNED DWELLING”.

Source: Drawing A06 provided by BCIN designer Marc Levasseur indicated as being taken from OBC notations for Zone 2.

Plans... “NOTES”...

The “NOTES” provided on drawings A02, A03, A04 and A05 were virtually identical... and as such, they really did NOT apply to a SPECIFIC page but were rather “general notes” that may or may not apply...

Indeed, this was true of ALL notes found on these drawings... they were “GENERAL NOTES” NOT NOTES SPECIFIC TO ONLY OUR BUILDING DESIGN...

Also note the following notation on our drawings – I quote:

Plans... Drawing No. A03 Pre-Engineered Elements Notation... Exterior Load Bearing Walls... W1a...

MATERIAL(S) REQUIRED FOR ANY SPECIFIED PRE-ENGINEERED ELEMENTS(S) ON THESE DRAWINGS, INCLUDING TECHNICAL DATA AND PLACEMENT GUIDE(S) ARE TO BE PROVIDED BY GARDEN RIVER TRUSS Co. AND ITS SUPPLIERS, AND AS PER THE O.B.C.

ENGINEERED SEALED SHOP DRAWINGS ARE TO BE PROVIDED BY GARDEN RIVER TRUSS Co. AND ITS SUPPLIERS, THEREFORE SUBSTITUTION OF ANY PRE-ENGINEERED ELEMENT(S) WILL NOT BE ALLOWED WITHOUT WRITTEN PERMISSION FROM THE DESIGNER.

MAIN FLOOR AREA = 2,384 SQ. FT.

JUNE 14, 2008

DWG. BY:

MARC G. LEVASSEUR

DWG. NO:

4 OF 7

DWG. No.

A03

This same notation on “pre-engineered elements” appeared on Drawings No. A02, A03, A04, and A05.

Source: Drawing No. A03 as provided by BCIN designer, Marc Levasseur for Building Permit No. B08-1658.

ANYTHING requiring “**PRE-ENGINEERED ELEMENTS**” was supposed to have been provided by Garden River Truss and its suppliers.

That notation was **SPECIFIC** to our plans since Garden River Truss and its suppliers were **NOT** “general building notes” but rather specific entities with very specific responsibilities for our plans and pre-engineered elements.

Thus, if something was **NOT** indicated as being “**PRE-ENGINEERED**”, it could only be concluded that it was because this was not **SPECIFIED** as being something requiring “pre-engineering”!

Our now non-code-compliant wall was **NOT** indicated **ANYWHERE** as being something that needed to be “pre-engineered”... it was simply indicated on the drawings as was any other exterior wall.. a **W1a** wall that necessitated **2 2x6 TOP PLATES!**

Plans... Exterior Load Bearing Walls...

We built our home ACCORDING to the WALL TYPE SPECIFIED ON OUR PLANS and the TRUSS PACKAGE we had been given by a truss engineer at Alpine Systems – not based on “general notes” that may or may not have been applicable to us!

One can not easily change plans for a LOAD BEARING WALL. Any change to such a wall would most likely have required some kind of review and approval process.

Only the truss package was SPECIFIC to our home as far as truss type, layout/placement, etc. and the truss package we were given was in agreement with the W1a wall design we had been given since the GE1 truss called for a “continuous support” – a support that would be provided by the W1a wall type provision that called for double top plates!

Truss Package...

The truss package we provided to the City of Greater Sudbury Building Services was one DESIGNED for our house.

Although our rectangular home has only 1 level [no basement and no upper floor], it required 5 DIFFERENT types of trusses – and trusses DEFINITELY fell under “pre-engineered elements” – elements that had to be designed by an engineer and that were NOT subject to change without the involvement of an engineer!

Truss Package...

Even Marc Levasseur could NOT change the truss package without the involvement of engineers since Marc Levasseur, himself, was simply a BCIN designer – NOT an engineer!

Marc Levasseur had NO engineer's seal...only Alpine Systems Engineer, Gus Vertolli, had provided seals for our roof package.

A “PRUDENT PERSON” would have gone with information provided by those who had specific qualifications in the determination of the type of truss to use, their placement, etc. We were NOT “qualified” to make this determination and we had NO REASON to question plans designed and approved by appropriately “qualified” personnel!

If our plans were NOT “to code”, per the Ontario Building Code Act, Section 8.(2), NO permit should have been issued by the Chief Building Official – but one was! In fact, it was those who were “qualified” who failed to do their jobs - the BCIN designer, the truss engineer, the Manager of Code Compliance, the Plans Reviewer and the Chief Building Official!

In law, “silence was agreement”! No objections to our building plans had been raised during the planning, review and permit issuance stage by the City of Greater Sudbury Building Services!

The CGS BS had been...

- 1. Caught issuing building permits for structures that were NOT “to code”...**
- 2. Caught providing “NOT TO CODE FIXES” in matters pertaining to the structural integrity of structures...**

And now...

They were very much attempting to do “damage control”...

And that was when things became VERY NASTY...

At the time of the supposed “inspection” dated December 1, 2009, I was online – ironically – writing an email to the City of Greater Sudbury Building Services – requesting an inspection for the following day, December 2, 2009 in order to close out some of the issues on my failed framing inspection dated November 20, 2009.

Per Dec. 1 & 2, 2009 emails, I wanted to close out Items #2, #4, #5, and #6 of my failed inspection dated Nov. 20, 2009.

I also advised the City of Greater Sudbury Building Services in my email dated December 1, 2009 - that, at the time of inspection, I had informed Building Inspector, Mike Pilon, that I would not be uncovering the roof vents until I had some insulation in the house since the house was already very drafty with absolutely NO insulation in it! The openings along the soffit/fascia area alone provide a TON of ventilation! Mike Pilon – on the day of the inspection dated Nov. 20, 2009 told me that was fine and that he had no objections to my opening the roof vents after some of the insulation was in place!

In my email dated December 1, 2009 to the City of Greater Sudbury Building Services, I also asked that this be considered a “regular inspection” with “no special attendees” as it was only to close out items a BCIN “qualified” inspector COULD close out – ITEM #1 of the November 20, 2009 notice did not fall into that category since an engineer would now need to tell us how to best proceed with the non-compliant wall having structural integrity issues. Mike Pilon was not an engineer, and as such, this was not a situation we felt he could address.

I also requested the name and title of any person who would be conducting the inspection if it was not going to be Mike Pilon. I stated that I wanted no pictures/measurements taken until an explanation was provided by the City of Sudbury Building Services as to why they were even needed given they already had our plans on file.

We felt we had already provided the City of Greater Sudbury Building Services with appropriate documentation. We informed the City of Greater Sudbury Building Services that our house (at this point – just a cement slab) was “very square” – less than 1” off on a 74 ft long house! Thus, as we stated – in writing - to the City of Greater Sudbury Building Services, our house was square and “to measure”.

Once again, rather than responding to our inquiries, the City of Greater Sudbury Building Services chose not to respond to any of them and remained “silent”... providing no explanations/answers to our questions.

Remember:

“Silence” can be construed as “agreement” by law.

The City of Greater Sudbury Building Services gave us no indication that they had a problem with our request for “no special attendees” or with our asking why pictures, etc. were needed... as such... we believed this was no longer an issue since we had advised them – in writing - that everything was “per our approved plans”.

Had they asked for pictures/special measurements of anyone else who had this same framing issue or were they just “treating us differently again”?

Once again, all we received from CGS BS was... silence!

Email Dated Dec. 1, 2009 To CGS For Dec. 2, 2009 Inspection...

In an email we sent to CGS Building Services on December 1, 2009, it was clearly stated that the Dec. 2, 2009 inspection would not have anything to do with Item #1 which was currently in dispute. The first line item in that email stated – I quoted:

“I am requesting a framing inspection to provide closure to items #2, #4, #5 and #6 of my failed framing inspection dated November 20, 2009.”

KEY: Note that throughout my emails with CGS, I referred ONLY to the “failed framing inspection notice dated NOV 20, 2009 because that was the ONLY one we had until I found the “Dec. 1st, 2009 Notice” posted at our building site at about 6:00 am on the morning of Dec. 2, 2009.

Email Dated Dec. 1, 2009 To CGS For Dec. 2, 2009 Inspection...

FW: Framing Inspection - B08-1658

From: **frederick brohart** (fbrohart@hotmail.com)
Sent: December 1, 2009 1:39:57 PM
To: guido.mazza@city.greatersudbury.on.ca
Cc: Alfio Mazzuchin (alfio.mazzuchin@city.greatersudbury.on.ca); andre.guillot@city.greatersudbury.on.ca

Mr. Mazza,

I am resending this to you since I your email address was incorrect on my previous email to you.

Jeanne A. Robitaille-Brohart
Frederick E. Brohart

From: fbrohart@hotmail.com
To: o.mazza@city.greatersudbury.on.ca; alfio.mazzuchin@city.greatersudbury.on.ca;
andre.guillot@city.greatersudbury.on.ca
Subject: Framing Inspection - B08-1658
Date: Tue, 1 Dec 2009 11:54:06 -0500

I am requesting a framing inspection to provide closure to items #2, #4, #5 and #6 on my failed framing inspection dated November 20, 2009.

Item #1 is currently in dispute and is being reviewed by Chief Building Official for the City of Greater Sudbury, Mr. Guido Mazza. At this time, regarding this item, I am requesting a list of pictures and measurements you require. Given the City of Greater Sudbury Building Services already has my approved building plans, I don't understand why any measurements and/or pictures are needed before the City of Greater Sudbury Building Services can respond on this item. When we were considering hiring outside framers to frame our house, we were told by 2 individual framing companies that our house was "very square"... off less than 1/2"... and for a house of 74 feet... that was "extremely good". So... the house is "square"... and the walls are level/straight. So... why do you need pictures and measurements... and of what? Please advise.

Item #3 is something I will not do until I have some of the insulation in place. The house is more than drafty as it is. We have had enough in terms of delays from the City of Greater Sudbury Building Services and other players involved in the building of our house. Last year, we received our permit so late that we couldn't even begin construction. This year, we would receive so many contradicting statements from the City of Greater Sudbury Building Services that this also delayed our project a great deal. For example, on the issue of "footings" and whether or not we even needed them. When my husband and I first spoke to the City of Greater Sudbury Building Services about ICF blocks, we were informed that we couldn't do them ourselves... that we had to go through a certified ICF installer. We were told by the City of Greater Sudbury Building Services that we would need footings - even though we were building ON SOLID ROCK and the 2006 Building Code states footings can be omitted in such situations (section 9.15 of building code). When we inquired about the footings issue with the City of

Greater Sudbury Building Services, I specifically informed them that the Code stated footings weren't necessary on rock... the City's response... "Well... we are going to require footings". At that time, my husband and I decided... well... I guess we are going to have to put them in since the City of Greater Sudbury Building Services is insisting on it and we really didn't want to have to fight the City of Greater Sudbury Building Services from the ground up.

It took us well over a month to scribe that rock and put in the footings... which by the way... cost us several thousand dollars in cement alone! To this day, friends and family still "rib us" on this issue and laugh at the fact that the City of Greater Sudbury Building Services told us we needed footings on solid rock!

Prior to us actually doing our footings though, we decided to look a little further into the ICF option. We had a few companies come out to quote how much it would cost us to go that route. Imagine our surprise when we raised the issue of footings with these companies and were told by them, "Oh, you really won't need footings... I'll just call the supervisor at the City and get that resolved". In this case, Mr. Guillot would have been correct... because according to the building code... we really didn't even need footings for this house! Even though my husband and I decided not to go with ICF, we kept the quotes provided to us clearly indicating "no footings". Thus, again, we were told one thing... contractors were told another... and this is just but one of several examples of this.

The point here is... we've been very delayed by the City of Greater Sudbury Building Services - over many issues - and as far as Item #3 - when Mike Pilon was doing the inspection, I told him that I would not be opening the gable end vents (just a triangle with mosquito netting on it covered with plywood right now) until after the house was insulated and he was fine with that. I am not going to be freezing to death in that house while we work there because we are now basically in winter because of the delays we have had with the City of Greater Sudbury Building Services.

My husband works in Sudbury. He currently commutes from Webbwood. When things get really bad (i.e., freezing rain warnings), he literally stays at the office ALL NIGHT instead of driving home because the commute is too long. That was something we had hoped to do away with this year! Had we not had so many delays with the City of Greater Sudbury Building Services, his commute would have been cut in half this winter. Instead, he is facing yet another winter of long, treacherous driving and this is something, we, as a family, do NOT appreciate!

The house is more than "well ventilated" and once I have the insulation in, it will take me all of a few minutes to remove the plywood currently covering the big venting openings at each end of the house. So... Item #3, like Item #1 will remain open for now. But, I want to be able to insulate most of my house for the winter. So, I want Items #2, #4, #5, and #6 closed out so that I can insulate the house.

Email Dated Dec. 1, 2009 To CGS For Dec. 2, 2009 Inspection...

As far as Item #6, the stove specs are on a plate on the back of the stove. The inspector can read them there. I have asked the vendor to also send me a written copy just in case you also want that in writing for your files. But, again, that one needs to be closed out. Correct me if I'm wrong but I thought wood stoves were not your concern. When I went to inform the City of Greater Sudbury Building Services that I would be installing a wood stove, they just wanted to know the placement of it (which I provided and they indicated on the plans currently in your office). There was no mention made of specs for the stove. Instead, one of your people stated to another, "we're not concerned with that". And I believe that would be correct since that is an issue for the Fire Marshall/Inspector... is it not? Or does the City of Sudbury Building Services approve/confirm the proper installation of wood stoves?

I called the City of Greater Sudbury Building Services (on December 1, 2009 at about 11:20 am) to request an inspection on December 2, 2009 for closure of items #2, #4, #5 and #6 of my mailed framing inspection dated November 20, 2009. As I stated to your receptionist, these are the ONLY items to be addressed in tomorrow's inspection. Please make sure the inspector knows that! This inspection is to be treated as a regular one. No special attendees are allowed - only the one inspector - Mike Pilon. If Mike Pilon is not the inspector coming out, I want to know - in writing (and that would be today) the name and title of the person who will be conducting tomorrow's inspection prior to that person arriving. No pictures and/or measurements are to be taken until the City of Sudbury Building Services (Mr. Mazza) explains why they are even needed in the first place.

Finally, if there are charges for having more building inspections to close out my final framing issues (i.e., Items #1 and Item #3), the City of Greater Sudbury Building Services can absorb them because I built my house according to approved building plans and these items should not even have been in question at this point in the game!

Sincerely,

Jeanne A. Robitaille-Brohart

Frederick E. Brohart

PS - Is it any wonder that my simple one-level, rectangular house has necessitated the use of two 4-inch binders for recordkeeping!

Note my comment regarding the wood stove specs that were asked for on the Nov. 20, 2009 Inspection Notice. The CGS BS would later ALTER/FALSIFY the ORIGINAL Dec. 1st, 2009 Notice posted on our door to now make the Dec. 1, 2009 visit appear to be for the wood stove - a visit that was NEITHER for the wood stove or Item #1!

Note: I also mentioned that I called the CGS BS to give very special instructions regarding the Dec. 2, 2009 inspection as it pertained to which items were to be addressed during that inspection.

Email Dated Dec. 1, 2009 To CGS For Dec. 2, 2009 Inspection... Vs. Dec. 1, 2009 Inspection Notice...

From: fbrohart@hotmail.com
To: o.mazza@city.greatersudbury.on.ca; alfo.mazzuchin@city.greatersudbury.on.ca;
andre.guillot@city.greatersudbury.on.ca
Subject: Framing Inspection - B08-1658
Date: Tue, 1 Dec 2009 11:54:06 -0500

I am requesting a framing inspection to provide closure to items #2, #4, #5 and #6 on my failed framing inspection dated November 20, 2009.

At the very time that I was typing an email requesting an inspection for Dec. 2, 2009, Mike Pilon was at our building site. My husband was at work. We did NOT request this Dec. 1st visit and note that later the Dec. 1, 2009 Notice would be altered by CGS BS as they tried to make the facts “fit their story”.

 Building Services Section
City of Greater Sudbury
200 Brady Street
Sudbury, Ontario
(705)871-2489 ext. 4278

SHORT INSPECTION NOTICE

Date of: Tuesday, December 1, 2009 Time: 11:32 am Permit No.: B08-1658
Location: 22 SALO ROAD
Owner: BROHART, FREDERICK Contractor:
25, MCLARY
Work Phone: 705 869-5916
home Phone:
Applicant: BROHART, FREDERICK
Type of Building: SFD Zoning:

A(n) Framing inspection was conducted at this site and the following items were inspected.

These Items were [NOT] APPROVED.
FRAMING DEFICIENCIES ARE AS FOLLOWS:

- 1.PROVIDE 2X6 STUDS @ 16" o.c. CONTINUOUS FOR THE ENTIRE HEIGHT OF THE STOREY.....from sill plate to underside of ceiling, ALONG WITH SOLID BLOCKING @ 48" o.c. AS PER O.B.C. ref. # 9.23.10.4 (1) titled " CONTINUITY OF STUDS" , and as indicated on plans submitted page A06,dwg. # 777 Titled "DOUBBLED VOLUME WALL".
- 2.PROVIDE TOP PLATES FOR THE PREVIOUS MENTIONED WALL AND FASTEN TO SCISSOR TRUSSES @ 48" o.c.
- 3.PROVIDE 10' BOTTOM CHORD BRACING FOR ALL TRUSSES AND FASTEN TO GABLE ENDS
- 4.PROVIDE AN ATTIC ACCESS
- 5.PROVIDE ROOF VENTS
- 6.PROVIDE WOOD BURNING APPLIANCE SPECS. AND SCHEDULE AN INSPECTION AND OBTAIN APPROVAL PRIOR TO USING WOODSTOVE

CALL FOR REINSPECTION ONCE RECTIFIED.
DO NOT COVER THESE ITEMS.

**Email Dated Dec. 1, 2009 To CGS For Dec. 2, 2009 Inspection...
Vs. Inspection Request Log... FOI # 2010-38**

When I would later request a copy of the call log kept by Building Services for calls pertaining to building inspections, once again, the facts did not match...

I had been VERY specific in what items were to be inspected on December 2, 2009 when I called in and sent an email to CGS BS. Only items # 2, #4, #5 and #6 of the failed framing inspection dated November 20, 2009 were to be addressed and there were not supposed to be any “special attendees” per the request in my email that this be considered “a normal inspection” for these items.

Yet, not 1 but 2 inspectors were sent to my site on December 2, 2009 – Mike Pilon and Melanie Franson – armed with highlighted copies of the building code act in attempts to “make us comply” with a non-code compliant “fix”.

Email Dated Dec. 1, 2009 To CGS For Dec. 2, 2009 Inspection... Vs. Inspection Request Log... FOI # 2010-38

Permit	Inspection Description	Inspection Date	Passed Date	Failed Date	Order Comply	Remark	Requestor	Special Instructio	Employee	Assigned Inspector
B08-1658	Footing	2009/06/22	2009/06/22			CALLED IN - PM PLEASE		N	Delwo, Corrie-Jo	WALIA
B08-1658	Fdn/W.Tile	2009/07/29		2009/07/29		CALLED IN - WALL - PM PLEASE		N	Carr, Deborah	RADLEY
B08-1658	Insulate Below	2009/08/20	2009/08/20					N	Lanteigne, Angela	FRANSON
B08-1658	Insulate Above	2009/08/20		2009/08/20		called in/a.m. req'd		N	Rouleau, Rachele	FRANSON
B08-1658	P - Groundwork	2009/09/02		2009/09/02		ANDRE BOOKED		N	Slavin, Tracy	WONG
B08-1658	P-Groundwork-2	2009/09/04		2009/09/04		These items were [NOT] APPROVE		N	Delwo, Corrie-Jo	PRESTON
B08-1658	P-Groundwork-3	2009/09/09	2009/09/09			called in/for John/a.m. req'd		N	Delwo, Corrie-Jo	PRESTON
B08-1658	HVAC Rough-In-R	2009/09/18		2009/09/18		CALLED IN- AM PLEASE		N	Slavin, Tracy	WONG
B08-1658	Framing	2009/11/20		2009/11/20		CALLLED IN- AM PLEASE ** FRENCH SPEAKING INSPECTOR PLEASE**		N	Rossi, Connie	PILON
B08-1658	F I N A L	2009/11/20		2009/11/20		CALLLED IN - AM PLEASE ** FRENCH SPEAKING INSPECTOR PLEASE **		N	Delwo, Corrie-Jo	PILON
B08-1658	Framing - 2	2009/11/24		2009/11/24				N	Delwo, Corrie-Jo	PILON
B08-1658	Framing - 3	2009/12/01		2009/12/01				N	Delwo, Corrie-Jo	PILON
B08-1658	Framing - 4	2009/12/02		2009/12/02		CALLLED IN - ANDRE REQUESTED MIKE PILON DO INSPECTION These items were [NOT] APPROVE		N	Delwo, Corrie-Jo	PILON
B08-	HVAC Final-Res								Lanteigne, Angela	

?FINAL?

Not called in... never requested by us!

We speak English at home... We did not request a French person... our ENTIRE FILE is in ENGLISH!

Special Instructions were ABSOLUTELY given from BOTH sides!!!

N

Inspection Request Log... FOI # 2010-38

Clearly, the Inspection Call Log was full of inconsistencies and/or inaccurate statements. We did not request inspections on Nov. 24 or Dec. 1, 2009... nor did we ever request a French speaking inspector...

We did, however, give VERY SPECIFIC instructions pertaining to what was to be inspected on December 2, 2009... and clearly, given the CGS BS chose to send 2 inspectors to our building site on December 2, 2009, there had to be “special instructions” given by CGS BS for Dec. 2, 2009 – the day 2 inspectors showed up at our building site armed with highlighted copies of the Building Code Act when they were supposed to be there to close out very specific items from our failed framing inspection notice dated November 20, 2009.

Inspection Request Log... FOI # 2010-38

In spite of supposedly having been there for an inspection, NEITHER inspector left anything with us as far as documentation pertaining to an inspection that did not occur since my witness for the inspection had not arrived.

The inspector had not called to confirm the time at which he would be there (2 inspectors arrived at about 11:45 am - lunchtime)... in spite of my numerous calls to CGS BS that morning to ask when the inspector would be there.

Item #1 pertaining to our structurally unsound wall was absolutely NOT to be part of the Dec. 2, 2009 inspection as we were going to have an independent engineer evaluate our situation as we simply did not feel comfortable with “the fix” proposed by CGS BS... a “fix” so many wanted us “to comply with”... a “fix” - that was ABSOLUTELY NOT “to code”!

In our opinion, everything since our failed inspection of Nov. 20, 2009 was “damage control” on the part of CGS BS – a department that seemed to be making our lives harder day by day and one that had yet to answer most of our inquiries!

Our suspicions certainly seemed confirmed when on December 2, 2009 – the date of the inspection I HAD REQUESTED - 2 building inspectors arrived. **The first thing Mike Pilon did was to present me with a copy of some highlighted sections of the Building Code Act –... There was no hello... or “Are you ready for your inspection?” as there had been in the past... just a “My supervisor told me to give you this!”**

Note: This was confirmed in Mike Pilon’s Dec. 2, 2009 statement pertaining to the events of that day and would have constituted “special instructions”.

The FIRST THING BCIN Building Inspector, Mike Pilon, stated to me upon arriving at my building site with another Building Inspector was: “My supervisor told me to give you this”... as he handed me highlighted pages of the Ontario Building Code Act.

Ontario
Building Code Act

11. (1) Occupancy or Use after Completion. Except as authorized by the building code, a person shall not occupy or use a building or part of a building that is newly erected or installed or permit it to be occupied or used until the requirements set out in this section are met. 2002, c.9, s.18

(2) Notice of Date of Completion. Notice of the date of completion of the building or part must be given to the chief building official or the registered code agency, if any. 2002, c.9, s.18

(3) Final Certificate. If a registered code agency has been appointed for the building or part of the building by a principal authority to perform the functions described in clause 4.1(4)(b) or (c) or has been appointed under section 4.2, a final certificate that contains the prescribed information must be issued. 2002, c.9, s.18

(4) Inspection, etc. If subsection (3) does not apply,

- either the building or part must be inspected or 10 days must elapse after notice of the date of completion is served on the chief building official; and
- any order made under section 12 must be complied with. 2002, c.9, s.18

12. (1) Inspection of Building Site. An inspector may enter upon land and into buildings at any reasonable time without a warrant for the purpose of inspecting the building or site in respect of which a permit is issued or an application for a permit is made. 1992, c.23, s.12(1)

(2) Order. An inspector who finds a contravention of this Act or the building code may make an order directing compliance with this Act or the building code and may require the order to be carried out immediately or within such time as is specified in the order. 1992, c.23, s.12(2)

(3) Service. The order shall be served on the person whom the inspector believes is contravening this Act or the building code. 1992, c.23, s.12(3)

(4) Form and Contents. The prescribed form or the form approved by the Minister must be used for the order and it must contain sufficient information to specify the nature of the contravention and its location and the nature of the compliance that is required. 2002, c.9, s.19; 2006, c.21, Sched. F, s.104(6)

(5) Posting. The inspector may post a copy of the order on the site of the construction or demolition. 1992, c.23, s.12(5)

13. (1) Order Not to Cover. An inspector may make an order prohibiting the covering or enclosing of any part of a building pending inspection. 1992, c.23, s.13(1)

(1.1) Form of Order. The prescribed form or the form approved by the Minister must be used for an order made under this section. 2002, c.9, s.20(1); 2006, c.21, Sched. F, s.104(7)

(2) Service. The order shall be served on the person to whom the permit is issued, if any, and on such other persons affected thereby as the inspector determines. 1992, c.23, s.13(2)

(3) Posting. The inspector may post a copy of the order on the site of the construction. 1992, c.23, s.13(3)

(4) Inspection. An inspection shall be made within a reasonable time after the person to whom the order is made has given notice that the part of the building is ready for inspection. 1992, c.23, s.13(4)

(5) Service. Section 27 does not apply to a notice under subsection (4). 1992, c.23, s.13(5)

(6) Order to Uncover. A chief building official or registered code agency who has reason to believe that part of a building that is covered or enclosed has not been constructed in compliance with this Act or the building code may order the persons responsible for the construction to uncover the part at their own expense for the purpose of an inspection if,

- the part was covered or enclosed contrary to an order made under subsection (1);
- a notice required to be given to the chief building official, registered code agency or inspector before the part was covered or enclosed under a by-law, resolution or regulation made under clause 7(e) was not given, or a notice required under section 10.2 was not received;
- in cases where a notice required under section 10.2 is received, the period prescribed under subsection 10.2(2) did not elapse before the part was covered or enclosed;
- in cases where a notice required by a by-law, resolution or regulation made under clause 7(e) is given,

2006 Building Code Compendium 13

Ontario
Building Code Act

functions on its behalf shall carry their certificate of appointment or authorization, as the case may be, when performing their duties and shall produce them for inspection upon request. 2002, c.9, s.29

16. (1) Entry to Dwellings. Despite sections 8, 12, 15, 15.2, 15.4, 15.9 and 15.10.1, an inspector or officer shall not enter or remain in any room or place actually being used as a dwelling unless,

- the consent of the occupier is obtained, the occupier first having been informed that the right of entry may be refused and entry made only under the authority of a warrant issued under this Act;
- a warrant issued under this Act is obtained;
- 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 entry is necessary to terminate a danger under subsection 15.7(3) or 15.10(3); or
- the requirements of subsection (2) are met and the entry is necessary to remove a building or restore a site under subsection 8(6), to remove an unsafe condition under clause 15.9(6)(b) or to repair or demolish under subsection 15.4(1). 1992, c.23, s.16(1); 1997, c.24, s.224(9, 10); 2002, c.9, s.30; 2006, c.19, Sched. O, s.1(11); 2006 c.22, s.112(9)

(2) Notice. Within a reasonable time before entering the room or place for a purpose described in clause (1)(d), the inspector or officer shall serve the occupier with notice of his or her intention to enter it. 1992, c.23, s.16(2); 1997, c.24, s.224(11)

17. Repealed. 2002, c.9, s.31(2)

17.1 (1) Recovery of Expenditures for Repairs, etc. This section applies if money is spent by a board of health, planning board or conservation authority or, in the circumstances described in subsection (2), by the Crown or an upper-tier municipality or, in the circumstances described in subsection (4), by a municipality,

- to carry out a removal and restoration under subsection 8(6);
- to carry out a renovation, repair, demolition or other action under clause 15.9(6)(b); or
- to perform remedial or other work under subsection 15.10(1) where the amount spent is determined to be recoverable by a judge under subsection 15.10(8). 1999, c.12, Sched. M, s.8; 2002, c.9, s.32(1); 2002, c.17, Sched. F, Table

(2) In Municipalities. If the building in respect of which money was spent is in a municipality,

- the upper-tier municipality, board of health, planning board, conservation authority or the Crown may instruct the municipality to recover the amount spent;
- subsection 8(7), 15.9(10) or 15.10(10), as the case may be, applies to the collection of the amount; and
- the money collected, less the costs reasonably attributable to the collection, shall be paid by the municipality to the upper-tier municipality, board of health, planning board, conservation authority or the Crown. 1999, c.12, Sched. M, s.8; 2002, c.9, s.32(2); 2002, c.17, Sched. F, Table

(3) Not Interest of the Crown. Where the Crown instructs the municipality under clause (2)(a) to recover the amount spent, the lien referred to in subsection 8(7), 15.9(10) or 15.10(10) is not an estate or interest of the Crown within the meaning of clause 379(7)(b) of the *Municipal Act, 2001* or clause 350(7)(b) of the *City of Toronto Act, 2006*, as the case may be. 1999, c.12, Sched. M, s.8; 2002, c.9, s.32(3); 2002, c.17, Sched. F, Table; 2006, c.32, Sched. C, s.3(7)

(4) In Territory without Municipal Organization. If the building in respect of which money was spent is in territory without municipal organization,

- the municipality, board of health, planning board or conservation authority may instruct the land tax collector appointed under the *Provincial Land Tax Act* to recover the amount spent;
- subsection 8(8), 15.9(11) or 15.10(11), as the case may be, applies to the collection of the amount; and
- the money collected, less the costs reasonably attributable to the collection, shall be paid by the Crown to the municipality, board of health, planning board or conservation authority. 1999, c.12, Sched. M, s.8; 2002, c.9, s.32(4)

18. (1) Powers of Inspector. For the purposes of an inspection under this Act, an inspector may,

- require the production for inspection of documents or things, including drawings or specifications, that may be relevant to the building or any part thereof;
- inspect and remove documents or things relevant to the building or part thereof for the purpose of making copies or extracts;
- require information from any person concerning a matter related to a building or part thereof;

2006 Building Code Compendium 23

18. (1)

- (d) be accompanied by a person who has special or expert knowledge in relation to a building or part thereof;
- (e) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection; and
- (f) order any person to take and supply at that person's expense such tests and samples as are specified in the order. 1992, c.23, s.18(1); 1997, c.30, Sched. B, s.11

(2) Samples. The inspector shall divide the sample taken under clause (1)(e) into two parts and deliver one part to the person from whom the sample is taken, if the person so requests at the time the sample is taken and provides the necessary facilities. 1992, c.23, s.18(2)

(3) Idem. If an inspector takes a sample under clause (1)(e) and has not divided the sample into two parts, a copy of any report on the sample shall be given to the person from whom the sample was taken. 1992, c.23, s.18(3)

(4) Receipt. An inspector shall provide a receipt for any document or thing removed under clause (1)(b) and shall promptly return them after the copies or extracts are made. 1992, c.23, s.18(4)

(5) Evidence. Copies of or extracts from documents and things removed under this section and certified as being true copies of or extracts from the originals by the person who made them are admissible in evidence to the same extent as and have the same evidentiary value as the originals. 1992, c.23, s.18(5)

(6) Form of Order. The prescribed form or the form approved by the Minister must be used for an order under subsection (1). 2002, c.9, s.33; 2006, c.21, Sched. F, s.104(10)

18.1 Repealed. 2002, c.9, s.34

19. (1) Obstruction of Inspector, etc. No person shall hinder or obstruct, or attempt to hinder or obstruct, a chief building official, inspector, officer or a person authorised by a registered code agency in the exercise of a power or the performance of a duty under this Act. 1997, c.24, s.224(13); 2002, c.9, s.35(1)

(2) Occupied Dwellings. A refusal of consent to enter or remain in a place actually used as a dwelling is not hindering or obstructing within the meaning of subsection (1) unless the inspector, officer or a person

authorised by a registered code agency is acting under a warrant issued under this Act or the circumstances described in clauses 16(1)(b), (c) or (d). 1997, c.24, s.224(13); 2002, c.9, s.35(2)

(3) Assistance. Every person shall assist any entry, inspection, examination, testing or inquiry by an inspector, chief building official, officer or a person authorised by a registered code agency in the exercise of a power or performance of a duty under this Act. 1997, c.24, s.224(13); 2002, c.9, s.35(3)

- (4) Same.** No person shall neglect or refuse,
- (a) to produce any documents, drawings, specifications or things required by an officer under clause 15.8(1)(a) or (e) or under clause 18(1)(a) or (e) by an inspector or a person authorised by a registered code agency; or
- (b) to provide any information required by an officer under clause 15.8(1)(c) or under clause 18(1)(c) by an inspector or a person authorised by a registered code agency. 2002, c.9, s.35(4)

20. Obstruction or Removal of Order. No person shall obstruct the visibility of an order and no person shall remove a copy of any order posted under this Act unless authorized to do so by an inspector, officer or registered code agency. 1997, c.24, s.224(14); 2002, c.9, s.36

21. (1) Warrant for Entry and Search. A provincial judge or justice of the peace may at any time issue a warrant in the prescribed form authorizing a person named in the warrant to enter and search a building, receptacle or place if the provincial judge or justice of the peace is satisfied by information on oath that there is reasonable ground to believe that,

(a) an offence under this Act has been committed; and

(b) the entry into and search of the building, receptacle or place will afford evidence relevant to the commission of the offence. 1992, c.23, s.21(1)

(2) Seizure. In a search warrant, the provincial judge or justice of the peace may authorize the person named in the warrant to seize anything that there is reasonable ground to believe will afford evidence relevant to the commission of the offence. 1992, c.23, s.21(2)

(3) Same. Anyone who seizes something under a search warrant shall,

(a) give a receipt for the thing seized to the person from whom it was seized; and

(3) Application. A regulation made under this section applies to buildings whether erected before or after the coming into force of this Act. 1992, c.23, s.34(3)

(4) Limited Application. Any regulation made under this section may be limited in its application territorially or to any class of activity, matter, person or thing. 1997, c.30, Sched. B, s.17(6)

(4.1) Same. A class under this Act may be defined with respect to any attribute, quality or characteristic and may be defined to consist of, include or exclude any specified member whether or not with the same attributes, qualities or characteristics. 1997, c.30, Sched. B, s.17(6)

(4.2) Retroactive. A regulation made under paragraph 37 of subsection (1) may be retroactive. 1997, c.30, Sched. B, s.17(6).

(5) Purposes. The purposes of the regulations made under this section are,

- (a) to establish standards for public health and safety, fire protection, structural sufficiency, conservation and environmental integrity, and to establish barrier-free requirements, with respect to buildings; and
- (b) to establish processes for the enforcement of the standards and requirements. 2002, c.9, s.51(15)

35. (1) Municipal By-laws. This Act and the building code supersede all municipal by-laws respecting the construction or demolition of buildings. 1992, c.23, s.35(1)

(2) Different Treatments. In the event that this Act or the building code and a municipal by-law treat the same subject-matter in different ways in respect to standards for the use of a building described in section 10 or standards for the maintenance or operation of a sewage system, this Act or the building code prevails and the by-law is inoperative to the extent that it differs from this Act or the building code. 1992, c.23, s.35(2); 1997, c.30, Sched. B, s.18(1)

(3) Interpretation. For the purposes of this section, a municipal by-law includes a by-law of an upper-tier municipality and a local board as defined in the *Municipal Affairs Act*. 2002, c.17, Sched. F, Table

35.1 Status of Conservation Authority Regulations. A regulation made by a conservation authority under this Act is not a regulation within the meaning of Part III (Regulations) of the *Legislation Act*, 2006. 2002, c.9, s.52; 2006, c.21, Sched. F, s.136(1)

36. (1) Offences. A person is guilty of an offence if the person,

- (a) knowingly furnishes false information in any application under this Act, in any certificate required to be issued or in any statement or return required to be furnished under this Act or the regulations;
- (b) fails to comply with an order, direction or other requirement made under this Act; or
- (c) contravenes this Act, the regulations, a by-law passed under section 7 or a condition imposed under section 9. 1992, c.23, s.36(1); 1997, c.24, s.224(17); 1997, c.30, Sched. B, s.19; 2002, c.9, s.53(1)

(2) Idem. Every director or officer of a corporation who knowingly concurs in the furnishing of false information, the failure to comply or the contravention under subsection (1) is guilty of an offence. 1992, c.23, s.36(2)

(3) Penalties. A person who is convicted of an offence is liable to a fine of not more than \$50,000 for a first offence and to a fine of not more than \$100,000 for a subsequent offence. 2005, c.33, s.1

(4) Corporations. If a corporation is convicted of an offence, the maximum penalty that may be imposed upon the corporation is \$100,000 for a first offence and \$200,000 for a subsequent offence and not as provided in subsection (3). 2005, c.33, s.1

(5) Subsequent Offence. For the purposes of subsections (3) and (4), an offence is a subsequent offence if there has been a previous conviction under this Act. 1992, c.23, s.36(5)

(6) Continuing Offence. Every person who fails to comply with an order made by a chief building official under subsection 14(1) or clause 15.9(6)(a) is guilty of an offence and on conviction, in addition to the penalties mentioned in subsections (3) and (4), is liable to a fine of not more than \$10,000 per day for every day the offence continues after the time given for complying with the order has expired. 1992, c.23, s.36(6); 2002, c.9, s.53(2)

(7) Power to Restrain. If this Act or the regulations are contravened and a conviction is entered, in addition to any other remedy and to any penalty imposed by this Act, the court in which the conviction is entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted. 1992, c.23, s.36(7)

In our opinion, such tactics as “highlighted copies of the Ontario Building Code Act” constituted nothing less than attempts to intimidate/harass us.

Given the section of the Ontario Building Code Act dealing with “Offenses” and “Penalties” for persons convicted of an offense does not distinguish between “offenders” in Agencies that were there to enforce the Ontario Building Code - such as those in the City of Greater Sudbury Building Services - and “other offenders”, we wondered if the City of Greater Sudbury Building Services employees realized that this section of those Ontario Building Code Act having to do with “violations” and/or “offenses” and appropriate “penalties” was also **APPLICABLE TO THEM!**

We suspected that may not have “crossed their minds”!

I quoted:

“36.(1) Offences. A person is guilty of an offence if the person,

(a) Knowingly furnishes false information in any application under this Act, in any certificate required to be issued or in any statement or return required to be furnished under this Act or the regulations;

(b) Fails to comply with an order, direction or other requirement made under this Act; or [emphasis added]

(c) contravenes this Act, the regulations, a by-law passed under section 7 [this section include the Code of Conduct under Section 7.1(1)] or a condition imposed under section 9. 1992, c.23, s.36(1); 1997, c.24, s.224(17); 1997, c.30, Sched. B, s.19; 2002, c.9, s.53(1).” [emphasis added]

Source: 2006 Ontario Building Code Act, 36.(1) Offenses.

Note that the building inspector(s) were supposed to be at our building site for an inspection. Yet, no “inspection notice” was left with me, in spite of the fact that “no inspection occurred” and 2 building inspectors had been to our building site.

One would think that if “an inspection” had been their primary objective, had such an “inspection” not occurred, surely it would have been documented and a copy left with me stating that NO inspection took place since I had no witness there and the inspector(s) – who had unexpectedly arrived at lunchtime – were not willing to return in half an hour as I had requested!

One must ask: Why was no “inspection notice” left?

In our opinion, the true “mission” was to simply leave on our door the highlighted, rather intimidating copies of the Building Code Act – not “an inspection”. Not once in the past had I ever had an inspection scheduled without the inspector first confirming a time – especially since the inspection to take place that day would have required my presence in order to unlock the house and we lived over 40 minutes away from our building site!

I had called Greater Sudbury Building Services at least 3 times that morning to ask when the inspector would be coming to my site. All attempts to reach him were greeted with “he’s in a meeting”... no doubt a “meeting” with his supervisor(s) to discuss the highlighted “Building Code Act” copies... not “my inspection” for that day!

Since the highlighted pages of the OBC Act had been given to me – I can only conclude that – from their perspective – it was “mission accomplished” and that was why they left without documenting anything as to “my inspection” scheduled for that day!

Thus, in our opinion, the primary reason for the site visit that day could only have been “intimidation”!

We were now very much of the opinion that we were being treated very differently than others had in similar “failed framing inspections” and given we could prove NO INSPECTION had occurred on December 1, 2009, we also advised the City of Greater Sudbury Building Services in an email dated December 2, 2009, 7:18 am, that we were now considering legal action.

It was then on that same morning – just before noon - that I was given highlighted pages of the Ontario Building Code Act and told – immediately upon arriving at the premises – by Mike Pilon – “My supervisor told me to give you this”.

THIS, IN MY OPINION, CONSTITUTED INTIMIDATION AND HARASSMENT ON THE PART OF THE CITY OF GREATER SUDBURY BUILDING SERVICES!

Canadian Bill of Rights

R.S.C. 1985, Appendix III

An Act for the Recognition and Protection of Human Rights and Fundamental Freedoms [S.C. 1960, c.44]

PART I

BILL OF RIGHTS

1. It is hereby recognized and declared that in Canada there have existed and shall continue to exist without discrimination by reason of race, national origin, colour, religion or sex, the following human rights and fundamental freedoms, namely,

(a) the right of the individual to life, liberty, security of the person and enjoyment of property and the right not to be deprived thereof except by due process of law;

(b) the right of the individual to equality before the law and the protection of the law;

Source: Canadian Bill of Rights, downloaded January 3, 2010,
<http://www.efc.ca/pages/law/canada/BillofRights.html>

Documentation For December 2, 2009 Inspection...

“A Revised Document...”

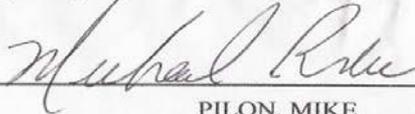
Clearly, “qualified” BCIN Building Inspector, Mike Pilon, was aware of my – same morning - early morning email dated December 2, 2009, to the City of Greater Sudbury Building Services (even though he had not been on the distribution list) since the second thing he told me upon arriving at my building site was that the Inspection Notice dated December 1, 2009 was “simply a revised document” and that no inspection had actually occurred.

I pointed out to him the fact that the Inspection Notice clearly stated “A(n) inspection was conducted...” and that NOTHING in the notice indicated this was simply “a revised document” – and if it were simply a “revised document” – again – absolutely NO explanation was provided for “a revision” to our first Inspection Notice “acceptable fix” that had been provided to us on November 20, 2009. This “revision” to Item #1 with a now much harder fix, had only been given to us AFTER we stated we would involve an independent engineer...

Note: This states “A(n) Framing Inspection was conducted”... On December 1, 2009 at 11:32 am!

 Building Services Section
City of Greater Sudbury
200 Brady Street
Sudbury, Ontario
(705)671-2489 ext. 4278

SHORT INSPECTION NOTICE

Date of: **Tuesday, December 1, 2009** Time: **11:32 am** Permit No.: **B08-1658**
Location: **22 SALO ROAD**
Owner: **BROHART, FREDERICK** Contractor: ,
25, MCLARY
Work Phone: **705 869-5916**
home Phone:
Applicant: **BROHART, FREDERICK**
Type of Building: **SFD** Zoning:
A(n) **Framing** inspection was conducted at this site and the following items were inspected.
These items were [NOT] APPROVED.
FRAMING DEFICIENCIES ARE AS FOLLOWS:
1. PROVIDE 2X6 STUDS @ 16" o.c. CONTINUOUS FOR THE ENTIRE HEIGHT OF THE STOREY.....from sill plate to underside of ceiling, ALONG WITH SOLID BLOCKING @ 48" o.c. AS PER O.B.C. ref. # 9.23.10.4 (1) titled " CONTINUITY OF STUDS" , and as indicated on plans submitted page A06,dwg. # 7/7 Titled "DOUBBLED VOLUME WALL".
2. PROVIDE TOP PLATES FOR THE PREVIOUS MENTIONED WALL AND FASTEN TO SCISSOR TRUSSES @ 48" o.c.
3. PROVIDE 10' BOTTOM CHORD BRACING FOR ALL TRUSSES AND FASTEN TO GABLE ENDS
4. PROVIDE AN ATTIC ACCESS
5. PROVIDE ROOF VENTS
6. PROVIDE WOOD BURNING APPLIANCE SPECS. AND SCHEDULE AN INSPECTION AND OBTAIN APPROVAL PRIOR TO USING WOODSTOVE
CALL FOR REINSPECTION ONCE RECTIFIED.
DO NOT COVER THESE ITEMS.
If a further explanation is required, contact should be made with the inspector by calling 671-2489 - Ext. 4278 between the hours of 8:30 to 9:00 or 4:00 to 4:30.
December 1, 2009 11:32 am
Date of notice

PILON, MIKE

Signature of BCIN “qualified” Building Inspector – who was NOT an engineer!

Our now “much harder fix”... with no explanation given as to what prompted the change from our “previously acceptable fix”!

As I then stated to the City of Greater Sudbury Building Services in an email after the site visit by BCIN “qualified” Building Inspector, Mike Pilon [accompanied by a second building inspector] – I quote:

“There is no mention in your notes that this is simply a “revised” document... This states: A(n) inspection was conducted... so... I have to believe... an inspection was conducted! If I can’t believe what is on your documentation, then what exactly am I to believe?”

BCIN “qualified” Building Inspector, Mike Pilon, had no answer to this question as to the “accuracy” of City of Greater Sudbury Building Services Notices of Inspection.

Thus, it could be argued that “Notices of Inspection” by the City of Greater Sudbury Building Services were either deceptive or inaccurate and, in our opinion, both would be serious issues indeed!

BCIN Inspector, Mike Pilon, had brought with him another building inspector, in spite of the fact that in my email to the City of Greater Sudbury Building Services dated December 1, 2009 in which I HAD REQUESTED an inspection for December 2, 2009, I had asked the City of Greater Sudbury Building Services to treat this as a “normal inspection” with no “special attendees” (we had never had any in the past nor had the City indicated one would be coming).

Again, the City of Greater Sudbury Building Services failed to respond to my email and as such, I had no reason to believe anything other than a “regular inspection” would be taking place on December 2, 2009.

Although Building Inspectors did have the right to be accompanied, the Ontario Building Code Act stated the following under Section 18.(1)(d):

“For the purposes of an inspection under this Act, an inspector may, be accompanied by a person who has **SPECIAL OR EXPERT KNOWLEDGE in relation to a building or part thereof;” [emphasis added]**

Source: 2006, Ontario Building Code Act, Section 18.(1)(d), p. 23-24.

Given no one else had “caught this issue of continuous studs” within the City of Greater Sudbury Building Services, this extra person who had accompanied BCIN “qualified” Building Inspector, Mike Pilon, I knew had “no special knowledge” and she, herself, indicated she was a building inspector...

Thus, what “special knowledge” did she have that warranted her being there – I very much believed she was ONLY there as “a witness” as Mike Pilon gave me his highlighted pages of the Ontario Building Code Act!

Note: As a BCIN “qualified” Building Inspector, she, too, failed to leave with me ANY documentation relating to the December 2, 2009 inspection that did not occur because I had asked them to return in half an hour – at about 12:30 pm - when my nephew – “my witness” would be there.

Neither inspector had called to advise me of their arrival time – as is customary – in spite of the many calls I had placed to the City of Greater Sudbury Building Services that morning to inquire as to “when Mike Pilon would be there”!

After this December 2, 2009 site visit for an inspection that ended up not occurring, in frustration, I called the office of the Chief Building Official – again – only to be told that he was in a meeting.

After going into our residence under construction and taking about 15 minutes to read the pages that had been left with me, I locked the house and front gate, went home, and sent yet another email to CGS BS explaining what had happened during the December 2, 2009 site visit – yet, another email, they failed to EVER respond to!

When it came to the City of Greater Sudbury Building Services – silence appeared to be their primary mode of operation.

If they were following the law, the Ontario Building Code Act and indeed, the Code of Ethics for the City of Greater Sudbury Building Services, why were they so afraid of communicating ANYTHING in writing?

On January 5, 2010, I decided to go to City of Greater Sudbury Building Services to see whether or not there existed ANY documentation on the December 2, 2009 inspection that did not occur – in spite of having had a visit by not 1 but 2 building inspectors (Mike Pilon and Melanie Franson).

The ONLY documentation that had been left with me that day were the highlighted pages of the OBC Act. Had these inspectors REALLY been there for an inspection, given our disagreement, they simply had to point to the appropriately highlighted pages of the OBC Act they had brought with them showing all their “rights and powers” along with any “fines such as \$50,000.00 for a 1st offense”, etc. For some reason, they chose NOT to do that. I truly felt that this was because their visit was to intimidate me – not to inspect my home.

If they had been there “to inspect”... why did NEITHER of them document that “no inspection occurred”!

Not to my surprise, the City of Greater Sudbury Building Services had ZERO record of what had occurred on December 2, 2009 in my file (08-1658).

I asked Markku Makitalo and Ron Liinamaa to sign a statement that NO RECORD existed for December 2, 2009. They spoke to André Guillot, Manager of Code Compliance, and refused to give me anything in writing. Instead, they stated they would speak with Mike Pilon and have him send me a notice later. This would have been “documentation after the fact” and I very much saw this as an attempt to “white wash” my file!

I, therefore, went to the City Clerk’s Office and completed an affidavit on this issue as I felt the December 2, 2009 site visit had simply been a mission of intimidation – and a site visit left “undocumented” by the City of Greater Sudbury Building Services!!

Documents Personnel in CGS Building Services Refused To Sign!

“Checked Off” and statement of “no request non granted” by Markku Makitalo, indicating log and/or file showed nothing requested or done on Dec. 2, 2009!

January 5, 2010-01-05

To : City of Greater Sudbury Building Services

RE: File No. 08-1658, 22 Salo Rd, Greater Sudbury, ON
Request for all documentation from December 2, 2009 to present

I am hereby requesting copies of any documentation added to my file by any employee of the City of Greater Sudbury Building Services on or after December 2, 2009 through January 5, 2010.

This would include, but is not limited to:

1. Inspection Notice dated DECEMBER 2, 2009 (**not the one dated December 1, 2009**)
2. Any notes/comments/logs added by City of Greater Sudbury Building Services employees.

Jeanne A. Robitaille-Brohart

Jeanne A. Robitaille-Brohart
Box 9, Webbwood, ON P0P 2G0

The following were provided by the City of Greater Sudbury Building Services on January _____, 2010.

1. A copy of the Notice of Inspection dated December 2, 2009:
 Was provided
 Was NOT provided:
Give Reason: No request non granted

NOT documented on log (but in email).

2. Other documents provided:
No inspection notice is in customer file for Dec. 2, 2009.

PAPER

(print name)

(Signature/Date)

All other comments were written by myself to clarify his statement prior to having him sign – something he refused to do!

STATUTORY DECLARATION

CANADA
PROVINCE OF ONTARIO

) IN THE MATTER OF
) Dec. 2nd, 09 inspection notice!

I/WE, Jeanne A. Robitaille-Brohart
of the City of Greater Sudbury
in the District of Sudbury

DO SOLEMNLY DECLARE THAT:

On January 5, 2010, Jeanne A. Robitaille-Brohart, came to the City Clerk's Office & spoke to Janet Veale about the fact that CGS Building Services would not provide documentation for a supposed Dec. 2 '09 building inspection. The CGS building officials Ron Figenma, Marco M. & Andre Goullot stated Mike Pilon would have to send me the notice for Dec. 2 '09 not currently on file! This constitutes documentation AFTER THE FACT! No documents for a Dec. 2 '09 inspection were in the file - now, the CGS Building Services wanted to add them!

And I make this solemn Declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

DECLARED before me at the City of)
Greater Sudbury, in the Province)
of Ontario, this 5th day of)
January, 20010)
Janet Eileen Veale)
A Commissioner, etc.)

Jeanne A. Robitaille-Brohart

Janet Eileen Veale, a Commissioner
for taking Affidavits in and for the Courts
of Ontario, while within the Territorial
District of Sudbury.

**January 5, 2010
Affidavit**

**This was my
documentation of
the fact that there
was NOTHING
in our file
pertaining to the
December 2, 2009
premise visit to
22 Salo Rd in
Whitefish, ON by
building
inspectors Mike
Pilon and
Melanie Franson.**

In our opinion, this desire to “add records after the fact” constituted nothing less than the FALSIFICATION OF RECORDS as it related to “timestamps” indicating when records/documents were actually made part of a record and the actual reason why these records/documents were added or left out of files.

In our case, the CGS BS’s desire to add the records/documents pertaining to any December 2, 2009 inspection after the fact was an attempt to hide the true motives (i.e., INTIMIDATION tactics) behind the December 2, 2009 site visit and events as they actually happened on that day.

Defining Terms... “Intimidation”...

“Intimidate: 1. To make timid; fill with fear. 2. To coerce, inhibit, or discourage by or as if by threats.”

Source: The American Heritage Dictionary, Office Edition, Fourth Edition, Houghton Mifflin Company, NY, 2001

Terms often associated with “intimidation” include “frightening into submission or compliance”, “bullying”, “bulldozing”, etc.

After signing the January 5, 2010 Affidavit, I was advised by Janet Veale of the City of Greater Sudbury Clerk's Office to attempt to speak of this issue with Bill Lautenbach, The General Manager of Growth and Development for CGS.

I met with Mr. Lautenbach at approximately 3:45 pm on January 5, 2010. I indicated to him that for 9 years the City of Greater Sudbury Building Services had been issuing permits for buildings that were "not to code" and that when I went to document the Dec. 2, 2009 incident, no one in CGS Building Services wanted to admit that no documentation existed in my file. He asked me to go with him to meet with Guido Mazza, Chief Building Officer for CGS.

I told him I felt this wouldn't go anywhere since Mr. Mazza was – in my opinion - very much attempting to do "damage control".

Mr. Lautenbach and I met with Mr. Mazza for quite some time – I'd say - 45 minutes before Mr. Lautenbach excused himself. Mr. Mazza and I continued our discussion without Mr. Lautenbach – who seemed to think Mr. Mazza “had the situation in hand”.

In our conversation (that included Mr. Lautenbach), Mr. Mazza made a statement to the fact that he had been in contact with “The Ministry” (Ministry of Municipal Affairs and Housing) and that “everything was fine” and that things were being done “to code”.

If such a statement was made to the Ministry of Municipal Affairs and Housing by Mr. Mazza, it was – in my opinion – a blatant lie to this Ministry and I sent an email entitled “Formal Complaint” to Kevin Fowke of CGS Human Resources advising him of that fact on Jan. 7, 2010 – in addition to advising him that we would no longer tolerate intimidation tactics such as Mr. Mazza’s yelling at me as the meeting concluded (my daughter (17) and autistic son (12) were by the elevators and could hear him yelling at me!)

During the beginning of our January 5, 2010 conversation, Mr. Mazza was showing “admirable concern” for my now “non-code compliant wall” and he wanted to give me 3 weeks to fix it. I truly found his “concern for my family’s safety and the safety of others – admirable” and asked where he had been since November 20, 2009 when we first flunked our framing inspection!

No concern for “anyone’s safety” had been shown from November 20, 2009 until January 5, 2010 – a full 47 DAYS – but now, as my Affidavit of January 5, 2010 sat before him on his desk as I documented everything that we had gone through with Mr. Mazza’s department – NOW – the public’s safety and that of our family was “of great concern” and fixing our wall was now “elevated in priority”.

Mr. Mazza wanted to give us 3 weeks to fix our wall.

I stated that would not be enough since I was going to have to talk to engineers as this was a structural integrity issue and get estimates from contractors telling us how much it would cost to fix such a fiasco!

It was also winter – as such, I stated I would accept nothing less than 60 days.

Mr. Mazza did not seem to like the fact that we planned on consulting a structural engineer – but – as advised in an email by Plan Reviewer and then Acting Code Compliance Manager, Alfio Mazzuchin on November 24, 2009 – since the CGS did not provide engineering services – we could hire our own engineer – something we absolutely chose to do given the total incompetence we felt we had been exposed to in this situation by the CGS Building Services!

Mr. Mazza – again – now seemed “admirably concerned” for everyone’s safety as it related to “our wall”. I suggested we could place “caution tape” around the wall – 2 strips of it – as they do in the construction industry to indicate a potential danger.

In fact, we decided to go a step beyond and put “DANGER” tape around our wall! This was done in the early afternoon of January 7, 2010 and pictures – with a DATE and TIME stamp were sent to Mr. Mazza on January 8, 2010 via email.

Our House... With “DANGER” Tape – 50 ft Out!

* house sits on 22 acres in the country!

* closest neighbor on Salo Rd was about 1/2 mile away!

* house was at least 250 ft from Salo Rd – up a hill and winding driveway!

* access to property was blocked by a huge gate!



* closest neighbor on Hwy 17 was several hundred feet away – down a hill and through bush - he has never come to see us!

As I spoke of all this to “other engineers” and questioned why “such admirable concern” was not shown for unsuspecting victims of Marc Levasseur’s non-code-compliant designs – as Mr. Levasseur had stated he had “done HUNDREDS of scissor truss jobs over the past 9 years all framed the same way”, these “other engineers” stated that would certainly be an issue raised in “any investigation”.

A structural engineer was supposed to have a PARAMOUNT concern for the SAFETY of THE PUBLIC... Did we – ALONE – constitute “the public”?

By having us “tape off” our wall since he “couldn’t take the risk of someone getting hurt”, was Mr. Mazza not setting a precedent that should also require “other walls” to be “roped off” in the interest of “public safety”? In our opinion, it most certainly did – but “all those other dangerous walls – most likely, in the City itself”, in our opinion, seemed of NO CONCERN to Mr. Mazza!

Definition Of “An Unsafe Building” Per The OBC...

(2) Interpretation. A building is unsafe if the building is,

- (a) structurally inadequate or faulty for the purpose for which it is used; or
- (b) in a condition that could be hazardous to the health or safety of persons in the normal use of the building, persons outside the building or persons whose access to the building has not been reasonably prevented. 2002, c.9, s.26

Source: 2006 OBC Act, Section 15.9 (2) “Unsafe Buildings - Interpretation”, 2006 Building Code Compendium, p. 18.

Once again, we felt we were being “treated differently” because we had “pushed back” on the CGS Building Services.

Indeed – if Mr. Mazza were to impose “orders and/or fines” upon us, we would – now - certainly consider this “retaliation” on the part of the City of Greater Sudbury Building Services for our having exposed (at least behind closed doors for now) incompetence and/or violations of the Ontario Building Code and Act as well as of various Codes of Conduct in this department!

Throughout our discussion, Mr. Mazza wanted to focus only on “our house” and “getting us to the next step”...

In my opinion, Mr. Mazza’s attitude toward me as a woman was very much a “just get this lady in her house so she can worry about decorating it and let this problem go away” attitude!

I found Mr. Mazza’s “let us worry about the issues attitude” MOST insulting!

In my opinion, he had NO INTENTION of investigating the “bigger issue” of “other non-code compliant buildings”.

I truly felt he was more concerned for “his job” than “safety of the public”!

But...

“Through the Code of Ethics, professional engineers have a clearly defined duty to society, which is to regard the **duty to public welfare as paramount, above their duties to clients or employers”**
[emphasis added]

Source: Province of Ontario, Code of Ethics for Professional Engineers, http://www.peo.on.ca/Ethics/code_of_ethics.html, downloaded December 31, 2009

Since that “duty to the public is paramount”, should an engineer – or a Chief Building Official - not at least make sure our buildings are “to code” since the O.B.C. states: “The Code is essentially a set of MINIMUM provisions respecting the SAFETY of buildings with reference to public health,, fire, protection, accessibility and STRUCTURAL SUFFICIENCY**”. [emphasis added]**

Source: 2006 Ontario Building Code Act, Preface, Volume 1, p. 1.

It was because I wanted to insulate some of the house that we needed to close out some of the items on our failed framing inspection dated November 20, 2009.

This had been the reason I HAD REQUESTED an inspection on December 2, 2009.

We would now try to by-pass City of Greater Sudbury Building Services by going through an independent engineer to “fix our wall” and seek legal counsel as we felt we were at a standstill with the City of Greater Sudbury Building Services.

We also phoned the Ontario Ministry of Municipal Affairs and Housing to explain the situation and attempted to determine how we should best proceed. The Ministry of Municipal Affairs and Housing advised us to take our concerns to the City of Greater Sudbury City Council.

Things Just Get Nastier...

Clearly, my January 5, 2010 meeting with Mr. Mazza which concluded at about 5:00 pm, did not end on a good note.

Toward the end of this meeting, when I pointed out to Mr. Mazza that the OBC Act did not distinguish between “offenses by the public” and “offenses by building officials” and that all those hefty fines were equally applicable to his department and indeed himself, Mr. Mazza stated yelling at me, yelling that could be heard by my two children who awaited me (unknown to Mr. Mazza) by the elevators.

When I told my husband of this behavior, he insisted I documented it via an email to CGS HR – an email – once again – we received absolutely NO REPLY to! I now knew my husband was correct... we would have to document EVERYTHING when it came to CGS BS!

Documentation Begins... With A Copy Of Our File...

As we began to document events, one of the first steps would clearly involve obtaining a copy of our file (#1658) in CGS BS.

Now... It Really Gets Nasty...

Given the TOTAL lack of cooperation we experienced via the CGS BS and/or other departments, we had absolutely NO reason to trust that any of our issues were going to be addressed.

We decided to document everything and take our issues to a higher level...

We, therefore, made several requests via the FOI Act... as this was what appeared to be the ONLY way we could get any answers to our questions... each FOI request took at least the full 30 days to be filled by CGS BS personnel... making the process of obtaining facts most difficult, time consuming and tedious.

One of these requests was made on January 27, 2010 via FOI Request 2010-20 for a copy of our file – a copy of which we received on March 4, 2010!

Mysterious New Documents... In Our File!

On Thursday, March 4th, 2010, immediately upon picking up the copy of my file (#1658) requested via FOI Act (Request #2010-20,) from the CGS City Clerk's Office, I had decided to go through it BEFORE leaving the building. I sat in the lobby of that building and went through my file.

Imagine my surprise, when tucked away, at the very back of it were 2 statements written by building inspectors Mike Pilon and Melanie Franson (FOI Request #2010-20, Record #14) who had been to our site on December 2, 2009 (when they had only left us with highlighted copies of the Building Code Act in spite of supposedly having been there for an inspection).

Mysterious New Documents... In Our File!

It was important to note that these documents were NOT in my file on January 5th, 2010 – and the fact that NO documentation pertaining to the December 2nd, 2010 “supposed inspection that did not occur” were in my file had prompted my signing the first affidavit in our case with the City Clerk’s office.

In that affidavit (dated January 5th, 2010), it was made very clear that NO documentation pertaining to the December 2, 2009 site visit existed in my file and now – CGS BS – wanted to add “documentation” – after the fact!

Mysterious New Documents... In Our File!

Clearly, Melanie Franson was very advanced in her pregnancy on December 2, 2009.

A call to CGS BS confirmed she had been on maternity leave since “right around Christmas”. Since she was on maternity leave, I truly wondered how it was that this “statement” on her part had made it into our file given it was not there on January 5th, 2010.

The statement by Melanie Franson was signed and dated Dec. 2, 2009.

The statement by Mike Pilon was neither signed nor dated!

Mysterious New Documents... In Our File!

Our FOI request #2010-20 (for a copy of our file) was made on January 27, 2010). The City Clerk's Office usually completed these requests within 30 days. When the 30 days were "up", I called the City Clerk's office and sent them an email asking why this request was taking so long – especially given we had requested no special information – only that which had been "added" by the CGS BS.

The request had specifically stated that only materials added by CGS BS were being requested... nothing from our BCIN designer (i.e., plans), contractors (i.e., in floor heating system), nothing we had provided, etc. was requested. Only those things added to our file by CGS BS were requested – during the "slow season"!

The summary sheet for my FOI request #2010-20 indicated only 1.5 hours charged for "preparation time"... so... why was the file not ready on time?

Mysterious New Documents... Melanie Franson Statement...

Upon reading the statements by building inspectors Melanie Franson and Mike Pilon, while still in the lobby of the CGS municipal building, I decided to immediately file another affidavit outlining what I saw as total inaccuracies and blatant lies pertaining to the events that had occurred on December 2, 2009.

I, Melanie Franson, attended the site of 22 Salo Road for a follow-up framing inspection on December 2nd, 2009 at approximately 11:30 am. I was asked to go to this site with Building Inspector Mike Pilon (previous inspector who did framing inspections). When we arrived, Mrs. Brohart came storming out of her house and immediately started telling us that we were not to do an inspection. She specifically stated that "I" was not to enter her house.

She shouted something about Mike leaving an Inspection notice from the day before (Dec 1st, 2009) and how it would have been impossible for Mike to have done an inspection since no one was on site, her doors were locked and her windows have poly on them, preventing anyone from seeing inside. She was very upset that the Notice said "**A(n) framing inspection was conducted at this site and the following items were inspected**". Mike proceeded to tell her that the notice was simply a revised copy of the previous inspection and that he left the notice simply to inform her that there were still some deficiencies outstanding. I told her "**That specific phrase automatically prints out on our inspection notices**". It does not specifically mean that someone entered her house.

Mike gave her papers, copied from the Building Code Act, stating that an inspector is allowed on the premises to do inspections, Powers of an Inspector, Obstruction of Inspector and Penalties. She read the highlighted sections and did not seem to care, as she was still threatening that "**(Mike) will be the City's fall back guy and (he) will lose his job**". She also said "**It's too bad you're (Mike) the only one who does his job properly and fails framing inspections when you're supposed to, but now you're the one who's gonna take the fall for it. We both know that it's (2 piece raker wall) been passed before and I got proof**". Mike asked her several times if she read and understood the highlighted sections on the papers he gave her. She continuously said "**YES**". He then asked Mrs Brohart "**Will you allow us to do a framing inspection so that we can clear somethings up?**" She always responded with "**NO!**" Mike would then clearly state that "**You are therefore obstructing an Inspector?**" and she would say "**Yes, I am!**" Mike continuously asked this question during the 30 minutes we were there and her response stayed the same.

After trying to calmly talk to Mrs. Brohart for 30 minutes, with no success, Mike suggested that we should leave the property. She said that she is going to sue the City of Sudbury for not following the Building Code. Mike asked her one more time if we would be able to do an inspection and she refused. So, we then got in our vehicles and left.

Melanie Franson

Mysterious New Documents... Melanie Franson Statement

My cell phone,
internet usage,
home land line
usage logs,
etc., clearly
showed these
statements to
be inaccurate
and the very
apparent
twisting of
facts.

Mysterious New Documents... Mike Pilon Statement...

On December 02, 2009 at approximately 12:00 noon, I, along with fellow Building Inspector Melanie Franson, attended a new house under construction at 22 Salo road, to conduct a follow-up framing inspection for the Broharts.

Upon arrival we were met by a furious Mrs. Brohart who stormed out of her house waving her finger at us and telling us that only 1 Building Inspector (specifically myself) was permitted to enter the premises to do the inspection.

I introduced Melanie as being a qualified and appointed Building Inspector and that she would be accompanying me during my framing inspection.

Mrs Brohart told us no way was she going to allow this and also that we were not permitted to take any photos or measurements .

She then stated that I had left an inspection notice yesterday, on Dec. 01,09 but that it was impossible because I did not have access to the locked building and that it was impossible for me to see inside through her polyed covered windows

I was in fact there yesterday Dec. 01/09., there was no one on site and no fresh tracks in the snow.....(because after all, we had a fresh snowfall the previous night)

And I could see through the sides of the windows that some truss bracing had been installed after the initial framing inspection, but I could not determine whether or not they were completed, due to limited visibility.

And since this was the 4 th visit since the initial framing inspection and I was adamant in resolving the conflict that was arising with Mrs. Brohart , I wrote a revised Framing deficiency list on an inspection notice and wedge it between the main door brick moulding on the left side of the door to ensure that these deficiencies were clear to the owner and that they needed to be rectified and re-inspected.

Mrs Brohart then raved on about how it was unfortunate that I was involved because....in her own words:

“It’s too bad your getting caught up in this because you’re the only fuckin building inspector that did his job here and apparently you’re the only Building Inspector in the city that follows the Building Code by failing these 2 piece raker walls and I’ve got documented proof of this fact ,and I’m gonna sue the city for practicing outside of the Building Code! I know how politics work, I was in Chicago politics before and it’s too fuckin bad for you, your gonna be the fall guy for this bullshit and your gonna loose your job over this!”

I then proceeded, as instructed by my supervisor, to hand Mrs. Brohart highlighted copies of excerpts from the Ontario Building Code Act, including page 13,with highlighted section
pages 23,24 with highlighted section
page 24, with highlighted section
page 33, with highlighted section

12.-(1) Inspection of Building Site ,
18.-(1) Powers of Inspector ,
19.-(1) Obstruction of Inspector ,
36.-(3) Penalties

I instructed Mrs. Brohart to read these highlighted sections, which she did and said she understood their meanings.

I then reconfirmed with Mrs. Brohart that Building Inspectors were permitted under the B.C.A. to enter upon her property, with or without her consent at any reasonable time to conduct an inspection and that for her to refuse would be considered obstructing an inspector, which is in contravention of the Building Code Act.

And Mrs. Brohart said :“ **I understand**”.

Again, I asked Mrs Brohart if she would let us conduct our inspection and she said :“no“,

then I said to Mrs. Brohart “So you are obstructing us from performing our inspection” and she said :“yes, I am”.

I then repeated these same questions and statements to Mrs. Brohart again with the exact same results.

So then I tried one last time to plead with Mrs. Brohart by saying:

” how did this ever go this way, we’re trying to help you here ”

This didn’t change her demeanour in any way and then she began taunting Melanie so it was then that I decide that Melanie and I should leave her premises.

My supervisor Andre Guillot was very concerned so I informed him minutes after departing Mrs. Brohart property.

- 1. No Name and/or Date**
- 2. No Signature – simply “implied” to be written by Mike Pilon**
- 3. This was a blatant and very poor attempt at manipulating the facts... “facts” that Mike Pilon swore were true in an Affidavit pertaining to this very statement.**

Mike Pilon Affidavit...

Given Mike Pilon's statement pertaining to the events of Dec. 2, 2009 was not dated and/or signed, I requested a signed and dated copy via the FOI process.

The CGS Clerk's Office told me that they could not get a copy but CGS City Clerk, Angie Haché offered to obtain an Affidavit signed by Mike Pilon stating that the facts were as he had stated them in his statement pertaining to the events of Dec. 2, 2009.

I informed City Clerk, Angie Haché, that I absolutely wanted such a document.

Note: An Affidavit was a statement sworn before a person commissioned under the Evidence Act of Canada and as such, to knowingly make false statements in such a statement would be a serious issue indeed.

Mike Pilon Affidavit... Pertaining To Events Of Dec. 2, 2009...

See additional “supporting documents” in separate file.

This affidavit by Mike Pilon – along with the one by Melanie Franson (another building inspector) were so upsetting to my family that I insisted Mike Pilon sign and date a “Microsoft Word” document that was originally, per Pilon, composed home. These documents pertaining to the events of December 2, 2009 were not in my file when I went to building services over a month later on January 5, 2010. When I requested a copy of my file, and received it in early March 2010, 2 mysterious new documents had appeared in my file – the “recollections” of events pertaining to Dec. 2, 2009 per Pilon and Franson.

Mike Pilon Affidavit... Pertaining To Events Of Dec. 2, 2009...

See additional “supporting documents” in separate file.

One document was signed by Melanie Franson (on maternity leave), the other was NOT signed and/or dated but was said to have been written by Mike Pilon. I insisted Mike Pilon put his name to his document. He was asked to do so via one of my many FOI requests filed via the City Clerk’s office. The City Clerk was unable to get a signed copy for me from CGS Building Services. It was then that Angie Haché, City Clerk for CGS offered to have Mike Pilon sign an affidavit if I insisted on having Mike Pilon put his name to the document and date it. I insisted and so, obtained a signed affidavit by Mike Pilon pertaining to the issues of December 2, 2009.

Determination Now Sets In...

If there was anything that now made me determined to expose the dealings of the CGS BS, it was clearly what, in my opinion, was the complete falsification of records by CGS BS personnel.

In my opinion, CGS BS personnel had clearly moved from “we made a mistake” to the willfull and malicious falsification of records.

I would now comb over everything with a fine tooth comb to expose CGS BS and other “public servants”.

Determination Now Set In...

Since I knew the statements by Mike Pilon and Melanie Franson were filled with what were in my opinion, blatant lies and inaccuracies, I completed an Affidavit to this fact within minutes of having read their statements pertaining to the events of Dec. 2, 2009.

My March 4 Affidavit... Pertaining To The Statements Made By Melanie Franson and Mike Pilon... Regarding The Events Of Dec. 2, 2009...

STATUTORY DECLARATION

CANADA
PROVINCE OF ONTARIO

) IN THE MATTER OF
) Lies in Pilon / Franson
Statements.

I/WE, Jeanne A. Robitaille - Brohart
of the City of of _____
in the _____ of _____

DO SOLEMNLY DECLARE THAT: Information Provided to

me by Building Services as it relates to
statements made by B.Z. Mike Pilon and
Melanie Franson are a total fabrication of
facts as they relate to what happened on
Dec. 2, 2010 at my building site. Note there
is no date "from a system file, etc." and no
signature tied to these statements by Pilon -
they are not even signed or dated!!

I have emails, pictures, phone logs
that will DESTROY their statements,
and, yes - now I will go
public & sue!

And I make this solemn Declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

DECLARED before me at the City of _____)
Greater Sudbury, in the Province _____)
of Ontario, this 4th day of _____)
March, 20 10)

[Signature]
A Commissioner, etc.

Sarah Elizabeth Collin, a
Commissioner for taking Affidavits
in and for the Courts of Ontario, while
within the Territorial District of Sudbury.

Jeanne A. Robitaille -
Brohart

[Signature]

My March 4 Affidavit... Regarding Statements Made By Melanie Franson and Mike Pilon... Regarding The Events Of Dec. 2, 2009...

I am also awaiting Item # 13 - Marc Levasseur's email - part of request # 20!

STATUTORY DECLARATION

CANADA
PROVINCE OF ONTARIO

) IN THE MATTER OF
) Pilon / Franson statements

I/WE, Jeanne A. Robitaille-Brochant
of the City of of Greater Sudbury
in the Province of Ontario

DO SOLEMNLY DECLARE THAT: I am adding the
~~the~~ following information
to my previous affidavit of March 4

① Name & Address Information As follows:
Jeanne A. Robitaille-Brochant, city of Greater Sudbury
25 McLARY Rd, Box 91
Webbwood, ON P0P 2G0

Note: I had started to add this \rightarrow to affidavit ^{already told} ^{was} ^{could do so!!}

② A of pages in previous affidavit relating to
this issue: 4 for original statement
4 " copies of original statement
made on same date by Clerk's office to show

And I make this solemn Declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

DECLARED before me at the City of)
Greater Sudbury, in the Province)
of Ontario, this 4th day of)
March, 20 10)

S. Collin
A Commissioner, etc.
Sarah Elizabeth Collin, a
Commissioner for taking Affidavits
in and for the Courts of Ontario, while
within the Territorial District of Sudbury.

) Jeanne A. Robitaille-Brochant
)
) Jeanne A. Robitaille-Brochant

they were not amended in any way!

I also had the City Clerk's Office make a duplicate copy of the Affidavit I swore that day in order to confirm that it would not have been altered in any way since the Clerk's office did not keep copies of these records.

Mike Pilon Statement... With My Affidavit Corrections On It...

NOT TRUE - He is not an ass, near + one was required - there is no way he could even speak to this framing issue.

the City knew by now that we were going to an independent engineer lunch hour.

20

On December 02, 2009 at approximately 12:00 noon, I, along with fellow Building Inspector Melanie Franson, attended a new house under construction at 22 Salo road, to conduct a follow-up framing inspection for the Broharts. *NOT TRUE TOTAL FABRICATION*

Upon arrival we were met by a furious Mrs. Brohart who stormed out of her house waving her finger at us and telling us that only 1 Building Inspector (specifically myself) was permitted to enter the premises to do the inspection. *NOT TRUE - FACTS WILL COME OUT ON THIS!*

I introduced Melanie as being a qualified and appointed Building Inspector and that she would be accompanying me during my framing inspection. *I asked them to return in 1/2 hr.*

Mrs Brohart told us no way was she going to allow this and also that we were not permitted to take any photos or measurements *→ I had sent email to City on this issue!*

She then stated that I had left an inspection notice yesterday, on Dec. 01,09 but that it was impossible because I did not have access to the locked building and that it was impossible for me to see inside through her polyed covered windows *no one was requested to be there*

I was in fact there yesterday Dec. 01/09., there was no one on site and no fresh tracks in the snow.....(because after all, we had a fresh snowfall the previous night) *that could be a timing issue*

And I could see through the sides of the windows that some truss bracing had been installed after the initial framing inspection, but I could not determine whether or not they were completed, due to limited visibility. *there is no way he could see that → my pictures taken that day will clearly show that!*

And since this was the 4th visit since the initial framing inspection and I was adamant in resolving the conflict that was arising with Mrs. Brohart, I wrote a revised Framing deficiency list on an inspection notice and wedge it between the main door brick/moulding on the left side of the door to ensure that these deficiencies were clear to the owner and that they needed to be rectified and re-inspected.

Mrs Brohart then raved on about how it was unfortunate that I was involved because....in her own words:

"It's too bad your getting caught up in this because you're the only fuckin building inspector that did his job here and apparently you're the only Building Inspector in the city that follows the Building Code by failing these 2 piece raker walls and I've got documented proof of this fact ,and I'm gonna sue the city for practicing outside of the Building Code! I know how politics work, I was in Chicago politics before and it's too fuckin bad for you, your gonna be the fall guy for this bullshit and your gonna loose your job over this!"

where does it state that on the document → only "revisions had to do with bracing" a wall - Pilon is NOT an engineer!

→ TOTAL Lie - 1st thing he did

I then proceeded, as instructed by my supervisor, to hand Mrs. Brohart highlighted copies of excerpts from the Ontario Building Code Act, including page 13, with highlighted section 12.-(1) Inspection of Building Site , pages 23,24 with highlighted section 18.-(1) Powers of Inspector , page 24, with highlighted section 19.-(1) Obstruction of Inspector , page 33, with highlighted section 36.-(3) Penalties

→ TOTAL Lie

I instructed Mrs. Brohart to read these highlighted sections, which she did and said she understood their meanings.

I then reconfirmed with Mrs. Brohart that Building Inspectors were permitted under the B.C.A. to enter upon her property, with or without her consent at any reasonable time to conduct an inspection and that for her to refuse would be considered obstructing an inspector, which is in contravention of the Building Code Act.

And Mrs. Brohart said: "I understand". *→ TOTAL Lie!!!*

Again, I asked Mrs Brohart if she would let us conduct our inspection and she said : "no" →

I said "I need you to return in 1/2 hr."

TOTAL Lie

then I said to Mrs. Brohart "So you are obstructing us from performing our inspection" and she said: "yes, I am".

I then repeated these same questions and statements to Mrs. Brohart again with the exact same results. *→ TOTAL Lie*

So then I tried one last time to plead with Mrs. Brohart by saying: "how did this ever go this way, we're trying to help you here" *→ TRUE*

This didn't change her demeanour in any way and then she began taunting Melanie so it was then that I decide that Melanie and I should leave her premises. *TOTAL Lie*

My supervisor Andre Guillot was very concerned so I informed him minutes after departing Mrs. Brohart property.

FALSE

FOR HIS !!! JOB...

The inconsistencies in the supposed Franson and/or Pilon statements will now reveal themselves...

Melanie Franson Statement... With My Affidavit Corrections On It...

I, Melanie Franson, attended the site of 22 Salo Road for a follow-up framing inspection on December 2nd, 2009 at approximately 11:30 am. I was asked to go to this site with Building Inspector Mike Pilon (previous inspector who did framing inspections). When we arrived, Mrs. Brohart came storming out of her house and immediately started telling us that we were not to do an inspection. She specifically stated that "I" was not to enter her house.

She shouted something about Mike leaving an Inspection notice from the day before (Dec 1st, 2009) and how it would have been impossible for Mike to have done an inspection since no one was on site, her doors were locked and her windows have poly on them, preventing anyone from seeing inside. She was very upset that the Notice said "A(n) framing inspection was conducted at this site and the following items were inspected". Mike proceeded to tell her that the notice was simply a revised copy of the previous inspection and that he left the notice simply to inform her that there were still some deficiencies outstanding. I told her "That specific phrase automatically prints out of our inspection notices". It does not specifically mean that someone entered her house.

Mike gave her papers, copied from the Building Code Act, stating that an inspector is allowed on the premises to do inspections, Powers of an Inspector, Obstruction of Inspector and Penalties. She read the highlighted sections and did not seem to care, as she was still threatening that "(Mike) will be the City's fall back guy and (he) will lose his job". She also said "It's too bad you're (Mike) the only one who does his job properly and fails framing inspections when you're supposed to, but now you're the one who's gonna take the fall for it. We both know that it's (2 piece raker wall) been passed before and I got proof". Mike asked her several times if she read and understood the highlighted sections on the papers he gave her. She continuously said "YES". He then asked Mrs Brohart "Will you allow us to do a framing inspection so that we can clear somethings up?" She always responded with "NO!" Mike would then clearly state that "You are therefore obstructing an Inspector?" and she would say "Yes, I am!" Mike continuously asked this question during the 30 minutes we were there and her response stayed the same.

After trying to calmly talk to Mrs. Brohart for 30 minutes, with no success, Mike suggested that we should leave the property. She said that she is going to sue the City of Sudbury for not following the Building Code. Mike asked her one more time if we would be able to do an inspection and she refused. So, we then got in our vehicles and left.

Melanie Franson
He asked if I was stopping them from doing an inspection - I said no - I'm just asking you to come back in 1/2 hr - it was a nephew + I wanted in witness!
Melanie Franson *without documenting any of this problem

Dec 2, 2009

They were there 10 minutes - as my cell phone logs with numerous calls to other parties shows! Record #14

NOT true - the same morning to Mr. Mazza +/or other parties stated I would NOT be cancelling the inspection for that date!

did not shout because no such inspection occurred

not true - per my email to b/s - I asked them to return in 1/2 hour - was notified they were not there for item #1 or for roof vents.

not true

I did not threaten but simply made the comment - a simple statement of facts!

This is TOTAL lie!! TOTAL Lie!!

You can not make a statement + ask a question at the same time - his own words are against him

The inconsistencies in the supposed Franson and/or Pilon statements will now reveal themselves...

**For Mike Pilon, Melanie Franson, André Guillot and CGS BS...
The Facts Don't Add Up...**

Because I had been so upset and had to file my protest immediately via an affidavit over what I clearly saw as lies in these “records”, I was delayed at the municipal building and also had my car ticketing for a parking violation at that time.

The inconsistencies in the Franson and Pilon statements will now reveal themselves... these are some... as time went on... I would find even more...

For CGS Building Services... The Facts Don't Add Up!!!

7 persons would be have to commit perjury in court in order for CGS BS to “make the case” that these documents – statements by Mike Pilon and Melanie Franson - were truly “part of our file” on January 5th, 2010...

And then...

Many would also have to explain several further inconsistencies...

And show how I could be in 2 places at 1 time...

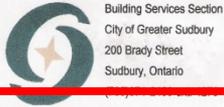
**A Closer Look At The Facts...
Reveals A Very NASTY Picture....**

As I began to pour over copies of documents in our file as provided to us via FOI Request 2010-20, it became obvious that many things simply did not “add up”... and that someone had gone through a great deal of effort to manipulate the facts.

All FOI requests pertaining to CGS BS were – per the City Clerk – were processed via CBO Guido Mazza who had to ok the release of all records provided to me.

As such, CBO Guido Mazza would have absolutely been aware of all materials in our file.

Our Original Vs. Copy Received Via FOI Request #2010-20...



SHORT INSPECTION NOTICE

ORIGINAL

Date of Location: Friday, November 20, 2009 22 SALO ROAD Time: 10:47 am Permit No.: B08-1668

Owner: BROHART, FREDERICK Contractor: 25, MCLARY

Note correct order for items here and 2x4s @ 4' for Item #1!

Work Phone: 705-869-5916 home Phone:

Applicant: BROHART, FREDERICK

Type of Building: SFD

A(n) Framing inspection was conducted at this site and the following items were inspected.

These items were [NOT] APPROVED. FOR FRAMING:

1. GABLE END RAKER WALL REQUIRES 2X4 @ 4' O.C. LET INTO MID PLATE

2. ATTIC ACCESS REQU'D = 2x4 → 22 1/2 x 28, + box on top → use 2x10

3. ROOF GABLE VENTS TO BE OPENED → add insulation

4. WEB BRACING TO BE FASTENED TO GABLE ENDS

5. 10' BOTTOM CHORD BRACING REQU'D FOR CATHEDRAL TRUSSES

6. WOOD STOVE SPECS REQU'D

7. 10' " chord bracing for web trusses / or use internal walls.

CALL FOR REINSPECTION ONCE RECTIFIED.

DO NOT COVER THESE ITEMS.

brace all walls together

These look like system generated dates - matching and most likely indicating when document was actually created!

Original given to us day of inspection!

If a further explanation is required, contact should be made with the inspector by calling 671-2489 - Ext. 4278 between the hours of 8:30 to 9:00 or 4:00 to 4:30.

November 20, 2009 10:47 am

Date of notice

Michael Pilon
PILON, MIKE

Printed on: Friday, November 20, 2009 10:51 am

Page 1 of 1



SHORT INSPECTION NOTICE

FOI COPY

Date of Location: Friday, November 20, 2009 22 SALO ROAD Time: 10:47 am Permit No.: B08-1668

Owner: BROHART, FREDERICK Contractor: 25, MCLARY

Work Phone: 705 869-5916 home Phone:

Applicant: BROHART, FREDERICK

Type of Building: SFD

A(n) Framing inspection was conducted at this site and the following items were inspected.

These items were [NOT] APPROVED. FOR FRAMING:

DO NOT COVER THESE ITEMS.

CALL FOR REINSPECTION ONCE RECTIFIED.

6. WOOD STOVE SPECS REQU'D

5. 10' BOTTOM CHORD BRACING REQU'D FOR CATHEDRAL TRUSSES

4. WEB BRACING TO BE FASTENED TO GABLE ENDS

1. GABLE END RAKER WALL REQUIRES 2X4 @ 4' O.C. LET INTO MID PLATE

2. ATTIC ACCESS REQU'D

3. ROOF GABLE VENTS TO BE OPENED

Note the order of the items had been "mysteriously changed" ... now #6,5,4,1,2,3 - WHY?

Printed morning after Dec. 1, 2009 "non-inspection" notice left on our property and receipt of my Dec. 2, 2009 7:18 am email by CGS BS!

If a further explanation is required, contact should be made with the inspector by calling 671-2489 - Ext. 4278 between the hours of 8:30 to 9:00 or 4:00 to 4:30.

November 20, 2009 10:47 am

Date of notice

Michael Pilon
PILON, MIKE

Printed on: Wednesday, December 2, 2009 9:19 am

Page 1 of 1

Record 3

Our Original Vs. Copy Received Via FOI Request #2010-20...

How Mr. Pilon felt he could do a framing inspection (Item #5) to check for proper truss bracing from OUTSIDE was beyond our comprehension - especially given our new windows still had plastic coverings on them and you really could not see inside the building properly (as pictures taken Dec. 2, 2009 show)!

This “bracing” inspection COULD NOT AND DID NOT OCCUR!!! We did not have a copy of this inspection notice. We requested no inspection for this date nor did the CGS BS request one of us!

	Building Services Section City of Greater Sudbury 200 Brady Street Sudbury, Ontario (705)671-2489 ext. 4278	SHORT INSPECTION NOTICE	FOI Copy
Date of Inspection: Tuesday, November 24, 2009	Time: 4:06 pm	Permit No.: B08-1658	
Location: 22 SALO ROAD	Owner: BROHART, FREDERICK 25, MCLARY	Contractor: ,	
Work Phone: 705 869-5916	NOTICE FOR A SUPPOSED NOV 24, 2009 INSPECTION – THAT WAS NEVER MADE!		
home Phone:	Zoning:		
Applicant: BROHART, FREDERICK	Type of Building: SFD		
A(n) Framing inspection was conducted at this site and the following items were inspected.			
5.10' BOTTOM CHORD BRACING REQUIRED FOR ALL TRUSSES These items were [NOT] APPROVED. FRAMING DEFICIENCIES ARE AS FOLLOWS: 1.PROVIDE 2X6 WALL STUDS @ 16" o.c. ALONG WITH BLOCKING BETWEEN STUDS @ 4'0" o.c. max spacing ALONG WITH DOUBLED TOP PLATES. DO NOT COVER THESE ITEMS. CALL FOR REINSPECTION ONCE RECTIFIED. 6.WOOD STOVES SPECS AND INSPECTION REQU'D PRIOR TO USING WOODSTOVE 4.WEB BRACING TO BE FASTENED TO GABLE ENDS 3.ROOF GABLE END VENTS REQUIRED 2.PROVIDE AN ATTIC ACCESS			
Note improper item order again - #1, 6, 4, 3, 2. Also for Item #1, the notice was changed from the original Nov. 20, 2009 – 2x4s @ 4' were now changed with 2x6s @ 16". CGS BS knew we were considering an outside engineer – per our Nov. 23rd email! Also Item #5 does not show under “NOT APPROVED”... Thus, one would conclude Item #5 as it related to bottom chord bracing was approved. We had not yet braced the bottom chords. That was done Nov.27 - 30th, 2009!			
If a further explanation is required, contact should be made with the inspector by calling 671-2489 - Ext. 4278 between the hours of 8:30 to 9:00 or 4:00 to 5:00 pm.			
November 24, 2009 4:07 pm			
Date of notice		PILON, MIKE	
Printed on: Tuesday, March 2, 2010 8:25 am		Record 2	
		Page 1 of 1	

CGS BS... Secretaries' Call Log...

One of the items I had requested via a FOI request was the call log maintained by secretaries at CGS BS. When inspections were requested by homeowners, secretaries noted them as such by indicating in their log that the homeowner had “called in” a request for an inspection. Note that the call log for this supposed inspection shows that it was not made at our request... as the “called in” field has been left blank...

This was also the case for the Dec. 1, 2009 supposed inspection which we also did not request!

How exactly did Mike Pilon conduct a framing inspection without having access to our building? A VERY interesting question indeed! This inspection NEVER HAPPENED!

Email Dated Dec. 1, 2009 To CGS For Dec. 2, 2009 Inspection... Vs. Inspection Request Log... FOI # 2010-38

Permit	Inspection Description	Inspection Date	Passed Date	Failed Date	Order Comply	Remark	Requestor	Special Instructio	Employee	Assigned Inspector
B08-1658	Footing	2009/06/22	2009/06/22			CALLED IN - PM PLEASE		N	Delwo, Corrie-Jo	WALIA
B08-1658	Fdn/W.Tile	2009/07/29		2009/07/29		CALLED IN - WALL - PM PLEASE		N	Carr, Deborah	RADLEY
B08-1658	Insulate Below	2009/08/20	2009/08/20					N	Lanteigne, Angela	FRANSON
B08-1658	Insulate Above	2009/08/20		2009/08/20		called in/a.m. req'd		N	Rouleau, Rachele	FRANSON
B08-1658	P - Groundwork	2009/09/02		2009/09/02		ANDRE BOOKED		N	Slavin, Tracy	WONG
B08-1658	P-Groundwork-2	2009/09/04		2009/09/04		These items were [NOT] APPROVE		N	Delwo, Corrie-Jo	PRESTON
B08-1658	P-Groundwork-3	2009/09/09	2009/09/09			called in/for John/a.m. req'd		N	Delwo, Corrie-Jo	PRESTON
B08-1658	HVAC Rough-In-R	2009/09/18		2009/09/18		CALLED IN- AM PLEASE		N	Slavin, Tracy	WONG
B08-1658	Framing	2009/11/20		2009/11/20		CALLLED IN- AM PLEASE ** FRENCH SPEAKING INSPECTOR PLEASE**		N	Rossi, Connie	PILON
B08-1658	F I N A L	2009/11/20		2009/11/20		CALLLED IN - AM PLEASE ** FRENCH SPEAKING INSPECTOR PLEASE **		N	Delwo, Corrie-Jo	PILON
B08-1658	Framing - 2	2009/11/24		2009/11/24				N	Delwo, Corrie-Jo	PILON
B08-1658	Framing - 3	2009/12/01		2009/12/01				N	Delwo, Corrie-Jo	PILON
B08-1658	Framing - 4	2009/12/02		2009/12/02		CALLLED IN - ANDRE REQUESTED MIKE PILON DO INSPECTION These items were [NOT] APPROVE		N	Delwo, Corrie-Jo	PILON
B08-	HVAC Final-Res								Lanteigne, Angela	

?FINAL?

Not called in... never requested by us!

We speak English at home... We did not request a French person... our ENTIRE FILE is in ENGLISH!

Special Instructions were ABSOLUTELY given from BOTH sides!!!

N

A Working Husband and Car Problems Would Have Made This Inspection – IMPOSSIBLE!

How exactly did Mike Pilon conduct a framing inspection without having access to our building?

A VERY interesting question indeed! This inspection NEVER HAPPENED... and explains more inconsistencies in documentation... like the fact that bottom chord bracing... not listed as an open issue on the Nov. 24th, 2009 inspection document (for an inspection that NEVER occurred)... ONCE AGAIN BECOMES AN ISSUE ON THE DEC. 1, 2009 INSPECTION NOTICE... A NOTICE FOR WHICH WE ABSOLUTELY DID HAVE A COPY SINCE MIKE PILON HAD LEFT ONE AT OUR BUILDING SITE ON DEC. 1, 2009 when he showed up for yet another “premise visit/framing inspection” that we had not requested!

Our Original Vs. Copy Received Via FOI #2010-20, Record 1...



Building Services Section
City of Greater Sudbury
200 Brady Street
Sudbury, Ontario
(705)671-2489 ext. 4278

SHORT INSPECTION NOTICE

ORIGINAL

Date of Notice: Tuesday, December 1, 2009 Time: 11:32 am
Location: 22 SALO ROAD

Permit No.: B08-1658

Owner: BROHART, FREDERICK
25, MCLARY Contractor:

Work Phone: 705 869-5916
home Phone:

Applicant: BROHART, FREDERICK

Type of Building: SFD

Zoning:

A(n) Framing inspection was conducted at this site and the following items were inspected.

These items were [NOT] APPROVED.
FRAMING DEFICIENCIES ARE AS FOLLOWS:

- 1.PROVIDE 2X6 STUDS @ 16" o.c. CONTINUOUS FOR THE ENTIRE HEIGHT OF THE STOREY....from sill plate to underside of ceiling, ALONG WITH SOLID BLOCKING @ 48" o.c. AS PER O.B.C. ref. # 9.23.10.4 (1) titled " CONTINUITY OF STUDS" , and as indicated on plans submitted page A06,dwg. # 777 Titled "DOUBBLED VOLUME WALL".
- 2.PROVIDE TOP PLATES FOR THE PREVIOUS MENTIONED WALL AND FASTEN TO SCISSOR TRUSSES @ 48" o.c.
- 3.PROVIDE 10' BOTTOM CHORD BRACING FOR ALL TRUSSES AND FASTEN TO GABLE ENDS
- 4.PROVIDE AN ATTIC ACCESS
- 5.PROVIDE ROOF VENTS
- 6.PROVIDE WOOD BURNING APPLIANCE SPECS. AND SCHEDULE AN INSPECTION AND OBTAIN APPROVAL PRIOR TO USING WOODSTOVE

CALL FOR REINSPECTION ONCE RECTIFIED.
DO NOT COVER THESE ITEMS.

Original left at our building site by Building Inspector, Mike Pilon... Note the proper order of open items...

If a further explanation is required, contact should be made with the inspector by calling 671-2489 - Ext. 4278 between the hours of 8:30 to 9:00 or 4:00 to 4:30.

December 1, 2009 11:32 am

Date of notice

Michael Pilon
PILON, MIKE

Printed on: Tuesday, December 1, 2009 11:46 am

Page 1 of 1



Building Services Section
City of Greater Sudbury
200 Brady Street
Sudbury, Ontario
(705)671-2489 ext. 4278

SHORT INSPECTION NOTICE

FOI Copy

Date of Notice: Tuesday, December 1, 2009 Time: 11:32 am
Location: 22 SALO ROAD

Permit No.: B08-1658

Owner: BROHART, FREDERICK
25, MCLARY Contractor:

Work Phone: 705 869-5916
home Phone:

Applicant: BROHART, FREDERICK

Type of Building: SFD

Zoning:

A(n) Framing inspection was conducted at this site and the following items were inspected.

DO NOT COVER THESE ITEMS.
CALL FOR REINSPECTION ONCE RECTIFIED.
6.PROVIDE WOOD BURNING APPLIANCE SPECS. AND SCHEDULE AN INSPECTION AND OBTAIN APPROVAL PRIOR TO USING WOODSTOVE
These items were [NOT] APPROVED.
FRAMING DEFICIENCIES ARE AS FOLLOWS:

- 1.PROVIDE 2X6 STUDS @ 16" o.c. CONTINUOUS FOR THE ENTIRE HEIGHT OF THE STOREY....from sill plate to underside of ceiling, ALONG WITH SOLID BLOCKING @ 48" o.c. AS PER O.B.C. ref. # 9.23.10.4 (1) titled " CONTINUITY OF STUDS" , and as indicated on plans submitted page A06,dwg. # 777 Titled "DOUBBLED VOLUME WALL".
- 2.PROVIDE TOP PLATES FOR THE PREVIOUS MENTIONED WALL AND FASTEN TO SCISSOR TRUSSES @ 48" o.c.
- 3.PROVIDE 10' BOTTOM CHORD BRACING FOR ALL TRUSSES AND FASTEN TO GABLE ENDS
- 4.PROVIDE AN ATTIC ACCESS
- 5.PROVIDE ROOF VENTS

Note again – wrong item order... #6, 1,2,3,4,5.

Item #5 relating to bottom chord bracing in previous notices was now Item #3... In spite of NOT appearing in the “NOT APPROVED” section on the Nov. 24, 2009 document – bottom chord bracing was “mysteriously” once again – an issue!

If a further explanation is required, contact should be made with the inspector by calling 671-2489 - Ext. 4278 between the hours of 8:30 to 9:00 or 4:00 to 4:30.

December 1, 2009 11:32 am

Date of notice

Michael Pilon
PILON, MIKE

Printed on: Tuesday, March 2, 2010 8:24 am

Page 1 of 1

Record 1

Bracing Inspection Or Wood Stove? Why Was Mike Pilon There On Dec. 1, 2009?

If Mike Pilon had REALLY done a bottom chord bracing inspection on Nov. 24th, 2009 – an inspection we KNEW had never occurred – why would bottom chord bracing ONCE AGAIN MYSTERIOUSLY APPEAR AS AN ISSUE if it was not listed as an “open issue” on the supposed Nov. 24th, 2009 inspection?

Another very interesting question indeed!

Actually... why had ANY of the items been changed from our original Dec. 1, 2009 inspection notice? What had prompted the changes to the document? Clearly, CGS, in our opinion, was trying to make the documentation “fit their story”...

Bracing Inspection Or Wood Stove?

Why Was Mike Pilon At Our Building Site On Dec. 1, 2009?

INSPECTION REPORT		
Permit No.	Project Location	Lot No.
*NOTES ARE TO BE DATED AND SIGNED BY INSPECTOR		
DATE	COMMENTS	
Sept 4/09	AT Tended site @ time of inspection	
	* Ground work not approved	
	* Teyes not permitted	
	* See Notes. JLP	
Sept 9/09	AT Tended site @ time of inspection	
	* G/W Plumbing Approved. JLP	
NOV. 25/09	9:45 AM SITE INSPECTION N.O.H. MP	
NOV. 25/09	12:00 NOON SITE INSPECTION N.O.H. MP	
NOV. 25/09	12:22 PM SITE INSPECTION N.O.H. MP	
DEC. 01/09	11:30 PM SITE INS. LEFT NOTICE N.O.H. MP	

Although Mike Pilon, in his statement of events as they relate to December 2, 2009, states he did do an inspection on December 1, 2009, his own log shows “no one home” (N.O.H.) December 1, 2009...

He also indicated on this same log that he had simply “left a notice” – the original Dec. 1, 2009 notice we had found on our front door (not the revised one we obtained via FOI request 2010-20)!

Bracing Inspection Or Wood Stove?

Why Was Mike Pilon At Our Building Site On Dec. 1, 2009?

INSPECTION REPORT		
Permit No.	Project Location	Lot No.
*NOTES ARE TO BE DATED AND SIGNED BY INSPECTOR		
DATE	COMMENTS	
Sept 4/09	Attended site @ time of inspection	
	* Ground work not approved	
	* Trenches not permitted	
	* See Notes. JLP	
Sept 9/09	Attended site @ time of inspection	
	* G/W Plumbing Approved. JLP	
NOV. 25/09	9:45 AM SITE INSPECTION N.O.H. MP	
NOV. 25/09	12:00 NOON SITE INSPECTION N.O.H. MP	
NOV. 25/09	12:22 PM SITE INSPECTION N.O.H. MP	
DEC. 01/09	11:30 PM SITE INS. LEFT NOTICE N.O.H. MP	

If CGS BS' own records do NOT show any inspection activity for Nov. 24th, 2009 as being requested by us, and indeed show "no one home" on Nov. 25th and Dec. 1st, 2009... HOW exactly did Mike Pilon perform a framing inspection – one that would have required access to our building – if no one was home?

Why was Mike Pilon "hovering" around our building site without our knowledge?

**On “The Number of Visits”...
The Facts Don’t Add Up... For CGS BS...**

Mike Pilon clearly documented “an inspection notice” for November 24th, 2009 but it was NOT an inspection we requested or were ever contacted to be part of. A bottom chord bracing inspection COULD NOT have been conducted from outside the building!

The Nov. 24, 2009 inspection notice was generated at 4:06 pm and printed at 4:07 pm. We were NOT at our building site at that time. Our cell phone usage and/or home phone and/or email account show absolutely NO CALLS and/or REQUESTS for an inspection for Nov. 24, 2009, Nov. 25th, or Dec. 1, 2009 by CGS BS!

Clearly, Mike Pilon, had possibly been there... SEVERAL TIMES without asking us to attend – supposedly for A FRAMING/TRUSS BRACING INSPECTION!!!

Thus, there was NO INSPECTION for bracing and/or our wood stove (inside the house) that would have been conducted by Mike Pilon on December 1, 2009 since he did NOT have access to the house as we were NOT THERE!!!

We suspected the CGS BS department had now changed the original Dec. 1, 2009 notice to now show that our wood stove was “the issue” for being there... as opposed to the “framing”.

We had our wood stove inspected by a Fire Chief... a qualified W.E.T.T. (Wood Energy Transfer Technologies) certified wood stove inspector. When we took that inspection report to CGS BS, we were told that “was not good enough” and that we had to have our wood stove inspected by a building inspector... who... according to even the Ministry of Municipal Affairs and Housing would have “no special training in wood stove inspections”.

CGS BS never ceased to amaze us... this would have been like telling a surgeon he was not qualified to bandage a cut and to ask someone to get a nurse's aid!

When there was a fire... it was a Fire Chief that was called out... not a building inspector!

I had emailed CGS BS in January about the fact that I was told my W.E.T.T. certified inspection done by a FIRE CHIEF was “unacceptable” and that I had wanted that “in writing” given the many problems we had by now had with CGS BS and given the fire chief who conducted the inspection stated I should have “no problems with that inspection” since he did them all over the Province of Ontario and given W.E.T.T. was considered Canada's premier educator and inspector certifier in matters pertaining to “wood stoves”. Most insurance companies required not “building inspector inspections” but W.E.T.T. inspections to insure a house!

W.E.T.T. Wood Stove Inspection By A Fire Chief...

“Not Good Enough For CGS BS...”

CGS BS Wanted A BUILDING INSPECTOR WITH NO TRAINING IN SUCH MATTERS... To Do The Inspection”...

File: 08-1658

M & J Enterprises

705-862-7553

Customer Name <u>Fred Brohart</u>	Inspection Date <u>12/5/09</u>
Address <u>22 Sate Rd</u>	Inspector <u>Mike Picher</u>
<u>Sudbury, ON P3E 4M9</u>	# <u>3550</u>
Telephone <u>705-869-5916</u>	

SPACE HEATER AND FLUE PIPE INSPECTION

Appliance Manufacturer <u>Pioneer Princess</u>	Model _____
Appliance Type <u>Wood cook stove</u>	Date of Installation <u>Nov. 10th 2009</u>
Certified <input checked="" type="checkbox"/> yes <input type="checkbox"/> no	

	Appliance Clearance			Appliance Clearance Reduction		
	Required	Actual	Compliance	Wall Shield Type	Reduction %	Compliance
Left	25	25	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no	N/A	Shield Extension	yes no
Right	18	18	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no		Side and Back	yes no
Front	48	48	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no		Ceiling Shield	yes no
Back	25	32	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no		Floor Shield Type	yes no
Top			<input checked="" type="checkbox"/> yes <input type="checkbox"/> no		Floor Shield Ext.	yes no
Mantel			<input checked="" type="checkbox"/> yes <input type="checkbox"/> no			
Comments _____						

Floor Clearance <u>11"</u>	Compliance <input checked="" type="checkbox"/> yes <input type="checkbox"/> no
Floor Pad Dimension <u>10' x 10'</u>	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
Material <u>Concrete Floor</u>	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
Floor Pad Extension	Standard Required Actual Compliance
Sides and Rear	200mm <u>8"</u> <u>8"</u> <input checked="" type="checkbox"/> yes <input type="checkbox"/> no
Front Loading	450mm <u>18"</u> <u>18"</u> <input checked="" type="checkbox"/> yes <input type="checkbox"/> no
Flue Pipe Type <u>Double Wall</u>	Flue Pipe Clearance
Diameter <u>7"</u> Length <u>9'</u> Gauge _____	Required <u>6"</u> Actual <u>24"</u>
Fasteners <u>3 screws</u>	Shielding Material <u>MA</u>
Inspection Wrap _____ Pipe Damper _____	Size x Clearance Reduced to: _____
Condition <u>New</u> Compliance <input checked="" type="checkbox"/> yes <input type="checkbox"/> no	Compliance _____
Orientation ...Male up ...Male down <u>Yes</u>	Chimney Breech
Rise Toward Chimney <input checked="" type="checkbox"/> yes <input type="checkbox"/> no	Type <u>Selkirk</u>
Properly Supported <input checked="" type="checkbox"/> yes <input type="checkbox"/> no	Condition <u>New</u>
Pipe Length <u>9'</u> Compliance <input checked="" type="checkbox"/> yes <input type="checkbox"/> no	Compliance <input checked="" type="checkbox"/> yes <input type="checkbox"/> no
Number of 90 deg. Elbows <u>0</u> <input checked="" type="checkbox"/> yes <input type="checkbox"/> no	Comments <u>All new</u>

Send to: P.O. Box 9 Webbwood POP 260

Comments: At the time of this inspection this appliance was installed in a newly built home that was only framed in. There is plenty of room for interior cladding and still meet required clearances.

Mike Picher

Wood Stove... Always Item #6 “For Us”

When we first failed our framing inspection, the matter of the “wood stove” was simply one of “providing the specs” for the stove... not an actual inspection... as indicated in Item #6 on our November 20, 2009 inspection notice...

These specs were on the back of the wood stove and could easily be seen by the building inspector... although we would also later provide a written copy for CGS BS files.

Wood Stove... Always Item #6 “For Us”

Now that things had gotten much nastier, we were told on the Dec. 1, 2009 notice, Item #6 – that had now mysteriously jumped to the top of the list of items - to also “call for an inspection” prior to using the wood stove.

The CGS BS did not specify on its Dec. 1, 2009 inspection notice WHO had to do the inspection... we believed this had to be done by someone who “knew about wood stoves and was specially certified to inspect wood stoves”...

As such, we decided to have a FIRE CHIEF do our inspection... only to later be told by CGS BS that was “not good enough”... and that a CGS BS inspector had to “inspect the stove” even if – according to the MMAH – building inspectors had “no special training” in wood stove inspections.

In our opinion... this was simply TOTALLY ABSURD!!!

The placing of the “wood stove issue” at the top of the December 1, 2009 inspection notice, in our opinion, was but another poor attempt by CGS BS at manipulating the facts.

Mike Pilon’s statement as it pertained to the events of Dec. 2, 2009 included statements pertaining to his supposed Dec. 1, 2009 inspection of “framing issues” – however, not one comment was made pertaining to the “wood stove” in that Dec. 2, 2009 statement and as such, the wood stove clearly could not have been the issue on Dec. 1, 2009 – framing on the other hand – very much appeared to be Mike Pilon’s reason for being at our site on Dec. 1, 2009!

The December 1, 2009 site inspection notice was the last one given to us and as such, the last one that, in our opinion, “could be manipulated” by CGS BS to twist the facts while still allowing the Dec. 1, 2009 inspection notice to look “kind of the same” if one did not look at it closely! But, clearly, the notice we received via FOI Request 2010-20 showed the original Dec. 1, 2009 inspection notice had been altered... in more ways than 1!

Dec. 1, 2009 Inspection Notice... Altered In More Ways Than 1!

1. The wood stove now became a more complicated issue and had been “altered” in terms of “where it appeared on the sheet – almost to make it look like this was “a bigger issue” for the Dec. 1, 2009 inspection notice (in spite of the “order” not having changed on our copies – the wood stove was always Item #6 in our copies).

2. The inspection notice dated November 24, 2009 (not documented in the log and for an inspection that did NOT occur that appeared to be for a framing inspection as it related to the bottom chord bracing of our trusses and for which we had been given NO documentation of this supposed inspection) had also been altered as far as matters pertaining to Item #1 – our “non-code compliant wall” as follows:

Dec. 1, 2009 Inspection Notice... Altered In More Ways Than 1!

2a) On the supposed November 24, 2009 inspection, Item #1 stated:

“Provide 2x6 wall studs @ 16: o.c. ALONG WITH BLOCKING BETWEEN STUDS @ 4’0” o.c. max spacing ALONG WITH DOUBLED TOP PLATES.”

2b) On the “new and revised” FOI Request 2010-20 copy of the Dec. 1, 2009 inspection notice, Item #1 now stated:

“Provide 2x6 wall studs @ 16: o.c. CONTINUOUS FOR THE ENTIRE HEIGHT OF THE STOREY... from sill plate to underside of ceiling, ALONG WITH SOLID BLOCKING @ 48” o.c. AS PER O.B.C. ref. #9.23.10.4(1) titled “CONTINUITY OF STUDS” and as indicated on plans submitted page A06, dwg. #7/7 Titled “DOUBBLED VOLUME WALL”.

Dec. 1, 2009 Inspection Notice... Altered In More Ways Than 1!

Clearly, with each disagreement, “each fix” seemed to get harder and harder... with no explanation given as to why a “harder fix” was necessary... and clearly... with, in our opinion, not much thought to whether or not “the fix” would even create a better solution and/or structurally acceptable solution...

“Fixes” proposed by the CGS BS would have left us with a structurally unsound wall!

In our opinion... in attempting so hard to “cover itself”, the CGS BS was still MISSING THE OBVIOUS when it came to the “soundness” of “solutions offered” by CGS BS...

“YOUR TAX DOLLARS AT WORK!!!”...

CGS BS...

Clearly Wanting To “Resolve” Our Framing Issues...

And In Our Opinion... Obsessively So!!!

From the very start, we felt we were being pressured to “close out the wall issue”... even if that meant not doing it so that the wall would be structurally sound...

... and given an inspection report log... clearly... with so many visits over this issue to our site... we certainly had NO REASON to trust CGS BS when it came to matters of how to properly resolve this issue...

CGS BS – Inspection Log... FOI Req. 2010-20 (completed March 2, 2009) Rather Revealing!!!

INSPECTION REPORT	
<small>Permit No.</small>	<small>Project Location</small>
<small>Lot No.</small>	
<small>*NOTES ARE TO BE DATED AND SIGNED BY INSPECTOR</small>	
DATE	COMMENTS
Sept 4/09	Attended site @ time of inspection
	* Ground work not approved
	* Trenches not permitted
	* See Notes. JLP
Sept 9/09	Attended site @ time of inspection
	* G/W Plumbing Approved. JLP
NOV. 25/09	9:45 AM SITE INSPECTION N.O.H.
NOV. 25/09	12:00 NOON SITE INSPECTION N.O.H.
NOV. 25/09	12:22 PM SITE INSPECTION N.O.H.
DEC. 01/09	11:30 PM SITE INS. LEFT NOTICE N.O.H.

6. No record of Jan. 5
mtg with Mazza and Lautenbach!

1. No record of the Nov. 20, 2009 failed framing inspection logged.
 2. No record of the supposed bottom chord bracing site visit and/or inspection on Nov. 24, 2009 at 4:07.
 3. BUT... 3 site visits on Nov. 25, 2009!!!
 4. Another site visit on Dec. 1, 2009 which we were not asked to attend but resulted in yet another Inspection Notice.
 5. No record of a scheduled Dec. 2, 2009 site visit where no inspection occurred and/or was documented but when we were given highlighted copies of the OBC Act!
- “N.O.H.” appears to indicate “No One Home”... next to Mike Pilon’s initials (M.P.)... That would be correct given we lived ½ hour away and had not been asked to be there on these days!

So... How Many Visits Was That?...

Date	Time	Inspector(s)	Owner(s) Present	Owner(s) Asked To Attend	Visit Initiated By
Nov. 20, 2009	10:47 am	Pilon	Yes		Owner(s)
Nov. 24, 2009*	4:07 pm	Pilon	No	No	CGS BS*
Nov. 25, 2009	9:45 am	Pilon	No	No	CGS BS
Nov. 25, 2009	12:00 pm	Pilon	No	No	CGS BS
Nov. 25, 2009	12:22 pm	Pilon	No	No	CGS BS
Dec. 1, 2009	11:32 am	Pilon	No	No	CGS BS
Dec. 2, 2009**	11.46 am	Pilon/Franson	Yes		Owner(s)

***We (owners) have no way of knowing if this was an actual site visit or a document simply generated “at the office”. We have no record of this bottom chord bracing site visit. We had not requested it (per the call log) nor were we asked to attend a supposed bottom chord inspection that day! No inspection notice was left for us nor was anything recorded in the inspection log kept in our file. No admittance was provided and our house was locked thus no inspection could have or did take place that day!**

A “Mysterious November 24th , 2009, 4:06 pm Inspection Notice”...

We had NOT been at our site for an inspection on November 24, November 25th, or December 1, 2009.

We had NO WAY of knowing if Mike Pilon had actually been at our building site on November 24, 2009 or November 25, 2009 as we were left NO documentation pertaining to his supposed inspections and/or visits.

In our opinion, the “November 24, 2009 Inspection Notice could have just as easily been generated from elsewhere (i.e., CGS BS office).

Other Inconsistencies...

The statement of events on December 2, 2009 supposedly made by Mike Pilon stated – I quote:

And since this was the 4th visit since the initial framing inspection and I was adamant in resolving the conflict that was arising with Mrs. Brohart , I wrote a revised Framing deficiency list on an inspection notice and wedge it between the main door brick moulding on the left side of the door to ensure that these deficiencies were clear to the owner and that they needed to be rectified and re-inspected.

Source: Supposed statement by Mike Pilon pertaining to events of December 2, 2009.

A “Mysterious November 24th , 2009, 4:06 pm Inspection Notice”...

In his supposed statement of events as they occurred on December 2, 2009, Mike Pilon stated this was his 4th visit to our premises since the initial framing inspection.

Based on the facts provided via the FOI Request 2010-20 that would NOT be correct... this would have been Mike Pilon’s 6th visit since the initial framing inspection... for a total of 7 visits as of his statement date – Dec. 2, 2009!

Clearly, in the supposed statement made by Mike Pilon, it would seem he thought he had been there “fewer times” than he had been... In our opinion, perhaps that was because that was actually true and some of these “site visits” really had not occurred (such as the November 24th site visit for which we also had NO INSPECTION NOTICE in spite of keeping all records – impeccable records - pertaining to our house for the past 2 years)!

Thus, we the homeowners requested 2 visits...

CGS BS chose to initiate another supposed 5 site visits – all of which were UNKNOWN to US (except for the fact that we found an inspection notice dated Dec. 1, 2009 on our property for an inspection we knew and could prove (via phone logs, pictures, etc.) had NOT taken place on Dec. 1, 2009!

This was certainly NOT a good use of “resources” on the part of CGS BS... especially since our site was 1/2 hour away – in Whitefish/Beaver Lake!

One must ask WHY so many site visits?... and WHY at no time did CGS BS request we be present for visits initiated by CGS BS...

In our opinion, one would almost think they did not want to “document” their presence... as was clearly the case on Dec. 2, 2009 – A SCHEDULED INSPECTION – NOT DOCUMENTED BY EITHER BUILDING INSPECTOR VIA “NORMAL DOCUMENTATION PROCEDURES”...

A scheduled Dec. 2, 2009 inspection, documented ONLY in the CGS BS’ secretaries’ log as having been requested by us... and documented via “mysterious new documents” (Pilon and Franson statements) that were not in our file as of January 5th, 2010 and had later been mysteriously added to it when we requested a copy of our file!

“I Was Adamant...”

It was truly “admirable” that Mike Pilon – in his supposed statement pertaining to the events of Dec. 2, 2009 – stated he was “adamant about resolving the conflict that was arising” and that he wrote “a revised Framing deficiency list on an inspection notice”...(that would be the Dec. 1, 2009 inspection notice... note again... no mention of the wood stove in this statement pertaining to the events of both Dec. 1 and Dec. 2, 2009).

The job description of building inspectors did not make it “their job” to propose “fixes”!

Mike Pilon was NOT an engineer and an engineer needed to be involved in the proper “fix” for our wall... thus, Mike Pilon had NO REASON TO BE ADAMANT ABOUT THE RESOLUTION OF MATTERS PERTAINING TO OUR UNRESOLVED ITEM #1 FRAMING ISSUES...

“I Was Adamant...”

If indeed Mike Pilon was so “adamant” about resolving our framing issue and experienced any frustration at having to be there “so many times”, he needed only have addressed that with CGS BS as we had only requested his presence on 2 occasions – not 7!

Note also that per our emails dated December 1 & 2, 2009, Mike Pilon was NOT EVEN SUPPOSED TO BE THERE ON DEC. 2, 2009 FOR ITEM #1!

November 24, 2009 Vs. December 1, 2009 Inspection Notices... What Was Really The Issue Dec. 1, 2009?



Building Services Section
City of Greater Sudbury
200 Brady Street
Sudbury, Ontario
(705)671-2489 ext. 4278

SHORT INSPECTION NOTICE

FOI COPY

Date of Inspection: Tuesday, November 24, 2009 Time: 4:06 pm Permit No.: B08-1658
Location: 22 SALO ROAD
Owner: BROHART, FREDERICK Contractor:
25, MCLARY
Work Phone: 705 869-5916
home Phone:
Applicant: BROHART, FREDERICK
Type of Building: SFD Zoning:

**Bottom chord bracing... went from "an issue" on Nov. 20 to "non-issue" on Nov. 24, 2009 to "an issue again" on Dec. 1, 2009! Why?
Answer: Because it had always been an issue!**

A(n) Framing inspection was conducted at this site and the following items were inspected.

5.10' BOTTOM CHORD BRACING REQUIRED FOR ALL TRUSSES

These items were [NOT] APPROVED.

FRAMING DEFICIENCIES ARE AS FOLLOWS:

- 1.PROVIDE 2X6 WALL STUDS @ 16" o.c. ALONG WITH BLOCKING BETWEEN STUDS @ 48" o.c. max spacing ALONG WITH DOUBLED TOP PLATES.

DO NOT COVER THESE ITEMS.

CALL FOR REINSPECTION ONCE RECTIFIED.

- 6.WOOD STOVES SPECS AND INSPECTION REQU'D PRIOR TO USING WOODSTOVE
- 4.WEB BRACING TO BE FASTENED TO GABLE ENDS
- 3.ROOF GABLE END VENTS REQUIRED
- 2.PROVIDE AN ATTIC ACCESS



Building Services Section
City of Greater Sudbury
200 Brady Street
Sudbury, Ontario
(705)671-2489 ext. 4278

SHORT INSPECTION NOTICE

FOI COPY

Date of Inspection: Tuesday, December 1, 2009 Time: 11:32 am Permit No.: B08-1658
Location: 22 SALO ROAD
Owner: BROHART, FREDERICK Contractor:
25, MCLARY
Work Phone: 705 869-5916
home Phone:
Applicant: BROHART, FREDERICK
Type of Building: SFD Zoning:

No reason was ever given for the "change in fix" by Mike Pilon from Nov. 20, Nov. 24 (which we had no record of) and Dec. 1 "versions" nor did CGS ever explain why "issues" Nov. 20 became "non-issues" Nov. 24 and then "issues" again Dec. 1!

A(n) Framing inspection was conducted at this site and the following items were inspected.

DO NOT COVER THESE ITEMS.

CALL FOR REINSPECTION ONCE RECTIFIED.

6.PROVIDE WOOD BURNING APPLIANCE SPECS. AND SCHEDULE AN INSPECTION AND OBTAIN APPROVAL PRIOR TO USING WOODSTOVE

These items were [NOT] APPROVED.

FRAMING DEFICIENCIES ARE AS FOLLOWS:

- 1.PROVIDE 2X6 STUDS @ 16" o.c. CONTINUOUS FOR THE ENTIRE HEIGHT OF THE STOREY.....from sill plate to underside of ceiling, ALONG WITH SOLID BLOCKING @ 48" o.c. AS PER O.B.C. ref. # 9.23.10.4 (1) titled "CONTINUITY OF STUDS", and as indicated on plans submitted page A06,dwg. # 717 Titled "DOUBLED VOLUME WALL".
- 2.PROVIDE TOP PLATES FOR THE PREVIOUS MENTIONED WALL AND FASTEN TO SCISSOR TRUSSES @ 48" o.c.
- 3.PROVIDE 10' BOTTOM CHORD BRACING FOR ALL TRUSSES AND FASTEN TO GABLE ENDS
- 4.PROVIDE AN ATTIC ACCESS
- 5.PROVIDE ROOF VENTS

So... Why “The Mysterious November 24, 2009 Inspection Notice”?

Given our emails to CGS BS stating that NO inspection had occurred on December 1, 2009 and that we could prove that via pictures, etc., in our opinion, this was but another attempt at “changing the facts” in doing “damage control”...

In our opinion, it was only by “inserting another inspection notice” in our records that CGS BS could hope – in some way – to “validate” their “facts” in Mike Pilon and Melanie Franson’s supposed statements pertaining to events as they supposedly occurred on December 2, 2009.

But, given our original documentation, there were clearly many inconsistencies in Inspection Logs (indicating no site visit on November 24, 2009) and Inspection Notices themselves as well as in these supposed Dec. 2, 2009 statements!

More Inconsistencies...

In the statement by Mike Pilon pertaining to the events of Dec. 2, 2009, it was stated:

I was in fact there yesterday Dec. 01/09., there was no one on site and no fresh tracks in the snow.....(because after all, we had a fresh snowfall the previous night)

And I could see through the sides of the windows that some truss bracing had been installed after the initial framing inspection, but I could not determine whether or not they were completed, due to limited visibility.

This statement by Mike Pilon on Dec. 2, 2009 confirms he did not have access to our building – at any time - since the time of the INITIAL framing inspection... not for a framing inspection... or a wood stove inspection!

Source: Statement by Mike Pilon pertaining to events of Dec. 2, 2009.

Pictures... Worth A Thousand Words...

We have documented via pictures and/or videos that have DATE and TIME STAMPS on them that there was really NO WAY Mike Pilon could have seen inside our house as he stated he did and that he most certainly could NOT have performed any type of bottom chord bracing inspection from outside given plastics were still on BOTH SIDES of our window panes and many building materials, sawdust, etc. would have impaired his vision... making it impossible to see anything pertaining to “bracing issues” inside the house from outside.

Furthermore, if Mike Pilon had indeed performed a bottom chord bracing inspection on November 24, 2009, and it was not listed as “a not-approved issue” then, why did it become an issue... again!

But... If Mike Pilon had indeed conducted a framing inspection on Nov. 24, 2009 a statement pertaining to “limited visibility” as it related to seeing “truss bracing after initial inspection”, would not have been made on Dec. 2, 2009... - especially in view of a supposed inspection of bottom chord bracing on Nov. 24, 2009 – an inspection that DID NOT show bottom chord bracing as “an issue” still open!

I was in fact there yesterday Dec. 01/09., there was no one on site and no fresh tracks in the snow.....(because after all, we had a fresh snowfall the previous night)

And I could see through the sides of the windows that some truss bracing had been installed after the initial framing inspection, but I could not determine whether or not they were completed, due to limited visibility.

That was NOV. 20, 2009... not Nov. 24, 2009!

Source: Supposed statement by Mike Pilon pertaining to events of December 2, 2009.

Had an inspection of truss bracing really occurred on Nov. 24, 2009, this issue of bottom chord truss bracing after “initial inspection” would have been a “non-issue”!

But, amazingly... it became an issue again... in the Dec. 1, 2009 inspection... a supposed inspection we had NOT attended but for which we had been left (at our building site) a Notice of Inspection. It was this Dec. 1, 2009 Inspection Notice which had prompted our email to CGS BS on the morning of Dec. 2, 2009 at 7:18 am... an email stating that there was absolutely NO WAY an inspection had occurred on Dec. 1, 2009.

We knew, without a doubt that NO inspection pertaining to any bracing matter relating to trusses had occurred on November 24, 2009 or on December 1, 2009 – Mike Pilon did NOT have access to our home in order to conduct either supposed inspection!

More Inconsistencies... And Lies...

In their statements pertaining to the events of Dec. 2, 2009, BOTH Mike Pilon and Melanie Franson acknowledge the fact that I was given HIGHLIGHTED copies of the Ontario Building Code Act.

Per my Dec. 1, 2009 email to the City of Greater Sudbury Building Services, Mike Pilon was supposed to be there to close out items relating to matters OTHER than our non-code compliant wall... a subject I had specifically stated would NOT be addressed during this scheduled Dec. 2, 2009 site visit.

This was supposed to be an inspection to close out other items in order to allow us to insulate our house for the winter.

More Inconsistencies... and Lies... In Mike Pilon's Dec. 2, 2009 Statement

In his Dec. 2, 2009 statement, Mike Pilon stated he wrote a “REVISED” notice on Dec. 1, 2009 to ensure that “deficiencies were clear” and that we (the owners) knew they had to be “rectified and re-inspected”.

And since this was the 4th visit since the initial framing inspection and I was adamant in resolving the conflict that was arising with Mrs. Brohart , I wrote a revised Framing deficiency list on an inspection notice and wedge it between the main door brick moulding on the left side of the door to ensure that these deficiencies were clear to the owner and that they needed to be rectified and re-inspected.

Source: Statement by Mike Pilon pertaining to events of December 2, 2009.

**More Inconsistencies... and Lies...
In Mike Pilon's Dec. 2, 2009 Statement**

Mike Pilon was adamant in wanting to resolve an issue he was UNQUALIFIED to resolve... and an issue André Guillot, his supervisor... was also unqualified to resolve.

Both were BCIN qualified inspectors... but NEITHER held engineering degrees... and neither were “qualified BCIN designers”.

Note that inspectors were ONLY there to tell a person whether or not the structure was “to code”. It was most certainly NOT part of their job description to recommend “fixes” to matters of structural integrity for load bearing walls (such as cutting into top plates for load bearing walls)!

More Inconsistencies... and Lies...

In Mike Pilon's and Melanie Franson's Dec. 2, 2009 Statements

Melanie Franson's statement – correctly – makes no mention of my using vulgar language during the Dec. 2, 2009 incident. The allusion to this type of behavior on my part in Mike Pilon's statement was a COMPLETE fabrication and a complete misrepresentation of the type of person I am.

Note also that the “order of events/conversation” was not in agreement in these statements (i.e., when I was actually given the highlighted copies of the OBC Act).

More Inconsistencies... and Lies...

In Mike Pilon's and Melanie Franson's Dec. 2, 2009 Statements

Both statements are plagued with inaccuracies/twisting of facts in matters pertaining to:

- 1. When I was given the copies of the highlighted OBC Act. This was the FIRST thing Mike Pilon did upon seeing me as he stated: "My supervisor told me to give you this" (a fact that was confirmed in his written statement).**
- 2. Any interference on my part with the duties of the building inspectors. I simply asked them to return in half an hour given they had provided no notice of when they would be arriving and I was expecting my nephew to arrive as a witness within half an hour (per my cell phone call to him).**
- 3. Any statements saying I was specifically told to read the provided copies of the OBC Act and asked if I understood them. That NEVER happened – not once – this was a complete fabrication of the facts.**

More Inconsistencies... and Lies...

In Mike Pilon's and Melanie Franson's Dec. 2, 2009 Statements

Both statements were plagued with inaccuracies/twisting of facts in matters pertaining to:

4. I most certainly did not taunt anyone. This was another complete fabrication. Note that Mike Pilon's allusion to my taunting Melanie Franson was not even something that Melanie Franson herself mentioned in her statement. Surely, had I actually done this, Melanie Franson, the supposed "victim" of such behavior, would have noted it. My conversation with Melanie Franson was very brief and was only at the beginning of the Dec. 2, 2009 premise visit. The rest of my conversation only addressed Mike Pilon.

More Inconsistencies... and Lies...

In Mike Pilon's and Melanie Franson's Dec. 2, 2009 Statements

Both statements are plagued with inaccuracies/twisting of facts in matters pertaining to:

- 5. Cell phone logs for Melanie Franson, Mike Pilon and Jeanne Brohart clearly show that the building inspectors could not have been on the premise for close to 30 minutes but rather that they were really only there for approximately 10 minutes – explaining why the facts could not have been as depicted by Mike Pilon and Melanie Franson. There would simply not have been enough time for everything they say happened to have actually happened.**

More Inconsistencies... and Lies...

In Mike Pilon's and Melanie Franson's Dec. 2, 2009 Statements... Proof of Inconsistencies From Cell Phone Records...

Note that not one statement made by ANYONE involved in the December 2, 2009 premise visit states that there was any cell phone usage during the premise visit in question.

As such, it can be fairly safely assumed that cell phone usage must have occurred either before and/or after the premise visit on Dec. 2, 2009.

Another Record Of What Happened That Day...

A MOST Revealing Cell Phone Log...

The screenshot shows a Hotmail email interface. At the top, there's a navigation bar with 'Windows Live™' logo and links for 'Home', 'Profile', 'People', 'Mail', 'Photos', 'More', and 'MSN'. A search box on the right contains the text 'Search the web'. Below this, the 'Hotmail' logo is on the left, and 'New | Delete | Junk | Mark as | Move to |' are in the center. On the right, there's a 'Messenger' icon and 'Op'. The email address 'fbrohart@hotmail.com' is visible. The left sidebar shows folders: 'Inbox (1)', 'Junk', 'Drafts (2)', 'Sent', 'Deleted', '22 SALO RD', 'GOV JOBS', and 'Manage folders'. The main content area shows an email titled 'Virgin Mobile usage report' from 'Virgin Mobile Canada (team@virginmobile.ca)'. The email body includes a warning: 'You may not know this sender. Mark as safe | Mark as junk'. The 'Sent' date is 'January 5, 2010 10:19:58 AM'. The 'To' field is 'fbrohart@hotmail.com'. There is one attachment: 'Fred_Brohart_ (2.7 MB)'. Action buttons 'Reply', 'Reply all', and 'Forward' are visible above the email content.

Windows Live™ Home Profile People Mail Photos More ▾ MSN ▾ Search the web

Hotmail New | Delete Junk | Mark as ▾ Move to ▾ | Messenger ▾ | Op

fbrohart@hotmail.com

Inbox (1)

Junk

Drafts (2)

Sent

Deleted

22 SALO RD

GOV JOBS

Manage folders

Reply Reply all Forward |

Virgin Mobile usage report

From: **Virgin Mobile Canada** (team@virginmobile.ca)

You may not know this sender. Mark as safe | Mark as junk

Sent: January 5, 2010 10:19:58 AM

To: fbrohart@hotmail.com

1 attachment

Fred_Brohart_ (2.7 MB)

Documentation For December 2, 2009 Inspection...

A MOST Revealing Cell Phone Log...

NO calls were placed to my home or to my cell by CGS for a Dec. 1, 2009 Inspection. Yet, the call log in my file seemed to indicate “no one home”! They never tried to contact me!

Calls to/from husband – upon finding Dec. 1, 2009 notice and/or calls to/from daughter.

Calls I placed to CGS BS. If they are lengthy, it is because I told the staff I wanted them to go FIND Mike Pilon because I absolutely HAD to speak with him. I kept being told he was “in a meeting”. He certainly was! The CGSBS was, in our opinion, preparing its intimidation tactics!

Calls to/from witness I wanted for the Dec. 2, 2009 inspection

Calls I placed TO MYSELF FROM MY CELL TO MY CELL because I was so upset by the premise visit that I couldn't even dial properly!

**No call from CGS for
Dec. 1 Inspection**

**Family
WITNESS**

**Calls TO CGS
Bldg Serv.**

**Calls to SELF
because I was
so upset!**



Fred Brohart 705-920-7945

Local Usage Date	Local Usage Time	Event Type	Called Number	Origin Charging Area Name	Destination Charging Area Name	Duration
11/30/2009	4:39:37 PM	Voice Call	869-5916	812Z _SUDBURY ON	ESPANOLA ON	1
12/2/2009	5:56:24 AM	Voice Call	566-1610	812Z _SUDBURY ON	SUDBURY ON	4
12/2/2009	6:03:15 AM	Voice Call	sms or incoming call	SUDBURY ON	812Z _SUDBURY ON	4
12/2/2009	6:07:03 AM	Voice Call	566-1610	812Z _SUDBURY ON	SUDBURY ON	3
12/2/2009	6:28:49 AM	Voice Call	sms or incoming call	SUDBURY ON	1048X_SUDBURY ON	3
12/2/2009	7:45:44 AM	Voice Call	566-1610	1048X_SUDBURY ON	SUDBURY ON	3
12/2/2009	8:32:42 AM	Voice Call	671-2489	812Z _SUDBURY ON	SUDBURY ON	5
12/2/2009	8:37:17 AM	Voice Call	671-2489	812Z _SUDBURY ON	SUDBURY ON	6
12/2/2009	8:43:36 AM	Voice Call	671-2489	812Z _SUDBURY ON	SUDBURY ON	2
12/2/2009	8:51:31 AM	Voice Call	sms or incoming call	SUDBURY ON	1048X_SUDBURY ON	3
12/2/2009	11:26:03 AM	Voice Call	sms or incoming call (WITNESS)	SUDBURY ON	812Z _SUDBURY ON	4
12/2/2009	11:41:09 AM	Voice Call	sms or incoming call (WITNESS)	SUDBURY ON	812Z _SUDBURY ON	4
12/2/2009	11:45:33 AM	Voice Call	WITNESS @ mother's – will release # to court	1048X_SUDBURY ON	CHELMSFORD ON	1
12/2/2009	11:55:55 AM	Voice Call	566-1610	812Z _SUDBURY ON	SUDBURY ON	1
12/2/2009	11:57:12 AM	Voice Call	671-2489	812Z _SUDBURY ON	SUDBURY ON	4
12/2/2009	11:59:28 AM	Voice Call	18705-920-7945	SUDBURY ON	Voice Mail	1
12/2/2009	11:59:55 AM	Voice Call	18705-920-7945	SUDBURY ON	Voice Mail	1
12/2/2009	12:00:45 PM	Voice Call	sms or incoming call	SUDBURY ON	1048X_SUDBURY ON	1

What's Missing From This Call Record Detail?...

Note that my cell phone call record detail shows NO CALLS by CGS BS personnel for ANY inspections dated Dec. 1, 2009 and/or Dec. 2, 2009 in spite of supposedly having been there for “framing inspections” and in spite of the fact that this is a VACANT BUILDING to which the inspector would have had to be given access... and in spite of the fact that the residence we were building was at least 1/2 hour away from downtown Sudbury.

In previous inspections, it had always been customary for inspectors to call to confirm the time of their inspection/arrival in order to make sure that: 1) we were ready and 2) we would be there!

Dec. 2, 2009 Brohart Call Record Detail Continued...

Local Usage Date	Local Usage Time	Event Type	Called Number	Origin Charging Area Name	Destination Charging Area Name	Duration
12/2/2009	12:00:45 PM	Voice Call	sms or incoming call	SUDBURY ON	1048X_SUDBURY ON	1
12/2/2009	12:18:34 PM	Voice Call	18705-920-7945	SUDBURY ON	Voice Mail	1
12/2/2009	12:19:33 PM	Voice Call	869-5916	1048X_SUDBURY ON	ESPANOLA ON	1

After the building inspectors left – around noon – my husband called. I informed him I had been left “highlighted copies of the OBC Act” and that I needed to read them. I entered our residence and read the highlighted copies of the OBC Act which had been left with me by Mike Pilon “as instructed by his supervisor” PRIOR TO HIS ARRIVAL AT OUR SITE. That took until approximately 12:15 pm. I hurried to lock the house and front gate (located at the bottom of our driveway, about 250 feet from the house) and left the premises. Note that I was once again so upset after having read the highlighted copies of the OBC Act that had been left with me that again, I called my own cell phone at 12:18 pm.

For CGS BS... The Facts Don't Add Up...

By 12:18 pm, I had locked everything up – the house and gate at bottom of the driveway – and was just leaving our property as I spoke to a family member at 12:19 pm.

By 12:47 pm, I was back home in Webbwood, logged up and ONLINE typing a 3 page email to CGS BS pertaining to the events of the Dec. 2, 2009 site visit!

**For CGS BS... The Facts Don't Add Up...
DIAL UP INTERNET USAGE LOGS...**

The small town where I lived, Webbwood, had a population of about 600. The street on which we lived DID NOT have high speed internet available. In fact, the DIAL UP internet service I had so hated, would now prove key in establishing the facts...

We had 1 PHONE LINE... and used that SAME PHONE LINE TO ACCESS THE INTERNET.

As such, ALL INTERNET ACTIVITY was RECORDED VIA BELL SYMPATICO - our internet DIAL UP SERVICE provider!

Note that we accessed a server out of Elliot Lake for "local internet calls" via our DIAL UP SERVICE!

DIAL UP INTERNET USAGE...

For CGS BS... The Facts Don't Add Up...

In his statement, confirmed by his Affidavit pertaining to the events of Dec. 2, 2009, Mike Pilon asserted that he had been at our building site from approximately 12:00 pm and that he had remained there for approximately 1/2 hour.

In FACT, he arrived at 11:46 am and left at approximately 11:55 am... but, given “his statement” and confirming affidavit, he would have needed about 1/2 hour for everything “he says happened that day”... to have actually happened!

Cell phone logs clearly indicate the facts could not be as portrayed by CGS BS personnel.

Dial Up Internet Usage Logs also confirm this same fact!



“BEAM ME UP... SCOTTIE...”

Since Mike Pilon’s Dec. 2, 2009 statement and confirming Affidavit indicated he had arrived at our building site at approximately 12:00 pm and engaged in a 30 minute “conversation” with me, that meant that I would have had to travel from our building site at 22 Salo Rd, in Whitefish/Beaver Lake and make it all the way to Webbwood, have my computer logged up and DIALED UP TO INTERNET AND LOGGED INTO EMAIL ALL IN 17 MINUTES or so.

Unless I had “BEAM ME UP SCOTTIE” capabilities that allowed me to transcend time and travel at “warp speed”, CGS BS personnel were going to have an EXTREMELY HARD TIME showing how I could be in 2 places at one time and make a trip that took about 40 minutes in basically 15 minutes!

For CGS BS... The Facts Don't Add Up...

Building inspectors Pilon and Franson ACTUALLY left our building site at 11:55 am.

I immediately placed more cell phone calls upon their departure.

By 12:19, I had already placed 8 calls... hardly something I would have been doing if I were in the midst of a “heated discussion” with 2 building inspectors.

Indeed, based on the timelines provided by CGS BS personnel (anywhere from 11:30 am to 12:30 pm), I would have placed at least 11 calls during the time of their premise visits. Yet, no mention was ever made of my – or anyone else – ever being on a cell phone during the premise visit of Dec. 2, 2009 in any of the statements and/or Affidavits pertaining to the events of that day.

CGS BS And A “Need” To “Explain” The “Facts”...

When I requested a copy of cell phone logs for Mike Pilon and Melanie Franson, CGS BS obviously felt “a need” to “explain the facts” rather than letting the facts speak for themselves as indicated in the following document that was provided by the CGS Clerk’s Office...

Note the “need to explain” one call in particular... the 11:56 am call... the call that TRULY pinned down WHEN the 2 inspectors LEFT our building site... and note, once again, the attempt by CGS BS to willfully “twist the facts” via this explanation...

May 18, 2010

Mrs. Jeanne Brohart
25 McLary Road, P.O. Box 9
Webbwood ON P0P 2G0

Dear Mrs. Brohart:

RE: Information Request
OUR FILE: 2010-76

We are responding to your request pursuant to the *Municipal Freedom of Information and Protection of Privacy Act* for a copy of Mike Pilon's cell phone log for December 2, 2009 between 11:30 a.m. and 1:00 p.m.

The records responsive to your request and our decision regarding access to each record is as follows:

Record #1 Bell Mobility Itemized Calls for Mike Pilon's cell phone, December 2, 2010, 9:50 a.m. to 13:36 p.m. (1 page). The account number, Mike Pilon's cell phone number and other phone numbers have been removed as they are not routinely disclosed. Partial access is granted.

Please note, the number called at 9:52 is Andre Guillot's cell phone number and at 11:56 a.m. Mr. Pilon checked a voice message which lasted 3 minutes.

Record #2 Usage Details for Andre Guillot's cell phone, December 2, 2010, 9:52:27 a.m. to 14:25:31 p.m. (1 page). The account number, Andre Guillot's cell phone number and various other phone numbers have been removed as they are not routinely disclosed. Partial access is granted.

Please note, the call at 11:56:08 is to Mike Pilon's cell phone number which lasted 3 minutes.

These 2 comments were worthy of special attention...

Comment #1 pertaining to Record 1 (Mike Pilon's Cell Phone Log) would indicate this was an OUTGOING CALL...

Comment #2 pertaining to Record 2 (Andre Guillot's Cell phone Log) would indicate this was an OUTGOING CALL...

More Twisting Of The Facts...

What Phone Records REALLY Show...

Mike Pilon's Cell Phone Log...

Mobile January 1, 2010 Account # 62 of 2063

ITEMIZED CALLS

no.	date	time	type	from	to	number called	min:sec	rate	long dist.	total
11	Wed Dec 2	09:50		INCOMING	SUDBURY	ON	1:23	0.00	0.00	0.00
12	"	09:52	BM2BM	SUDBURY	ON	SUDBURY	ON	1:00	0.00	0.00
13	"	10:28	BM2BM	SUDBURY	ON	SUDBURY	ON	4:00	0.00	0.00
14	"	10:32		INCOMING	SUDBURY	ON	0:01	0.00	0.00	0.00
15	"	10:34		INCOMING	SUDBURY	ON	1:02	0.00	0.00	0.00
16	"	10:53		SUDBURY	ON	SUDBURY	ON	1:52	0.00	0.00
17	"	11:36	BM2BM	SUDBURY	ON	SUDBURY	ON	1:00	0.00	0.00
18	"	11:56	BM2BM	INCOMING	SUDBURY	ON	3:00	0.00	0.00	0.00
19	"	11:57	MsgD	INCOMING	SUDBURY	ON	0:11	0.00	0.00	0.00
20	"	12:00	BM2BM	INCOMING	SUDBURY	ON	1:00	0.00	0.00	0.00
21	"	13:07		INCOMING	SUDBURY	ON	0:59	0.00	0.00	0.00
22	"	13:36		INCOMING	SUDBURY	ON	0:38	0.00	0.00	0.00

ALL calls logged were incoming calls except for the call at 11:36 – supposedly BEFORE Mike Pilon even arrived at our site – per his own statements/ Affidavit!

The 11:56 am call was INCOMING – NOT OUTGOING – as CGS BS would like us to believe... Mike Pilon was NOT checking voicemail... this was an INCOMING CALL from his supervisor, André Guillot AFTER Mike Pilon had ALREADY LEFT our premises! This call NAILS Mike Pilon's "time of departure" and hence, the "need" to explain it! Note CGS BS felt no "need" to "explain" any other calls pertaining to our site visit – only this one!

At 11:57 someone left Mike Pilon a message – all other calls would be considered "voice calls" – not messages and/or "checking of messages" – per a call I placed to Bell Canada on Aug 25, 2010! All calls were basically INCOMING!

Source: Mike Pilon's Cell Phone Log obtained via FOI request 2010-76

Why The Inconsistency?...

Mike Pilon's statement pertaining to the events of Dec. 2, 2009 concluded with a comment stating – I quote:

“My supervisor Andre Guillot was very concerned so I informed him minutes after departing Mrs. Brohart property.”

Note the ONLY OUTGOING CALL by Mike Pilon was placed at 11:36 am. This would be – per his own statement – BEFORE HE EVEN CAME TO OUR BUILDING SITE since he stated in his Dec. 2, 2009 statement and confirmed via an AFFIDAVIT that his arrival at our site was at approximately 12:00 pm!

There was NO way that Mike Pilon placed a call to his supervisor within minutes of leaving our property. The INCOMING call – per phone logs – and Comment #2 – was from Mike Pilon's supervisor – André Guillot obviously checking up on what in our opinion were his “harassment instructions”!

More Twisting Of The Facts...

What Phone Records REALLY Show...

André Guillot's Cell Phone Log...

Usage Details

Account no:
 Invoice Dat: 1/1/2010
 Subscriber:

This is what call details show when a person was checking voicemail... this type of call record detail was nowhere to be found on Mike Pilon's cell phone usage log.

Usage Type	Date	Time	From City	Province	To City	Province	Details	Usage Type	Duration
Voice	December 02 2009	9:52:27	INCOMING	ON	SUDBURY	ON		Bell Mobility to Bell Mobility	1:00
Voice	December 02 2009	10:11:27	SUDBURY	ON	SUDBURY	ON		Bell Mobility to Bell Mobility	2:00
Voice	December 02 2009	11:06:07	INCOMING	ON	SUDBURY	ON		Bell Mobility to Bell Mobility	6:00
Voice	December 02 2009	11:28:20	INCOMING	ON	SUDBURY	ON		INCOMING	1:14
Voice	December 02 2009	11:56:08	SUDBURY	ON	SUDBURY	ON		Bell Mobility to Bell Mobility	3:00
Voice	December 02 2009	11:59:10	SUDBURY	ON	TIMMINS	ON		Bell Mobility to Bell Mobility	3:00
Voice	December 02 2009	12:03:22	SUDBURY	ON	SUDBURY	ON		OUTGOING	0:11
Voice	December 02 2009	12:07:18	SUDBURY	ON	SUDBURY	ON		OUTGOING	2:35
Voice	December 02 2009	13:10:46	SUDBURY	ON	SUDBURY	ON		Cellular retrieval/acss	0:39
Voice	December 02 2009	13:19:22	SUDBURY	ON	SUDBURY	ON		OUTGOING	0:44
Voice	December 02 2009	13:40:06	INCOMING	ON	SUDBURY	ON		INCOMING	1:25
Voice	December 02 2009	14:25:31	INCOMING	ON	SUDBURY	ON		INCOMING	4:28

André Guillot's 3 minute call to Mike Pilon's cell phone... AFTER Mike Pilon had ALREADY LEFT our building site!

More Twisting Of The Facts... What Phone Records REALLY Show...

Clearly, the phone logs show that Mike Pilon had received an INCOMING call at 11:56 am – not that he was checking voicemail – as CGS BS Supervisors would like us all to believe.

Checking voicemail would have been indicated as such in phone records. Although I knew this, I still confirmed it with Bell Canada.

Per Bell Canada, this would have been indicated as “cellular retrieval/access” or “message retrieval” on the call record detail log and this would have been an OUTGOING CALL - I confirmed this with Bell Canada.

Furthermore, both my husband and I worked for the phone company in Chicago and we were extremely familiar with telephone usage detail and call record details.

More Twisting Of The Facts... What Phone Records REALLY Show...

Mike Pilon could not have been on an INCOMING call with his supervisor – André Guillot – at 11:56 am – for 3 minutes – as indicated in the “explanation of facts” AND on an OUTGOING call supposedly checking his voicemail AT THE VERY SAME TIME – 11:56 am – from the very SAME PHONE when CALL RECORD DETAILS SHOW OTHERWISE! There was NO indication that Mike Pilon was “checking voicemail” – only that he was on an INCOMING call at 11:56 am.

Mike Pilon’s statement and confirming Affidavit indicated he spoke to his supervisor within “MINUTES OF DEPARTING” our property. That could ONLY have been at approximately 11:56 am... yet his “statement” also stated he had only ARRIVED at approximately 12:00 pm. The FACTS – for Mike Pilon, Melanie Franson, André Guillot and CGS BS DO NOT ADD UP!!!

Confusion Over Facts?... **Or WILLFULL Attempt To Twist Them?**

In our opinion, there can be no question that having been caught issuing permits for years for homes that could be considered structurally unsound and “not to code”, and facing being caught recommending “fixes” also “not to code”, CGS BS personnel were clearly trying to “cover their mistakes” as they attempted to not only twist the facts, but discredit us in a most insulting manner.

I had the privilege of working with many lawyers in the past. Tactics by CGS BS, in our opinion, were “classic”: “When caught doing something wrong... first ... deny... then... if that does not work... try to discredit the other party...”

This, in our opinion, was very much at the root of the Pilon and Franson statements pertaining to the events of Dec. 2, 2009... and “concerns” as exhibited by their supervisor, André Guillot.

Confusion Over Facts?... **Or WILLFULL Attempt To Twist Them?**

CGS BS has been caught issuing building permits for structures that were “not to code” for 9 years... that we knew...

What we had not yet confirmed – in writing - was the fact that the “fixes” suggested by CGS BS were also “not to code”... something they, in our opinion, clearly knew and had to fear would be revealed if we hired an independent engineer to review our case.

For all these reasons, CGS BS personnel, in our opinion, had no choice but to attempt to do “damage control”...and, in our opinion, by doing WHATEVER THAT WOULD TAKE – including the twisting and fabrication of facts!

Who's REALLY Confused?...

In his Dec. 2, 2009 statement, Mike Pilon stated he had written a “revised inspection notice” in order “to ensure that these deficiencies were clear to the owner and that they needed to be rectified and re-inspected”.

Was this REALLY why the “REVISION” to the original inspection notice dated Nov. 20, 2009 had been made... or was the “revision” an attempt at damage control given an engineer would have ABSOLUTELY caught the fact that the “fix” recommended on the Nov. 20, 2009 inspection notice was “not to code” either!

Who's REALLY Confused?...

Clearly, if anyone was “confused” as to what was required for our non-code compliant wall, it was certainly Mike Pilon – HIMSELF!

In his first inspection notice, he stated we needed to insert 2x4s every 4 ft (a “fix” totally NOT “to code” per our independent engineer’s report). In his “REVISED” notice left at our building site, Mike Pilon stated a TOTALLY different fix.

Now, per our REVISED inspection notice, we needed to insert 2x6s at every 16” to the underside of the cathedral ceiling. Yet, no mention was made of tying into the roof and as such, once again, this would not have resulted in a structurally sound wall as the snow load issue and possibly other “load issues” would not have been addressed for this load bearing wall – resulting in what would actually be a SECOND “NOT TO CODE FIX”!

Who's REALLY Confused?...

Thus, although Mike Pilon's Dec. 2, 2009 statement attempted to make it appear as though "we were confused", his "REVISION" was really an attempt at correcting his own "confusion" as to what was really needed – and clearly – the fact that Mike Pilon was NOT an engineer but attempted to act as one – showed how he failed miserably as BOTH fixes he provided – in writing – would NOT have properly addressed our non-code compliant wall and Mike Pilon's OWN "suggested fixes" would have resulted in violations of the OBC!

Mike Pilon's attempt to "shift the confusion" to us – only further showed his fabrication of the facts and his attempts at twisting the facts to hide what we most certainly saw – at the very least - as incompetence on his part and, in our opinion, on the part of his supervisors in CGS BS and – at worse – again, in our opinion – potentially as - criminal negligence by all of them as well! .

Criminal Negligence (C.C.C. section 219 (1))

Criminal negligence 219. (1) Every one is criminally negligent who

(a) in doing anything, or

(b) in omitting to do anything that it is his duty to do, shows wanton or reckless disregard for the lives or safety of other persons.

Definition of "duty" (2) For the purposes of this section, "duty" means a duty imposed by law.R.S., c. C-34, s. 202.

Source: Canadian Criminal Code, Section 219.

Mike Pilon, during his initial framing inspection of Nov. 20, 2009, before myself and my daughter, had measured the distance from the underside of the cathedral ceiling down. We now knew he had done that for a very specific reason.

As a “qualified” building inspector and having worked in the construction industry for over a decade, Mike Pilon knew that 2x4s could only be used for heights of up to 9’10” per section 9.23.10.2 of the 2006 OBC, Table 2.23.10.1 as it pertains to exterior walls.

Yet, Mike Pilon still went on to suggest “fix #1” (inspection notice dated Nov. 20, 2009 telling us to insert 2x4s at 4 ft intervals) in spite of knowing our cathedral ceiling was at least 13’3” high and that the OBC stipulated stud intervals could not be more than 24” or 2 ft!

But, this second “fix” also had problems since as per the same table on stud heights in section 9.23.10.1, 2x6s for exterior walls were only to be used to maximum heights of 11’10”.

Thus, this “fix” also would not have been “ok” in our situation. Mike Pilon would have had to refer to another table as our wall height (13’3”) was well beyond anything in this particular table.

Table 9.23.10.1.
Size and Spacing of Studs
 Forming Part of Sentence 9.23.10.1.(1)

Column 1	2	3	4	5
Exterior	Roof with or without attic storage	38 x 64 (2" x 3")	400 (16)	2.4 (7'-10")
		38 x 89 (2" x 4")	600 (24)	3.0 (9'-10")
	Roof with or without attic storage plus one floor	38 x 89 (2" x 4")	400 (16)	3.0 (9'-10")
		38 x 140 (2" x 6")	600 (24)	3.0 (9'-10")
	Roof with or without attic storage plus 2 floors	38 x 89 (2" x 4")	300 (12)	3.0 (9'-10")
		64 x 89 (3" x 4")	400 (16)	3.0 (9'-10")
		38 x 140 (2" x 6")	400 (16)	3.6 (11'-10")
		38 x 140 (2" x 6")	300 (12)	1.8 (5'-11")
	Roof with or without attic storage plus 3 floors	38 x 140 (2" x 6")	300 (12)	1.8 (5'-11")

Notes to Table 9.23.10.1.:
 (1) See Article 9.23.10.3.

Source: 2006 OBC, Part 9, section 23, Table 9.23.10.1

When we stated we were considering going to an independent engineer, knowing an engineer would most likely catch this NON-CODE COMPLIANT “FIX”, Mike Pilon went on to provide “Fix #2” (inspection notice dated Dec. 1, 2009) telling us to put in 2x6s at 16” intervals for the entire wall to the underside of the cathedral ceiling (which he KNEW to be at least 13’3” per his measurements and our file – a copy of which he had carried with him during his initial inspection).

But “Fix #2” was also NOT acceptable...

Table 9.23.10.1.
Size and Spacing of Studs
 Forming Part of Sentence 9.23.10.1.(1)

Exterior	Roof with or without attic storage	38 x 64 (2" x 3")	400 (16)	2.4 (7'-10")
		38 x 89 (2" x 4")	600 (24)	3.0 (9'-10")
	Roof with or without attic storage plus one floor	38 x 89 (2" x 4")	400 (16)	3.0 (9'-10")
		38 x 140 (2" x 6")	600 (24)	3.0 (9'-10")
	Roof with or without attic storage plus 2 floors	38 x 89 (2" x 4")	300 (12)	3.0 (9'-10")
		64 x 89 (3" x 4")	400 (16)	3.0 (9'-10")
38 x 140 (2" x 6")		400 (16)	3.6 (11'-10")	
Roof with or without attic storage plus 3 floors	38 x 140 (2" x 6")	300 (12)	1.8 (5'-11")	
Column 1	2	3	4	5

Notes to Table 9.23.10.1.:
 (1) See Article 9.23.10.3.

Source: 2006 OBC, Part 9, section 23, Table 9.23.10.1

At best, 2x6s at 16" intervals, per the above table, were only good to heights of 11'10". Anything NOT in this table (i.e., heights greater than 11'10" – as in our case), required the use of special tables.

Furthermore, "Fix #2" made no mention of tying into the roof to address the fact that we had been given the wrong truss and any snow loads and/or other loads for that exterior LOAD-BEARING WALL!

Confusion... Or...

Willful Attempt To Conceal Errors And/or Incompetence?

In our opinion, the FACT that Mike Pilon had measured from the underside of the cathedral ceiling and still went on to suggest the “fixes” he did, constituted nothing less than criminal negligence by him and the CGS BS since he had stated at the time “fix #1” was proposed that this was “the accepted fix” (explaining why he went on to put it in writing) in such situations and indicating that this had clearly been an issue for this department in the past.

This fact was also confirmed by our BCIN designer’s email stating that this same inspector had previously failed this type of framing in the past!

Note that Mike Pilon and Melanie Franson ARRIVED with ALREADY HIGHLIGHTED copies of the Ontario Building Code Act. In other words, they were planning for a confrontation when what I had requested was an inspection that was not tied to the issues pertaining to the non-code compliant wall per my Dec. 1, 2009 email to the CGS BS department.

Why would they have arrived with ALREADY HIGHLIGHTED copies of the OBC Act with very specific sections already highlighted?

Note that Mike Pilon's statement stated that he proceeded to give me highlighted copies of the OBC Act AS INSTRUCTED BY HIS SUPERVISOR. In other words, they had already PLANNED on a confrontation (one of their own making). I had NOT SPOKEN to André Guillot (acting Manager of Code Compliance and building inspector supervisor) yet he had ALREADY INSTRUCTED Mike Pilon to give me HIGHLIGHTED COPIES of the OBC Act.

CGS BS... PLANNING A Confrontation...

I then proceeded, as instructed by my supervisor, to hand Mrs. Brohart highlighted copies of excerpts from the Ontario Building Code Act,

including page 13, with highlighted section

pages 23,24 with highlighted section

page 24, with highlighted section

page 33, with highlighted section

12.-(1) Inspection of Building Site ,

18.-(1) Powers of Inspector ,

19.-(1) Obstruction of Inspector ,

36.-(3) Penalties

Mike Pilon – prior to setting foot on our building site – had already been instructed by his supervisor to hand me highlighted copies of the OBC Act. Mike Pilon was supposed to be there for matters NOT related to our non-code compliant wall... but... clearly... this was the issue Mike Pilon, Melanie Franson, André Guillot and CGS BS - in general – were “there to push”... especially since our Nov. 26, 2009 email had stated we were now seriously considering hiring an independent engineer!

**CGS BS... Having Good “Reason for Concern”...
And... PLANNING A Confrontation...**

Perhaps it was our desire to hire an independent engineer that resulted in André Guillot – Manager of Code Compliance and Supervisor to Building Inspectors – being so “concerned” as indicated in Mike Pilon’s Dec. 2, 2009 statement.

After all... an independent engineer would have seen that not only were permits issued for structures designed “not to code” but that “fixes” provided by CGS BS were also “not to code”... and that would have reflected DIRECTLY upon André Guillot and certainly given him “cause for concern”... since he was ... after all... suggesting “fixes that were not to code” in matters of structural integrity... matters it appeared, could only be addressed by an engineer! Indeed, if this were true, André Guillot would also, in our opinion, have been “acting as an engineer” – something that could constitute a violation of the Engineering Act of Ontario.

Handing me PRE-HIGHLIGHTED copies of the OBC Act was the FIRST thing Mike Pilon did when he stepped out of his vehicle.

The first words out of his mouth were: “My supervisor told me to give you this”....

There was no “hello”...

Instead, this was how he opened his “conversation with me” and had “set the tone” for the Dec. 2, 2009 premise visit by CGS BS... and in our opinion... the tone was one of HARASSMENT as CGS BS personnel attempted to “force us” to comply with a “NOT-TO-CODE FIX”!

**Mike Pilon, Melanie Franson, André Guillot and Guido Mazza...
And The Issues of Credibility... Accountability... and Competence!**

Clearly, statements made by Mike Pilon and Melanie Franson were not accurate and in our opinion, were willfull attempts to twist the facts to cover the issues and make us look as though we had been “uncooperative”, “vulgar”, “defiant”, “disrespectful of the law”, etc.

Statements made by Mike Pilon and Melanie Franson were very inaccurate and quite frankly, very poor attempts by them and their supervisors at twisting the facts.

None of these persons, in our opinion, could be seen as credible. All of them, however, in our opinion, could most certainly be viewed as having a great stake in concealing and/or twisting the facts.

Other Inconsistencies...

Those who knew me knew that I did not “give people the finger” or use vulgar language and knew that I would most definitely not “taunt” officials in any way (I have never been in trouble with the law) and/or behave in the manner in which I was portrayed in the supposed statements by Mike Pilon.

I held 3 degrees and was a well respected researcher and, quite frankly, did not need to lower myself to such behaviors.

Research and logical arguments were my tools – not intimidation and/or lies – as, in my opinion, were the tools of those in CGS BS.

Character witnesses would gladly attest to this fact!

**For Mike Pilon, Melanie Franson, André Guillot and CGS BS...
The Facts Do NOT Add Up...**

The statements made by Mike Pilon and Melanie Franson pertaining to the events of Dec. 2, 2009 simply did not match the facts (cell phone logs, dial up internet usage logs, etc.)

I was on my cell phone until at least 11:45 am. Yet, Melanie Franson stated she and Mike Pilon had arrived to our building site at approximately 11:30 am. That was simply NOT true.

Between 11:26 and 11:45 am, I had been on the phone 3 times with my nephew who was supposed to come be a witness for the Dec. 2, 2009 inspection... for a total of 9 minutes... with the last call CONCLUDING at 11:45 am per my cell phone log.

The Facts... Captured Via Cell Phone Logs...

Mike Pilon and Melanie Franson arrived immediately – within seconds – of my having had my last conversation with my nephew. That places their arrival at approximately 11:46 am.

They remained at our building site for 10 MINUTES – no longer... as clearly evidenced by the fact that by 11:55 am, I was back on my cell phone, placing a call first to my husband at 11:55 am (that would make sense given the circumstances). I then placed a call to Guido Mazza's office at 11:57 am (and was once again unable to speak with him but I did speak with his secretary).

Having been made so upset by these inspectors, I then called my own cell phone twice. I then received a call from my husband at 12:00 pm.

Inconsistencies Abound...

Note the Pilon and Franson statements also make NO MENTION of ANYONE being on a cell phone during our short exchange – which actually lasted only 10 MINUTES – not 30 minutes as they would like us to believe!

Yet, in spite of at least 3 calls by Mike Pilon (11:36 am, 11:56 am, 12:00 pm) and no less than 11 calls by myself between 11:26 am and 12:30 pm, those in CGS BS would like us to believe that there could have been a heated exchange going on between myself and 2 building inspectors during the time period specified in their “statements”. Such a heated debate would simply have been IMPOSSIBLE!

Mike Pilon’s OWN CELL PHONE LOGS also showed he had already left our premises by 11:56 am!

Inconsistencies Abound...

Given all these calls, there was ABSOLUTELY NO WAY that Mike Pilon, Melanie Franson and I could have possibly been engaged in any conversation that had a 30 minute duration as indicated in both the Pilon and Franson statements.

They were there 10 minutes... from 11:46 to 11:56 am!

Mine was the ONLY version of the events that was consistent with all cell phone and other telephone logs for all parties involved.

Inconsistencies Abound...

Also note that notably missing from my cell phone log or that of the 2 building inspectors were ANY calls from CGS Building Services personnel confirming a time when they would be arriving for a framing inspection. Instead, they chose to arrive, at lunch hour, unannounced.

You would think that given we were 1/2 hour from downtown City of Greater Sudbury, that they would at least have confirmed a time for inspection given this was a vacant residence still under construction - especially since access to the building would have been necessary for the inspection – and especially given it was “normal protocol” to make sure someone was there – as evidenced by calls placed by building inspectors for previous inspections that we had requested.

Inconsistencies Abound...

Following the Dec. 2, 2009 premise visit by Pilon and Franson, I returned home to Webbwood (after having taken 15 minutes or so in our Salo Rd residence to read the highlighted pages that had been left with me) and wrote an email to the CGS BS.

Dial Up Internet Usage logs obtained from Bell Canada clearly showed me logged up – in Webbwood – by 12:47 pm.. for a period of approximately 60 minutes.

Framing Inspection - B08-1658 - December 2, 2009

From: **frederick brohart** (fbrohart@hotmail.com)
Sent: December 2, 2009 1:31:39 PM
To: Alfio Mazzuchin (alfio.mazzuchin@city.greatersudbury.on.ca); Guido Mazza (guido.mazza@city.greatersudbury.on.ca); Andre Guillot (andre.guillot@city.greatersudbury.on.ca)

This morning, I placed 4 calls to the City of Greater Sudbury Building Services via my cell phone - 2 asking to speak to Mike Pilon and 2 to the office of Guido Mazza. I wanted to inquire as to when Mr. Pilon would be conducting his inspection to resolve items #2, #4, #5 and #6 of my failed framing inspection dated November 20th, 2009.

All attempts to reach Mr. Pilon and Mr. Mazza resulted in a "I'm sorry, he's in a meeting". As such, I could not have anyone tell me when Mr. Pilon would appear at my building site.

I had requested that Mr. Pilon alone come. The City chose to arm Mr. Pilon with pages from the Ontario Building Code Act "for my information". Given some of these items were items I had previously raised with the City of Greater Sudbury Building Services, I can not help but wonder why the City of Greater Sudbury Building Services chose to wait until a premise visit to address the issues I had previously raised in writing (i.e., that I wanted this to be a "regular inspection"... with no special attendees. The Building Code Act does clearly state that the City of Greater Sudbury has the right to bring whomever they wish to this inspection. I wish the City would have advised me of that - in writing - prior to their visit rather than waiting for an actual site visit to "surprise me with that fact" - especially since this was an issue I had raised in writing with the City of Greater Sudbury Building Services.

Today is the anniversary of my mother's death. Psychologically, I was NOT ready for any more "surprises" from the City of Greater Sudbury Building Services.

I asked the inspector to return in half an hour when my witness would be there (note that the inspector and his witness - another inspector) arrived during lunch hour. I have been given absolutely NO reason to trust the City of Greater Sudbury Building Services and I wanted a witness there in order to protect myself.

The notice left on my building site stated that - and I quote: "A(n) framing inspection was conducted at this site and the following items were inspected".... this was dated December 1, 2009. I had previously informed the City of Greater Sudbury Building Services that NO such inspection had taken place and that I had pictures showing items had already been cared for to correct a few of the items on the November 20th, 2009 inspection. I had already taken pictures showing that some of these items had already been addressed. Yet, I received a notice... stating that an inspection had been made... and indicating that I had failed - again - for items I knew had already been corrected - items I could prove had already been done as of November 30th, 2009.

Your inspector, Mike Pilon, stated that this was a "revised form". NOWHERE on the form is that indicated... it simply states that an inspection was conducted on December 1, 2009. There is nothing in the notes to indicate that this was simply a revised document. If you tell me that an inspection was done... I have to believe what it states on your documentation - that an inspection was done. If I can not believe what is written on your documentation, then what exactly am I to believe?

Your inspectors did not want to return in a half hour when my witness would be there. I said fine, then I guess we won't be doing an inspection today. Note that it was I who had requested this inspection - not the City of Greater Sudbury Building Services.

The Building Code Act does state that a building inspector can enter the premises without a warrant. Given my doors all have locks on them, just how is that supposed to happen? Do building inspectors have the right to do a "break and enter" if a homeowner is not there?

As far as a person having special knowledge. The person who accompanied Mike Pilon stated she had been the inspector for my footings. That is incorrect. A male inspector by the name of Rohit was there for my footings. From the conversation, I knew that she too was a BCIN certified inspector. She did not state what her "special knowledge" which necessitated her presence today.

I did not obstruct them in the performance of their duties. I simply asked that they return in half an hour when my nephew would be there. To this, Mr. Pilon answered that he could not return in half an hour. I had just placed a call to my nephew asking him to come act as a witness - as my cell phone log would clearly show.

I have time and time again asked the City of Greater Sudbury Building Services to explain why I am being treated differently. Time and time again, they have refused to answer my questions.

One of the items highlighted on the Building Code Act sheets which were submitted to me had to do with "knowingly furnishing false information in any application under the law". I have no idea what this is referring to.

Again, this was an inspection I REQUESTED. If the City of Greater Sudbury Building Services feels I am doing something wrong - they can absolutely request an inspection. I have taken several hundred pictures of this house... and each time we have been well ABOVE anything required by the Building Code. The only reason all of this started was because I was failed on an inspection when others - with "similar framing" were passed and I asked for an explanation of that and why things wouldn't be "as the Mike Pilon wanted them but rather how Andre wanted them". Actually, it almost seems like you are asking me to build a new wall in your inspection notice dated December 1, 2009. If that is the case, then again, why would all such framing not require the "same fix"? That is a question to which I have yet to get an answer from the City of Greater Sudbury Building Services. This office has not applied the Building Code consistently... and again... that is the bottom line. I can fix "my wall" if I need to... although it seems "the fix" has now become more complicated... which would again mean it will be "more complicated" for everyone else, too!

From communications with parties involved in all this, it appears the City of Greater Sudbury Building Services is not treating all persons fairly/equitably. Depending on your inspector... you may or may not pass your inspection for a building that may or may not be up to code... because, as the person who drafted my plans clearly stated, he has done hundreds of these over the past nine years and only 1 inspector in the City of Greater Sudbury Building Services has failed this type of framing. Thus, again, if an issue for me, why is this not also an issue for all others whose framing was passed under similar circumstances/framing? That is a question to which I have yet to get an answer from the City of Sudbury Building Services.

A very ugly situation that seems to just get uglier. I don't need this type of stress in my life and neither does my husband. The plans we submitted were approved by the City of Greater Sudbury Building Services with no modifications given at the time of planning or permit issuance. My gable end was to sit on a CONTINUOUS header... 90% of the information on your reference A06.dwg. #7/7 did not apply to this building plan. It is basically a generic "copy and paste" of sections of the building code which may or may not apply.

At this point, I feel we are at a standstill. If you want an inspection of my premises, you can certainly request one. I, on the other hand, am at a loss when it comes to dealing with the City of Greater Sudbury Building Services. I doubt I will be able to get resolution via this office.

If the City of Greater Sudbury Building Services has a reason or feels IT must request an inspection, you may contact me via email or by phone (705) 869-5916 or my cell at 705-920-7945. The inspection which did not occur today was one scheduled AT MY REQUEST - and given the circumstances - I was NOT ready for that inspection when the inspectors arrived and simply asked that they return in half an hour - something they chose not to do.

Jeanne A. Robitaille-Brohart

Source: Email from Brohart to CGS BS employees Mazza, Mazzuchin and Guillot, Dec. 2, 2009, 1:31 pm pertaining to Dec. 2, 2009 premise visit by building inspectors Mike Pilon and Melanie Franson.

My 3-page communication via email on December 2, 2009 was the last communication I had with the City of Greater Sudbury Building Services – until January 5, 2010 - the date on which I met with both CBO Guido Mazza and his supervisor, Bill Lautenbauch – both of whom knew for a fact there were no statements pertaining to the Dec. 2, 2009 premise visit by Pilon and Franson!

Indeed, the very reason for my meeting with Lautenbauch and Mazza had been because of an Affidavit I had signed with the CGS City Clerk's office stating that there were currently NO records pertaining to a Dec. 2, 2009 premise visit in my file and now – CGS BS personnel were attempting to add them “after the fact”.

Having now decided to document everything – especially given the “mysterious documents” by Pilon and Franson that had now appeared in our file as provided to us via a FOI Request (#2010-20) by the City Clerk’s office, we now also awaited a response from the independent engineer we had hired to look into our issues.

That report was sent to us on January 25, 2010... a most revealing report indeed...

“Engineering Report” Dated January 25, 2010

Rowswell & Associates Engineers Ltd.

Project Managers & Consulting Engineers

100 Bruce Street, Suite 6
Sault Ste. Marie, Ontario
P6A 2X5
Telephone: (705) 759 6612
Fax: (705) 759 6885
inquiries@rowswellengineers.com
www.rowswellengineers.com

January 25, 2010
3299

Fred and Jeanne Brohart
P.O. Box 9
25 McLary Road,
Webbwood, Ontario
POP 2G0

Dear Mr. & Mrs. Brohart:

Subject: Residence at 22 Salo Rd, Nairn Centre, Ontario, (Building Permit No. B08-1658)

As requested I reviewed the documentation provided including the house plans, truss drawings, correspondence and photos provided. My comments herein relate to the living room gable end wall noted on drawing A03 of the house plans. The living room adjacent to this wall is vaulted using scissor trusses spanning parallel to the wall. The last scissor truss is approximately 2ft from the wall. The gable end truss is a flat bottom truss.

House Plans (A00-A06 – no revision noted dated June 14, 2008 · Project No A33-2008)

1. Designer Marc G. Levasseur, BCIN No 19194
2. Drawing A03 clearly shows all the exterior walls of the same W1a (A01) construction consisting of a minimum of a 2x6@16" c/c maximum
3. Drawing A02-A05 notes clearly state that the
“...any specified pre-engineered elements, on these drawings, including technical data and placement guide(s) are to be provided by Garden River Truss Co. and its suppliers...”

In addition it states,
“...engineered sealed shop drawings are to be provided by Garden River Truss Co... therefore any substitutions...will not be allowed without written permission from the designer.”

These pre-engineered elements are noted on drawing A03 as “...lintels in walls having roof loads...” and as the roof trusses on the cross sections on drawing A05.

4. Drawing A06, refers in notes to Double Volume walls as consisting of walls up to 19'-0" in height and consisting of a minimum of 2-2x6 studs at 16" c/c maximum. No other reference to this wall description is used on the drawings.
5. Section B on drawing A05 also shows the location of the scissor trusses over the living room area. The extent of the trusses is not shown on this drawing but it is shown on a truss placement plan drawing.

Attn: Fred & Jeanne Brohart

Subject: Residence at 22 Salo Rd, Nairn Centre, Ontario, Building Permit No. B08-1658

Project No: 3299

January 25, 2010

Page 2 of 4

Truss Drawings (Job No ML08218R – 11 sheets including the delivery ticket)

1. Truss Placement Layout Plan (8.5x11 sheet) by designer Marc G. Levasseur shows a gable end wall truss GE1 at each end of the building. Directly adjacent to this truss are shown scissor trusses.
2. The detail of Truss GE1 shows a typical gable end wall truss with flat bottom chord. These are not true trusses but are used to assist in framing the roof. As indicated on the drawing the truss requires continuous vertical support to the bottom chord. Also, Note 3 on drawing A100 requires discrete or continuous lateral support at the bottom chord.

Discussion

Placing a flat bottom gable end wall truss adjacent to scissor trusses creates a weak point in the wall at the interconnection between the bottom chord of the truss and top of the load bearing wall. This is not good engineering practice for the following reasons:

1. Standard stud wall construction presumes that the top of the wall is braced laterally by a floor, roof or ceiling using this element as a diaphragm to transfer the loads.
2. In addition to the continuous vertical support required, the gable end wall truss provided is quite weak laterally and in fact the notations on the truss drawing clearly states that they have not been designed for wind, therefore, they would not be suitable as a lateral brace point either. As a minimum a lateral brace would be required at the bottom chord. Normally, this brace is provided by the ceiling.
3. Without this lateral brace the wall and truss could buckle laterally under the vertical load and/or collapse due to wind or seismic load.
4. Furthermore, concentration of forces occurs around door and window openings such as in your gable wall. The greater stress at these points requires good lateral bracing at the top of the wall to prevent it from buckling or being overstressed. For small buildings this is provided by the floor, ceiling or roof.

Since Mr. Levasseur was both the Building Code designer (BCIN) and the Truss Designer (as noted on the truss placement plan), he was aware of the situation. In fact his email to you of November 23, 2009 suggests that splicing the wall below the level of the ceiling is an acceptable solution. It is in fact not acceptable. Section 9.23.10.4 (1) of the OBC states the following:

“Wall studs shall be continuous for the full *storey* height except at openings and shall not be spliced except with finger-jointing with a structural adhesive.”

With the word, “*storey*” defined in Section 1.1.3.2 of Part 1 of the OBC as,
“...that portion of a *building* which is situated between the top of any floor and top of the floor next above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it.”

Rowswell and Associates... Professional Engineers...

As we sought an engineer to help us address our issues, we quickly realized that few engineers in the City of Greater Sudbury seemed very interested in helping us. A few quick calls to local engineers showed us that, in our opinion, our issues were “too political” for any engineer in Greater Sudbury to really want to “jump in and help us”.

As we explained our issues to those we did call... they were “too busy or did not want to be involved”.

We thus decided to go “out of town” to find an engineer whom we felt could help us without having, in our opinion, to fear “political retribution”.

Rowswell and Associates... Professional Engineers...

As my fingers went down the yellow pages in the phone book, I literally said a prayer asking God to help me find the right engineers. When I first called this firm, I spoke to one of their secretaries and explained our situation...

She was extremely sympathetic and said: “Wait a minute, I’ll see if I can pull one of our guys out of a meeting and have him talk to you.”

Byron Moss, VP – Engineering at Rowswell and Associates, was very understanding and most willing to help... he asked us to send in what we had as far as paperwork/plans, etc.

**Rowswell and Associates...
Professional Engineers...**

We have nothing but praise for the engineers at Rowswell and Associates...

We found this firm to be extremely professional and honest... and we were completely satisfied with the level of expertise and professionalism in the report this firm would provide for us on January 25, 2010 – a report simply telling us “what was wrong” with our house and the fix recommended by CGS BS personnel.

But, as I prepared for a presentation I thought I would be giving in front of CGS City Council and decided to include information on the firm “Rowswell and Associates”... it became clear to me that in wanting to avoid “politics” in engineering issues... I had stumbled upon a most political hot potato...

**Rowswell and Associates...
Professional Engineers...**

I now understood why, in my opinion, Byron Moss appeared so somber during our last conversation... as I was now beginning to see “our problem” was perhaps much larger than “just Sudbury” and that, perhaps, based on the players involved, it spanned several major cities in Northern Ontario. As I relayed this suspicion to Byron Moss, he somberly stated: “I think you may be right.”

It would only be later, that I would truly come to understand what I had perceived as a very somber tone on the part of Byron Moss.

**Rowswell and Associates...
Professional Engineers...**

Having been instructed by MMAH to “take my issues to the Sudbury City Council”, I prepared a presentation in which I wanted to at least mention our engineering firm, Rowswell and Associates...

To my utter surprise, when I searched the name Rowswell and Associates online, the search returned John Rowswell...

**Rowswell and Associates...
Professional Engineers...**

**John Rowswell... was a civil engineer... who owned his own firm...
Rowswell and Associates...**

**This was the firm that had provided for us an engineer's report
indicating what was wrong with our house and what was wrong
with the "fix" proposed by CGS BS personnel...**

**But, John Rowswell was a man who clearly wore many hats...
indeed, he was a man with another very special role... that of...**

John Rowswell... An Engineer... And... The Mayor Of Sault Ste Marie, ON...

Mayor & Council

Election 2010

City Departments

Organizational Chart

By-Laws

Contact Information

Forms and Maps

Photo Galleries

Bulletins

FAQs

Surveys

Webcam

News Releases

Media Links

Corporate Calendar

Sault Ste. Marie > City Hall > Mayor & Council > Mayor's Message



MAYOR'S MESSAGE

On behalf of City Council and the community of Sault Ste. Marie, I would like to welcome you to the City of Sault Ste. Marie's website!

Incorporated as a city in 1912, Sault Ste. Marie has a rich and proud history dating back to the early 1600's. You can find this history in our buildings, our streets, and our natural northern surroundings – forests, lakes and rivers. This history is also reflected in the many stories of our citizens. Our community has

produced many exceptional leaders in business, science, sports, arts and culture.

With a population of approximately 75,000, Sault Ste. Marie offers all the amenities of a large urban centre in a safe and clean environment. There are many wonderful schools, malls, stores, restaurants, cinemas, galleries, museums, sports facilities, and sites of interest. Sault Ste. Marie is also an international port of entry to the United States, situated at the hub of three Great Lakes along the banks of the beautiful St. Marys River.

As Mayor, I pledge that Council and I will work hard to make our community a place of respect, dignity, and integrity. City Council is helpful, caring, and most importantly, accessible. Our local government works hard to ensure that we maintain a high quality of life for our citizens.

For those visiting our website from elsewhere in Canada or around the world, we encourage you to experience all that our "naturally-gifted" community has to offer first-hand. Sault Ste. Marie is a great place to live, work, study, and raise families, as well as being a wonderful tourist destination for people to visit during every season.

Join us to find out why Sault Ste. Marie is one of the most beautiful and exciting northern cities in Canada!

To invite the Mayor or a member of Council to attend a conference or function, download and submit the request form below.

To request birthday or anniversary greetings from the Mayor, download and submit the request form below.

John Rowswell

Mayor, City of Sault Ste. Marie

Level IV, Civic Centre

99 Foster Drive, P.O. Box 580

Sault Ste. Marie, Ontario P6A 5N1

Source: City of
Sault Ste Marie,
ON Website,
http://www.city.sault-ste-marie.on.ca/Article_Page.aspx?ID=173&deptid=1,
downloaded
August 30, 2010.

**John Rowswell... Rowswell And Associates... An Engineer...
And... The Mayor Of Sault Ste Marie, ON...**

In wanting to avoid “political issues”, we... and Rowswell And Associates... had unknowingly stumbled upon a major political hot potato...

By the time of my last conversation with Rowswell and Associates, in my heart, I now knew “our problem” could span many, many cities in Northern Ontario...

It would only be later that the true scope of this truss design problem would come to light... as I researched our truss engineering firm and now came to the realization that perhaps “our problem” was one spanning all of North America as I discovered our truss engineering firm, Alpine Systems, had its truss design software in 550 truss manufacturing facilities in North America!

**John Rowswell... Rowswell And Associates... An Engineer...
And... The Mayor Of Sault Ste Marie, ON...**

We now felt that in spite of an honest and professional engineer's report provided to us by Rowswell and Associates, given the now revealed "political hot potato", we felt we had no choice but to hire another engineering firm for "our fix"...

Clearly... John Rowswell's company had acted with integrity in providing for us an honest and professional engineering report... but in doing so... engineer Byron Moss had to realize the can of worms that was about to be opened... as in all likelihood... since our headaches had many roots in truss design software bugs... the chances were that Sault Ste Marie, also, had issued permits for homes that were "not to code".

**John Rowswell... Rowswell And Associates... An Engineer...
And... The Mayor Of Sault Ste Marie, ON...**

For Byron Moss and Rowswell and Associates, issuing our engineer's report had to be painful indeed. Yet, as professional engineers, clearly, this corporation and its employees had adhered to the Code of Professional Engineers and had placed "integrity and our safety" above and beyond "personal interests".

Human errors did happen... and voters certainly... did not expect perfection in politicians... but they most certainly did expect politicians and building officials – especially engineers – to act with integrity in matters pertaining to the wellbeing and safety of the public...

In our opinion, CGS CBO Guido Mazza, also a professional engineer licensed in Ontario... and CGS City Council... had tried to hide/cover their mistakes and these issues as they pertained to public safety...

**John Rowswell... Rowswell And Associates... An Engineer...
And... The Mayor Of Sault Ste Marie, ON...**

Mayor John Rowswell of Sault Ste Marie was not seeking re-election in 2010 because he now had other battles to fight, namely - cancer.

John Rowswell... The Mayor Of Sault Ste Marie, ON... And Bigger, More Personal Battles...

Mayor John Rowswell not running for a fourth term

News

Posted By BOB MIHELL, SPECIAL TO SAULT THIS WEEK

Posted 2 months ago

Sault Ste. Marie Mayor John Rowswell will end his 10-year term of office this fall. He will not re-run for a fourth term as the city's top elected representative. There had been much media speculation that he would leave municipal politics to run as a candidate in the next federal election.

In an in depth interview with Sault This Week, Rowswell (aka Mayor John) said that the major reason for his decision to leave municipal politics was his personal battle with cancer. "I can tell you when the tumors came back in a big way about a year and a half ago, I said maybe my time is done as mayor. The chemotherapy does drag you down, and I am such a positive person. I see my job as mayor as being to support, encourage, and help others as they try to advance their different projects. And I'm not at my best, because I'm being kicked back by the chemotherapy. That bothers me because I always liked trying to get that positive energy out. That is probably the major reason I am not re-running for mayor. I think I've probably told you a little bit more about why I'm not running, but the community needs to know that, and that is the truth of it," he said.

Source: Bob Mihell, Sault This Week, Mayor John Rowswell not running for a fourth term,

**<http://www.saultthisweek.com/ArticleDisplay.aspx?e=2604509>,
downloaded
Aug. 30, 2010.**

John Rowswell... Dies...

Truly A Great Loss For Sault Ste Marie, ON

THE GLOBE AND MAIL | ONTARIO

National Politics World Opinions Arts Tech **Busin**

Featured Topics • British Columbia • Prairies • Ontario • Globe Toronto • Quebec • Atlantic • S

Mayor of Sault Ste. Marie dies

John Roswell, 55, passed away Monday after a long battle with cancer

Article Comments

The Canadian Press
Published on Tuesday, Aug. 31, 2010 1:02PM EDT
Last updated on Tuesday, Aug. 31, 2010 1:03PM EDT

The mayor of Sault Ste. Marie, Ont., has died after a long battle with cancer.

A statement on the city's website says John Rowswell died this morning.

He was 55, according to the city clerk's office.

I had long battled with whether or not to disclose the name of our first engineering firm. It had been on Aug 30, 2010, after much prayer, that I had included information pertaining to John Rowswell of Rowswell and Associates in these materials... on Aug 31, 2010, I would receive a call from my husband informing me of his death... I was glad he had not known the extent of what was about to be disclosed and that it had in no way caused him grief...

Source: The Globe and Mail, online news service,
<http://www.theglobeandmail.com/news/national/ontario/mayor-of-sault-ste-marie-dies/article1691445/?cmpid=rss1> , downloaded Aug 31, 2010

Rubber Stamping Truss Engineers and City Officials?...

If truss engineers TRULY were the ones designing trusses... “our problem” should have been a non-issue...as it would have been caught “by someone” in the truss design and approval process...

But, clearly, our problem, appeared to be a systemic one... indicating to us that, in our opinion, perhaps the truss packages were actually designed by NON-engineers (i.e., secretaries, BCIN designers, lumber yard guys at the truss manufacturing facilities) and simply “rubber stamped” by truss engineers and City building services personnel without, in our opinion, any proper review of the documentation submitted.

After all... this appeared, per our own BCIN designer... to have been going on for AT LEAST 9 YEARS!!! If people were actually doing their jobs... the issuing of permits for non-code compliant and structurally unsound homes, certainly, in our opinion, should NEVER have gone on for so long!

Dissection of “Engineering Report” Dated January 25, 2010...
Page 1, paragraph 1

Dear Mr. & Mrs. Brohart:

Subject: Residence at 22 Salo Rd, Nairn Centre, Ontario, (Building Permit No. B08-1658)

As requested I reviewed the documentation provided including the house plans, truss drawings, correspondence and photos provided. My comments herein relate to the living room gable end wall noted on drawing A03 of the house plans. The living room adjacent to this wall is vaulted using scissor trusses spanning parallel to the wall. The last scissor truss is approximately 2ft from the wall. The gable end truss is a flat bottom truss.



All comments in this paragraph were pretty “self-explanatory”...

Dissection of “Engineering Report” Dated January 25, 2010...

Page 1, paragraph 2

House Plans (A00-A06 – no revision noted dated June 14, 2008 · Project No A33-2008)

1. Designer Marc G. Levasseur, BCIN No 19194
2. Drawing A03 clearly shows all the exterior walls of the same W1a (A01) construction consisting of a minimum of a 2x6@16”c/c maximum
3. Drawing A02-A05 notes clearly state that the
“...any specified pre-engineered elements, on these drawings, including technical data and placement guide(s) are to be provided by Garden River Truss Co. and its suppliers....”

In addition it states,

“...engineered sealed shop drawings are to be provided by Garden River Truss Co. therefore any substitutions...will not be allowed without written permission from the designer.”

(AND ITS SUPPLIERS)

These pre-engineered elements are noted on drawing A03 as “...lintels in walls having roof loads...” and as the roof trusses on the cross sections on drawing A05.

4. Drawing A06, refers in notes to Double Volume walls as consisting of walls up to 19’-0” in height and consisting of a minimum of 2-2x6 studs at 16”c/c maximum. No other reference to this wall description is used on the drawings.
5. Section B on drawing A05 also shows the location of the scissor trusses over the living room area. The extent of the trusses is not shown on this drawing but it is shown on a truss placement plan drawing.

A06 = GENERAL NOTES THAT MAY BE SUPERSEDED BY DRAWINGS SPECIFIC TO THE PLANNED DWELLING... AS NOTED ON PAGE A06 ITSELF!

Dissection of “Engineering Report” Dated January 25, 2010...

Page 2, paragraph 1

Attn: Fred & Jeanne Brohart

Subject: Residence at 22 Salo Rd, Nairn Centre, Ontario, Building Permit No. B08-1658

Project No: 3299

January 25, 2010

Page 2 of 4

Truss Drawings (Job No ML08218R – 11 sheets including the delivery ticket)

1. Truss Placement Layout Plan (8.5x11 sheet) by designer Marc G. Levasseur shows a gable end wall truss GE1 at each end of the building. Directly adjacent to this truss are shown scissor trusses.
2. The detail of Truss GE1 shows a typical gable end wall truss with flat bottom chord. These are not true trusses but are used to assist in framing the roof. As indicated on the drawing the truss requires continuous vertical support to the bottom chord. Also, Note 3 on drawing A100 requires discrete or continuous lateral support at the bottom chord.

Dissection of “Engineering Report” Dated January 25, 2010...

Page 2, paragraph 2

Discussion

VIOLATION OF OBC!

Placing a flat bottom gable end wall truss adjacent to scissor trusses creates a weak point in the wall at the interconnection between the bottom chord of the truss and top of the load bearing wall. This is not good engineering practice for the following reasons:

1. Standard stud wall construction presumes that the top of the wall is braced laterally by a floor, roof or ceiling using this element as a diaphragm to transfer the loads.
2. In addition to the continuous vertical support required, the gable end wall truss provided is quite weak laterally and in fact the notations on the truss drawing clearly states that they have not been designed for wind, therefore, they would not be suitable as a lateral brace point either. As a minimum a lateral brace would be required at the bottom chord. Normally, this brace is provided by the ceiling.
3. Without this lateral brace the wall and truss could buckle laterally under the vertical load and/or collapse due to wind or seismic load.
4. Furthermore, concentration of forces occurs around door and window openings such as in your gable wall. The greater stress at these points requires good lateral bracing at the top of the wall to prevent it from buckling or being overstressed. For small buildings this is provided by the floor, ceiling or roof.

Our Wall Could Buckle...

An engineer had now told us our wall was structurally unsound and could buckle...

Given this, one had to ask... did other walls such as this buckle?

Clearly, cathedral ceilings had only in the last 20 years or so become very popular... and nails certainly needed time to work their way out as forces acted on buildings...

So... why was it that we did not really seem to hear about “collapsing walls”...

In our opinion... there could be several reasons for this...

Were Walls Buckling...

1. Cathedral ceilings were not as popular 20 years ago – and as such – this would have been “less of an issue” in terms of public awareness.

2. Homes used to be made with “ring nails”... nails that, in our opinion, were much harder to remove than nails now used in the construction industry... such as those used in automatic and/or pneumatic nailing guns...

3. Any “partial” collapses would most likely never make the headlines and costs of such structural failures would most likely simply be assumed by homeowners/insurance companies who were probably not truly aware of “not-to-code design issues”...

But, in our opinion, perhaps the greatest reason we really did not hear about buckling walls had to do with provisions and powers provided to municipalities via the OBC and Act...

**Municipalities Could Simply Bulldoze The Evidence Away...
In The Interest of “Public Safety” PRIOR To A Proper
Investigation Having Been Conducted...**

Clearly, in our opinion, under the guise of “public safety”, municipalities had the right and power to potentially hide and/or destroy evidence that could indicate wrongdoing by municipalities in matters pertaining to “structural integrity, code compliance and permit issuance”... allowing everyone to go on in “happy ignorance”...



Once bulldozed...

...any evidence of wrongdoing would be gone!

Was It Conceivable That Municipalities Could Prematurely Bulldoze Evidence? ...

In our opinion, given everything we had uncovered in matters pertaining to truss design software bugs, huge liability implications and potential criminal charges in cases of “wall collapse”... one need only ask himself/herself... was it in the interest of ANY municipality to make these issues truly known to the public... given the costs could be so high... costs in civil and potentially criminal lawsuits...

Which municipality would want to expose itself to so much liability... when it was simpler, in our opinion, to just make the evidence “disappear” under the guise of “public safety” necessitating the building be brought down!

Was It Conceivable That Municipalities Could Prematurely Bulldoze Evidence? ...Via Lawsuits Settled Out Of Court...

Clearly, in today's legal world of settling lawsuits "out of court" with "special settlement provisions" not allowing parties to discuss the details of any case with anyone as a condition of settlement, in our opinion, yes, the real issues could most certainly easily be shielded from the public by powerful legal teams... and families who, perhaps emotionally drained, just wanted to "get on with their lives"...

This was why, in my opinion, in any case of "collapsed buildings", no bulldozer should be allowed on the premises until numerous pictures had been taken of the collapsed wall and/or roof in question. I strongly urged anyone involved in such a wall and/or roof and/or building collapse to seek the help of an independent professional engineer right away in such situations or at the very least... take many, many pictures.

Engineered Lintels...

In an e-mail to me dated November 28, 2008, BCIN designer, Marc Levasseur stated that all my doors and windows **REQUIRED engineered lintels.**

RE: Trusses/Beam/Engineered lumber

From: **Marc G. Levasseur** (mgldc@cyberbeach.net)

Sent: November 27, 2008 4:57:25 PM

To: 'J Brohart' (jbrohart@hotmail.com)

@ 2 attachment(s)

ML08-218 ...pdf (21.4 KB), ML08-218R...pdf (21.8 KB)

All of your openings at doors and windows require engineered lintels.

If you look at the 32' Beam it's for all the short openings, the 30' is for all of your 3 triple windows as stated in the attached Order Confirmation.



Engineered Lintels...

When we decided to add a window in my son's bedroom, I phoned the City of Greater Sudbury and asked Ron Liinemaa if I really did need engineered lintels. He stated we did not.

Why would BCIN designer, Marc Levasseur have stated to us that our doors and windows REQUIRED engineered lintels?

Was it simply because he worked for a company that supplied trusses and other wood products, Garden River Truss?

Or was there something else in the OBC that necessitated we have engineered lintels?

Engineered Lintels...

9.23.12.3. Lintel Spans and Sizes

- (1) Spans and sizes of wood lintels shall conform to the spans shown in Tables A-12 to A-16,
 - (a) for *buildings of residential occupancy*,
 - (b) where the wall studs exceed 38 mm by 64 mm (2 in by 3 in) in size,
 - (c) where the spans of supported joists do not exceed 4.9 m (16 ft 1 in), and
 - (d) where the spans of trusses do not exceed 9.8 m (32 ft 2 in).

- (2) In loadbearing exterior and interior walls of 38 mm by 64 mm (2 in by 3 in) framing members, lintels shall consist of,
 - (a) solid 64 mm (2½ in) thick members on edge, or
 - (b) 38 mm (1½ in) thick and 19 mm (¾ in) thick members fastened together with a double row of nails not less than 63 mm (2½ in) long and spaced not more than 450 mm (17¾ in) apart.

- (3) Lintels referred to in Sentence (2),
 - (a) shall be not less than 50 mm (2 in) greater in depth than those shown in Tables A-12 to A-16 for the maximum spans shown, and
 - (b) shall not exceed 2 240 mm (7 ft 4 in) in length.

Source: 2006 OBC, Division B, Part 9, Section 9.23.12.3, p. 156.

Our house was 32' 7" wide, therefore, our truss span exceeded the above limit in 9.23.12.3(d)... and our "sections of 3 windows together" measured 114" or 9.5 ft – also exceeding 9.23.12.3(3)(b).

Engineered Lintels...

Given the truss span and given engineered lintels appeared to be required, the question now became, why did BCIN designer, Marc Levasseur NOT have the WALL itself engineered?

Should not the truss type, lumber type based on structure width and height, adequate bracing for both vertical and lateral bracing for this wall in order to properly distribute load paths, etc. have been determined by AN ENGINEER – from the very start!

A gable end truss as we were given should NEVER have been used for this wall!

Violation of Ontario Building Code As It Relates To “Characteristics of Materials”...

1.2.2. Materials, Appliances, Systems and Equipment

1.2.2.1. Characteristics of Materials, Appliances, Systems and Equipment

(1) All materials, appliances, systems and equipment installed to meet the requirements of this Code shall possess the necessary characteristics to perform their intended functions when installed in a building.

Division A - Part 1

5

A “gable end” truss did NOT meet load distribution requirements, created a weak point, was weak laterally and as notations on the truss drawings indicated, was not designed for wind and as such, was not suitable as a lateral brace point as indicated on the “Engineering Report”. As such, the structure could “buckle” or “yield”. The GE1 truss did not allow one to meet OBC requirements calling for continuous studs from the floor to the ceiling.

Source: 2006 OBC, Division A, Part 1, Section 1.2.2.1, “Characteristics of Materials, Appliances, Systems and Equipment”, p. 5

Violation of Ontario Building Code As It Relates To “Characteristics of Materials”...

1.2.2. Materials, Appliances, Systems and Equipment

1.2.2.1. Characteristics of Materials, Appliances, Systems and Equipment

(1) All materials, appliances, systems and equipment installed to meet the requirements of this Code shall possess the necessary characteristics to perform their intended functions when installed in a building.

Division A - Part 1

5

BCIN designer, Marc Levasseur, Garden River Truss and its suppliers, including Alpine Systems and truss engineer Gus Vertolli are all guilty of violating this section of the OBC. Furthermore, plan reviewer(s), manager(s) of “code compliance” and Chief Building Officer, Guido Mazza also violated this section of the OBC by allowing this type of framing to be “accepted” and issuing a building permit for a structurally unsound design.

Dissection of “Engineering Report” Dated January 25, 2010...

Page 2, paragraph 2

Discussion

VIOLATION OF OBC!

Placing a flat bottom gable end wall truss adjacent to scissor trusses creates a weak point in the wall at the interconnection between the bottom chord of the truss and top of the load bearing wall. This is not good engineering practice for the following reasons:

The Ontario Building Code States...

Dissection of “Engineering Report” Dated January 25, 2010... Page 2, par. 2... As It Pertains To “Good Engineering Practice”...

(2) Where galvanized sheet steel is intended for use in locations exposed to the weather or as a flashing material, it shall have a zinc coating not less than the G90 (Z275) coating designation or an aluminum-zinc alloy coating not less than the AZM150 coating designation, as referred to in Sentence (1).

Section 9.4. Structural Requirements

9.4.1. Structural Design Requirements and Application Limitations

9.4.1.1. General (See Appendix A.)

- (1) Subject to the application limitations defined elsewhere in this Part, structural members and their connections shall,
 - (a) conform to requirements provided elsewhere in this Part,
 - (b) be designed according to good engineering practice such as provided in the CWC, “Engineering Guide for Wood Frame Construction”, or
 - (c) be designed according to Part 4 using the loads and deflection and vibration limits specified in,
 - (i) this Part, or
 - (ii) Part 4.

Source: OBC, Section 9.4, Structural Requirements, 9.4.1.1(b)

**Violation of Ontario Building Code
As It Relates To...
“Wood-Frame Construction Strength And Rigidity”...**

9.23.2.1. Strength and Rigidity

- (1) All members shall be so framed, anchored, fastened, tied and braced to provide the necessary strength and rigidity.

Source: 2006 OBC, Division B, Part 9, Section 9.23.2.1, “Strength and Rigidity”, p. 142

**Violation of Ontario Building Code
As It Relates To...
“Wood-Frame Construction Lumber”...**

9.23.2.4. Lumber

(1) Lumber shall conform to the appropriate requirements in Subsection 9.3.2.

It appears that 2x6 stud lumber required for our wall now in question may have needed to be “special” lumber known as 2100 MSR grade lumber (as opposed to “standard lumber” given the height of this wall (more on this later)).

Source: 2006 OBC, Division B, Part 9, Section 9.23.2.4, “Lumber”, p. 142

Violation of the Engineering Act of Ontario?

It was not part of a building inspector's duties to “suggest fixes” to matters such as structural integrity issues... or any other “issues”.

Building inspectors were simply there to see if structures were built “to code”... nowhere in their job responsibilities was there anything relating to “suggesting fixes” for anything – especially not in matters of structural integrity!

This was a fact I also confirmed with the MMAH.

Job Desc. – Bldg Inspector...FOI #2010-18...CUPE Local 4705, Group 13

THE CITY OF GREATER SUDBURY

JOB DESCRIPTION

JOB TITLE: BUILDING INSPECTOR **DATE PREPARED:** January 30, 2002
GROUP NO.: CUPE Local 4705 - Inside Unit - Group 13 **DATE REVISED:** February 3, 2003, March 10, 2008
SECTION: Code Compliance **DIVISION:** Building Services
DEPARTMENT: Growth and Development **LOCATION:** Tom Davies Square

MAIN FUNCTION: Perform all of the duties of an Inspector pursuant to relevant legislation and regulations.

CHARACTERISTIC DUTIES: UNDER THE GENERAL SUPERVISION OF THE DIRECTOR OF BUILDING SERVICES/CHIEF BUILDING OFFICIAL AND THE DAY TO DAY DIRECTION OF THE MANAGER OF CODE COMPLIANCE/DEPUTY CHIEF BUILDING OFFICIAL:

1. Perform all of the duties of an Inspector pursuant to the Building Code Act and Regulations, as amended.
2. Conduct inspections of buildings which are undergoing construction, alteration or demolition to ensure that measures are taken to protect the public at the building site.
3. Check building plans and blueprints to establish compliance with Building and Zoning By-Laws.
4. Work closely with the By-Law Enforcement Officers, preparing documents, records, information and issue Certificates of Offence Notices under the Provincial Offences Act when it is apparent that legal action is or may be required to achieve compliance with applicable Acts or By-Laws.
5. Maintain records of all inspections on project report forms and submit completed forms to the Director of Building Services/Chief Building Official.
6. Provide assistance to others in the Building Services Division on building and zoning requirements, as required.
7. Conduct liaison with Fire Inspectors, Health Inspectors, and other agencies or departments whose roles are related to that of the Building Inspector.
8. Conduct inspections of buildings for the purpose of determining a building's suitability for occupancy prior to the issuance of Business Licences.
9. Develop and maintain a thorough working knowledge of CGS's Safety Manual and the applicable Provincial Legislation listed therein.
10. Perform other related duties as required.

APPROVED BY: _____ DATE: _____
 GENERAL MANAGER OF GROWTH AND DEVELOPMENT

NOTE: The above duties are representative of a typical position and are not to be construed as all inclusive.

Record 4

CITY OF GREATER SUDBURY
 JOB DESCRIPTION
 BUILDING INSPECTOR

QUALIFICATIONS:

EDUCATION AND TRAINING:

Successful completion of Secondary School (Grade XII) Education, plus some further specialized training in building construction practices and inspection methods.

EXPERIENCE:

Over five (5) years up to and including seven (7) years of directly related experience.

OTHER REQUIREMENTS:

Demonstrate knowledge of construction practices, processes and materials. Specifically demonstrate knowledge in mechanical installations (including plumbing) may be designated mandatory by CGS when required.

Thorough knowledge of Building Codes, Regulations and By-Laws.

Possess current Building Code Competency Certification in accordance with Provincial Regulations.

Demonstrate ability in Report Writing.

Demonstrate effective interpersonal and communications skills and ability to deal with the public.

Demonstrate and proven ability related to microcomputer software and administrative systems in a Windows environment. (i.e. Building Permit Management Information System and Field Inspection Data System).

Excellent use of English; verbally and in writing.

French verbal and written skills an asset.

Satisfactory health, attendance and former employment history.

Must be physically capable of operating a vehicle safely, possess a valid driver's licence, have an acceptable driving record, and personal insurance coverage.

APPROVED BY:

GENERAL MANAGER OF GROWTH AND DEVELOPMENT:
 FOR: DIRECTOR OF HUMAN RESOURCES AND ORGANIZATIONAL DEVELOPMENT:

SIGNATURES

DATE

Dorey Nadanzy
A.K. Brundoff

Mar. 11/08
 Mar 10/08

Violation of the Engineering Act of Ontario?

During our November 20, 2009 framing inspection, Mike Pilon inquired as to whether or not the scissor trusses were made of 2x6s. Anyone in the building industry – and certainly an experienced building inspector – would easily be able to tell whether or not a truss was made of 2x4s or 2x6s.

He then took out his measuring tape and placed it on the bottom chord of the scissor truss... something I found “most odd”. What was he really measuring... the width of the 2x6 or something else?

As events continued to unfold, I suspected his “measuring” from the bottom chord of the scissor truss had more to do with the height of 2x4s he would then tell us were necessary for additional bracing of the wall referenced in Item #1 of our failed framing inspection dated Nov. 20, 2009!

Violation of the Engineering Act of Ontario?...

And Willfull Acts of Negligence?...

Part 9 of the OBC, Section 9.23.10.1, in our opinion, held the answer to this puzzling “measuring from the bottom chord of our scissor trusses”....

As a building inspector, Mike Pilon was supposed to know the building code... but, did that mean he followed it... in practice?

... Not necessarily...

Table 9.23.10.1.
Size and Spacing of Studs
 Forming Part of Sentence 9.23.10.1.(1)

Type of Wall	Supported Loads (including <i>dead loads</i>)	Minimum Stud Size, mm (in)	Maximum Stud Spacing, mm (in)	Maximum Unsupported Height, m (ft-in)
Exterior	Roof with or without attic storage	38 x 64 (2" x 3")	400 (16)	2.4 (7'-10")
		38 x 89 (2" x 4")	600 (24)	3.0 (9'-10")
	Roof with or without attic storage plus one floor	38 x 89 (2" x 4")	400 (16)	3.0 (9'-10")
		38 x 140 (2" x 6")	600 (24)	3.0 (9'-10")
	Roof with or without attic storage plus 2 floors	38 x 89 (2" x 4")	300 (12)	3.0 (9'-10")
		64 x 89 (3" x 4")	400 (16)	3.0 (9'-10")
		38 x 140 (2" x 6")	400 (16)	3.6 (11'-10")
	Roof with or without attic storage plus 3 floors	38 x 140 (2" x 6")	300 (12)	1.8 (5'-11")
Column 1	2	3	4	5

Notes to Table 9.23.10.1.:
 (1) See Article 9.23.10.3.

Source: 2006 OBC, Section 9.23.10.1, Size and Spacing of Studs For Exterior Walls

Our exterior wall to underside of scissors is 13'3".

Maximum allowable height for 2x4 exterior walls = 9'10"

For 2x6s, the upper limit is 11'10". Our exterior wall was 13'3" (see Plan Sheet A05) to the UNDERSIDE of the scissor trusses and over 17' to the tip of the roof – well past the 9'10" limit!!! Levasseur should never have designed this wall but should have informed us that an engineer would be necessary based on the wall height. As a BCIN designer, Marc Levasseur should have known the OBC and as such, he acted negligently when he designed this wall.

For CGS Building Services... The Facts Don't Add Up...

Was This Negligence On The Part of Mike Pilon and CGS BS?...

Per OBC Section 9.23.10.1(2) on Wall Studs as it related to Stud Size and Spacing, for walls higher than what was indicated in Table 9.23.10.1, studs for walls supporting roof loads had to conform to Table A30-A33... tables that now also had to take into account “WIND” effects...

WIND effects were something NO ONE had taken into consideration in our situation... not the BCIN designer... the truss engineer, the plan reviewers and/or manager(s) of code compliance and/or the CBO who issued our building permit and/or oversaw any “fixes” proposed for our house.

On NO inspection notice were we ever told we needed “anything special such as taking into consideration wind effects and snow loads for lumber” per Part 9, Section 9.23.10.1, Table A-31 of the OBC!

The Facts Don't Add Up... More Negligence Is Apparent...

Table A-31
Sizes for Spruce-Pine-Fir No. 2 Grade Exterior Wall Studs with Siding
 Forming Part of Sentence 9.23.10.1.(2)

Stud Size and Spacing									
Hourly Wind Pressure (1/50), kPa	Stud Length, m	0.40		0.45		0.50		0.60	
		Supported Roof Length, m		Supported Roof Length, m		Supported Roof Length, m		Supported Roof Length, m	
Specified Roof Snow Load, kPa		3.0	6.0	3.0	6.0	3.0	6.0	3.0	6.0
1.0	3.8	A	A	A	A	A	A	A	A
	4.2	A	A	A	A	A	A	A	A
	4.6	A	A	A	A	A	A	A	A
	5.0	A	A	A	A	A	A	B	B
	5.3	A	A	A	A	B	B	B	B
	5.6	A	A	B	B	B	B	C	C
1.5	3.8	A	A	A	A	A	A	A	A
	4.2	A	A	A	A	A	A	A	A
	4.6	A	A	A	A	A	A	A	A
	5.0	A	A	A	A	A	A	B	B
	5.3	A	A	A	A	B	B	B	B
	5.6	A	A	B	B	B	B	C	C
2.0	3.8	A	A	A	A	A	A	A	A
	4.2	A	A	A	A	A	A	A	A
	4.6	A	A	A	A	A	A	A	A
	5.0	A	A	A	A	A	A	B	B
	5.3	A	A	A	A	B	B	B	B
	5.6	A	A	B	B	B	B	C	C
2.5	3.8	A	A	A	A	A	A	A	A
	4.2	A	A	A	A	A	A	A	A
	4.6	A	A	A	A	A	A	A	A
	5.0	A	A	A	A	A	A	B	B
	5.3	A	A	A	A	B	B	B	B
	5.6	A	B	B	B	B	B	C	C
3.0	3.8	A	A	A	A	A	A	A	A
	4.2	A	A	A	A	A	A	A	A
	4.6	A	A	A	A	A	A	A	A
	5.0	A	A	A	A	A	A	B	B
	5.3	A	B	A	B	B	B	B	B
	5.6	A	B	B	B	B	B	C	C
Column 1	2	3	4	5	6	7	8	9	10

Legend - Stud Size and Spacing

A = 38 x 140 mm at 400 mm on centre
 B = 38 x 140 mm at 300 mm on centre

C = two 38 x 140 mm studs at 400 mm on centre
 D = two 38 x 140 mm studs at 300 mm on centre

Notes to Table A-31:

- (1) A roof dead load of 0.5 kPa has been assumed. The Table does not apply where the stud supports additional loads from heavy roofing materials such as concrete tiles or clay roofing tiles.
- (2) Wall construction shall conform to the requirements of Sentence 9.23.10.1.(2).

$$13'3'' = 159'' \times 2.5 \text{ cm} = 397.5 \text{ cm} = 3.975 \text{ meters}$$

$$17' = 204'' \times 2.5 \text{ cm} = 510 \text{ cm} = 5.1 \text{ meters}$$

In determining the proper size and spacing of studs for higher walls, this table took into consideration WIND EFFECTS and SNOW LOADS!

Source: 2006 OBC, Part 9, Section 9.23.10.1, Table A-31

**But... Our Truss Package Had Been Designed ...
With "No Wind" Effect Apparently Taken Into Consideration...**

Alpine Systems Corporation

1701 Creditstone Road, Ontario L4K 5V6

Page 1 of 1 Document ID:1TIF9275Z0217153436

URL: <http://www.alpinesys.com/Canada/GardenRiver.nsf/CND/09EF65E0B63195968525746A00515141>

Truss Fabricator: Garden River Truss

Job Identification: ML08218R-FRED & JEANNE BROHART -- SALO RD., NAIRN CENTRE, ON (WEBBWOOD, ON)

Truss Count: 5

Model Code: National Building Code Of Canada

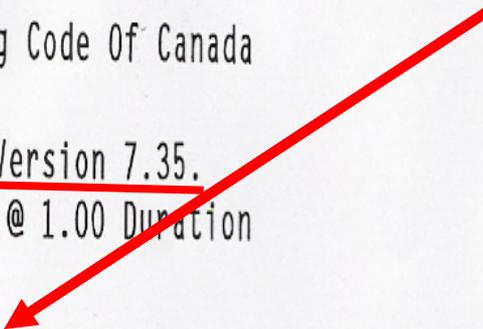
Truss Criteria: RESIDENTIAL

Engineering Software: Alpine Software, Version 7.35.

Minimum Design Loads: Roof - 57.1 PSF @ 1.00 Duration

Floor - N/A

Wind - No Wind



Source: Alpine Systems Truss Package Cover Page.

“No Wind????”

And... that... in spite of comments about “wind effect” made by Mr. Edmond Lim, CEO Alpine Corporation, in an email dated Nov. 25, 2009 asking why we would simply “not just comply” with what was originally proposed as a “fix” by CGS BS – a “NON-CODE COMPLIANT FIX”!

“No Wind????”

RE: Truss Integrity/Framing Inspection 08-1658

From: **Edmond.Lim@itwbcg.com**

Sent: November 25, 2009 6:09:45 PM

To: frederick brohart (fbrohart@hotmail.com)

Cc: Alfio Mazzuchin (alfio.mazzuchin@city.greatersudbury.on.ca); cj.delwo@city.greatersudbury.on.ca;
Gus Vertolli (gvertolli@www2.alpeng.com); jbrohart@hotmail.com

Mr. Brohart,

You cannot get your house engineered through the roof trusses. The GE1 truss can be notched as per my e-mail. The building department is the authority having jurisdiction. Alpine did not seal any plans for your house. We sealed the truss designs.

What they are asking for in item 1 we have seen many times and depends on each situation. On your house the opposite end is not a cathedral ceiling. I believe that the building code requirement addresses lateral loads (wind) and not vertical (snow) loads against the cathedral end.

Why would you not simply carry out item 1? (I don't need to know)

However, I believe you are referring to the 2x6 top plates of the stud wall? If the GE1 truss can be notched the 2x6 top plates can also be notched.

**The OBC
DOES address
lateral loads
(WIND
ISSUES) as per
Table A-31...
but, it
appeared, wind
was not taken
into
consideration in
the design of
our trusses
and/or wall!**

**Source: Email by
E.Lim, CEO Alpine
Corp., Nov. 25, 2009.**

**Load-Bearing Exterior Wall...
In Effect... “Missing A Load-Bearing Truss”...**

The wall in question was also a LOAD-BEARING EXTERIOR wall. This wall and section of the roof also had to be able to withstand “other load” issues as well (i.e., wind, seismic, dead loads, Von Mises stresses/”possible accumulation of buckling forces of truss web members, etc.).

By not providing us with the appropriate truss for this exterior wall, in our opinion, it could also be argued that we basically had NO TRUSS capable of addressing these loads for the last 4 foot section of our house since the last load-bearing truss was located approximately 4 ft from the edge of the overhang.

In effect, our load-bearing exterior wall had “no load-bearing truss” ... just a “ GE1 framing member” NOT DESIGNED to address any load issues at all such as wind and/or seismic loads !

Violation of Ontario Building Code As It Related To... “Specified Loads... And STRUCTURAL members”...

9.4.2. Specified Loads

9.4.2.1. Application (See Appendix A.)

- (1) This Subsection applies to light-frame construction whose wall, floor and roof planes are generally comprised of frames of small repetitive structural members, and where,
- (a) the roof and wall planes are clad, sheathed or braced on at least one side,
 - (b) the small repetitive structural members are spaced not more than 600 mm (23⁵/₈ in) o.c.

We were, in effect, missing a truss and had NO structural truss in this LOAD-BEARING wall and section of our roof!

Source: 2006 OBC, Division B, Part 9, Section 9.4.2, Specified Loads, 9.4.2.1(b)

Violation of Ontario Building Code

This Is Considered A “NON-Structural” Framing Member – Not Designed To Transfer Loads!!!

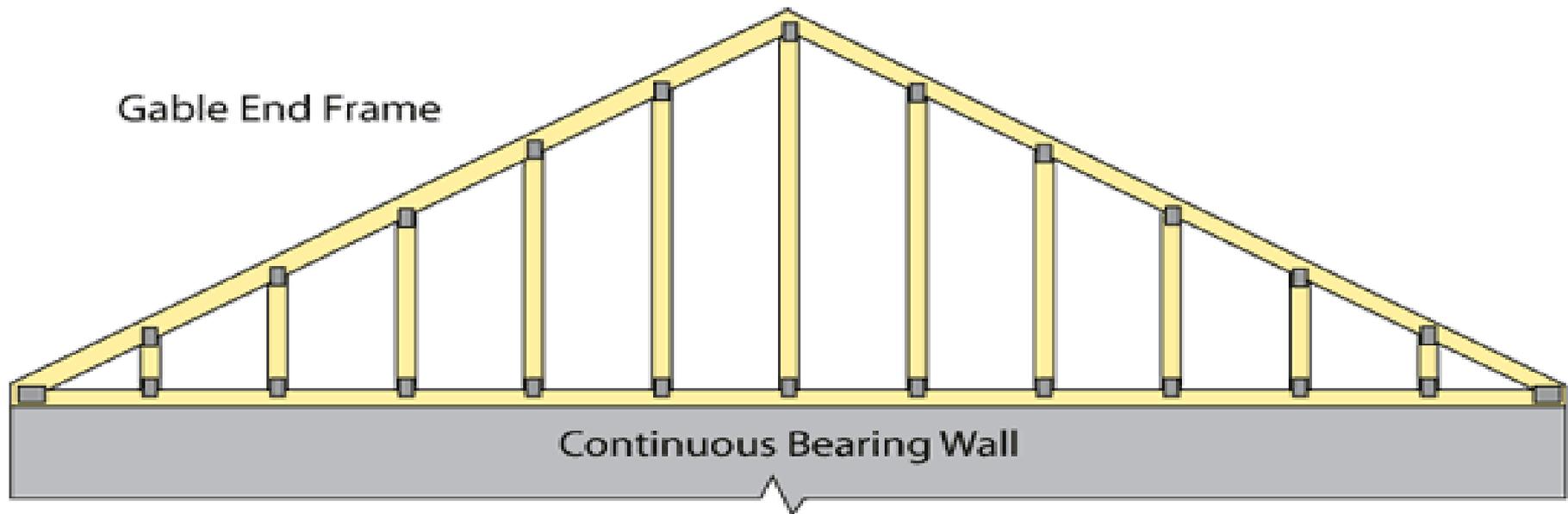


Figure 1: Example of a non-structural gable end frame with continuous bearing along the entire span.

Basic Design Considerations for Gable End Frames

A gable end frame is a manufactured component used to complete the end wall of a building. Most gable end frames are designed to have continuous support along their entire span. The truss industry refers to this as a non-structural gable end frame in that the component is not designed to transfer load from bearing wall to bearing wall across a span. The web members in a non-structural gable end frame are oriented vertically (Figure 1) as opposed to the triangulated web members in a typical truss.

Source: Original image taken from Gjinolli, A., (P.E.) and Vogt, J., (P.E.), Wood Truss Gable End Frames, Structure Magazine, August 2007, Figure 1, p.54.

Violation of Ontario Building Code As It Related To... “Wood Roof Trusses... And Loads!”

9.23.13.11. Wood Roof Trusses

- (1) Roof trusses that are not designed in accordance with Part 4 shall,
 - (a) be capable of supporting a total ceiling load (*dead load plus live load*) of 0.35 kPa (7.3 psf) plus two and two-thirds times the specified live roof load for 24 h, and
 - (b) not exceed the deflections shown in Table 9.23.13.11. when loaded with the ceiling load plus one and one-third times the specified roof snow load for 1 h.

For CGS Building Services... The Facts Don't Add Up...

Was This Negligence On The Part of Mike Pilon and CGS BS?...

Matters of “wind effect” and “snow load” as they relate to lumber for this higher wall and truss “completing the wall” were completely ignored by everyone... in plans, in plans review, in permit issuance, in multiple “proposed fixes” by CGS BS, etc.

This wall was designed as a “W1” wall making it “not to code”... and not only did NO “qualified” person catch this mistake, but “fixes” proposed were also not adequate and all efforts were made by CGS CBO to discourage us from obtaining an engineer to design a proper solution.

Nowhere ON ANY inspection notice were we told an engineer should be consulted in this situation! In our opinion, this was nothing less than willfull deception as far as “what was really needed” and, also in our opinion, constituted negligence!

Violation of Ontario Building Code As It Related To... “Structural Loads and Procedures, Design Requirements and Design Basics”...

4.1.1.3. Design Requirements

(1) Buildings and their structural members and connections including formwork and falsework shall be designed to have sufficient structural capacity and structural integrity to safely and effectively resist all loads, effects of loads and influences that may reasonably be expected, having regard to the expected service life of buildings, and shall in any case satisfy the requirements of this Section. (See Appendix A.)

Source: 2006 OBC, Division B, Part 4, Section 4.1.1.3, “Structural Design – Structural Loads and Procedures – Design Requirements”, p. 3

Given Our “No Wind” Truss Design Provision... More Bracing Would Be Required...

When we raised the issue of “no wind” apparently having been taken into consideration in the design of our trusses, the independent engineer we hired stated that in view of this, more bracing of our roof system would most likely be required...

...This was yet another unforeseen expense in time, money and frustration!

Violation of Ontario Building Code As It Related To... “Structural Loads and Procedures, Design Requirements and Design Basics”...

4.1.1.4. Design Basis

- (1) Except as provided in Sentence (2) and (3), buildings and their structural members shall be designed in conformance with the procedures and practices provided in this Part.
- (2) Provided the design is carried out by a person especially qualified in the specific methods applied and provided the design demonstrates a level of safety and performance in accordance with the requirements of this Part, *buildings* and their structural components falling within the scope of this Part that are not amenable to analysis using a generally established theory may be designed by,
 - (a) evaluation of a full-scale structure or a prototype by a loading test, or
 - (b) studies of model analogues. (See Appendix A.)
- (3) Communications towers, dish antennas and their supporting structures shall conform to CSA S37, "Antennas, Towers, and Antenna Supporting Structures".

VIOLATION OF OBC – SECTION 9.4.1.1(b) STRUCTURAL REQUIREMENTS

Violation of Ontario Building Code as it related to good engineering practice standard!

(2) Where galvanized sheet steel is intended for use in locations exposed to the weather or as a flashing material, it shall have a zinc coating not less than the G90 (Z275) coating designation or an aluminum-zinc alloy coating not less than the AZM150 coating designation, as referred to in Sentence (1).

Section 9.4. Structural Requirements

9.4.1. Structural Design Requirements and Application Limitations

9.4.1.1. General (See Appendix A.)

- (1) Subject to the application limitations defined elsewhere in this Part, structural members and their connections shall,
 - (a) conform to requirements provided elsewhere in this Part,
 - (b) be designed according to good engineering practice such as provided in the CWC, "Engineering Guide for Wood Frame Construction", or
 - (c) be designed according to Part 4 using the loads and deflection and vibration limits specified in,
 - (i) this Part, or
 - (ii) Part 4.

Source: 2006 O.B.C., Section 9.4.1.1(b), Div. B, Part 9, page 11.

Dissection of “Engineering Report” Dated January 25, 2010...

Page 2, paragraph 3

2 more violations of the Ontario Building Code and/or Act

Since Mr. Levasseur was both the Building Code designer (BCIN) and the Truss Designer (as noted on the truss placement plan), he was aware of the situation. In fact his email to you of November 23, 2009 suggests that splicing the wall below the level of the ceiling is an acceptable solution. It is in fact not acceptable. Section 9.23.10.4 (1) of the OBC states the following:

“Wall studs shall be continuous for the full *storey* height except at openings and shall not be spliced except with finger-jointing with a structural adhesive.”

With the word, “*storey*” defined in Section 1.1.3.2 of Part 1 of the OBC as,

“...that portion of a *building* which is situated between the top of any floor and top of the floor next above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it.”

Dissection of “Engineering Report” Dated January 25, 2010...

Page 2, paragraph 3

Violation of the Ontario Building Code As It Relates To Stud Continuity and Splicing of Studs

9.23.10.4. Continuity of Studs

(1) Wall studs shall be continuous for the full storey height except at openings and shall not be spliced except by finger-jointing with a structural adhesive. (See Appendix A.)

Source: 2006 O.B.C., Section 9.23.10.4, Div. B, Part 9, page 154.

Dissection of “Engineering Report” Dated January 25, 2010...

Page 2, paragraph 3

Violation of Ontario Building Code Act As It Related To Misrepresentation of Qualifications

Since Mr. Levasseur was both the Building Code designer (BCIN) and the Truss Designer

Trusses for our house were considered pre-engineered elements,
Marc Levasseur CAN NOT be the Truss Designer since he was
NOT an engineer.

Pre-engineered trusses MUST be designed by an engineer.

This explained why the truss drawings carried the seal of Gus
Vertolli of Alpine Systems who was in fact the truss engineer of
record as CLEARLY indicated in the truss package!

Dissection of “Engineering Report” Dated January 25, 2010...
Page 2, paragraph 3

**Violation of Ontario Building Code Act As It Related To
Misrepresentation of Qualifications By BCIN Designer
Marc Levasseur, Mike Pilon, and André Guillot**

(7) Prohibition. No person shall represent, directly or indirectly, that he, she or it has the qualifications or meets the requirements established under this section if the person does not have those qualifications or does not meet those requirements. 2002, c.9, s.27; 2006, c.19, Sched. O, s.1(7)

**Source: 2006 O.B.C. Act, Section 15.11 (7), Qualifications,
2006 Building Code Compendium, page 20, emphasis added.**

Dissection of “Engineering Report” Dated January 25, 2010...

Page 3, paragraph 1

Violation Of Ontario Building Code Act As It Related To Involvement Of A Professional Engineer

Attn: Fred & Jeanne Brohart

Subject: Residence at 22 Salo Rd, Nairn Centre, Ontario, Building Permit No. B08-1658

Project No: 3299

January 25, 2010

Page 3 of 4

In addition, any solution that deviates from the structural requirements of Part 9 of the building code requires the intervention of a Professional Engineer licensed in the Province of Ontario (Refer to Section 9.4.1.1 (1). Solutions such as:

1. splicing the stud wall below the ceiling level as currently installed and,
2. reinforcing the wall using continuous 2x4's from the bottom plate to the ceiling at 4ft c/c let into the midplate,

do not conform to Part 9 and therefore are not acceptable solutions without the advise of a Professional Engineer. In fact a properly engineered design and sealed drawing must be provided for this wall unless it is rebuilt in conformance with Part 9.

We All Agreed... It Was Best To “Just Comply”...

**Violation Of Ontario Building Code Act As It Related To
Involvement Of A Professional Engineer**

CGS BS (Mazza, Mazzuchin, Guillot, Pilon), Alpine (Lim and Vertolli), and BCIN designer, Levasseur... all “agreed” it was “best” for my husband and I to “just comply” with a NON-CODE COMPLIANT FIX... a “fix” for a structural integrity issue that HAD to involve an engineer...

Mazza, Mazzuchin, Guillot, Pilon, Lim, Vertolli and Levasseur all felt it was “best” to do so...

BEST FOR WHOM?

Clearly... in our opinion, they ALL wanted this issue to simply “go away” and would suggest non-code compliant fixes in order to try to make that happen! PURELY SHAMEFUL!!!

We All Agreed... It Was Best To “Just Comply”...

**Violation Of Ontario Building Code Act As It Related To
Involvement Of A Professional Engineer**

From: "Marc G. Levasseur" <mgldc@cyberbeach.net>
To: 'Gus Vertolli' <gvertolli@www2.alpeng.com>, <Edmond.Lim@www2.alpeng.com>
CC: 'Alfio Mazzuchin' <alfio.mazzuchin@city.greatersudbury.on.ca>
Date: 11/25/2009 1:30 PM
Subject: Mr. & Mrs. Brohart

IA.

Alfio and I both agreed that it was best for Mr. & Mrs. Brohart to comply with the recommendations given by city Inspector Mike Pilon, make the repairs and move on.

I called Mrs. Brohart yesterday after talking to Alfio to tell her what had to be done, this without a chance to say much of anything after telling her that it was best to comply.

She went on for 5 to 10 minutes ranting & raving and talking about other issues she had with the city, but when she started talking about Attorneys and possibly taking action is when I have to draw the line.

Therefore,

Please be advised that Garden River Truss Company Inc. and M.G.L. Drafting & Consulting will not be communicating / corresponding / replying / talking with Mr. & Mrs. Brohart from now on.

If Mr. & Mrs. Brohart chose to fight this issue with the city and other parties, they will have to communicate through their Attorneys.

**From all sides...
we were being
told to...
“just comply”...**

**Source: Email
Levasseur to
Alpine
obtained via
FOI Request
2010-20.**

Dissection of "Engineering Report" Dated January 25, 2010...

Page 3, paragraph 1

Violation Of Ontario Building Code Act As It Related To Involvement Of A Professional Engineer...

Edmond Lim, President of Alpine Systems and Gus Vertolli...

Re: Truss Integrity/Framing Inspection 08-1658

From: **Edmond.Lim@itwbcbg.com**

Sent: November 25, 2009 5:08:50 PM

To: frederick brohart (fbrohart@hotmail.com); jbrohart@hotmail.com

Cc: Alfio.Mazzuchin@city.greatersudbury.on.ca; cj.delwo@city.greatersudbury.on.ca;
GVertolli@www2.alpeng.com

We concur with Item 1 of "Framing Inspection 08-1658" as per the OBC.

The GE1 truss design (and only the GE1 truss) can be notched at 4ft o.c. to accomodate the continuous studs.

I would like to correct your assertions in previous forwarded e-mails. The scope of the work of Alpine Systems covers only the individual truss designs as per our sealed truss designs. We were not contracted by any other party to layout the trusses. We also were not contracted to design the house and were not contracted to design the wall studs.

I trust this is the confirmation you require.

Sincerely,

ALPINE SYSTEMS CORPORATION

Edmond Lim, P.Eng.
President

Alpine Systems Corporation
1701 Creditstone Road
Concord, Ontario
L4K 5V6

Dissection of “Engineering Report” Dated January 25, 2010...

Page 3, paragraph 1

Violation Of Ontario Building Code Act As It Related To Involvement Of A Professional Engineer...

Edmond Lim, President of Alpine Systems and Gus Vertolli...

In his email, Mr. Lim of Alpine stated his company was not contracted for anything having to do with “design” of our house. Trusses, by definition, as pre-engineered elements were part of that design – and I suspected this was why Mr. Lim felt it was ok for him to “concur” with the proposed “fix” [in spite of it not being in conformance with the OBC].

If his company TRULY had no “design role” for our home, then he should have remained silent on “any fix” for that design! Gus Vertolli, truss engineer for Alpine Systems, remained silent, but that, in our opinion, was most likely due to personal, professional liability issues and/or the involvement of his CEO, Mr. Lim!

**Involvement Of Edmond Lim,
President of Alpine Systems...
and Gus Vertolli...**

The fact that Mr. Lim, the PRESIDENT of Alpine Systems, a division of IL Tool Works – chose to involve himself in “our fix” – left us wondering “why” he had done that given his position.

He had provided me with the name/contact information for Gus Vertolli in Ontario but, rather than having Gus Vertolli answer our emails and concerns, the PRESIDENT of Alpine Systems chose to do so himself – why?

Having worked in corporate America, this left both my husband and I truly wondering “what was going on here” as we had both worked with high level corporate officers in the past and something such as this, truly was “out of the ordinary” for a person in Mr. Lim’s position!

Also, as previously indicated, Alpine Systems Corporation documents as they related to “truss suitability” also very much indicated Alpine Systems Corporation had CERTIFIED the trusses to be suitable for their intended use!

Dissection of “Engineering Report” Dated January 25, 2010...
Page 3, paragraph 1

**Violation Of Ontario Building Code Act As It Related To
Involvement Of A Professional Engineer...**

Edmond Lim, President of Alpine Systems and Gus Vertolli...

Note also that in his statement, Mr. Lim [a structural engineer licensed in Ontario] stated he “concurred with ITEM #1 PER THE OBC”...

In fact, per the “Engineering Report” we received from our independently hired engineer, the “fix” proposed to us by the CGS Building Services in “Item #1” was NOT in accordance with the OBC!

In our opinion, Mr. Lim’s “concurrence” was but another case of trying to “quickly force us into doing a fix” – due to “professional interests” – even if that “fix” was not in accordance with the OBC!

Dissection of “Engineering Report” Dated January 25, 2010...

Page 3, paragraph 1

Violation Of Ontario Building Code Act As It Related To Involvement Of A Professional Engineer

During our January 5, 2010 meeting, Guido Mazza seemed distressed by the fact that my husband and I had decided to consult an independent engineer. Mr. Mazza stated that we “could simply insert the 2x6s in a balloon-frame fashion and be done with it quickly and that an engineer really wasn’t required.”

Clearly, as a structural engineer Mr. Mazza would have known that a structural engineer WAS required.

Instead, he got upset and toward the end of the meeting was yelling at me in frustration - something I documented in an email dated January 7, 2010 to Kevin Fowke of CGS HR Dept. In our opinion, this constituted nothing less than attempts at using duress to “force a fix” in spite of his having to have known that the “fix” we had been given by his office did NOT comply with the Ontario Building Code.

Dissection of “Engineering Report” Dated January 25, 2010...

Page 3, paragraph 1

Violation Of Ontario Building Code Act As It Related To Involvement Of A Professional Engineer

What I perceived as Mr. Mazza’s attempts at intimidating me via his yelling and trying to “force a fix” even if it was NOT in compliance with the Ontario Building Code, in my opinion, constituted:

1: A Violation Of The Ontario Building Code Act As It Related To Abuse Of Power, and

2: A Violation Of The Code Of Conduct Of Professional Engineers

Violations Of The Ontario Building Code Act As It Related To “Offenses” Of The Building Code Act

Building Code Act

36. (1) Offences. A person is guilty of an offence if the person,

- (a) knowingly furnishes false information in any application under this Act, in any certificate required to be issued or in any statement or return required to be furnished under this Act or the regulations;
- (b) fails to comply with an order, direction or other requirement made under this Act; or
- (c) contravenes this Act, the regulations, a by-law passed under section 7 or a condition imposed under section 9. 1992, c.23, s.36(1); 1997, c.24, s.224(17); 1997, c.30, Sched. B, s.19; 2002, c.9, s.53(1)

Source: 2006 OBC Act, Section 36.(1), Offenses (p. 33), Ontario Building Code Compendium

Violations Of The Ontario Building Code Act As It Related To “Code of Conduct” By CBO, Guido Mazza

7.1 (1) Code of Conduct. A principal authority shall establish and enforce a code of conduct for the chief building official and inspectors. 2002, c.9, s.12

(2) Purposes. The following are the purposes of a code of conduct:

- (a) To promote appropriate standards of behaviour and enforcement actions by the chief building official and inspectors in the exercise of a power or the performance of a duty under this Act or the building code.
- (b) To prevent practices which may constitute an abuse of power, including unethical or illegal practices, by the chief building official and inspectors in the exercise of a power or the performance of a duty under this Act or the building code.
- (c) To promote appropriate standards of honesty and integrity in the exercise of a power or the performance of a duty under this Act or the building code by the chief building official and inspectors. 2002, c.9, s.12

(3) Contents. A code of conduct must provide for its enforcement and include policies or guidelines to be used when responding to allegations that the code has been breached and disciplinary actions that may be taken if the code is breached. 2002, c.9, s.12.

Code of Conduct for Building Officials

1.0 Introduction

The City of Greater Sudbury maintains this code of conduct in accordance with the provisions of The Building Code Act. Building Officials undertake building certification functions that ensure the quality, structural integrity and safety of buildings. Building Officials are exposed to potential conflicts of interest because of the special powers conferred on them. The conduct and behaviour of the City of Greater Sudbury's Building Officials reflects the City of Greater Sudbury's Building Services Department's commitment to the highest standards of professionalism, technical competence, skill, honesty, fairness and independence. Building Officials observe both the letter and the spirit of this code of conduct as it pertains to situations that bear on their responsibilities.

2.0 Purpose

The purposes of this code of conduct are:

- To promote appropriate standards of behaviour by Building Officials in the exercise of their powers and performance of their duties;
- To prevent practices which may constitute an abuse of power, and
- To promote appropriate standards of honesty and integrity.

3.0 Standards of Conduct and Professionalism

In addition to any Policy and with respect to any "Code of Ethics and Conduct applying to all municipal staff", the City of Greater Sudbury Building Officials shall undertake *at all times* to:

1. Act in the public interest, particularly with regard to the safety of building works and structures;
2. Maintain their knowledge and understanding of the best current building practice, the building laws and regulations relevant to their building certifying functions;
3. Commit themselves to a process of continuous education so as to constantly be aware of developments in building design, practice and the law relevant to their duties;
4. Comply with the provisions of the *Building Code Act*, the Building Code and any other Act or Law that regulates or governs Building Officials or their functions;
5. Avoid situations where there may be, or where there may reasonably appear to be, a conflict between their duties to their clients, their profession, their peers and the public at large and their personal interests;
6. Not act beyond their level of competence or outside their area of expertise;

7. Apply all relevant building laws, regulations and standards strictly and without favour and independent of the influence of interested parties;
8. Perform their inspections and certifying duties impartially and in accordance with the highest professional standards.
9. Not divulge any confidential or sensitive information or material, that they become privy to in the performance of their duties, except in accordance with laws governing freedom of information and protection of privacy.
10. To avoid any conduct that could bring Building Officials or the City of Greater Sudbury into disrepute;
11. Extend professional courtesy to all;
12. Accept responsibility for the conduct of their subordinate employees;
13. Maintain current accreditation to perform the functions assigned to them; and
14. Take all reasonable steps to ascertain and document all available facts relevant to the performance of their duties.
15. Exemplify compliance with all regulations and standards that govern building construction, health and safety or other matters related to their status as a Building Official.

4.0 Guideline for responding to Misconduct Allegations

The *Building Code Act* provides that the performance of Building Officials will be measured against this code of conduct. In response to any allegation of a breach of this code, the Chief Building Official shall direct an investigation and where appropriate, recommend disciplinary action against any Building Official who fails to comply with this code of conduct. Where the allegation is against the Chief Building Official, Council will direct the investigation and make such recommendations as are reasonable.

In determining the appropriate discipline, the Chief Building Official or Council will have regard to the relevance of the conduct to the official's powers and responsibilities as well as the severity of any misconduct.

Disciplinary Action arising from violations of this code of conduct is the responsibility of the City of Greater Sudbury's administration and is subject to relevant collective agreements, employment laws and standards.

Note: This document has no date on it... so... when was this document really created? When I asked for it?

Source: CGS Clerk's Office CGS Code of Conduct For Building Officials, obtained via FOI



Discrimination and Harassment Policy

Discrimination and harassment based on any of the prohibited grounds, is a discriminatory practice under The Ontario Human Rights Code and all Employees have the right to redress for such a violation under the Code. It is CGS's Policy (which is available from your Supervisor for review) that discrimination and harassment are expressly prohibited and will not be tolerated, in any manner or form, by any Employee. The Employer will make every reasonable effort to ensure that no Employee is subject to discrimination or harassment, based on the prohibited grounds. This will include the prompt investigation of any alleged incidents of harassment and the provision of a complaint procedure. Harassment is considered a form of misconduct, and discipline relative to the seriousness of the offence will be imposed, up to and including dismissal.

Smoking in the Workplace

All CGS facilities are smoke free. Under by-law, CGS vehicles are an extension of our facilities, and are therefore smoke free, under all circumstances.

Retirement Age

CGS's mandatory retirement age is sixty-five (65). Occasionally, Employees may be re-employed on a contractual basis post age sixty-five (65), to ease the transition of work to other Employees. Such contracts are usually of a short duration.

Discipline Policy

Need for a Policy

Discipline is an uncomfortable subject for both Supervisors and Employees. However, it is necessary where Employees fail to meet standards of performance or violate rules and policies established by the Employer. Where coaching fails to correct a problem, progressive discipline plays two (2) roles:

- a) first and foremost, it impresses upon the Employee the seriousness of the infraction and in most cases results in corrected behaviour;
- b) where Employees fail to respond, progressive discipline supports the Organization's decision to discipline or discharge an Employee with cause.

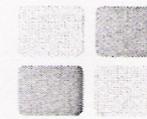
Policy

The following progressive Scale applies to all discipline applied to all Employees.

- Level 1 - Coaching Discussion/Verbal Warning
- Level 2 - Adverse Report/Written Warning
- Level 3 - One (1) Day Suspension
- Level 4 - Three (3) Day Suspension
- Level 5 - Discharge

This was more of what we were provided by CGS as a Code of Conduct For Building Officials.

Source: CGS Employee Handbook p. 31, July 14, 2003, obtained via FOI request #2010-19.



CGS Code of Conduct For Building Officials.

Note:
“Sample Infractions”
Have NOTHING TO DO WITH OBC/Act!

Source:
CGS Employee Handbook
p. 32,
July 14,
2003,
obtained via FOI request
#2010-19.

For many infractions the above progressive scale will be appropriate. That is, a first offence will result in a verbal warning, a second offence will result in a written warning, etc.

There are, however, a number of "first offence" infractions that, because of their serious nature, call for an initial level of discipline at other levels of the scale.

The chart below outlines some examples of typical infractions and suggests a guideline for the appropriate first level of Employer response to these infractions. It is a guide only. Individual consideration will be given to each case based on the facts and merits of the case. Similarly, the level of discipline appropriate to second and subsequent offences will depend on the circumstances surrounding those offenses.

<u>Level</u>	<u>Sample Infractions and Appropriate Level of Response for 1st Offence</u>
1ST: Coaching Discussion/ Verbal Warning	<ul style="list-style-type: none"> - first incidence of tardiness; - repeated innocent absenteeism; - first incident report indicating minor culpable behaviour; - first incidence of poor work performance, insufficient or careless work, unsafe work practices; - improper personal appearance; - offensive conduct.
2ND: Written Warning	<ul style="list-style-type: none"> - first incident report indicating negligence; - initial incidence of insubordination; - first incidence of use of obscene or vulgar language; - first absence from work without proper notification; - first incidence of failure to follow safety rules.
3RD: 1 Day Suspension	<ul style="list-style-type: none"> - first refusal to work overtime when directed to work; - first incidence of leaving work without permission; - first incidence of culpable absenteeism; - first incidence of use of tools, vehicles, etc. without authorization.
4TH: 3 Day Suspension (Final Warning)	<ul style="list-style-type: none"> - fighting, assault.
5TH: Discharge	<ul style="list-style-type: none"> - theft (including fraud, falsified expense reports or time cards, feigned illness); - sabotage or wilful damage of CGS property; - a criminal conviction that jeopardizes CGS property, security, reputation or interests of fellow Employees; - failure to discharge duty of fidelity to the Employer (i.e. untrustworthiness or failure to disclose a conflict of interest);



- consuming or under the influence of drugs or alcohol while on duty.
- driving at work without a valid and/or appropriate driver's license.

Individual Section Management may add Section specific infractions to the above scale at the appropriate level and in accordance with the operational needs of their specific business.

Complaint Resolution Procedure

CGS's Complaint Resolution Procedure is an avenue for resolving problems that arise in the workplace. Historically, only issues that are covered by a Collective Bargaining Agreement have had a formal procedure for resolution, and only Unionized Employees have had access to this means of problem solving. The Complaint Resolution Procedure will provide an alternative process whereby all Employees, not just those covered by a Collective Bargaining Agreement, can have a complaint formally addressed.

Purpose

Applicable?

Any Employee who believes that he/she has been treated unfairly as a result of a workplace decision or omission may have his/her complaint formally reviewed and corrected where error has occurred.

Eligibility

All Employees of CGS are eligible to use the Complaint Resolution Procedure.

Scope

All forms of workplace disputes or complaints may be brought to the Complaint Resolution Procedure. This may include a decision or action on behalf of the Employer, or an Employee, that violates or is inconsistent with CGS policy or practice. At no time shall the Complaint Resolution Procedure be used to alter or set Employer policies or procedures. Recommendations for future changes to or administration of these practices may be proposed after the final decision has been rendered.

The sole exception to the broad scope of this procedure will occur when an Employee/Union believes his/her Collective Bargaining Agreement has been misinterpreted, misapplied, improperly administered, or violated. Issues of this nature should be brought forward under the Grievance Procedure of the applicable Collective Bargaining Agreement.

Complaint Procedure

Document provided ends at "Step 1". Seems incomplete!

Where you wish to have your issue heard as part of the Complaint Resolution Procedure, you should take the following steps:

- Step 1** Make your complaint known verbally to the individual involved and/or that individual's Immediate Supervisor. Take this as an opportunity to problem solve at an early stage.

Source: CGS Employee Handbook p. 33, July 14, 2003, obtained via FOI request #2010-19.

The “Code of Conduct” ...

(3) Contents. A code of conduct must provide for its enforcement and include policies or guidelines to be used when responding to allegations that the code has been breached and disciplinary actions that may be taken if the code is breached. 2002, c.9, s.12

The pages provided by CGS via Freedom of Information request #2010-19 appeared not only incomplete (p. 33 ends at “Step 1) but inappropriate given that these pages from the Employee Handbook (p. 31 – 33) had absolutely NOTHING to do with alleged violations of the OBC and/or OBC Act.

Nowhere were “sample offenses” and/or appropriate disciplinary actions IF THE CODE WAS BREACHED even mentioned!

“CGS Code of Conduct For Building Officials... Incomplete... Inappropriate... and Obsolete?”

Not only did these pages from the Employee Handbook seem incomplete, and inappropriate, they also seemed obsolete given these pages (p. 31-33) were dated July 14, 2003 and the OBC and/or Act had since been revised... rather extensively!

The single page entitled “Code Of Conduct For Building Officials” has NO DATE on it... making one very much wonder WHEN it was actually written! If this document was recently created (something that would be captured via “Microsoft code”), that would mean the CGS very much appeared to have had no Code of Conduct for Building Officials in place relating specifically to alleged violations and methods and procedures for handling such allegations... and... if true... that would, in our opinion, have been a violation of the OBC Act (Sections 7.1(1), 7.1.(2) and 7.1(3))!

CGS Code of Conduct For Building Officials... Mandated Content vs. Actual Content...

“Mandated Content” is very specific to “code violations” and “responses to allegations” and “disciplinary action **IF THE CODE IS BREACHED**”.

(3) Contents. A code of conduct must provide for its enforcement and include policies or guidelines to be used when responding to allegations that the code has been breached and disciplinary actions that may be taken if the code is breached. 2002, c.9, s.12

“Code of Conduct... MANDATED Content Vs. Actual Content... Complaint Resolution Procedure...PURPOSE”

Complaint Resolution Procedure

CGS's Complaint Resolution Procedure is an avenue for resolving problems that arise in the workplace. Historically, only issues that are covered by a Collective Bargaining Agreement have had a formal procedure for resolution, and only Unionized Employees have had access to this means of problem solving. The Complaint Resolution Procedure will provide an alternative process whereby all Employees, not just those covered by a Collective Bargaining Agreement, can have a complaint formally addressed.

Purpose

Any Employee who believes that he/she has been treated unfairly as a result of a workplace decision or omission may have his/her complaint formally reviewed and corrected where error has occurred.

This had NOTHING to do with the handling of alleged violations of the Building Officials Code of Conduct – once again – indicating that no such methods and procedures appeared to be in place for the handling of alleged violations of the OBC and OBC Act by CGS BS employees – and... if true... that would, in our opinion, be a violation of Section 7.1(3) of the OBC Act!

Source: CGS Employee Handbook, p. 33, July 14, 2003.

CGS Code of Conduct For Building Officials...

Mandated Content vs. Actual Content...

“Actual Content”...

4.0 Guideline for responding to Misconduct Allegations
The *Building Code Act* provides that the performance of Building Officials will be measured against this code of conduct. In response to any allegation of a breach of this code, the Chief Building Official shall direct an investigation and where appropriate, recommend disciplinary action against any Building Official who fails to comply with this code of conduct. Where the allegation is against the Chief Building Official Council will direct the investigation and make such recommendations as are reasonable.

In determining the appropriate discipline, the Chief Building Official or Council will have regard to the relevance of the conduct to the official's powers and responsibilities as well as the severity of any misconduct.

Disciplinary Action arising from violations of this code of conduct is the responsibility of the City of Greater Sudbury's administration and is subject to relevant collective agreements, employment laws and standards.

CGS Code of Conduct For Building Officials...

In our opinion, there were really no “disciplinary action(s)” and/or provisions listed in the event of a violation of the OBC and/or Act.

Instead, we were simply given documentation from the “Employee Handbook”... documentation that in no way mentioned anything pertaining to the OBC and/or Act and actual disciplinary action(s) to be taken in the event of violations of either of these by CGS BS employees.

All that the CGS Code of Conduct For Building Officials provided was a statement that “an investigation will be made”...

CGS Code of Conduct For Building Officials...

Given that our complaints involved all levels of “building services”, including the CBO, who himself, in our opinion, had numerous violations of the OBC and/or Act, we did not feel that any “investigation” of “lower levels” within building services should be “investigated” by the CBO who would have a tremendous conflict of interest in terms of actions taken and/or not taken by subordinates and as such “abuse of power” would be an issue given the CBO would very much have a PERSONAL STAKE in ANY proceedings/investigation of subordinates relating to our case (i.e., plan reviewers, building inspectors, Deputy CBO, etc.).

CGS Code of Conduct For Building Officials... A DUTY TO ACT Imposed On The CGS Council...

Given we had documented our allegations that CBO, Guido Mazza, may have issued numerous building permits over the past 9 years for buildings that were clearly “not to code”... based on provisions in the CGS Code of Conduct For Building Officials, the City Council had a DUTY to “investigate” our allegations!

to comply with this code of conduct. Where the allegation is against the Chief Building Official, Council will direct the investigation and make such recommendations as are reasonable.

“Council WILL Direct The Investigation...”

This meant there HAD to be an investigation by City Council into these matters! There was certainly no mention in the OBC Act that this could be a “partial council”. The OBC Act certainly seemed to indicate that all of City Council – or at least a VOTING BODY had to do the investigation. After all, without what constituted a VOTING BODY, how could Council vote on any findings? Anything less than a VOTING BODY, in our opinion, constituted a violation of the Municipal Act which mandated:

The OBC Act Stating “Council WILL Direct The Investigation...” And... The Municipal Act...

PART VI PRACTICES AND PROCEDURES

MUNICIPAL ORGANIZATION AND ADMINISTRATION

Role of council

224. It is the role of council,

- (a) to represent the public and to consider the well-being and interests of the municipality;
- (b) to develop and evaluate the policies and programs of the municipality;
- (c) to determine which services the municipality provides;
- (d) to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of council;
- (d.1) to ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;
- (e) to maintain the financial integrity of the municipality; and
- (f) to carry out the duties of council under this or any other Act. 2001, c. 25, s. 224; 2006, c. 32, Sched. A, s. 99.

Source: Ontario Municipal Act 2001, S.O. 2001, CHAPTER 25, Part VI, Practices and Procedures, Municipal Organization and Administration, Role of Council, Section 224.

http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_01m25_e.htm

“Council WILL Direct The Investigation...”

City Council had a duty in its management of public funds and in ensuring what was in the best interest of the public (i.e., especially in matters of safety, etc.). What was in the best interest of the public and the best use of public funds would have been to have a VOTING BODY hearing our issues... But CGS City Council did not feel that was necessary.

Given “practices” as they existed in CGS BS were “directed” by the CBO and so many of our grievances were directed at the CBO, the Deputy CBO, plan reviewers and building inspectors, in our opinion, in no way should these parties be part of any body investigating these issues. Surely, they could provide their own statements, but in our opinion, none of them should have been considered to oversee the investigation into these matters.

CGS Code of Conduct For Building Officials... A DUTY TO ACT Imposed On The CGS Council...

On numerous occasions, we had voiced our concerns over misconduct within the CGS BS Department...including misconduct by the CBO himself!

Not once were our emails and/or verbal concerns replied to...

Furthermore, we were certainly NEVER told that “an investigation” would be conducted in spite of having raised our concerns with persons who regularly attended Council meetings (i.e., Senior Management at CGS) and/or persons whose responsibilities dealt specifically with “code compliance”!

All we had received on this matter from CGS had been... silence!

Email To CGS Sr. Auditor, Brian Bigger...

We Never Received A Reply To This... (p. 1 of 2)

Reply Reply all Forward |  



CGS Building Services

From: **frederick brohart** (fbrohart@hotmail.com)
Sent: January 8, 2010 10:10:52 AM
To: brian.bigger@city.greatersudbury.on.ca

THIS EMAIL IS PROTECTED BY PRIVACY AND COPYRIGHT LAWS. YOU DO NOT HAVE MY PERMISSION TO DISCUSS ANY REQUESTS, ISSUES - VERBALLY, IN WRITING, OR BY ANY OTHER MEANS OF COMMUNICATION WITH ANYONE OR ANY AGENT/AGENCY WITHOUT MY PRIOR WRITTEN CONSENT.

Brian,

This is to document the fact that you and I spoke on January 7, 2010 about my issues with the City of Greater Sudbury Building Services.

I understand that your office is just getting up to speed. Once your methods and procedures are in place, I would like know how I can file a formal request for an audit of the City of Greater Sudbury Building Services to show that permits issued are not always for building that are "to code" - and that would be a violation of the Ontario Building Code Act.

Furthermore, when buildings are not "to code", that simply creates a need for more inspectors, more paperwork, more resources - and it also creates a huge financial liability from the CGS's perspective. It is the responsibility of the CGS Building Services to ensure that buildings are built "to code" and failure of the CGS Building Services to "do their job properly" can indeed result in safety issues for the citizens of Greater Sudbury.

Email To CGS Sr. Auditor, Brian Bigger...

We Never Received A Reply To This... (p. 2 of 2)

I also want to document for you the fact that - once again - we are being treated "differently" than anyone else in this situation. During a conversation with Mr. Guido Mazza, I was told I needed to put "caution tape" around my house since "we now have an unsafe building". I did place 3 strips of "DANGER" tape around my "non-code compliant wall" yesterday. I can not help but wonder why, if this issue of "my unsafe building", is now of paramount concern for Mr. Mazza, why he shows NO CONCERN for other residents of CGS building services - who- unknowing to them - are also victims of bad designs that are "not to code" by my designer who has been submitting such plans to the CGS Building Services - all framed the SAME WAY - for the past 9 years!

Surely, if "my house" is "of concern" to Mr. Mazza, he - as a structural engineer - should be doing all he can to identify any other buildings that may not be "to code" and asking them to also "put a caution tape" around their walls! Once again, we are being treated differently because we chose to "push back" on the CGS Building Services.

Your "to do" as far as this email... just let me know how I can request a formal audit of the CGS Building Services. I know this won't be something you can do overnight as your department is just getting off the ground, but, there should be some procedures in place for "things to be considered as candidates for audits" when issues are raised by the public - the taxpayers to whom the CGS needs to be ultimately responsible.

I must tell you, Brian, with every conversation/meeting I have had with the CGS Building Services, things just get nastier. This is just not a good situation for the City of Greater Sudbury.

Jeanne A. Brohart

THIS EMAIL IS PROTECTED BY PRIVACY AND COPYRIGHT LAWS. YOU DO NOT HAVE MY PERMISSION TO DISCUSS ANY REQUESTS, ISSUES - VERBALLY, IN WRITING, OR BY ANY OTHER MEANS OF COMMUNICATION WITH ANYONE OR ANY AGENT/AGENCY WITHOUT MY PRIOR WRITTEN CONSENT.

**Brian Bigger... Sr. Auditor for CGS...
Usually attended CGS Council meetings.**

At the time I sent this email, I did not have a copy of the CGS Code of Conduct for Building Officials which stated that it was the responsibility of Council to direct an investigation into allegations of misconduct by the CBO.

At no time did Brian Bigger inform me of his “duty to act” in this situation and at no time did he request my permission/assistance to “launch an investigation” – in spite of my asking – in writing - how to go about doing that and in spite of my specifying that these violations of the OBC and OBC Act appeared to have been happening for over 9 years – and in spite of the many issues of misconduct I raised with him over the telephone!

Once again... CGS... and its officers... choose to remain...

SILENT!

**Kevin Fowke... HR Sr. Mgmt for CGS...
Was "Acting CAO"...
When First Contacted By Me In Another Email...(1 of 3)**

Reply Reply all Forward |  

x

Formal complaint - Guido Mazza

From: **frederick brohart** (fbrohart@hotmail.com)

Sent: January 8, 2010 9:48:34 AM

To: kevin.fowke@city.greatersudbury.on.ca

THIS EMAIL IS PROTECTED BY PRIVACY AND COPYRIGHT LAWS. YOU DO NOT HAVE MY PERMISSION TO DISCUSS ANY REQUESTS, ISSUES - VERBALLY, IN WRITING, OR BY ANY OTHER MEANS OF COMMUNICATION WITH ANYONE OR ANY AGENT/AGENCY WITHOUT MY PRIOR WRITTEN CONSENT. THIS IS ALSO TRUE FOR THE ATTACHED ORIGINAL EMAIL TO YOU. PERSONS INVOLVED IN THIS FIASCO HAVE NO IDEA AS TO MY REQUESTS AND OR INTENTIONS AT THIS TIME AND I WANT TO KEEP IT THAT WAY.

Kevin,

On January 5, 2010, I went to the CGS Building Services (around 3:15 pm) with the sole purpose of documenting whether or not there existed in my file (08-1658) anything relating to a December 2, 2009 inspection. There was nothing... as now... 5 persons in that office were clearly aware (Marco M., Ron Liinema, Andre Guillot, Guido Mazza and his supervisor). When I asked Marco M. or Ron L. to sign a statement to the fact that there was no December 2, 2009 inspection notice in my file - in spite of the fact that the CGS had sent TWO building inspectors to my building site that day, your employees would not sign a statement that this documentation was mission.

Kevin Fowke... HR Sr. Mgmt for CGS... Was "Acting CAO"... When First Contacted By Me In Another Email...(2 of 3)

I, therefore, went to the City Clerk's office and signed an affidavit stating the fact that the CGS wanted to do "documentation after the fact" since I had been told that Andre Guillot would have Mike Pilon - one of the inspectors who had been to my building site on December 2, 2009 - send me "a notice". I was advised by personnel in the City Clerk's office to speak with Mr. Mazza's supervisor who is in charge of Growth and Development. I did that. He then walked me to Mr. Mazza's office where we had yet another conversation. I asked Mr. Mazza to document the fact that there was no Dec. 2, 2009 notice in my file. He also refused to do that but simply stated he would talk to his personnel and respond to me on "this issue" of my affidavit.

Mr. Mazza and I were alone for the last 20 minutes or so of our conversation. By this time, all employees had pretty well left the building as it was 5:00 pm or so.

Mr. Mazza and I got into a conversation regarding the Ontario Building Code Act. I informed him that the "Offenses and Penalties" as discussed in the OBC Act section 36(1) and 36(3) does not distinguish between "offenses" created by a person within CGS Building Services and "offenses" committed by the public. Mr. Mazza seemed to get very offended by this and basically started yelling at me that he wouldn't have anyone telling him what is in the OBC Act and that he would tell me "what's expected" and in "what timeframes". Quite frankly, his tone of voice, and his yelling, to me, just showed his total lack of control and I perceived this as an attempt to intimidate me. As I stood there, I honestly thought, "I can't believe this".

Several times during our 1 hour conversation, Mr. Mazza alluded to the fact that "my issues" were costing him a great deal in terms of "resources". If you knew the facts, you would find that - quite frankly - he is only in "catch-up mode" because of work the CGS Building Services failed to do properly for the last 9 YEARS. Thus, the fact that ONE individual now has to come "raise issues" is really not that much of a "resource use" given things were not done properly in the past 9 years! You have a mess on your hands and I am very much going to "assist you" in cleaning it up - as a citizen of Canada and Ontario and taxpayer in Greater Sudbury - because it isn't only Sudbury tax dollars you are wasting - you are also wasting taxpayer dollars at a FEDERAL level.

**Kevin Fowke... HR Sr. Mgmt for CGS...
Was "Acting CAO"...
When First Contacted By Me In Another Email...(3 of 3)**

After Mr. Mazza's "explosion", I then left his office... and went to find my children who were sitting by the elevator bank and had come with me that day as we had been bounced from place to place (first I went to building services, then to the Clerk's Office, then to Mr. Mazza's supervisor's office, then to Mr. Mazza's office). My daughter (who is 17) could hear Mr. Mazza yelling at me as she and my son (age 12) waited for me by the elevators - which are quite a distance away from Mr. Mazza's office. My son - who is a high functioning autistic - was - by now - in tears and having a total breakdown.

As I spoke to my husband of this last night, he insisted I file a complaint with the City of Greater Sudbury regarding this issue. This was more than "just yelling at me". In my opinion, it was very much an attempt at intimidation.

My husband is usually a VERY calm person. This was very upsetting to him and he stated to me - "Now, they've made this personal". He will NOT tolerate anyone yelling at his wife and/or upsetting his children in any way.

We will no longer tolerate intimidation tactics on the part of the CGS Building Services. I will NOT attempt to have any further discussion with Mr. Mazza or his supervisor - I have exhausted that route. I will be taking my issues to City Council.

I also want to document for you the fact that during our meeting, Mr. Mazza made a statement that he had been in contact with the Ministry (Ministry of Municipal Affairs and Housing) and that he stated that "everything was fine" and that he was doing everything "according to Code".

The presentation I am currently preparing for City Council will certainly show otherwise and will indicate that if indeed Mr. Mazza has told the Ministry that "everything is fine" - that is quite frankly - a blatant lie - because things certainly are "not well" and "to code" in the CGS Building Services!

Jeanne A. Brohart

THIS EMAIL IS PROTECTED BY PRIVACY AND COPYRIGHT LAWS. YOU DO NOT HAVE MY PERMISSION TO DISCUSS ANY REQUESTS, ISSUES - VERBALLY, IN WRITING, OR BY ANY OTHER

Alfio Mazzuchin...

“Acting Deputy to CBO...”

New | Delete | Junk | Mark as ▾ | Move to ▾ | 

Reply | Reply all | Forward |  

RE: Failed Framing Inspection

From: **frederick brohart** (fbrohart@hotmail.com)

Sent: November 24, 2009 12:48:33 PM

To: cj.delwo@city.greatersudbury.on.ca

Hi Corrie-Jo,

thanks for your speedy reply... I look forward to hearing from him.

Jeanne A. Robitaille-Brohart

> Date: Tue, 24 Nov 2009 09:03:32 -0500

> From: cj.delwo@city.greatersudbury.on.ca

> To: fbrohart@hotmail.com

> Subject: Re: FW: Failed Framing Inspection

>

> Good morning Jeanne. As I'm not qualified to answer your questions, I

> have forwarded your email to Alfio Mazzuchin, Acting Manager of Code

> Compliance/Deputy Chief Building Official who will be contacting you

> shortly. Please don't hesitate to contact me if you have any other

> concerns and I'll make sure they are directed to the right personnel.

>

Alfio Mazzuchin...

“Acting Deputy to CBO...” (1 of 2)

New | Delete | Junk | Mark as ▾ | Move to ▾ |  Mes 

Reply | Reply all | Forward |   ✕

Please explain this comment

From: **frederick brohart** (fbrohart@hotmail.com)
Sent: November 25, 2009 11:59:46 AM
To: Alfio Mazzuchin (alfio.mazzuchin@city.greatersudbury.on.ca)
Cc: Gus Vertolli (gvertolli@www2.alpeng.com); Marc Levasseur (marc.levasseur@grtruss.com)

Mr. Mazzuchin,

As Acting Manager of Code Compliance, please explain the comment made in the email below as it relates to "even if I tell you how to do it LIKE EVERYBODY HAS BEEN DOING it doesn't mean that they will accept it."

Again... why are different people being treated differently for identical framing (as stated in my previous email to you)?

Please explain this comment. I just can't wait to see the reply to this one!

All is certainly not well in the City of Greater Sudbury Building Services office... is it!

Jeanne A. Robitaille-Brohart
Frederick E. Brohart

Alfio Mazzuchin... Filling In For...
André Guillot
Deputy to CBO... WHO KNEW OF ISSUE!!!

Please explain this comment. I just can't wait to see the reply to this one!

All is certainly not well in the City of Greater Sudbury Building Services office... is it!

Jeanne A. Robitaille-Brohart
Frederick E. Brohart

From: mgldc@cyberbeach.net
To: fbrohart@hotmail.com
Subject: RE: Failed Framing Inspection
Date: Mon, 23 Nov 2009 15:45:19 -0500

Like I said, I have to talk to Andre to get this resolved before I tell you how to proceed.

Even if I tell you how to do it like everybody has been doing it doesn't mean that they will accept it, therefore they have to tell me how they want it done, not how Mike Pilon wants it but how Andre wants it, and I want it in writing, this is the second or third time since Mr. Pilon has been an Inspector that he fails an inspection for this reason, none else has.

Marc G. Levasseur
GRTC Sales & Marketing Manager

Many At CGS... Aware Of These Issues...

And ALL... Failing To Provide Any Assurance That They Would Do ANYTHING About Them!

- 1. Brian Bigger, Sr. Auditor for CGS**
- 2. Alfio Mazzuchin – Acting Deputy Chief Building Officer**
- 3. Kevin Fowke – Sr. Management – HR, Acting CAO**
- 4. Bill Lautenbach – Sr. Management – Growth and Development (supervisor to CBO, part of Jan. 5th, 2010 meeting with CBO)**
- 5. Doug Nadorozny, Chief Administrative Officer**

Failure to conduct the appropriate investigations would clearly, in our opinion, be a violation of the Municipal Act!

APPAULING VIOLATION OF PUBLIC TRUST...

Should SOMEONE not have said SOMETHING to at the very least INITIATE AN INVESTIGATION!!!

Clearly, many of these persons, as SENIOR MANAGEMENT for CGS had a DUTY to do something...

... and from what we had seen, ALL failed to do so...

...in spite of a CLEAR HISTORY that some... such as the Deputy Chief Building Officer, André Guillot... KNEW about these code violations and simply tried to “hide them and/or patch them up” as, in our opinion, he “acted as an engineer”!

Legally Correct Vs. Technically Correct...

The OBC does state that in matters pertaining to structures under 600M², an engineer does not need to be involved in the design of the building. Thus, in trying to argue that “an engineer” was NOT needed in our situation, as I was informed by Stephen Haddock in “Enforcement” at the Professional Engineers of Ontario Association on March 9, 2010, Mr. Mazza may be “legally correct” (as far as Part 9 design requirements) but not TECHNICALLY correct given the specifics of our case had to do with structural integrity of a building and “fixes outside of Part 9”.

To choose to be “legally correct” over “technically correct” – for an engineer – and the City of Greater Sudbury – in our opinion, could constitute negligence given matters of public safety were at issue – something with which Mr. Haddock agreed!

Was An Engineer Needed In Our Case?

The “fixes” we were provided with by CGS BS could ONLY be recommended by a Professional Engineer licensed in Ontario as these “fixes” were OUTSIDE of PART 9 of the OBC per our independently hired engineer’s report.

Was An Engineer Needed In Our Case? ABSOLUTELY!

Dissection of “Engineering Report” Dated January 25, 2010...

Page 3, paragraph 1

Violation Of Ontario Building Code Act As It Related To Involvement Of A Professional Engineer

Attn: Fred & Jeanne Brohart

Subject: Residence at 22 Salo Rd, Nairn Centre, Ontario, Building Permit No. B08-1658

Project No: 3299

January 25, 2010

Page 3 of 4

In addition, any solution that deviates from the structural requirements of Part 9 of the building code requires the intervention of a Professional Engineer licensed in the Province of Ontario (Refer to Section 9.4.1.1 (1). Solutions such as:

1. splicing the stud wall below the ceiling level as currently installed and,
2. reinforcing the wall using continuous 2x4's from the bottom plate to the ceiling at 4ft c/c let into the midplate,

do not conform to Part 9 and therefore are not acceptable solutions without the advise of a Professional Engineer. In fact a properly engineered design and sealed drawing must be provided for this wall unless it is rebuilt in conformance with Part 9.

Source: Taken from report prepared by independently hired engineer, Byron Moss.

The CBO... A Lawyer... Or... An Engineer?

If the CGS BS was more concerned about being “legally correct” in stating that the OBC does not MANDATE an engineer be involved in matters relating to the design of small residential buildings... then, the CGS should consider placing an attorney as the CBO and face lawsuits pertaining to negligence in matters relating to public safety.

As an engineer practicing in the Province of Ontario, Mr. Mazza had a DUTY to society that necessitated he be TECHNICALLY correct when it came to matters of public safety... and we believed... the same argument could be made when it came to the CGS itself given that officers had a DUTY to ensure public safety via the Municipal Act and a DUTY to protect property and ensure one was not deprived of the enjoyment of property without due process of law under the Canadian Bill of Rights.

Violations Of The Ontario Building Code Act As It Related To “Offenses” By CBO, Guido Mazza

- 1. “Knowingly furnishes false information...in any statement... contravenes this Act, the regulations... or Section (Code of Conduct relating to appropriate behavior, abuses, integrity, etc.)**
 - a) As a structural engineer and CBO, Guido Mazza, in our opinion, had to know, AS AN ENGINEER - that building inspectors were NOT qualified to provide ANY type of “fix” in this situation of our wall with structural integrity issues. Yet, Mr. Mazza did everything he could to discourage me from involving an engineer during our January 5th, 2010 meeting.**
 - b) Furthermore, he insisted that building inspectors had the qualifications necessary to propose “a fix” in our situation in spite of having to know that the “suggested splicing” and “reinforcing walls at 4 ft intervals” was OUTSIDE of the realm of “Part 9” of the OBC and that as such, ONLY an engineer could speak on this issue – not his building inspectors.**

Violations Of The Ontario Building Code Act

As It Related To “Offenses” By CBO, Guido Mazza

1. “Knowingly furnishes false information...in any statement... contravenes this Act, the regulations... or Section 7 (Code of Conduct relating to appropriate behavior, abuses, integrity, etc.)

c) As a CBO, Mr. Mazza was required to know the OBC and as such, he would have had to know, in our opinion, that suggesting a “balloon-frame” as a “fix” to our problem would also have been a violation of the OBC since our wall was over 11’10” high (the maximum allowed height for 2x6 exterior load bearing walls per Section 9.23.10.1 of the OBC without also taking into consideration wind effects and snow loads in proper lumber determination).

d) Mr. Mazza, who issued our building permit would also, in our opinion, have to known that the gable end we were given for this wall constituted a violation of Section 9.23.10.3(2) as it related to “stud orientation”, and as such, a building permit should NEVER have been issued for these plans as they were submitted.

Violations Of The Ontario Building Code Act As It Related To “Offenses” By CBO, Guido Mazza

1. “Knowingly furnishes false information...in any statement... contravenes this Act, the regulations... or Section 7 (Code of Conduct relating to appropriate behavior, abuses, integrity, etc.)

e) As CBO and as an engineer (a qualification stipulated in his job description), Mr. Mazza, in our opinion, should also have known that this sort of framing did NOT constitute “good engineering practices” and that this was a violation of Section 4.1.1.3 and Section 9.4.1.1(b) of the OBC on Structural Requirements.

f) Mr. Mazza, during our January 5, 2010 meeting also stated he had spoken to the Ministry of Municipal Affairs and Housing and informed them that “everything was fine”. This, in our opinion, given the facts of the situation, would constitute a blatant lie to the Ministry of Municipal Affairs and Housing!

Violations Of The Ontario Building Code Act As It Related To “Offenses” By CBO, Guido Mazza

1. “Knowingly furnishes false information...in any statement... contravenes this Act, the regulations... or Section 7 (Code of Conduct relating to appropriate behavior, abuses, integrity, etc.)

g) CGS Building Services had previously failed such framing practices – yet NOTHING was done to stop the issuance of building permits for plans not “to code”... Mr. Mazza just kept issuing them in spite of a history with this issue!

That, in our opinion, would constitute a violation of the Ontario Building Code Act, Section 1.1(6), Role of Chief Building Officials as they related to Mr. Mazza’s responsibility to ENFORCE the OBC and Act and his responsibility to establish operational policies for the enforcement of the OBC and Act and a violation of the Engineering Act and Code of Conduct as they pertained to an engineer’s duty to society!

Violations Of The Ontario Building Code Act As It Related To “Offenses” By CBO, Guido Mazza

1. “Knowingly furnishes false information...in any statement... contravenes this Act, the regulations... or Section 7 (Code of Conduct relating to appropriate behavior, abuses, integrity, etc.)

- (6) Role of Chief Building Officials.** It is the role of a chief building official,
- (a) to establish operational policies for the enforcement of this Act and the building code within the applicable jurisdiction;
 - (b) to co-ordinate and oversee the enforcement of this Act and the building code within the applicable jurisdiction;
 - (c) to exercise powers and perform the other duties assigned to him or her under this Act and the building code; and
 - (d) to exercise powers and perform duties in accordance with the standards established by the applicable code of conduct. 2002, c.9, s.3

Source: 2006 OBC Act, Section 1.1(6), Role of Chief Building Officials, p.4, 2006 Building Code Compendium.

Violations Of The Ontario Building Code Act As It Related To “Offenses” By CBO, Guido Mazza

1. “Knowingly furnishes false information...in any statement... contravenes this Act, the regulations... or Section 7 (Code of Conduct relating to appropriate behavior, abuses, integrity, etc.)

h) In addition, Mr. Mazza’s “failure to act” and his doing of nothing to stop Marc Levasseur from designing buildings that were “not to code” and/or the issuance of permits for plans that were “not to code” for 9 years, and the misrepresentation of qualifications by CGS Building Services personnel who “acted as engineers” in situations they were NOT qualified to speak on was, in our opinion, a violation of “Conditions” relating to the Registration or Renewal of a Registration for Registered Persons.

**Violations Of The Ontario Building Code Act
As It Relates To “Offenses” By Edmond Lim and Gus Vertolli of
Alpine Systems Corporation**

As engineers both qualified in the Province of Ontario, Lim and Vertolli, in our opinion, would have known that to “concur” with the proposed CGS “fix” for Item #1 as it related to the structural integrity of our wall would be a violation of the OBC Act and Engineering Act as this did NOT constitute “good engineering practices” and that this “fix” was a violation of numerous sections of the OBC.

Violations Of The Ontario Building Code Act As It Relates To “Offenses” By BCIN Designer Marc Levasseur

1. “Knowingly furnishes false information...in any statement... contravenes this Act, the regulations... or Section 7 (Code of Conduct relating to appropriate behavior, abuses, integrity, etc.)

In all of this... we just saw too many attempts at “covering one’s tracks”... and with each attempt... what – in our opinion – was more “self-incrimination”...

Another perfect example of this was an email sent by BCIN designer Marc Levasseur to CGS Deputy CBO, André Guillot... with a cc: to Alpine CEO Edmond Lim and Angelo Croce... also of Alpine... the day after my meeting with Mazza and Lautenbach on January 5, 2010.

Violations Of OBC And Act... BCIN Designer, Marc Levasseur...

Andre Guillot - FW: You have been sent 3 image(s)

From: "Marc G. Levasseur" <marc.levasseur@grtruss.com>
To: "Andre Guillot" <Andre.Guillot@city.greatersudbury.on.ca>
Date: 1/6/2010 5:34 PM
Subject: FW: You have been sent 3 image(s)
CC: "Edmond Lim" <ELim@www2.alpeng.com>, "Angelo Groce" <ACroce@www2.alpeng.com>

Andre,

As you can see, I am also forwarding this explanation to Alpine so they can offer their views if they chose to do so.

The wall construction has to be continuous to the bottom of the Scissor Trusses as per the Section 9.23.10.4.

There may be many reasons as to why Garden River Truss is sending standard Gable End Trusses to the construction sites.

Here are the three most common reasons but Option #1 is probably the one that applies to this problem:

- 1 Garden River Truss has sold many of these jobs in the last three years and has not received any complaints, therefore assuming that the Framing Inspection had passed.
- 2 The Customer / Builder have requested it that way.
- 3 Plans were modified without notifying Garden River Truss.

After consulting with your Department, our assumptions may have been incorrect, this problem may have been spotted before or at Framing Inspection and dealt with immediately, and therefore we were never contacted with any complaints.

Further more,

These discoveries were relayed to Mrs. Brohart at the end of November, and I urged her to comply with the Framing Inspector's suggestion to correct the problem. Her decision to argue the method offered for correcting the problem is entirely hers and without any participation from Garden River Truss Company Inc. or M.G.L. Drafting & Consulting.

Compensation for materials and labour to correct the problem according to the Framing Inspector's suggestion was offered but to no avail.

Regards,

Marc G. Levasseur
GRTC Sales & Marketing Manager
Manager & Technical Sales Representative - Sudbury Sales Office
Garden River Truss Company Inc.
Sudbury, ON P3A 1K6

Still
“urging us
to
comply”...
but now...
there was
more...

Source: FOI
Request 2010-
20, Email from
Levasseur to
CGS and
Alpine, Jan. 6,
2010.

Record 13

Violations Of OBC And Act... BCIN Designer, Marc Levasseur,...

Here are the three most common reasons but Option #1 is probably the one that applies to this problem:

- 1 Garden River Truss has sold many of these jobs in the last three years and has not received any complaints, therefore assuming that the Framing Inspection had passed.**
- 2 The Customer / Builder have requested it that way.**
- 3 Plans were modified without notifying Garden River Truss.**

After consulting with your Department, our assumptions may have been incorrect, this problem may have been spotted before or at Framing Inspection and dealt with immediately, and therefore we were never contacted with any complaints.

- 1. An outright lie...see email dated Nov. 23, 2009 by M. Levasseur**
- 2. To comply with such a customer/builder request would be a willfull violation of the OBC and Act by the BCIN designer and/or truss engineering firm and/or any plan reviewers and/or any permit issuers. Such changes would also have been documented somewhere... and the City would have to approve the non-code compliant request!**

Source: FOI Request 2010-20, Email from Levasseur to CGS and Alpine, Jan. 6, 2010.

Violations Of OBC And Act...

BCIN Designer, Levasseur and Alpine Systems Corporation...

Here are the three most common reasons but Option #1 is probably the one that applies to this problem:

- 1 Garden River Truss has sold many of these jobs in the last three years and has not received any complaints, therefore assuming that the Framing Inspection had passed.**
- 2 The Customer / Builder have requested it that way.**
- 3 Plans were modified without notifying Garden River Truss.**

After consulting with your Department, our assumptions may have been incorrect, this problem may have been spotted before or at Framing Inspection and dealt with immediately, and therefore we were never contacted with any complaints.

3. Unlikely as customers would be left without a truss and/or modifications to trusses must be “engineer approved”... The non-code compliant modifications would have to be approved ... and documented... by the City. It was, in our opinion, unlikely the City would approve the changes to truss designs without sending it back to the truss engineer!

Source: FOI Request 2010-20, Email from Levasseur to CGS and Alpine, Jan. 6, 2010.

History And "1. An Outright Lie"... Violations OBC And Act... BCIN Designer, Marc Levasseur...

From: mgldc@cyberbeach.net
To: fbrohart@hotmail.com
Subject: RE: Failed Framing Inspection
Date: Mon, 23 Nov 2009 15:13:51 -0500

Sold hundreds of Scissor Truss jobs in the last 9 years, all framed the same way.
When you left the message I knew that Mike Pilon was the Inspector, and I did get it confirmed by Building Services. He is the only Inspector at the city failing jobs when this type of construction comes into play.

Therefore, I have made previous calls to this Inspector for failing Scissor Truss jobs and he has never called back. I have to wait for Andre to get back next Monday before I have an answer and know how they want to go about it.

As for Gus, I cannot give you his number and not even the city gets to talk to him.

Everything has to go thru me.

Regards,

Marc G. Levasseur
GRTC Sales & Marketing Manager
Manager & Technical Sales Representative - Sudbury Sales Office
Garden River Truss Company Inc.
Sudbury, ON P3A 1K6
Tel: (705) 524-2564
Fax: (705) 524-3347
Cell: (705) 929-4227
Toll Free: (877) 524-2564
E-mail: marc.levasseur@grtruss.com
Web Site: www.grtruss.com

RE: Failed Framing Inspection
From: **Marc G. Levasseur** (mgldc@cyberbeach.net)
Sent: November 23, 2009 3:45:51 PM
To: 'frederick brohart' (fbrohart@hotmail.com)

Like I said, I have to talk to Andre to get this resolved before I tell you how to proceed.

Even if I tell you how to do it like everybody has been doing it doesn't mean that they will accept it, therefore they have to tell me how they want it done, not how Mike Pilon wants it but how Andre wants it, and I want it in writing, this is the second or third time since Mr. Pilon has been an Inspector that he fails an inspection for this reason, none else has.

Marc G. Levasseur
GRTC Sales & Marketing Manager
Manager & Technical Sales Representative - Sudbury Sales Office
Garden River Truss Company Inc.
Sudbury, ON P3A 1K6
Tel: (705) 524-2564
Fax: (705) 524-3347
Cell: (705) 929-4227
Toll Free: (877) 524-2564
E-mail: marc.levasseur@grtruss.com
Web Site: www.grtruss.com

Source: Emails from Levasseur to Brohart, Nov. 23, 2009

Violations Of The Ontario Building Code Act As It Related To “Offenses”...

1. “Knowingly furnishes false information...in any statement... contravenes this Act, the regulations... or Section 7 (Code of Conduct relating to appropriate behavior, abuses, integrity, etc.)

3.4.3.7. Conditions

- (1) The following are the conditions of a registration
- (a) the *registered* person shall carry out activities under the registration in accordance with the Act, this Code and the quality management plan referred to in Clause 3.4.3.2.(1)(d),

Source: 2006 OBC, Division C, Part 3, Section 3.4.3.7(1)(a), “Conditions”

NOT A “ONE TIME PROBLEM”... BUT ONE ALLOWED TO CONTINUE – 9 YEARS - COMPLETELY UNCHECKED!

RE: Failed Framing Inspection

From: **Marc G. Levasseur** (mgldc@cyberbeach.net)

Sent: November 23, 2009 3:14:21 PM

To: 'frederick brohart' (fbrohart@hotmail.com)

Sold hundreds of Scissor Truss jobs in the last 9 years, all framed the same way

When you left the message I knew that Mike Pilon was the Inspector, and I did get it confirmed by Building Services. He is the only Inspector at the city failing jobs when this type of construction comes into play.

Therefore,

I have made previous calls to this Inspector for failing Scissor Truss jobs and he has never called back. I have to wait for Andre to get back next Monday before I have an answer and know how they want to go about it.

As for Gus, I cannot give you his number and not even the city gets to talk to him.

Everything has to go thru me.

Regards,

Marc G. Levasseur

GRTC Sales & Marketing Manager

Manager & Technical Sales Representative - Sudbury Sales Office

Garden River Truss Company Inc.

NOT A "ONE TIME PROBLEM"... BUT ONE ALLOWED TO CONTINUE – 9 YEARS - COMPLETELY UNCHECKED!
DIFFERENT "FIXES" FOR THE SAME PROBLEM! WHY?

RE: Failed Framing Inspection

(1) Different Treatment! Why?

From: **Marc G. Levasseur** (mgldc@cyberbeach.net)

(2) Why NOT?

Sent: November 23, 2009 3:45:19 PM

To: 'frederick brohart' (fbrohart@hotmail.com)

(3) "André" is NOT an engineer!

Like I said, I have to talk to Andre to get this resolved before I tell you how to proceed.

(1)

(2)

Even if I tell you how to do it like everybody has been doing it doesn't mean that they will accept it, therefore they have to tell me how they want it done, not how Mike Pilon wants it but how Andre wants it, and I want it in writing, this is the second or third time since Mr. Pilon has been an Inspector that he fails an inspection for this reason, none else has.

(4)

(5)

(3)

(4) No consistency! Good luck getting it in writing!

(6)
Marc G. Levasseur

(5) This had happened before! HISTORY!

GRTC Sales & Marketing Manager

Manager & Technical Sales Representative - Sudbury Sales Office

(6) Most inspectors were missing this issue!

Garden River Truss Company Inc.

**Violations Of The Ontario Building Code Act
As It Related To “Offenses” By CBO, Guido Mazza
As They Related To Requirements
To Establish “Operational Procedures”...**

There were NO operational methods and procedures in place for identifying and addressing field issues when uncovered during inspections as clearly evidenced by my FOI request asking for such Methods and Procedures.

The Ontario Building Code alluded to the types of Methods and Procedures that should be in place for Registered Code Agencies... but, truly... nothing much was stated for principal authorities as far as what they were required to provide... only a statement saying that it was up to the CBO to establish operational methods and procedures (see OBC Act, Section 1.1(6) Role of Chief Building Officers, p. 4).

EXAMPLES Of Activities For Which Registered Code Agencies Should Have Specific Methods and Procedures...

Activities ... for which CGS BS... had ZERO Methods and Procedures!

3.4.3.3.

2006 Building Code



- (a) procedures relating to the commencement of activities as a *registered code agency*, including procedures to verify that the applicant or *registered* person is qualified to undertake the activities and to verify that there exists no conflict of interest within the meaning of Sentence 3.7.3.1.(4),
- (b) identification of the responsibilities of persons who will carry out plans review and inspection activities of the applicant or *registered* person and procedures for the supervision of those persons,
- (c) procedures for assessing plans and specifications for conformity with this Code, including procedures for the assessment of *alternative solutions*.
- (d) procedures for inspecting the *construction of buildings*,
- (e) procedures for receipt of notices that *construction* is ready for inspection and of written reports from *architects* and *professional engineers* arising out of the general review of the *construction of buildings*,
- (f) procedures for the issuance of certificates and orders under the Act, including the responsibility of the persons with the qualifications set out in Sentences 3.7.5.3.(1) and (2),
- (g) procedures for referral of matters to a *chief building official* under subsection 14(5) of the Act,
- (h) procedures for participation of the applicant or *registered* person in proceedings before the Building Code Commission under section 24 of the Act and before the Superior Court of Justice under section 25 of the Act,
- (i) procedures for documenting the activities of the applicant or *registered* person under the registration, including data control, records retention and the maintenance of security and confidentiality of records, and transferring records to the *principal authority*,
- (j) procedures for training and supervision of personnel, and
- (k) procedures for the review and up-dating of the quality management plan.

**Violations Of The Ontario Building Code and/or Act
As It Related To “Offenses” By CGS Council...
A City Council That Completely Failed To Ensure Appropriate
Methods and Procedures Were In Place Per OBC Act
Requirements...**

RESTRICTIONS AFFECTING MUNICIPAL POWERS

Specific powers, by-laws under general powers

15. (1) If a municipality has power to pass a by-law under section 9, 10 or 11 and also under a specific provision of this or any other Act, the power conferred by section 9, 10 or 11 is subject to any procedural requirements, including conditions, approvals and appeals, that apply to the power and any limits on the power contained in the specific provision. 2001, c. 25, s. 15 (1); 2006, c. 32, Sched. A, s. 11 (1).

Source: Ontario Municipal Act 2001, S.O. 2001, CHAPTER 25, Restrictions Affecting Municipal Powers, Part II, Specific Powers, by-laws under general powers, Section 15.(1).

http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_01m25_e.htm

Violations Of The Ontario Building Code and/or Act As It Related To “Offenses” By CGS Council...And Delegated Powers

DELEGATION OF POWERS AND DUTIES

General power to delegate

23.1 (1) Without limiting sections 9, 10 and 11, those sections authorize a municipality to delegate its powers and duties under this or any other Act to a person or body subject to the restrictions set out in this Part. 2006, c. 32, Sched. A, s. 15.

Scope of power

(2) The following rules apply to a by-law delegating any of the municipality’s powers or duties:

1. A delegation may be revoked at any time without notice unless the delegation by-law specifically limits the municipality’s power to revoke the delegation.
2. A delegation shall not limit the right to revoke the delegation beyond the term of the council which made the delegation.
3. A delegation may provide that only the delegate can exercise the delegated power or that both the municipality and the delegate can exercise the power.
4. A delegation or deemed delegation under paragraph 6 of a duty results in the duty being a joint duty of the municipality and the delegate.
5. A delegation may be made subject to such conditions and limits as the council of a municipality considers appropriate.
6. Where a power is delegated, the power is deemed to be delegated subject to any limits on the power and to any procedural requirements, including conditions, approvals and appeals which apply to the power and any duties related to the power are deemed to be delegated with the power. 2006, c. 32, Sched. A, s. 15.

Same

(3) The conditions and limits referred to in paragraph 5 of subsection (2) may include such matters as the following:

1. A requirement that the delegate act by by-law, resolution or otherwise, despite subsection 5 (3).
2. Procedures that the delegate is required to follow.
3. The accountability of the delegate and the transparency of the delegate’s actions and decisions. 2006, c. 32, Sched. A, s. 15.

Source: Ontario Municipal Act 2001, S.O. 2001, CHAPTER 25, Restrictions Affecting Municipal Powers, Part II, Delegation of Powers and Duties, Scope of Powers, Section 23.1.

http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_01m25_e.htm

Violations Of The 2001Municipal Act, The Ontario Building Code and/or Act As It Related To “Offenses” By CGS Council...

PART VI PRACTICES AND PROCEDURES

MUNICIPAL ORGANIZATION AND ADMINISTRATION

Role of council

224. It is the role of council,

- (a) to represent the public and to consider the well-being and interests of the municipality;
- (b) to develop and evaluate the policies and programs of the municipality;
- (c) to determine which services the municipality provides;
- (d) to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of council;
- (d.1) to ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;
- (e) to maintain the financial integrity of the municipality; and
- (f) to carry out the duties of council under this or any other Act, 2001, c. 25, s. 224; 2006, c. 32, Sched. A, s. 99.

Source: Ontario Municipal Act 2001, S.O. 2001, CHAPTER 25, Part VI, Practices and Procedures, Municipal Organization and Administration, Role of Council, Section 224.

http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_01m25_e.htm

Violations Of The 2001Municipal Act, The Ontario Building Code and/or Act As It Related To “Offenses” By CGS Council...

Municipal administration

227. It is the role of the officers and employees of the municipality,

- (a) to implement council’s decisions and establish administrative practices and procedures to carry out council’s decisions;
- (b) to undertake research and provide advice to council on the policies and programs of the municipality; and
- (c) to carry out other duties required under this or any Act and other duties assigned by the municipality. 2001, c. 25, s. 227.

Chief administrative officer

229. A municipality may appoint a chief administrative officer who shall be responsible for,

- (a) exercising general control and management of the affairs of the municipality for the purpose of ensuring the efficient and effective operation of the municipality; and
- (b) performing such other duties as are assigned by the municipality. 2001, c. 25, s. 229.

In Our Opinion... It was quite likely that several “By-Laws” had probably been violated as well... although this was not something I had investigated... We had already, in my opinion... exposed enough “higher level violations” to clearly show... “there was an administrative problem when it came to CGS City Council”...

PART XIV ENFORCEMENT

OFFENCES AND PENALTIES

Authority to create offences

425. (1) A municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under this Act is guilty of an offence. 2006, c. 32, Sched. A, s. 184.

Directors and officers

(3) A by-law under this section may provide that a director or officer of a corporation who knowingly concurs in the contravention of a by-law by the corporation is guilty of an offence. 2006, c. 32, Sched. A, s. 184.

Violations Of The 2001Municipal Act, The Ontario Building Code and/or Act As It Related To “Offenses” By CGS Council...

Definition

(5) In this section,

“multiple offence” means an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of a by-law. 2006, c. 32, Sched. A, s. 184.

Source: Ontario Municipal Act 2001, S.O. 2001, CHAPTER 25, Part XIV, Enforcement, Offences and Penalties, Fines Under Another Act, Definitions, Section 429 (5).

http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_01m25_e.htm

Chief Building Officer, Guido Mazza's supervisor, Bill Lautenbach, The General Manager of Growth and Development for CGS was present during about ¾ of my meeting with Mr. Mazza on January 5, 2010.

Mr. Lautenbach excused himself after very much giving me the impression that he felt Mr. Mazza had things “under control” and very much giving me the impression that “I was wasting his time”. I found him to be VERY arrogant as he made comments indicating, sarcastically, that he felt “I knew everything”. Truly, CGS personnel had a knack for “fueling the fire” with their arrogance.

I very much suspected that since our January 5, 2010 meeting, Mr. Lautenbach had done very little to further investigate our issues and my allegations of abuses and violations of the OBC and Act within the CGS Building Services Dept.

Arrogance and disrespect were certainly terms by which we now characterized the CGS Building Services Department.

For example, when we first inquired from CGS Building Services as to where we could get a copy of the OBC, I was told by one CGS BS employee, Ron Liinamaa, half jokingly and half seriously – I quoted:

“Well... you can get it... but you won’t understand it”.

As persons who had both worked for years in a corporation of over 200,000 employees in Chicago for a major Fortune 100 company (SBC – later bought out by AT&T), both my husband and I could simply not believe the arrogance in this department – COMPLETELY unprofessional. We felt many in this department considered themselves “demi-gods” with their “do what you are told and don’t waste our time attitudes”.

Furthermore, emails and inquiries to this department were met with “stone walls”, “silence”, and basically “no reply” to concerns and/or questions.

In our opinion, we had been exposed to everything from arrogance and disrespect to intimidation, yelling, and abuse of power in the form of highlighted copies of the OBC Act and duress as Chief Building Officer Guido Mazza stated he would issue an “order” pertaining to our non-compliant wall!

“Orders” – once issued – if not complied with – could result in fines of up to \$50,000.00 for a first offense.

It was only when I stated I would go to the press if an order was issued against us that could result in any type of fine resulting from events that had been, in our opinion, rooted in incompetence by CGS BS personnel that Mr. Mazza “backed off”.

CBO, Guido Mazza, his supervisor, Mr. Lautenbach and Deputy CBO/Manager of Code Compliance André Guillot, were clearly, in our opinion, more afraid of “bad press”, potential liability and “for their jobs” than they were concerned for “public safety”.

Defining “Qualities” at CGS Building Services...

Arrogance And Disrespect... And Worse!

Violation of Code of Conduct For The City of Greater Sudbury...

Personally, given our situation as it related to CGS Building Services, as we read this “Code of Conduct” for employees of CGS, we found it to be a “nice on paper document” and not much else.

Defining “Qualities” at CGS Building Services...

Arrogance And Disrespect...

Violation of Code of Conduct For The City of Greater Sudbury...

SCHEDULE "A"

to By-law 2003-26A of the City of Greater Sudbury

Page 1 of 2

CITIZEN SERVICE POLICY

PREAMBLE:

The City of Greater Sudbury is committed to creating a challenging and rewarding work environment in which employees are motivated to respond to the needs of our citizens by providing the highest quality service in all municipal facilities, programs and service areas. We exist to serve our community and our goal is to provide citizens with great service that consistently exceeds the citizen's expectations.

It was fair to say that “our expectations” certainly had been “exceeded” – in a very **NEGATIVE** manner!

Source: CGS By-law 2003-26A [Schedule A] as provided to us by CGS HR Dept. (I apologized for “crookedness of the document” – this was how it was provided to us by CGS.)

Defining “Qualities” at CGS Building Services...

Arrogance And Disrespect...

Violation of Code of Conduct For The City of Greater Sudbury...

“CAN DO” SERVICE:

The City of Greater Sudbury promotes a 'can do' attitude amongst employees. Staff are positive and empowered to make effective and pro-active decisions when dealing with citizens. They use their common sense along with their technical and professional knowledge to make timely and effective decisions. This ensures that service is responsive to unique needs while addressing core services, policies and safety standards.

The ONLY “CAN DO” attitude we had seen in CGS Building Services as it related to our situation had been “what can we do to make this go away” and “I’m not to blame” attitudes...

Source: CGS By-law 2003-26A [Schedule A] as provided to us by CGS HR Dept. (I apologized for “crookedness of the document” – this was how it was provided to us by CGS.)

Defining “Qualities” at CGS Building Services...

Arrogance And Disrespect...

Violation of Code of Conduct For The City of Greater Sudbury...

Our employees go the extra mile for citizens by:

- * actively greeting citizens and ensuring that staff are clearly identified;
- * listening to citizens and valuing their individual needs, experiences and differences;
- * treating all citizens fairly and equitably
- * working co-operatively;
- * encouraging problem resolution;
- * being accountable for our individual actions and decisions;
- * taking ownership for achieving conclusion to an issue;
- * finding alternatives for the citizen when we cannot help.

Source: CGS By-law 2003-26A [Schedule A] as provided to us by CGS HR Dept. (I apologized for “crookedness of the document” – this was how it was provided to us by CGS.)

Defining “Qualities” at CGS Building Services...

Arrogance And Disrespect...

Violation of Code of Conduct For The City of Greater Sudbury...

As a corporation, we support risk taking and problem solving and encourage innovation within the framework and guidelines provided to us by Council. Corporately we foster an 'open for business' attitude and work to simplify procedures and eliminate red tape.



Actually, what we had experienced was more in the order of “leave us alone” and “we won’t document anything that might be damaging to us” and “don’t ask for anything in writing”... because there was nothing... including any methods and procedures!

Source: CGS By-law 2003-26A [Schedule A] as provided to us by CGS HR Dept. (I apologized for “crookedness of the document” – this was how it was provided to us by CGS.)

Defining “Qualities” at CGS Building Services...

Arrogance And Disrespect...

Violation of Code of Conduct For The City of Greater Sudbury...

SERVICE STANDARDS:

Let's not even
“go there”!

We were provided with 3
“fixes” to our wall by CGS BS
personnel – not 1 of them was
in compliance with OBC!

The City of Greater Sudbury is committed to:

Providing clear, concise and accurate information and resources in a professional, courteous and helpful manner and in a variety of ways - in person, by telephone, mail, facsimile, e-mail and on the City of Greater Sudbury website.

When it came to “responding in writing”... well... that just WILL NOT happen when it comes to CGS Building Services!

Source: CGS By-law 2003-26A [Schedule A] as provided to us by CGS HR Dept. (I apologized for “crookedness of document” – this was how it was provided to us by CGS.)

Defining “Qualities” at CGS Building Services...

Arrogance And Disrespect...

Violation of Code of Conduct For The City of Greater Sudbury...

- Creating a welcoming atmosphere, acknowledging citizens immediately, responding promptly to messages and inquiries and providing citizens with information as to our availability. This can include strategies such as using the vacation rule on e-mail to advise of a return date and updating voice mail messages to reflect absences from the office.
- Continuously monitoring, evaluating and improving our service level and implementing a process to measure our successes and get feedback from citizens.

I advised HR (Kevin Fowke) in email that I was placing a “formal complaint” against Mr. Mazza for yelling at me and making a statement that - in my opinion - constituted “lying to the Ministry of Municipal Affairs and Housing”... I had YET to hear back on this issue... and hearing back on most of the issues I raised with CGS Building Services!

Source: CGS By-law 2003-26A [Schedule A] as provided to us by CGS HR Dept. (I apologized for “crookedness of the document” – this was how it was provided to us by CGS.)

Defining “Qualities” at CGS Building Services...

Arrogance And Disrespect...

Violation of Code of Conduct For The City of Greater Sudbury...

STAFF SUPPORT:

- * We promote professionalism among all staff.

This was certainly NOT what we had experienced! In our opinion, we had experienced what we would term “underhanded” and potentially illegal maneuvers – to say the least!

Source: CGS By-law 2003-26A [Schedule A] as provided to us by CGS HR Dept. (I apologized for “crookedness of the document” – this was how it was provided to us by CGS.)

Furthermore, when we had previously tried to get quotes from contractors for “fixes” given to us by the City of Greater Sudbury Building Services, we found that as we explained the situation, contractors were “too busy” or did not want to “get involved” in this matter.

Indeed, when I contacted one contractor we had previously had at our site for consultation and asked him to provide documentation he had written about “things missed” by building inspectors, he stated – I quote:

“I can’t give you that in writing... the City would crucify me... you have to understand my position... I have to be able to work here”!

Of course, I understood, but I also very much knew that I could subpoena those records if need be! This did, however, in our opinion, reflect upon “practices” within CGS Building Services... in our opinion, “Either play ball and do what we tell you... or you’ll be out of business”!

Reasons For Suspension/Revocation of Agency Status... Was This An Issue For City of Greater Sudbury Building Services?

Interestingly, although city employees such as CBOs, Building Inspectors, Plan Reviewers, Managers of Code Compliance/ Supervisors, etc. had to be registered with the MMAH, the only documentation in the OBC as it pertained to “city employees” was that on “qualifications”. There were apparently no provisions for the removal of a registration and/or the removal of a license.

Yet, “conditions” as they pertained to “suspensions, revocations”, etc. certainly did exist for Registered Code Agencies (RCA).

Did the MMAH think that only RCA would violate the law and/or act unethically?

Sample Reasons For Suspension/Revocation of RCA Status... Should Similar Provisions Not Apply To “City Employees”... Such As CGS BS Personnel?

3.4.3.9. Suspension, Revocation, Refusal to Register or Renew a Registration

- (1) The director may, in the circumstances set out in Sentence (2)
 - (a) refuse to register an applicant,
 - (b) refuse to renew a registration, or
 - (c) suspend or revoke a registration.
- (2) The circumstances referred to in Sentence (1) are
 - ✓ (a) the registered person is in contravention of the Act or this Code,
 - ✓ (b) the registered person is in breach of a condition of the registration other than the condition set out in Clause 3.4.3.7.(1)(d),
 - ✓ (c) the registration was issued on the basis of mistaken, false or incorrect information,
 - ✓ (d) the director is of the opinion that the past conduct of the applicant or registered person or, if the applicant or registered person is a partnership or a corporation, the partners, officers or directors of the registered person, as the case may be, affords reasonable grounds for belief that the business that would be or is authorized by the registration will not be carried on in accordance with law,
 - ✓ (e) the director is of the opinion that there are reasonable grounds for belief that the activities of the applicant or registered person are or will be carried on in a manner that poses a threat to public safety,
 - (f) the application is incomplete, or
 - (g) any fees required under Article 3.4.3.5. remain unpaid.

The word “or” indicated violating 1 of these conditions alone could be reason enough to suspend, revoke or refuse to renew a registration!

**Reasons For Suspension/Revocation of Agency Status...
Was This An Issue For City of Greater Sudbury Building Services?**

Likewise, RCA were required to include very specific information as part of the registration process. This, however, again, did not appear to be the case for “cities” and their employees.

Why not?

“Requirements” For RCA Registrations... Why Were There Not Similar Requirements... For Municipalities?...

3.4.3.3. Application for Registration or Renewal of a Registration

- (1) An application for registration or renewal of a registration shall be made to the *director* in a form established by the *director*.
- (2) An application for renewal of a registration shall be made at least 60 days before the expiry of the registration being renewed.
- (3) An application for registration or renewal of a registration shall include a quality management plan for carrying out the activities of the applicant or *registered* person under the registration, including, without limitation

“Requirements” For RCA Registrations... Why Were There Not Similar Requirements... For Municipalities?...

3.4.3.3.

2006 Building Code



- (a) procedures relating to the commencement of activities as a *registered code agency*, including procedures to verify that the applicant or *registered* person is qualified to undertake the activities and to verify that there exists no conflict of interest within the meaning of Sentence 3.7.3.1.(4),
- (b) identification of the responsibilities of persons who will carry out plans review and inspection activities of the applicant or *registered* person and procedures for the supervision of those persons,
- (c) procedures for assessing plans and specifications for conformity with this Code, including procedures for the assessment of *alternative solutions*.
- (d) procedures for inspecting the *construction of buildings*,
- (e) procedures for receipt of notices that *construction* is ready for inspection and of written reports from *architects* and *professional engineers* arising out of the general review of the *construction of buildings*,
- (f) procedures for the issuance of certificates and orders under the Act, including the responsibility of the persons with the qualifications set out in Sentences 3.7.5.3.(1) and (2),
- (g) procedures for referral of matters to a *chief building official* under subsection 14(5) of the Act,
- (h) procedures for participation of the applicant or *registered* person in proceedings before the Building Code Commission under section 24 of the Act and before the Superior Court of Justice under section 25 of the Act,
- (i) procedures for documenting the activities of the applicant or *registered* person under the registration, including data control, records retention and the maintenance of security and confidentiality of records, and transferring records to the *principal authority*,
- (j) procedures for training and supervision of personnel, and
- (k) procedures for the review and up-dating of the quality management plan.

A Dangerous “Registration Double-Standard”?... In Matters Impacting Public Safety...

Should the MMAH, as part of the “registration process” and/or “renewal of registrations” have ensured that appropriate requirements pertaining to a CBO’s LEGALLY IMPOSED DUTY to establish “operational methods and procedures” per the OBC Act were in place for municipalities prior to granting them registrations?

Instead of asking each municipality to determine acceptable operational methods and procedures, should the MMAH not provide “what was acceptable” as “minimum standards”... given the OBC Act NECESSITATED these operational methods and procedures be in place and given it was the MMAH’s responsibility to “administer” the OBC and Act!

My grade for the MMAH... clearly... another “F-”!

A Dangerous “Registration Double-Standard”?... In Matters Impacting Public Safety...

Since BOTH municipalities and RCAs could perform virtually identical roles when it came to matters of “enforcement” and “inspection”, clearly, there should have been, in our opinion, no distinction between “registration requirements” when it came to municipalities and RCA as both their roles and any “minimum standards” pertaining to the performance of those roles/duties (or, as in our case, their non-performance), could impact public safety.

MMAH...

Negligent In Not Requiring Similar “Requirements” For Registration By Cities And Their Personnel?...

The MMAH, in our opinion, was negligent in not ensuring that similar provisions/requirements were in place “for cities” and their personnel.

Clearly, the MMAH appeared to simply “assume” all laws would be followed and that city personnel could not possibly be violating the law!

When it came to RCA and “municipalities”, and “requirements” by the MMAH, in our opinion, clearly, there were dangerous “double standards” that could impact public safety!

Back To Analysis of Engineering Report...

If Marc Levasseur misrepresented his qualifications in “acting as an engineer”, Gus Vertolli and Alpine Systems were, in our opinion, more guilty in all of this since they WERE engineers and failed to take on the responsibilities of engineers when it came to the truss placement guide!

As stated earlier, our home had 5 different types of trusses... and the proper type and placement of trusses was certainly something that would fall within the responsibilities of an engineering firm given trusses were PRE-ENGINEERED ELEMENTS!

Dissection of “Engineering Report” Dated January 25, 2010...

Page 2, paragraph 3

Violation of Ontario Building Code As It Related To Structural Requirements And Good Engineering Practices...

By Gus Vertolli And Alpine Systems...

(2) Where galvanized sheet steel is intended for use in locations exposed to the weather or as a flashing material, it shall have a zinc coating not less than the G90 (Z275) coating designation or an aluminum-zinc alloy coating not less than the AZM150 coating designation, as referred to in Sentence (1).

Section 9.4. Structural Requirements

9.4.1. Structural Design Requirements and Application Limitations

9.4.1.1. General (See Appendix A.)

- (1) Subject to the application limitations defined elsewhere in this Part, structural members and their connections shall,
 - (a) conform to requirements provided elsewhere in this Part,
 - (b) be designed according to good engineering practice such as provided in the CWC, “Engineering Guide for Wood Frame Construction”, or
 - (c) be designed according to Part 4 using the loads and deflection and vibration limits specified in,
 - (i) this Part, or
 - (ii) Part 4.

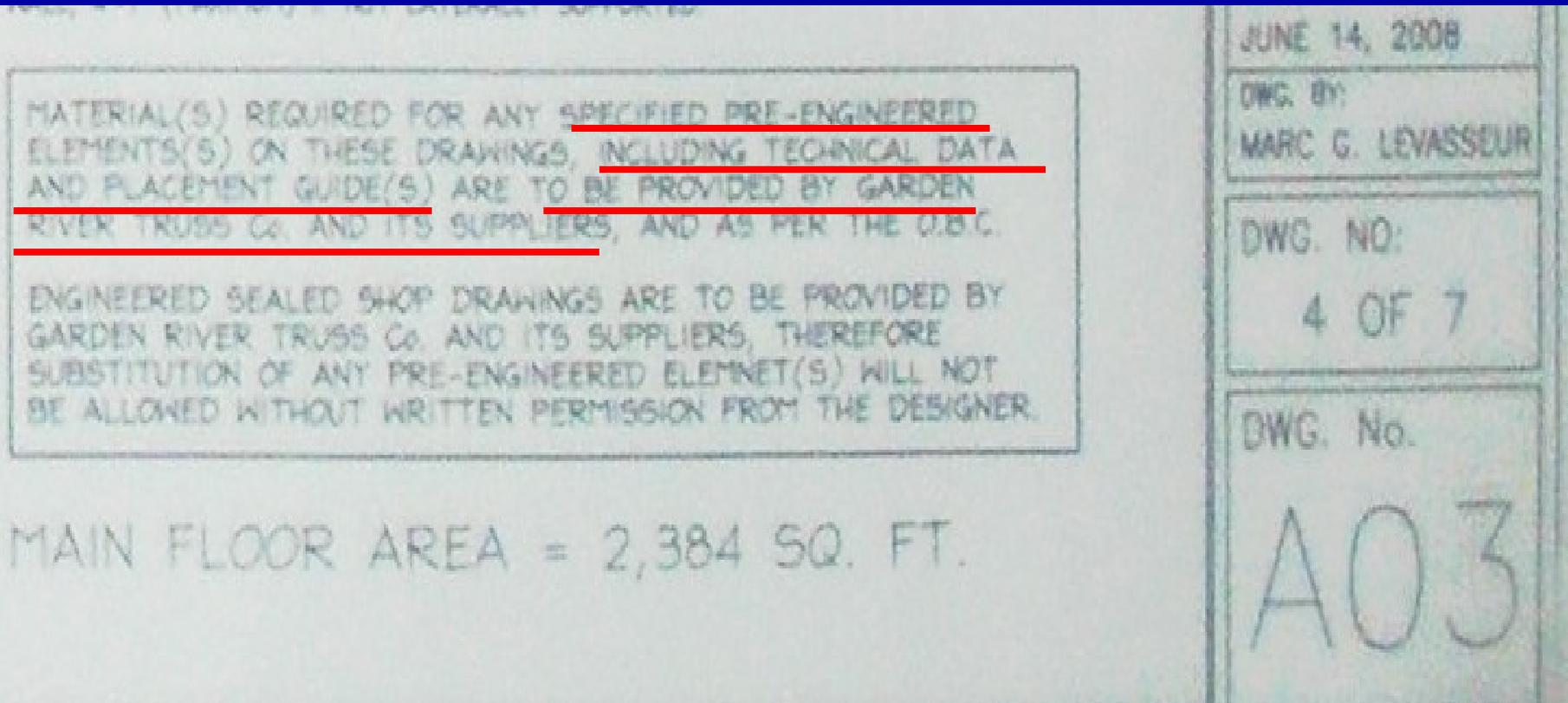
Source: OBC, Part 9, Section 9.4, Structural Requirements, 9.4.1.1(a), (b) and (c).

Clearly, much of the blame for this “bad engineering” in terms of our trusses had to fall on Alpine Systems and Gus Vertolli, the engineer of record on this project.

This fact was alluded to in an email to us dated December 17, 2009 by our independently hired engineer who stated that our truss supplier (in the US – that would be Alpine Systems based out of the Chicago area) should have been familiar with the issue of Von Mises stress on bottom chords of gable end trusses.

Note also the following statement on our building plans, on pages A02, A03, A04 and A05:

Plans... Pre-Engineered Elements Notation...



This same notation on “pre-engineered elements” appeared on Drawings No. A02, A03, A04, and A05.

Source: Drawings as provided by BCIN designer, Marc Levasseur for Building Permit No. B08-1658.

**Violations Of The Ontario Building Code Act
As It Related To “Offenses” By Manufacturers and Suppliers...
And Garden River Truss...**

(4) Role of Manufacturers, etc. It is the role of manufacturers, suppliers and retailers of products that are intended for use in Ontario in the construction of a building for a purpose that is regulated by this Act or the building code to ensure that the products comply with the standards established under this Act and the building code. 2002, c.9, s.3

Source: 2006 Ontario Building Code Act, Section 1.1(4), “Role of Manufacturers”, 2006 Building Code Compendium, p. 4.

Dissection of “Engineering Report” Dated January 25, 2010...

Page 1, Paragraph 2...

“Pre-Engineered Elements”

House Plans (A00-A06 – no revision noted dated June 14, 2008 · Project No A33-2008)

1. Designer Marc G. Levasseur, BCIN No 19194
2. Drawing A03 clearly shows all the exterior walls of the same W1a (A01) construction consisting of a minimum of a 2x6@16” c/c maximum
3. Drawing A02-A05 notes clearly state that the
“...any specified pre-engineered elements, on these drawings, including technical data and placement guide(s) are to be provided by Garden River Truss Co. and its suppliers....

In addition it states,

“...engineered sealed shop drawings are to be provided by Garden River Truss Co... therefore any substitutions...will not be allowed without written permission from the designer.”

These pre-engineered elements are noted on drawing A03 as “...lintels in walls having roof loads...” and as the roof trusses on the cross sections on drawing A05.

Thus, there could be NO DOUBT that trusses and any placement guide for trusses were “pre-engineered elements” of our building.

Who Was Ultimately Responsible For “Truss Placement”?

Given our home had 5 different types of trusses, suppose BCIN “qualified” designer, Marc Levasseur, had placed a web truss instead of a gable truss in the location of the gable end truss now in question? Or suppose he had placed one of the trusses that belonged over our main entrance in this location instead of the gable end truss?

Would Alpine Systems and Gus Vertolli have simply “allowed that” or would they have had to state that this was NOT appropriate and as such, would have had a DUTY to correct the error in truss placement given this would NOT have constituted “good engineering practices”?

Who – ultimately – had a DUTY to society when it came to “good engineering practices” relating to pre-engineered trusses? A BCIN designer... or a truss engineering firm and structural engineer?

Trusses HAD to be designed in accordance with “good engineering practices”... NOT “good design practices” and as such, to argue that Marc Levasseur, a BCIN “qualified” DESIGNER had responsibilities for “PRE-ENGINEERED” elements would be to misrepresent his “qualifications” since Marc Levasseur was NOT an engineer!

As such, the ultimate responsibility for TRUSS PLACEMENT – given these were PRE-ENGINEERED ELEMENTS provided by Alpine Systems and Gus Vertolli could ONLY, in our opinion, be the responsibility of ENGINEERS!

BCIN Designer, Marc Levasseur...

In Violation Of “Conditions” For Registration

3.2.4.7. Conditions

- (1) The following are the conditions of a registration
 - (a) the *registered* person shall carry out design activities only in respect of the type of building described in Column 4 of Table 3.5.2.1. that correspond to the class or classes of registration held by the registered person,

Given the height of our non-compliant exterior wall fell outside of specifications provided in Section 9.23.10.1, Wall Studs, Stud Size and Spacing, our wall should have been designed, it appeared, by an engineer given it had to conform to tables taking into consideration “wind loads”. Clearly, the cover page of our truss package had indicated a “no wind” provision and as such, our wall did not appear to have been designed with the factoring in of “wind loads”. This, to us, clearly reflected the danger of having non-qualified personnel – non-engineers – taping on keyboards of computers providing inappropriate access levels for truss design software! Another missed “software bug”...that should have been caught had there been proper software testing.

**BCIN Designer, Marc Levasseur...
In Violation Of “Qualifications – Other Designers”**

By “acting” as an engineer in determining the truss placement guide, etc., Marc Levasseur also violated another section of the Ontario Building Code – one relating to “other designers”... such as “engineers”!

(h) construction of pre-engineered elements of a building provided that the design of the elements is carried out by a person competent in the specific discipline appropriate to the circumstances,

Source: 2006 OBC, Division C, Part 3, Section 3.2.5.1(2)(h), “Qualifications – Other Designers”, p. 13. AND 2006 OBC, Division C, Part 3, Section 3.2.4.1(1) [which basically states the same thing], “Qualifications – Persons Engaged In The Business Of Providing Design Activities To The Public”, p. 7.

BCIN Designer, Marc Levasseur...
Violation Of OBC When “Acting” As An Engineer...

By “acting” as an engineer Marc Levasseur opened himself to the violation of NUMEROUS other sections of the Ontario Building Code...

The OBC was clear in stating that “designers” were NOT allowed to misrepresent their qualifications (see 2006 OBC Act, Section 15.11 (7)) as it related to “Prohibition” and the misrepresentation of qualifications, and that “designers” were ONLY to “design” those things for which they were “qualified”, 2006 OBC Section 4.1.1.3(1) [“Design Requirements], Section 4.1.1.4(1) AND (2) [“Design Basics], 2006 OBC Section 4.1.2.1 [“Loads and Effects”], 2006 OBC Section 4.1.3.2 [“Strength and Stability” and 4.1.3.6 (3) [“Vibration” as it related to “wind load”], 2006 OBC Section 4.1.5.10 [“Concentrated Loads”], 2006 OBC Section 4.1.7 [“Wind Load”], 2006 OBC Section 4.1.8 [“Earthquake Loads and Effects], 2006 OBC Section 4.1.8.3(2) [“General Requirements” as they related to load paths, 2006 OBC Section 4.1.8.159(1) [“Design Provisions” as they related to “diaphragms and their connections” and the requirement to be designed “not to yield”]

Ironically, in our opinion, CGS Chief Building Officer, Guido Mazza, who WAS a Structural Engineer also violated these same sections of the building code when he stated to me in our January 5th, 2010 meeting that an engineer was “not necessary” as he attempted to “hurry us into a fix” – again – it was worth noting that ALL fixes proposed to us by the City of Greater Sudbury Building Services would NOT have been “to code”... and, as a structural engineer, Mr. Mazza, in our opinion, had to know that!

Marc Levasseur was NOT “qualified” to design trusses, determine their various load capacities (i.e., wind, earthquake, lateral, vertical, paths, etc.) and as such, he COULD NOT, in our opinion, be the FINAL authority on proper truss placement.

The TYPE of truss that met “good engineering practices” and thus resulted in a building whose framing members would “not yield” could ONLY, in our opinion, be determined by a structural engineer!

The fact that the OBC did not distinguish between the responsibilities of “BCIN designers” versus those of “engineers” was most unfortunate indeed – as it clearly should – in our opinion. This omission in the OBC, however, DID NOT negate the fact that very specific “qualifications” were needed in the design and proper determination of appropriate truss placement – design and placement decisions that – ultimately – must fall on an engineer!

“Design, Designer and Designing” vs “Engineer and Engineering”

Design: v. 1. To conceive; invent. 2. To formulate a plan for; devise. 3. To have as a goal or purpose; intent.

Design: n. 1. A drawing or sketch, esp. a detailed plan for construction or manufacture, 2. The purposeful arrangement of parts or details. 3. The art or practice of making designs. 4. An ornamental pattern. 5. A plan or project. 6. A reasoned purpose; intent – designer n.

Source: The American Heritage Dictionary, Office Edition, Fourth Edition, Houghton Mifflin Company, NY, 2001

Note: A design/drawing/sketch, etc. by a designer were things that could very much easily be changed!

“Design, Designer and Designing” vs “Engineer and Engineering”

Engineer: n. One trained or professionally engaged in a branch of engineering.

Engineer: v. 1 To plan, construct, or manage as an engineer.

Engineering: n. The application of scientific principles to practical ends, as the design, manufacture, and operation of structures and machines.”

Source: The American Heritage Dictionary, Office Edition, Fourth Edition, Houghton Mifflin Company, NY, 2001

“The Application of Scientific Principles”... The Role Of Engineers...

The application of scientific principles as they related to “good engineering practices” and practical things – such as the design of trusses – was something NOT easily changed as SCIENTIFIC principles – by definition – were constant.

This was why we could apply “calculations” and/or “formulas” to them... complex formulas such as that involved in calculating Von Mises stresses on bottom chords of gable ends.

Such complex calculations and applications/understanding of scientific principles could only, in our opinion, be understood/done by someone trained in these principles... such as engineers... not BCIN “qualified” designers!

“Scientific Principles As Basic Laws Or Truths...”

“Principle: n. 1. A basic truth, law, or assumption. 2a. A rule or standard, esp. of good behavior. B. Moral or ethical standards or judgments. 3. A fixed or predetermined policy. 4. A rule or law concerning the functioning of natural phenomena or mechanical processes. 5. A basic source.

Source: The American Heritage Dictionary, Office Edition, Fourth Edition, Houghton Mifflin Company, NY, 2001

Thus, the ENGINEERING of trusses that WERE considered PRE-ENGINEERED ELEMENTS [NOT PRE-DESIGNED ELEMENTS] and their PROPER PLACEMENT (as it related to types, appropriateness, loads, good engineering practices, etc.) involved the APPLICATION OF SCIENTIFIC PRINCIPLES... PRINCIPLES THAT COULD ONLY, in our opinion, FALL in the realm of ENGINEERING... NOT “DESIGN”!

Thus, although the OBC did NOT distinguish between “engineers” as “designers” and “BCIN qualified designers” as “designers”, based on “QUALIFICATIONS” – that distinction WAS, in our opinion, certainly there!

The PROPER selection of truss TYPES and their PLACEMENT was, in our opinion, the responsibility of ENGINEERS!

« Qui tacet consentire videtur[...] »

«He who is silent is supposed to consent. The silence of a party implies his consent.»

Source: Black, Henry Campell, Black's Law Dictionary, 6th ed., St. Paul 1990, <http://trans-lex.org/100700>

By failing to disagree with BCIN “qualified” designer Marc Levasseur’s truss placement guide, truss engineer, Gus Vertolli, and Alpine Systems as well as plan reviewer(s), manager(s) having duties relating to “code compliance” and Chief Building Officer, Guido Mazza (who was a STRUCTURAL ENGINEER) who issued the building permit all “gave implied consent” under the law to Marc Levasseur’s truss placement guide in spite of the fact that he was “acting as an engineer” when in fact – he was not!

Clearly, in our opinion, we had a BCIN “qualified” designer, Marc Levasseur, “acting as an engineer” and a truss engineer, Gus Vertolli not acting as an engineer when he should have!

Note that although builders were required to review plans, truss packages, etc. prior to construction, they were NOT engineers and as such, they would not be “qualified” to speak in matters of appropriate trusses, truss placement, etc.

Builders HAD to be able to depend on “qualified” engineers for this aspect of construction! To have builders “second guessing” engineers would certainly not be considered “good building practices” and would, in effect, create a chaotic “free-for-all” mode of operation when it came to “construction”.

Note that the word “builder” was also not defined in the OBC.

Builders were required to have “no special qualifications”. Pretty well anyone could be “a builder”. This was, in our opinion, due to the fact that builders depended on “pre-engineered” elements – as necessary and “qualified” building personnel to help guide them through the process.

Also, there was obviously a tremendous variation in terms of what was considered “appropriate building techniques” when it came to construction and any responsibilities of builders.

BCIN designer, Marc Levasseur, had once mentioned to me that he was an instructor at Cambrian College for courses having to do with construction.

MMAH...

**A Problematic “Qualification” and “Registration” Process...
Resulting In A Lot Of People Not Doing Their Jobs Properly...**

Clearly, in our opinion, if BCIN “qualified” designers, engineers, instructors/ educators, building inspectors, plan reviewers, managers of code compliance and CBOs were all “missing the issue”, there was something VERY WRONG in the system – at the HIGHEST levels – and that would mean – The Province of Ontario Ministry of Municipal Affairs And Housing and its “qualification processes”!

Our drawings had been clear in providing many details... yet... too many “missed” what those drawings were clearly showing...

MMAH...

**A Problematic “Qualification” and “Registration” Process...
Resulting In A Lot Of People Not Doing Their Jobs Properly...**

In our opinion, much of this fiasco could have been avoided had the MMAH set “minimum requirements” for registration and renewal for City employees (similar to those in place for RCAs) and ensured operational methods and procedures mandated by the OBC Act were actually in place in municipalities as a condition for the registration/renewal of city employee licenses!

In our opinion, A MOST DANGEROUS “DOUBLE STANDARD” by the MMAH in matters pertaining to public safety by those who were supposed to be there to “administer” the OBC and Act!

Dissection of “Engineering Report” Dated January 25, 2010...

Page 3, paragraph 2

“General Notes” on page A06

The reference to “double volume walls” may imply that a wall over the standard floor height should be framed using 2·2x6, although this is not clear. However, the wall type noted on the drawings is W1a, and it is clearly stated on drawing A01 as being a minimum of a 2x6@16” c/c.

This meant that the “fix” provided to us by the City of Greater Sudbury Building Services on Inspection Notice dated November 20, 2009 would have contravened this requirement designed SPECIFICALLY for our house.

In providing the reference to “double volume walls” in its “second fix” dated Dec. 1, 2009, the City of Greater Sudbury Building Services, in our opinion, was clearly “grasping at straws” as it now engaged in practices of “damage control”.

Dissection of “Engineering Report” Dated January 25, 2010...
Page 3, paragraph 3

**Violation of Ontario Building Code as it related to
maximum 2x6 stud wall height for exterior load bearing walls...**

According to the drawings, the maximum height of the ceiling is 8ft at the eave and 13'-3" at the centre. The maximum height permitted by Table 9.23.10.1 of Part 9 of the OBC for an exterior load bearing stud wall is 11'-10" (2x6 @16"). There is no provision in Part 9 for walls over this height. Therefore, this wall is required to be designed by a Professional Engineer licensed in the Province of Ontario.

Dissection of “Engineering Report” Dated January 25, 2010...

Page 3, paragraph 3

Violation of Ontario Building Code as it related to maximum 2x6 stud wall height for exterior load bearing walls...

Ontario

2006 Building Code

9.23.10.2.

Table 9.23.10.1.
Size and Spacing of Studs
Forming Part of Sentence 9.23.10.1.(1)

Column 1	2	3	4	5
Exterior	Roof with or without attic storage	38 x 64 (2" x 3")	400 (16)	2.4 (7'-10")
		38 x 89 (2" x 4")	600 (24)	3.0 (9'-10")
	Roof with or without attic storage plus one floor	38 x 89 (2" x 4")	400 (16)	3.0 (9'-10")
		38 x 140 (2" x 6")	600 (24)	3.0 (9'-10")
	Roof with or without attic storage plus 2 floors	38 x 89 (2" x 4")	300 (12)	3.0 (9'-10")
		64 x 89 (3" x 4")	400 (16)	3.0 (9'-10")
		38 x 140 (2" x 6")	400 (16)	3.6 (11'-10")
	Roof with or without attic storage plus 3 floors	38 x 140 (2" x 6")	300 (12)	3.6 (11'-10")

Notes to Table 9.23.10.1.:

(1) See Article 9.23.10.3.

Maximum height allowed for 2x6 studs WITHOUT involvement of an engineer = 11'10". Our wall was 13'3" and as such, ANYTHING having to do with this wall – as indicated in this report - necessitated the involvement of an engineer licensed in the Province of Ontario!

Given our wall was “higher” than the maximum allowed in Part 9 of the OBC, it should have been designed by an ENGINEER. Marc Levasseur, in designing this wall, in our opinion, once again violated the Ontario Building Code Act Section as it related to the misrepresentation of qualifications as he once again “acted as an engineer” when he in fact, was NOT an engineer.

Likewise, ANY FIX to this wall provided to us could ONLY have been provided by an engineer licensed in the Province of Ontario.

Yet, several persons who were NOT engineers or engineers licensed in the Province of Ontario “concurred” with “the fixes” provided to us by the City of Greater Sudbury Building Services.

These persons included included:

Violations Of The Ontario Building Code Act As It Related To “Misrepresentation of Qualifications”...

Mike Pilon, Building Inspector, who provided us with “2 fixes” for our wall – one dated November 20, 2009 and another dated December 1, 2009. Note that, in our opinion, NEITHER should have been provided by him and both were NOT in compliance with the Ontario Building Code.

Alfio Mazzuchin, Plans Examiner and Acting Manager of Code Compliance while André Guillot was on vacation.

Marc Levasseur, BCIN designer who concurred with the proposed fixes suggested by the City of Greater Sudbury Building Services.

André Guillot, Manager of Code Compliance, who, per Marc Levasseur’s Nov. 23, 2009 email, had suggested “fixes” to similar framing issues in the past.

Violations Of The Ontario Building Code Act And Code of Conduct of Professional Engineers in the Province Of Ontario

Gus Vertolli, the truss engineer of record for Alpine Systems remained COMPLETELY silent on all matters - to this day!

Edmond Lim, President of Alpine Systems (maker of our truss design software AND of head of the corporation providing our truss package), and professional engineer licensed in Ontario, who “concurred” with the non-code compliant fix proposed to us by several CGS BS personnel.

Chief Building Officer, Guido Mazza of the City of Greater Sudbury Building Services wanted to “rush us” into a “fix” in spite of the fact that he had to know, in our opinion, that this “fix” (i.e., balloon-framing with 2x6 studs for a wall greater than 11’10” without the involvement of an engineer) would not be in compliance with the Ontario Building Code.

Dissection of “Engineering Report” Dated January 25, 2010...

Page 3, paragraph 4

Violation of Ontario Building Code as it relates to “Orientation of studs in gable ends”...

Section 9.23.10.3 (2), states that “Studs on the flat are permitted to be used in gable ends of roofs that contain only unfinished space...”. In fact using a flat bottom chord truss contravenes this section by placing the flat portion of the truss below the ceiling level.

9.23.10.3. Orientation of Studs

(1) Except as permitted in Sentences (2) and (3), all studs shall be placed at right angles to the wall face.

(2) Studs on the flat are permitted to be used in gable ends of roofs that contain only unfinished space or in non-loadbearing interior walls within the limits described in Article 9.23.10.1.

Source: 2006, OBC, Section 9.23.10.3(2), Orientation of Studs

Dissection of “Engineering Report” Dated January 25, 2010...

Page 3, paragraph 5

Violations Of The Ontario Building Code As It Relates To Good Engineering Practices by Marc Levasseur and Gus Vertolli

Mr. Levasseur as a registered BCIN should have been aware of the above issues, in that the stud wall, gable end truss configuration (flat bottom chord) and splice joint location do not comply with Part 9 of the building code. Part 9 is clear in stating that the stud wall should have been continuous from floor to ceiling, however, by providing a flat bottom chord gable end truss, it becomes impossible to satisfy this requirement.

Marc Levasseur was NOT an engineer and trusses were pre-engineered elements that HAD to be designed by engineers. Truss appropriateness and placement clearly, in our opinion, fell under “good engineering practices”!

Dissection of “Engineering Report” Dated January 25, 2010...

Page 3, paragraph 5

**Violations Of The Ontario Building Code
As It Related To Good Engineering Practices
by Marc Levasseur and Gus Vertolli**

If an engineer was NOT needed in the design of our trusses, why would Gus Vertolli even have been involved in any of the design process!!!

Dissection of “Engineering Report” Dated January 25, 2010...

Page 3, paragraph 6

Violations Of The Ontario Building Code As It Related To Good Engineering Practices by Marc Levasseur and Gus Vertolli of Alpine Systems

In our opinion in order to comply with the OBC, what should have been provided was an engineered gable end wall scissor truss with an engineered gable end stud wall. This would have made the joint in the wall at the ceiling level. Also anchorage details would have been provided in the engineering drawing for the stud wall, which would have provided the necessary lateral support for the taller wall.

Dissection of “Engineering Report” Dated January 25, 2010... Sealed by Licensed Engineer, Byron Moss, VP – Engineering at Rowswell and Associates

Attn: Fred & Jeanne Brohart

Subject: Residence at 22 Salo Rd, Nairn Centre, Ontario, Building Permit No. B08-1658

Project No: 3299

January 25, 2010

Page 4 of 4

We trust this is sufficient for your needs if you have any further questions please do not hesitate to contact me.

Yours Truly,

Byron G. Moss
Vice President-Engineering
attached



END OF ENGINEERING REPORT ANALYSIS!

**A 3-page Engineer's Report...
Surely... A Most Difficult Report To Write...**

When we first contacted them, Rowswell and Associates had agreed to help us... in spite of having numerous other, more important projects, they stated they would “squeeze us in somehow”... something we had truly appreciated.

We had waited 2 months for this report... a report that, in our opinion, as the facts came together, we knew had to be a very difficult report for Engineer, Byron Moss to write given its many political and economic implications.

For his honesty and integrity, we thanked Byron Moss... but, clearly, as the facts revealed themselves to us... we had no choice but to find another engineer in order to minimize any “conflicts of interest” for a corporation that had so helped us...

**The Need To Minimize Conflicts of Interest...
And The Need To Start Over With Another Engineer...**

Although we knew it would be costly in time and money to start with yet another engineering firm, we felt we had no choice but to hire a different engineer to provide “the fix” for our structurally unsound wall in order to minimize any conflicts of interest for Byron Moss, VP of Engineering at Rowswell and Associates, an engineering firm owned by the Mayor of Sault Ste Marie, ON - John Rowswell.

**A Closer Look At “3 Fixes” Proposed To Us By
CGS Building Services... ALL “NOT TO CODE”!**

“Fix No. 1” – November 20, 2009 Inspection Notice

“Item #1: Gable end raker wall requires 2x4 @ 4’ o.c. let into midplate”

Mike Pilon, the ONLY building inspector in CGS Building Services to even catch this framing issue had stated to me: “This is the fix we accept” as he explained the insertion of 2x4s at 4 ft intervals.

As stated earlier, this was NOT in accordance to the OBC as inserting bracing at 4 ft intervals and “splicing the stud wall below the ceiling level as currently installed” – as explained in the “Engineering Report” did NOT fall in Part 9 of the OBC and as such, fell to Part 4 which necessitated the involvement of an engineer. There were indeed many reasons why “this fix” was NOT acceptable – as previously mentioned. Thus, I will not be going over them again.

“Fix No. 1” – November 20, 2009 Inspection Notice

This “proposed fix No. 1” by CGS
BS violated the following:



Building Services Section
City of Greater Sudbury
200 Brady Street
Sudbury, Ontario
(705)671-2489 ext. 4278

SHORT INSPECTION NOTICE

Date of Inspection: **Friday, November 20, 2009** Time: **10:47 am** Permit No.: **B08-1658**
Location: **22 SALO ROAD**

Owner: **BROHART, FREDERICK** Contractor: _____
25, MCLARY

Work Phone: **705 869-5916**
Home Phone: _____

Applicant: **BROHART, FREDERICK**

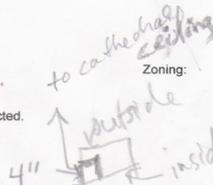
Type of Building: **SFD**

A(n) **Framing** inspection was conducted at this site and the following items were inspected.

These items were [NOT] APPROVED.
FOR FRAMING:

1. GABLE END RAKER WALL REQUIRES 2X4 @ 4' O.C. LET INTO MID PLATE
 2. ATTIC ACCESS REQUIRED
 3. ROOF GABLE VENTS TO BE OPENED → 22 1/2" x 28" insulation box on top → use 2x10
 4. WEB BRACING TO BE FASTENED TO GABLE ENDS
 5. 10' BOTTOM CHORD BRACING REQUIRED FOR CATHEDRAL TRUSSES
 6. WOOD STOVE SPECS REQUIRED
 7. 10' chord bracing for web trusses/or use internal walls.
- CALL FOR REINSPECTION ONCE RECTIFIED.
DO NOT COVER THESE ITEMS.

brace all walls together



Note: CGS “proposed fix No. 1”, per independent engineer’s report, did not fall within Part 9 of the building code and, as such, defaulted to Part 4 and required the involvement of an engineer. As such, “this proposed fix by CGS” violated even more sections of the OBC and/or Act and the Engineering Act of Ontario!

If a further explanation is required, contact should be made with the inspector by calling 671-2489 - Ext. 4278 between the hours of 8:30 to 9:00 or 4:00 to 4:30.

November 20, 2009 10:47 am

Date of notice

Mike Pilon

PILON, MIKE

Printed on: **Friday, November 20, 2009 10:51 am**

Page 1 of 1

OBC 1.2.2.1(1)	OBC Act 1.1(2)(a)
OBC 4.1.1.3(1)	OBC Act 1.1(2)(b)
OBC 4.1.1.4(1)	OBC Act 1.1(2)(c)
OBC 4.1.2.1(1)	OBC Act 1.1(7)(b)
OBC 4.1.3.2(1)	OBC Act 1.1(7)(c)
OBC 4.1.3.6(3)	OBC Act 1.1(6)(b)
OBC 4.1.8.15(1)	OBC Act 7.1(2)(b)
OBC 9.4.1.1(1)(a)	OBC Act 7.1(2)(c)
OBC 9.4.1.1(1)(b)	OBC Act 15.11(7)
OBC 9.23.2.1(1)	OBC Act 36(1)(a)
OBC 9.23.2.4(1)	OBC Act 36(1)(b)
OBC 9.23.5.4(1)	OBC Act 36(1)©
OBC 9.23.5.5(1)	CGS By-law 2003-26A
OBC 9.23.10.1	Engineering Act 12(1)
OBC 9.23.10.4(1)	Engineering Act 12(2)
OBC 9.23.13.11(a)	Engineering Act 72(1)
OBC 3.2.4.7(1)(a)	Engineering Act 72(2)
OBC 3.2.4.1(3)(b)	Bill of Rights (security of person and enjoyment of property)

This document is copyrighted property of J.A. Brohart

“Fix No. 2” – December 1, 2009 Inspection Notice

This “proposed fix No. 2” by CGS BS violated the following:



SHORT INSPECTION NOTICE

Building Services Section
City of Greater Sudbury
200 Brady Street
Sudbury, Ontario
(705)671-2499 ext. 4278

Date of: Tuesday, December 1, 2009 Time: 11:32 am Permit No.: B08-1658
Location: 22 SALO ROAD

Owner: BROHART, FREDERICK Contractor:
25, MCLARY

Work Phone: 705 869-1116
home Phone:

Applicant: BROHART, FREDERICK

Type of Building: SFD Zoning:

Note: CGS “proposed fix No. 2”, did not fall within Part 9 of the building code since wall height and wind were not taken into consideration as trusses were designed for “no wind” and, as such, defaulted to Part 4 and required the involvement of an engineer. As such, “this proposed fix by CGS” violated even more sections of the OBC and/or Act and the Engineering Act of Ontario!

A(n) Framing inspection was conducted at this site and the following items were inspected.

These items were [NOT] APPROVED.
FRAMING DEFICIENCIES ARE AS FOLLOWS:

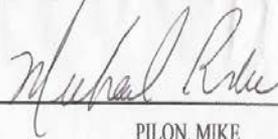
1. PROVIDE 2X6 STUDS @ 16" o.c. CONTINUOUS FOR THE ENTIRE HEIGHT OF THE STOREY.....from sill plate to underside of ceiling, ALONG WITH SOLID BLOCKING @ 48" o.c. AS PER O.B.C. ref. # 9.23.10.4 (1) titled "CONTINUITY OF STUDS", and as indicated on plans submitted page A06,dwg. # 777 Titled "DOUBLED VOLUME WALL".
2. PROVIDE TOP PLATES FOR THE PREVIOUS MENTIONED WALL AND FASTEN TO SCISSOR TRUSSES @ 48" o.c.
3. PROVIDE 10' BOTTOM CHORD BRACING FOR ALL TRUSSES AND FASTEN TO GABLE ENDS
4. PROVIDE AN ATTIC ACCESS
5. PROVIDE ROOF VENTS
6. PROVIDE WOOD BURNING APPLIANCE SPECS. AND SCHEDULE AN INSPECTION AND OBTAIN APPROVAL PRIOR TO USING WOODSTOVE

CALL FOR REINSPECTION ONCE RECTIFIED.
DO NOT COVER THESE ITEMS.

If a further explanation is required, contact should be made with the inspector by calling 671-2489 - Ext. 4278 between the hours of 8:30 to 9:00 or 4:00 to 4:30.

December 1, 2009 11:32 am

Date of notice


PILON, MIKE

OBC 1.2.2.1(1)	OBC Act 1.1(2)(a)
OBC 4.1.1.3(1)	OBC Act 1.1(2)(b)
OBC 4.1.1.4(1)	OBC Act 1.1(2)(c)
OBC 4.1.2.1(1)	OBC Act 1.1(7)(b)
OBC 4.1.3.2(1)	OBC Act 1.1(7)(c)
OBC 4.1.3.6(3)	OBC Act 1.1(6)(b)
OBC 4.1.8.15(1)	OBC Act 7.1(2)(b)
OBC 9.4.1.1(1)(a)	OBC Act 7.1(2)(c)
OBC 9.4.1.1(1)(b)	OBC Act 15.11(7)
OBC 9.23.2.1(1)	OBC Act 36(1)(a)
OBC 9.23.2.4(1)	OBC Act 36(1)(b)
OBC 9.23.5.4(1)	OBC Act 36(1)©
OBC 9.23.5.5(1)	CGS By-law 2003-26A
OBC 9.23.10.1	Engineering Act 12(1)
OBC 9.23.10.4(1)	Engineering Act 12(2)
OBC 9.23.13.11(a)	Engineering Act - 941,72(1)
OBC 3.2.4.7(1)(a)	Engineering Act- 941,72(2)
OBC 3.2.4.1(3)(b)	Bill of Rights (security of person and enjoyment of property)

“Fix No. 2” – December 1, 2009 Inspection Notice

It was with NO EXPLANATION for “the change in fix” and only AFTER we stated we would be contacting an independent engineer that we received this “more difficult fix” from building inspector, Mike Pilon, who was – again - “acting as an engineer” and thus – misrepresenting his “qualifications” – a clear violation of the Ontario Building Code Act.

Let us take a little closer look at this “new fix”...

“Fix No. 2” – December 1, 2009 Inspection Notice

“Item #1: Provide 2.6 studs @ 16” o.c. continuous for the entire height of the storey... from sill plate to underside of ceiling, along with solid blocking @ 48” o.c. as per OBC ref. #9.23.10.4(1) titled “continuity of studs”, and as indicated on plans submitted page A06, dwg. #7/7 Titled “double volume wall”

“Item #2: Provide top plates for the previous mentioned wall and fasten to scissor trusses at 48” o.c.”

We were now told to provide “2x6s studs @ 16” o.c. continuous for the entire height of the storey... from sill plate to underside of ceiling” and to also provide top plates for this wall and bracing to scissor trusses...

What would this look like... given there was...

NO PROVISION OR REQUEST for us to put anything BETWEEN THE CEILING AND THE ROOF...nor was there any mention of HOW TO BRACE this wall to any other trusses (i.e., extent of bracing required, any special angles required in bracing, etc.).

“Fix No. 2” – December 1, 2009 Inspection Notice

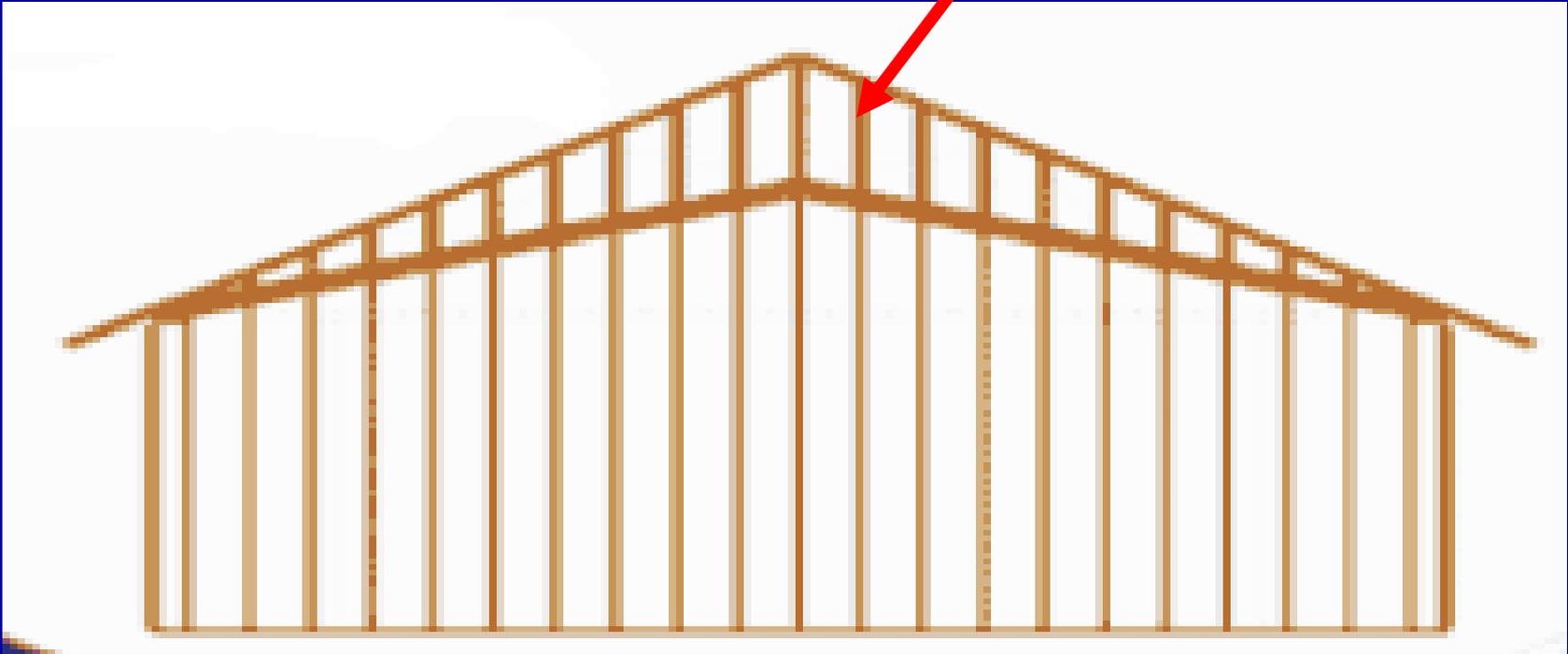
NOTHING WAS SPECIFIED AS NEEDED BETWEEN THE TOP PLATES AND THE ROOF... OR PERTAINING TO ANY SPECIAL BRACING REQUIREMENTS (i.e., extent of bracing required, any special angles, etc.).

HOW WAS THIS SUPPOSED TO ADEQUATELY “TRANSFER VERTICAL AND LATERAL LOADS”?

THIS CERTAINLY – IN OUR OPINION - SHOWED WHY AN ENGINEER HAD TO BE INVOLVED!!!

**HOW THINGS WERE SUPPOSED TO HAVE BEEN DONE...
HAD WE BEEN GIVEN THE CORRECT TRUSS!!!**

Engineered gable end “scissor truss”

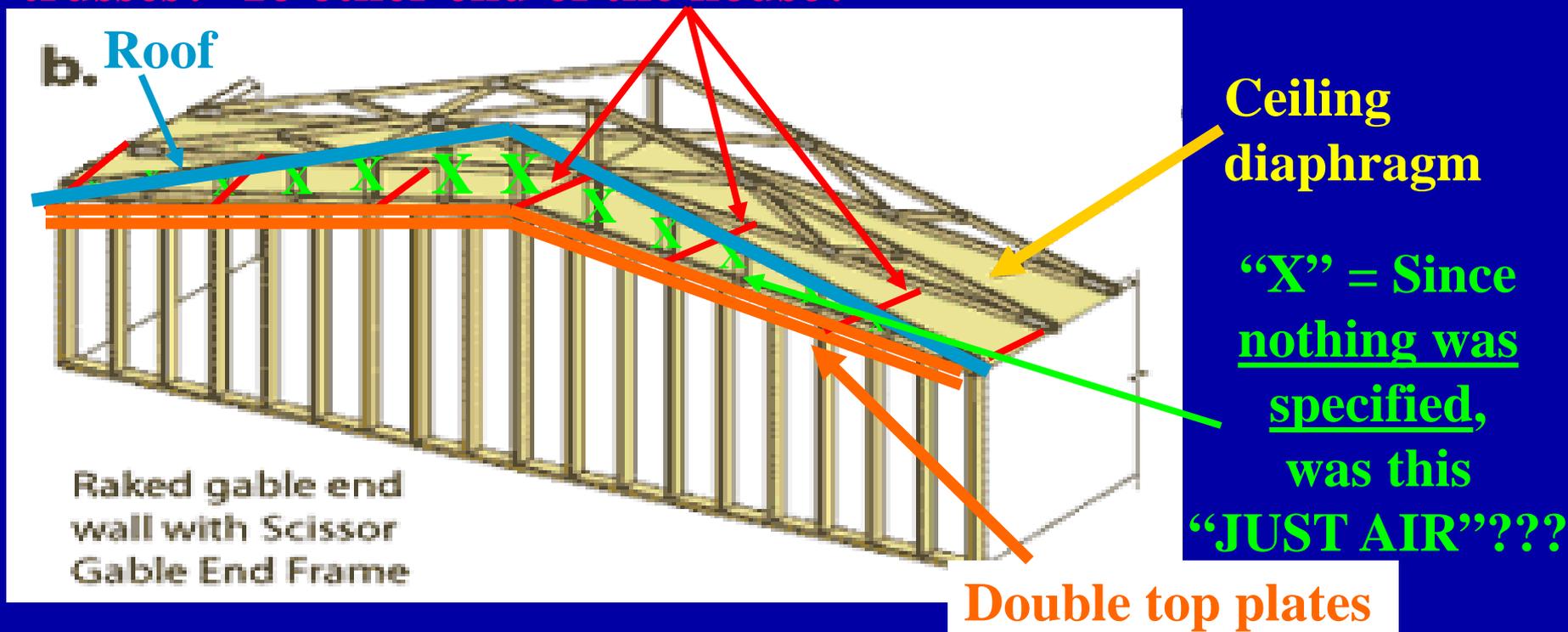


**Source: Original image taken from Gjinolli, A., (P.E.) and Vogt, J., (P.E.),
Wood Truss Gable End Frames, Structure Magazine, August 2007, Figure
8.**

“Fix No. 2” – December 1, 2009 Inspection Notice

“Item #2: Provide top plates for the previous mentioned wall and fasten to scissor trusses at 48” o.c.”

Bracing to scissor trusses at 48” – no mention as to how far back it must go ... To first scissor truss only? To end of scissor trusses? To other end of the house?



Source: Original image (superimposed with “fix” as provided by CGS BS) taken from Gjinolli, A., (P.E.) and Vogt, J., (P.E.), Wood Truss Gable End Frames, Structure Magazine, August 2007, Figure 8[emphasis added by creators of this presentation in orange, green and red].

“Fix No. 2” – December 1, 2009 Inspection Notice

“Item #1: Provide 2.6 studs @ 16” o.c. continuous for the entire height of the storey... from sill plate to underside of ceiling, along with solid blocking @ 48” o.c. as per OBC ref. #9.23.10.4(1) titled “continuity of studs”, and as indicated on plans submitted page A06, dwg. #7/7 Titled “double volume wall”.

Note that TOP PLATES currently in place were of 2x6 construction. To cut into top plates to insert 2x6 studs VERTICALLY, would require to CUT INTO NOT ONLY THOSE TOP PLATES BUT CUT INTO THE GABLE END TRUSS CURRENTLY IN PLACE ALSO since no mention was made as to whether or not the GE truss had to be left intact or the sill plate made wider!

This would be, in our opinion, yet another VIOLATION OF THE ONTARIO BUILDING CODE since trusses were not to be cut without the involvement of an engineer !!!

“Fix No. 2” – Violation Of The Ontario Building Code As It Relates To “Notching Of Trusses”...

9.23.5.5. Roof Trusses

- (1) Roof truss members shall not be notched, drilled or otherwise weakened unless such notching or drilling is allowed for in the design of the truss.

All BCIN “qualified” personnel were aware of this provision and certainly, CBO Guido Mazza, as a structural engineer, in our opinion, was also aware of the fact that “notching of trusses” in the manner suggested in “Fix 2” was NOT allowed by the OBC without the involvement of an engineer... yet... Mr. Mazza had stated to me in our January 5, 2010 meeting that “we could just fix this quickly... and an engineer was NOT required”!

Source: 2006 Ontario Building Code, Part 9, Section 9.23.5.5, “Roof Trusses”.

“Fix No. 2” – Violation Of The Ontario Building Code As It Relates To “Notching Of Top Plates”...

9.23.5.4. Top Plates

- (1) Top plates in walls shall not be notched, drilled or otherwise weakened to reduce the undamaged width to less than 50 mm (2 in) unless the weakened plates are suitably reinforced.

This, in our opinion, also was something all BCIN “qualified” personnel were aware of and certainly something a CBO and structural engineer would know. Yet, no provision for “reinforcement” had been given to us as we were told to “notch” top plates to insert 2x4s and/or 2x6s, nor were we told to widen any sill plate – implying the GE truss also had to be cut!

Source: 2006 Ontario Building Code, Part 9, Section 9.23.5.4, “Top Plates”.

Proposed "Fix #2"...

AIR?... And potential area of collapse?

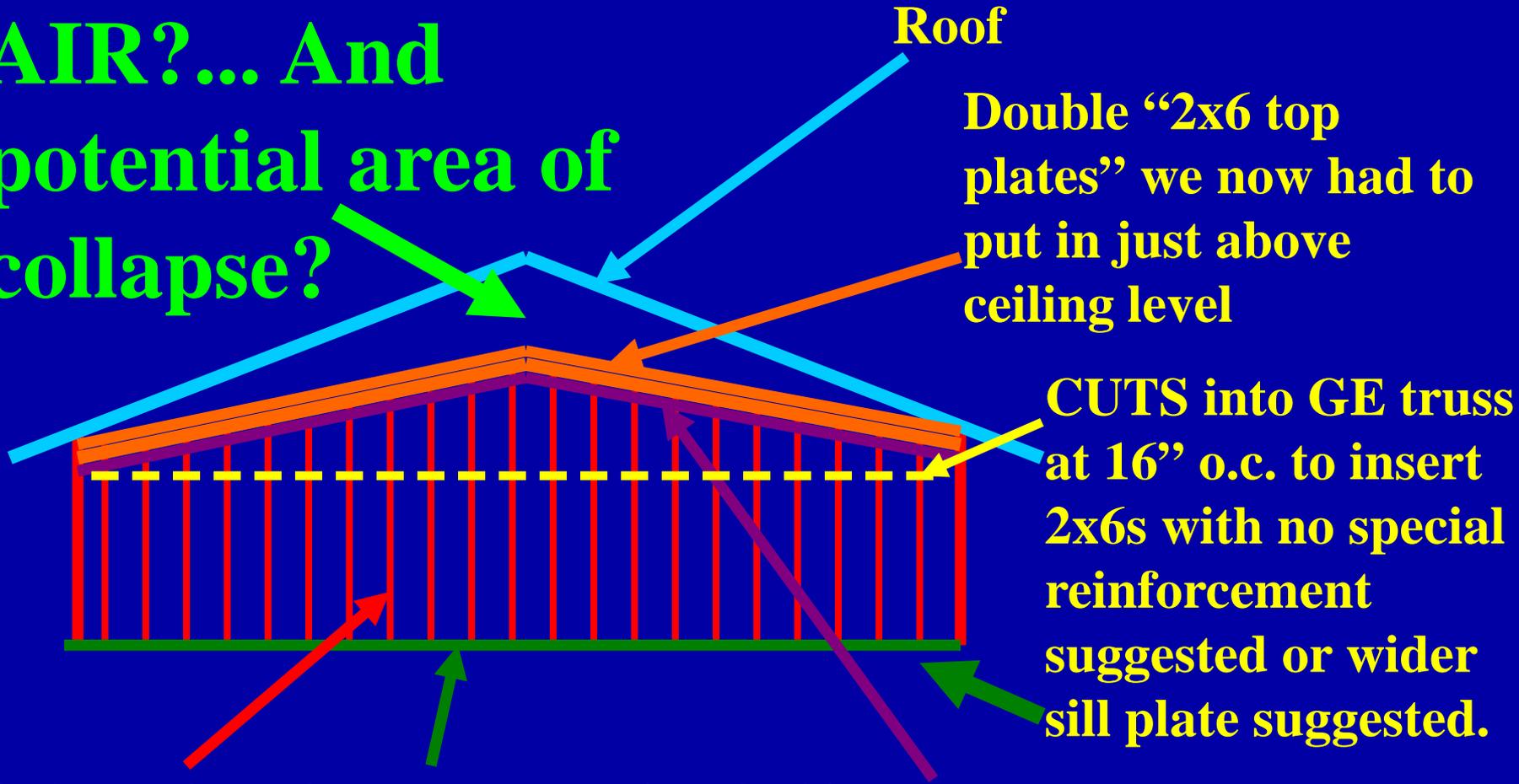
Roof

Double "2x6 top plates" we now had to put in just above ceiling level

CUTS into GE truss at 16" o.c. to insert 2x6s with no special reinforcement suggested or wider sill plate suggested.

2x6 studs from sill plate to underside of ceiling

**Note: 2x6 exterior studs above 11'10" must be "special engineered lumber"!
Again – no provision was made for this! NOTHING WAS SPECIFIED AS NEEDED BETWEEN THE TOP PLATES AND THE ROOF!**



“Fix No. 3” – Balloon Framing”...

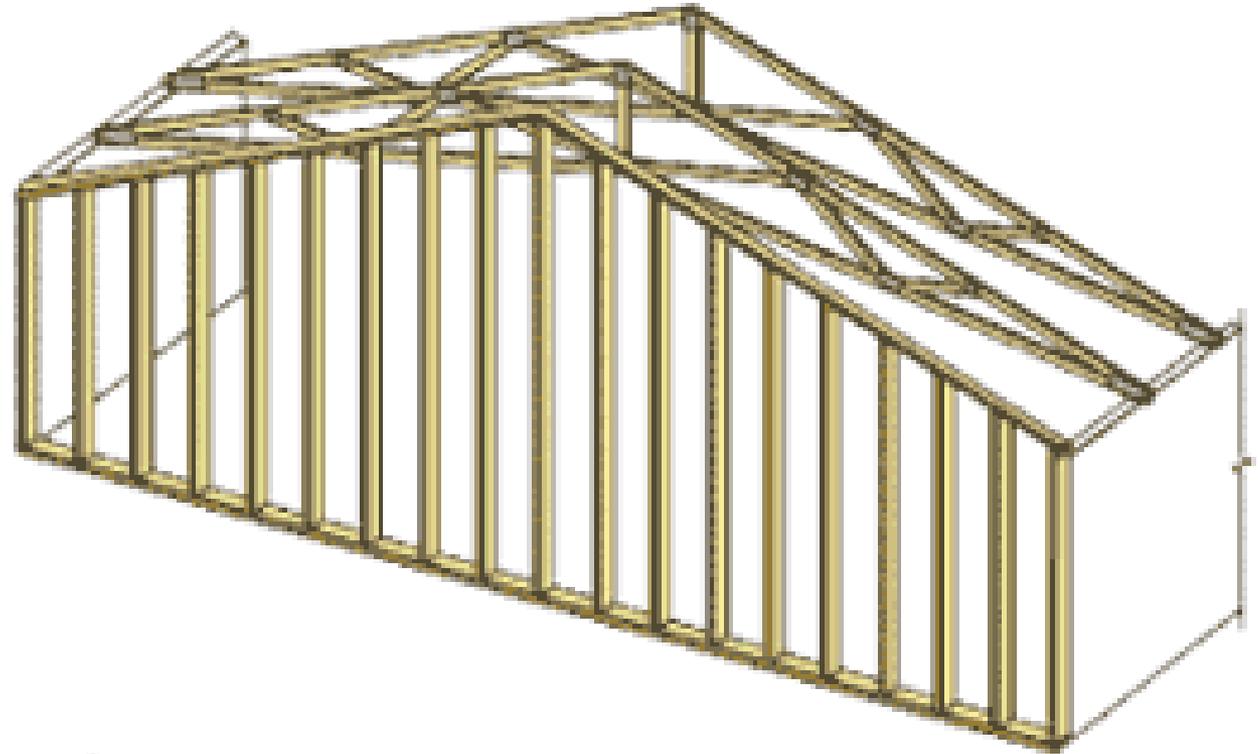
During our January 5, 2010 meeting, CBO Guido Mazza suggested that it would be simple to do a “balloon-framing option” and that it would NOT require the involvement of an engineer.

What was “balloon-framing”?

“Fix No. 3” – Balloon Framing”...

a.

Balloon-framed
gable end wall



Source: Original image taken from Gjinolli, A., (P.E.) and Vogt, J., (P.E.), Wood Truss Gable End Frames, Structure Magazine, August 2007, Figure 6.

“Fix No. 3” – Balloon Framing”...

Violation Of Ontario Building Code As It Related To Wall Height, Engineered Lumber and Wind Provisions...

This option would, in our opinion, have been a viable one were it not for the fact that our wall was higher than 11’10” and as such it had to involve an engineer – as stated earlier – since now – wind loads and special tables came into play.

Also, given the wall height, “special engineered lumber” such as 2100 MSR, engineered beams or something other than 2x6s (i.e., 2x8s) appeared to be required.

Mr. Mazza, in spite of being a structural engineer, insisted NO ENGINEER was required and made absolutely no mention of any “special wood” other than 2x6s being needed in a potential “balloon-framing” option or of the need to take into consideration more in terms of “wind loads” – again – in our opinion, violations of SEVERAL sections of the Ontario Building Code and/or Act!

CGS BS “Proposed Fixes”...

And No Special Provisions For Window Section In Wall...

One of the areas of most concern, per our engineer’s report, was the approximately 10 ft section of windows in the non-structurally sound exterior wall...

Yet, not one fix proposed by CGS BS personnel provided any special “provisions” for this area considered the most “under stress” as a result of our having been given the wrong truss by our BCIN designer, GRT and truss engineering firm.

Indeed, Mike Pilon had stated to us that nothing more than a 2x4 on each side of the window section would be needed...

What Did Engineers Think We Needed To Fix Our Wall...

CGS Building Services personnel had informed us that CGS Building Services did not provide engineering services to the public. As such, CGS Building Inspectors should have remained silent on these issues. In spite of their “errors in judgment” and resulting violation of the law by CGS BCIN Building Inspectors in this matter of what was or was not an acceptable fix, however, the fact was that our roof system was subject to collapse... on that... at least... they had been correct.

Note also that “proposed fixes” we were given and with which many “qualified persons” agreed, also did not make ANY mention of the area most susceptible to collapse – the 10 foot window section in the problem wall/roof section!

What Did Engineers Think We Needed To Fix Our Wall...

An engineer, licensed in Ontario, advised us that what we needed to do was to use 2x8s – not 2x4s... not 2x6s... but 2x8s...

We were told to do the following:

- 1) Place 3 2x8s laminated together to form a beam on the right hand side of the 10 ft window section, thereby providing extra strength for this area that was more susceptible to collapse.**
- 2) Replace all 2x6s currently in place to the right of the windows with 2x8s to the underside of the cathedral ceiling level... and then tie in with 2x4s or 2x6s from the top plates at the cathedral ceiling level to the underside of the roof...**

What Did Engineers Think We Needed To Fix Our Wall...

We were told to do the following:

Continued...

2. Alternatively, per a discussion we had with our engineer... we could balloon-frame the 2x8s to the underside of the roof. This was the option we chose to do as it eliminated a great deal of cutting that would be required to go from the top plates at the cathedral ceiling level to the underside of the roof. We felt the wall/roof section would be fixed faster and made stronger if we simply balloon-framed the 2x8s right to the underside of the roof.

3. We had to provide blocking at the upper window level across the entire section to the right of the window section.

What Did Engineers Think We Needed To Fix Our Wall...

We were told to do the following:

Continued...

4. We also had to provide a great deal of additional bracing for the trusses and exterior wall next to the cathedral ceiling... and the entire roof system as a whole since it appeared our trusses had been designed with no provisions for “wind load”!

Doing The Extra... As We Had Always Done...

Although the engineer felt 2x4s from the top plates of the cathedral ceiling to the roof would do, for simplicity, we chose to go with 2x8s all the way up, making the project not only simpler, but providing greater strength for the wall as well.

We also chose to make a second beam made of 2 2x8s right at the center of the wall where the roof peak changed direction, providing 1 2x8 exactly at the peak of the roof heading in separate directions (one to each side).

Doing The Extra... As We Had Always Done...

We also inserted 2x6s on the flat behind each new 2x8 stud and 2x8 beam to provide extra support for the gable end truss that still remained and to provide further support for the new 2x8 studs that had to be nailed into “something” given there would be a 2” gap resulting from the preservation of the gable end truss and given exterior plywood would again have to be nailed in from outside given so much of it had been impacted by the removal of the original 2x6 studs.

We also inserted a 2x10 top plate at the roof underside in order to provide a better brace point than the roof plywood for the 2x8 balloon-frame studs that were now added.

Doing The Extra... As We Had Always Done...

Finally, we did the best we could to provide more support for the window section and area of the wall to the left of the 10 ft window section... but again... this was simply “extra” and was not required by the engineer. We just wanted that “peace of mind” in knowing we had done everything we could to make the window section and everything to the left of it as strong as we could given the circumstances... we had always done everything “way above code” as we wanted to minimize any future problems for our children – this included our autistic son – whom we felt would probably spend the rest of his life in this house.

We had built this house – ultimately - for our children and had wanted it to be very well built... way above code... and for CGS BS to engage us in such a fiasco in matters of structural integrity... in our opinion... given our attempts to build a great home for our children... was most discouraging indeed.

Doing The Extra... As We Had Always Done...

We had always done “the extra”... knowing our autistic son would most likely live in this house for the rest of his life...

Where code had required anchoring our house to the bedrock at 4 or 6 ft intervals and about 4-6” down into the bedrock and up into the footing... we had anchored at every 30 inches or so... down 1 foot and up at least 6 inches into the footing...

Where code had required only OSB for our exterior walls... we had encased our entire home in plywood – costing us approximately 3 - 4 times more than the OSB...

Where code had required only residential grade underground piping for plumbing, we had installed much thicker commercial grade underground pipes...

Doing The Extra... As We Had Always Done...

Where code required a cement slab of 4-6", we had provided close to 8" of cement...

Where code had provided for much less nailing... we had nailed our house like no other... often nailing plywood at every 4-6 inches, etc.

Where code had provided for basically no insulation of our drinking water pipe running from the house to the well... we had triple insulated it and ran it through a culvert in order to prevent any freezing...

Where code and inspectors had told us we did not need tile drainage since we were on a hill... we installed hundreds of feet of tile drainage and tons of drainage stone to stop any water from nearing the foundation since the land did have the flow coming from further up the hill and toward the house...

Doing The Extra... As We Had Always Done...

Where code had not required any special protection for our drainage pipes (i.e., sewer), we had ran them through culverts to prevent damage...

Where code had not provided we protect our telephone cable, we had ran it through conduit from the house down the driveway to the road... over 300 feet... and buried all of it approximately 2 -3 feet down to prevent any damage to our phone line...

Where code had not provided we protect our to/from underground heating system lines that went approximately 60 feet to/from our house to/from our wood burning furnace outside, we had encased these pipes in triple insulation, and ran them through culverts all the way from the house to the furnace...

Where code had required only 1 layer of vapor barrier under our slab, we had placed 2 layers in a perpendicular/cross pattern...

Doing The Extra... As We Had Always Done...

Where code had provided we only “tamp” fill at every 6” or so under our slab... we had tamped at every 2”...

Where code had required only 1 foot of stone for our septic system... we had provided up to 2 1/2 ft...

Where code had required a smaller overall septic system... we had provided one larger than needed... so much so that the septic system inspector had changed our records to indicate that our system would be fine for a larger home...

Where code had required our in-floor heating system pipes be “tied down” to wire mesh at approximately every 4 ft, we had tied the pipes down at approximately every 1 ft...

Doing The Extra... As We Had Always Done...

All of our pipes, conduit, culverts etc. were further cushioned with playground sand (free of rocks) to prevent any damage...

Indeed, we had spent so much money on culverts to protect various pipes, etc., that the employees of the company where we worked asked if we were contractors... they were most surprised when we told them “all those culverts” were simply for a residence. Near the end of our purchases, we were even granted “special discounts” since we had bought so many culverts/drainage pipes!

Where code had required only rebar OR wire mesh in our in-floor heating system... we had put BOTH...to prevent any “slab cracking nightmares”...

Where code had required no rebar in our footings since we were “on bedrock”... we had added it in anyway to further solidify and stabilize our cement...

Doing The Extra... As We Had Always Done...

Where code had required much less in terms of a cement foundation wall... we had provided at least 10" foundation walls...

Where code required much less in terms of interior walls, we had made all our interior wall 2x6s at 16" o.c. and planned on insulating all of them for sound minimization purposes...

Where code had required less in terms of bottom chord truss braces... we had provided more...

We had taken pictures of all these extras we had done...

In everything we did – especially for our autistic son... we had tried to provide a home that would be as worry free as possible... and in what should have been the easiest of all... framing... the CGS BS had engaged us in what would be an unbelievable fiasco.

Doing The Extra... As We Had Always Done...

Anyone who knew us, knew we did the extra in everything when it came to our home and our children... as such... doing the extra... was something we felt we needed to do for this wall, too... anything else... to us... given what we considered “quality in our home” and given our family dynamics... would be unacceptable!

In fact, our home was so above code that one of the building inspectors who had come to our site had half-jokingly commented to us that if we ever sold our home, he'd like to know...

It had taken us approximately 7 days of hard work to gather supplies, tear apart the current wall, rebuild it a small section at a time, secure the 2x8 studs properly with nails from both the inside and the outside, re-secure the exterior plywood and do all additional bracing for our roof system.

**Our Wall... Fixed Per The Requirements Of An Engineer...
And A Little Extra...**

The “Fixes” Proposed by CGS BS Personnel... DID NOT Fall Within Part 9 of the OBC... And Thus, REQUIRED an Engineer!

There was not an engineer or BCIN inspector in Ontario, in our opinion, who would not be found negligent for providing “such a fix” as we were given by the City of Greater Sudbury Building Services...

In our situation, only our independent engineer was able to provide us with a structurally sound fix.

For a BCIN “qualified” person to “put forth any fix” in matters of structural integrity, in our opinion, was clearly something out of that person’s area of expertise and was nothing less than a misrepresentation of qualifications – and in our opinion – criminal negligence - by our BCIN designer and by any BCIN building inspector (that would include Pilon and Guillot).

**Job Descriptions For CGS BS Personnel...
Clearly Did NOT Make It Their Responsibility...
To “Suggest Fixes” In Such Matters of Structural Integrity...**

**Building Inspectors, Plan Reviewers, Managers of Code Compliance
were NOT qualified to do so...**

**CGS did NOT provide engineering services to the public and since
we did not trust anyone in CGS BS, we most certainly had not
contracted Chief Building Officer, Guido Mazza as our engineer...
thus, for him to provide for us “engineering services” would, in our
opinion, constitute a violation of several Codes of Ethics and his
duty to treat all persons equally under the law.**

Job Description – CBO... FOI Request #2010-18... CGS HR Dept.

THE CITY OF GREATER SUDBURY

JOB DESCRIPTION

JOB TITLE: DIRECTOR OF BUILDING SERVICES/
CHIEF BUILDING OFFICIAL **DATE PREPARED:** October 21, 2002

GROUP NO.: Non Union - Group 16 **DATE REVISED:** March 4, 2004, September 15, 2006

SECTION: **DIVISION:** Building Services

DEPARTMENT: Growth and Development **LOCATION:** Tom Davies Square

MAIN FUNCTION: Responsible to the General Manager of Growth and Development for the complete management, direction and operation of the Building Services Division, in support of quality customer service outcomes, and the Business Plan for the Division. This position fulfills a corporate controllership role for this function.

CHARACTERISTIC DUTIES: UNDER THE GENERAL DIRECTION OF THE GENERAL MANAGER OF GROWTH AND DEVELOPMENT:

- Responsible for the preparation and execution of an annual Business Plan covering all mandated services of the Building Services Division, in concert with the budgeting process. The Plan will detail service goals, expected service/performance outputs, resource inputs required to achieve these outputs, and the performance measures used to assess the Division's performance against the goals.
- As Chief Building Official and senior administrator of the Division, responsible for CGS's permit and inspection functions, and compliance and enforcement of by-laws.
- Provide direction and over-all co-ordination of activities within the Division. Responsible to:
 - Act as a Statutory Officer (as required by the Ontario Building Code Act S.O. 1992); exercise fundamental authority that includes the issuance of Building, Demotion and Conditional Permits, the determination of equivalencies of materials and building conditions and revocation of permits as set forth by applicable law;
 - Ensure that building and development projects are constructed in accordance with the terms and conditions of applicable municipal and provincial legislation from start to final completion and approval;
 - Review consultants (engineers and architects) reports for appropriate content with respect to the Ontario Building Code;
 - Provide guidance and technical advice regarding the Ontario Building Code Act and Zoning By-Laws;
 - Supervise the inspection procedures connected with building construction, signs and plumbing and heating installations by Building Inspectors, and monitor the issuance of Orders to Comply, Stop Work Orders, and other enforcement procedures prescribed in the Ontario Building Code as the need arises;
 - Conduct inspections of old, unsafe buildings and initiate enforcement proceedings in accordance with Emergency Powers and Duties provided the Chief Building Official under the Ontario Building Code Act;
 - Supervise the inspections of business establishments by Building Inspectors for license approvals as well as special occasion permits;
 - Administer the zoning policies of CGS, including interpretation of the Zoning By-Laws and Secondary Plans, and suggest and recommend amendments and enforcement as required;
 - Assist with the preparation of legal documents, records and information when legal action is or may be required, and attend court hearings as necessary;
 - Issue reports of compliance and/or conduct special inspections when requested;
 - Maintain an up-to-date list of procedures connected with the administration of the Building, Plumbing, Heating, and Sign By-laws;
 - Develop and maintain effective liaison with stakeholders;
 - Develop and implement approved Building Controls policies, procedures and programs; advise affected individuals on their proper interpretation and execution to ensure uniformity throughout CGS.
 - Prepare or oversee the preparation of reports as required.
- Manage the financial, human and physical resources of the Division in alignment with CGS's vision and values, and in accordance with the annual Business Plan.
- Develop and maintain a thorough working knowledge of CGS's Safety Manual and the applicable Provincial Legislation listed therein.
- Perform other related duties as required.

NOTE: The above duties are representative of a typical position and are not to be construed as all inclusive.

Record 1

CITY OF GREATER SUDBURY
DESCRIPTION
DIRECTOR OF BUILDING SERVICES/CHIEF BUILDING OFFICIAL

QUALIFICATIONS

EDUCATION AND TRAINING:

University degree in a related discipline from a recognized University with Canadian accreditation.
Member of (or eligible for) membership in the Association of Professional Engineers of Ontario.
Additional education initiatives to update and expand competencies.

EXPERIENCE:

Minimum of eight (8) years of senior level experience in the management of large, unionized, and highly diversified public or private sector organizations, including four (4) years managing a similar function.

KNOWLEDGE OF:

CGS's priorities.
Applicable legislation and related regulations.
Current and emerging management issues within CGS as they affect the Building Services Division.
Best practices within areas of responsibility.
Horizontal linkages to other relevant governmental levels and services as well as the private sector.
Building, zoning and development procedures, and methods.
Engineering aspects of building and development projects.

ABILITIES TO:

Understand and meet the needs of customers.
Prepare operating and capital budgets for the Division.
Once it is created and approved by Council, translate CGS's vision for others both within and outside the organization.
Build the values of the organization into Divisional programs, services and policies.
Prepare an effective Business Plan for the Division.
Set and achieve high standards for the Division.
Align systems to facilitate better service for the citizens of CGS.
Link programs, services and policies of the Division to broad policy objectives of the organization.
Create enthusiasm and motivation for employees within the Division to pursue CGS's targets.
Create and respond appropriately to a continuous learning environment.
Balance conflicting demands from stakeholders.
Anticipate and manage the impact of change on the Division's activities.
Manage the financial, human and physical resources of the Division in a collaborative manner.
Manage conflict; mediate disputes; assist in reaching consensus.
Respond quickly to emerging opportunities or risks.
Share power horizontally and vertically.
Provide a stabilizing influence within the Division.

PERSONAL SUITABILITY:

Mental and physical fitness to perform essential job functions.

LANGUAGE:

Excellent use of English; verbally and in writing.
French verbal skills highly desirable; written skills an asset.

OTHER:

May require the use of a personal or CGS vehicle on CGS business. Must be physically capable of operating a vehicle safely, possess a valid driver's licence, have an acceptable driving record, and personal insurance coverage.

APPROVED BY:

GENERAL MANAGER OF
GROWTH AND DEVELOPMENT:
for.
DIRECTOR OF HUMAN RESOURCES
AND ORGANIZATIONAL DEVELOPMENT:

SIGNATURES

Daryl Nadagny
Ch. Creadon

DATE

Sept 19/06
Sept 15/06

Job Description – Deputy CBO... FOI Request #2010-18... CGS HR Dept.

THE CITY OF GREATER SUDBURY

JOB DESCRIPTION

JOB TITLE: MANAGER OF CODE COMPLIANCE/
DEPUTY CHIEF BUILDING OFFICIAL

DATE PREPARED: January 22, 2001

GROUP NO.:

DATE REVISED: October 6, 2003, November 18, 2005,
January 27, 2006

SECTION: Code Compliance

DIVISION: Building Services

DEPARTMENT: Growth and Development

LOCATION: Tom Davies Square

MAIN FUNCTION: Supervise staff and oversee the work regarding Building Services functions including project research, building permit applications, plans examination, business licencing and building inspections and ensure compliance with statutory legislative requirements in support of quality customer service outcomes and the Business Plan for the Department/Division.

CHARACTERISTIC DUTIES: UNDER THE GENERAL DIRECTION OF THE DIRECTOR OF BUILDING SERVICES/ CHIEF BUILDING OFFICIAL:

1. Assign, schedule and direct the work of staff involved in plans examination, building inspection and building applications.
2. Supervise the inspection procedures connected with building construction, signs, and plumbing and heating installations by Building Inspectors. Monitor the issuance of Orders to Comply and other enforcement procedures prescribed in The Ontario Building Code as required.
3. Supervise the inspections of business establishments by Building Inspectors for licence approvals.
4. Assist the Inspectors when interpretations are required of the regulations contained in The Ontario Building Code and Zoning By-Laws.
5. Approve the completion of buildings and/or projects.
6. Prepare reports for the Director of Building Services/Chief Building Official as required.
7. Supervise the preparation of reports by the Building Inspectors or Plans Examiners for the Committees of Adjustment/Land Division.
8. Issue reports of compliance and/or conducts special inspections as required.
9. Maintain an up-to-date list of procedures connected with the administration of the Building, Plumbing, Heating, and Sign By-Laws.
10. Monitor the procedures respecting inspections, plans examinations and responses to lawyers on a continuing basis and make recommendations for amendments.
11. Supervise Division personnel and provide technical expertise.
12. Provide assistance to the Project Research Clerk with responses to lawyers' search requests.
13. Assist with training and ensure that Employees are kept abreast of by-laws and legislative requirements affecting their work.
14. Conduct job performance appraisals, salary reviews and discipline in accordance with the respective Collective Bargaining Agreement.
15. Act as Management's Representative in the Grievance Procedure in accordance with the respective Collective Bargaining Agreement.
16. Assist in the preparation of the budget and monitor expenditures to ensure that they are within budget allocations.
17. Provide assistance and advise design professionals (architectures and engineers) and the general public on matters relating to building construction, zoning, plumbing inspection, sign erections, heating installations and other associated activities normally performed by the Division.
18. Attend meetings with outside agencies as required.
19. Develop and maintain a thorough working knowledge of CGS's Safety Manual and the applicable Provincial Legislation listed therein.
20. Perform other related duties as required.

NOTE: The above duties are representative of a typical position and are not to be construed as all inclusive.

Record 2

OF GREATER SUDBURY
DESCRIPTION
AGER OF CODE COMPLIANCE/DEPUTY CHIEF BUILDING OFFICIAL

QUALIFICATIONS

EDUCATION AND TRAINING:

Successful completion of a University Degree in an appropriate Engineering or Architectural discipline from a recognized University with Canadian accreditation.
Membership or eligible for membership in the Association of Professional Engineers (APEO) or Association of Architects of Ontario (OAA).
Additional education initiatives to update and expand competencies.
Qualified under Ministry of Municipal Affairs and Housing qualification and registration program for the new Ontario Regulation O.Reg 305/03.

EXPERIENCE:

Minimum of five (5) years of directly related experience.
Demonstrate supervisory, administrative and human relations skills.

KNOWLEDGE OF:

CGS's priorities.
Applicable legislation and related regulations.
Current and emerging management issues within CGS as they affect the Building Services Division.
Best practices within areas of responsibility.
Horizontal linkages to other relevant governmental levels and services as well as the private sector.

ABILITIES TO:

Understand and meet the needs of customers.
Create and respond appropriately to a continuous learning environment.
Communicate effectively with public, private and community associations, groups and agencies.
Manage the financial, human and physical resources of the Division in a collaborative manner.
Manage conflict; mediate disputes; assist in reaching consensus.
Respond quickly to emerging opportunities or risks.

PERSONAL SUITABILITY:

Mental and physical fitness to perform essential job functions.

LANGUAGE:

Excellent use of English; verbally and in writing.
French verbal skills highly desirable; written skills an asset.

OTHER:

May require the use of a personal or CGS vehicle on CGS business. Must be physically capable of operating a vehicle safely, possess a valid driver's licence, have an acceptable driving record, and personal insurance coverage.

APPROVED BY:

CHIEF ADMINISTRATIVE OFFICER:

GENERAL MANAGER OF GROWTH
AND DEVELOPMENT:

DIRECTOR OF HUMAN RESOURCES
AND ORGANIZATIONAL DEVELOPMENT

SIGNATURES

[Handwritten signatures]

DATE

Jan 30/06
Jan. 27/06
Jan 27/06

Job Desc. – Bldg Inspector...FOI #2010-18...CUPE Local 4705, Group 13

THE CITY OF GREATER SUDBURY

JOB DESCRIPTION

JOB TITLE:	BUILDING INSPECTOR	DATE PREPARED:	January 30, 2002
GROUP NO.:	CUPE Local 4705 - Inside Unit - Group 13	DATE REVISED:	February 3, 2003, March 10, 2008
SECTION:	Code Compliance	DIVISION:	Building Services
DEPARTMENT:	Growth and Development	LOCATION:	Tom Davies Square

MAIN FUNCTION: Perform all of the duties of an Inspector pursuant to relevant legislation and regulations.

CHARACTERISTIC DUTIES: UNDER THE GENERAL SUPERVISION OF THE DIRECTOR OF BUILDING SERVICES/CHIEF BUILDING OFFICIAL AND THE DAY TO DAY DIRECTION OF THE MANAGER OF CODE COMPLIANCE/DEPUTY CHIEF BUILDING OFFICIAL:

1. Perform all of the duties of an Inspector pursuant to the Building Code Act and Regulations, as amended.
2. Conduct inspections of buildings which are undergoing construction, alteration or demolition to ensure that measures are taken to protect the public at the building site.
3. Check building plans and blueprints to establish compliance with Building and Zoning By-Laws.
4. Work closely with the By-Law Enforcement Officers, preparing documents, records, information and issue Certificates of Offence Notices under the Provincial Offences Act when it is apparent that legal action is or may be required to achieve compliance with applicable Acts or By-Laws.
5. Maintain records of all inspections on project report forms and submit completed forms to the Director of Building Services/Chief Building Official.
6. Provide assistance to others in the Building Services Division on building and zoning requirements, as required.
7. Conduct liaison with Fire Inspectors, Health Inspectors, and other agencies or departments whose roles are related to that of the Building Inspector.
8. Conduct inspections of buildings for the purpose of determining a building's suitability for occupancy prior to the issuance of Business Licences.
9. Develop and maintain a thorough working knowledge of CGS's Safety Manual and the applicable Provincial Legislation listed therein.
10. Perform other related duties as required.

APPROVED BY: _____ DATE: _____
 GENERAL MANAGER OF GROWTH AND DEVELOPMENT

NOTE: The above duties are representative of a typical position and are not to be construed as all inclusive.

Record 4

CITY OF GREATER SUDBURY
 JOB DESCRIPTION
 BUILDING INSPECTOR

QUALIFICATIONS:

EDUCATION AND TRAINING:

Successful completion of Secondary School (Grade XII) Education, plus some further specialized training in building construction practices and inspection methods.

EXPERIENCE:

Over five (5) years up to and including seven (7) years of directly related experience.

OTHER REQUIREMENTS:

Demonstrate knowledge of construction practices, processes and materials. Specifically demonstrate knowledge in mechanical installations (including plumbing) may be designated mandatory by CGS when required.

Thorough knowledge of Building Codes, Regulations and By-Laws.

Possess current Building Code Competency Certification in accordance with Provincial Regulations.

Demonstrate ability in Report Writing.

Demonstrate effective interpersonal and communications skills and ability to deal with the public.

Demonstrate and proven ability related to microcomputer software and administrative systems in a Windows environment. (i.e. Building Permit Management Information System and Field Inspection Data System).

Excellent use of English; verbally and in writing.

French verbal and written skills an asset.

Satisfactory health, attendance and former employment history.

Must be physically capable of operating a vehicle safely, possess a valid driver's licence, have an acceptable driving record, and personal insurance coverage.

APPROVED BY:

GENERAL MANAGER OF GROWTH AND DEVELOPMENT:
 For: DIRECTOR OF HUMAN RESOURCES AND ORGANIZATIONAL DEVELOPMENT:

SIGNATURES

DATE

Dorey Nadanzy
A.K. Brundoff

Mar. 11/08
Mar 10/08

Building Inspector Roles and Responsibilities...

The qualifications of Building Inspectors did not qualify them to “act as engineers” nor did their job descriptions mention they had to suggest any guidance as to “a fix” for non-code compliant buildings.

Such “responsibilities” also did not appear to be “Building Inspector” responsibilities in the OBC and/or OBC Act.

As we decided to document our story, we came to see “more violations” and “more issues” that played into all of this!

Clearly, from the very beginning, the City of Greater Sudbury Building Services was violating the Building Code Act – on many fronts!

Permit Review

What time frames apply to the review of building permits?

The Building Code specifies timeframes for the review of complete building permit applications.

These timeframes include:

10 days for a house;

15 days for a small building;

20 days for a large building; and

30 days for a complex building.

The Building Code specifies timeframes for other types of buildings and structures including on-site sewage systems, farm buildings, tents, signs, and structures designated under the Building Code (e.g., certain retaining walls, certain communications towers and public pools).

What are the timeframes in cases where a building permit application is submitted to a municipality and a corresponding sewage system application is filed with a conservation authority/health unit?

The timeframe for reviewing the sewage system application will be the longer of 10 days or the time period which applies to the class of building that the septic system serves. For example if the septic system serves a “small building” then the time frame for permit review of the septic system would be 15 days.

What must the municipality do within the timeframe?

Within the timeframe the principal authority must either issue a building permit or refuse to issue a building permit and provide in writing all reasons for refusal.

The timeframe begins when a permit application is considered to be complete and required fees have been paid. “

Source: Ontario Ministry of Municipal Affairs and Housing,

<http://www.obc.mah.gov.on.ca/Page143.aspx>

downloaded December 28, 2009

Our application for a building permit was submitted to the City of Greater Sudbury Building Services on

Our septic system permit was issued on July 11, 2008.

10 days from July 11, 2008 = July 21, 2008

In our opinion, this was yet another, violation of the Ontario Building Code since our building permit was issued AUGUST 19, 2008 by the City of Greater Sudbury Building Services – 39 DAYS later after our septic system permit was issued.

Did contractors wait this long or was this just another “double standard” – something we had seen entirely too much of in this administration!

The City of Greater Sudbury accepted applications for permits but then informed applicants that fees were not paid until the permit was picked up.

I was ready to pay for my permit on the day my application was filed July 3, 2008 – the date that appeared on all paperwork submitted as the “received on” date. The CGS BS secretary refused to accept payment until the application was reviewed and the permit was actually picked up. But, she failed to inform us that “paying upon pickup of the permit” meant it would not be issued in the allotted time.

The permit was issued on August 19, 2008.

More Games Within CGS BS...

What Was in Our Opinion... CGS Re-Writing The OBC...

This was yet another way the City of Greater Sudbury Building Services via its unwritten “methods and procedures” got around the Building Code Act of Ontario. This was not “enforcement of the OBC” – this, in our opinion, was the re-writing of it to suit the purposes of CGS BS personnel!

It was only because I called in early August to ask where my permit was that it seemed to have finally been “looked at” and pushed along!

Also, the City of Greater Sudbury Building Services had insisted that we provide drawings for our house that had been “designed” by a BCIN “qualified designer”. I had already created my floor plan yet, I was told that the City of Greater Sudbury Building Services would not accept it. This, too, in our opinion, was a violation of the Ontario Building Code, Section 3.2.4.1(3) that stated under

“Qualifications...”

“A person is exempt from the requirement to comply with the qualification in Sentence (1) if the person’s *design activities* relate only to (b) *construction* of a *building* that is owned by that person... and (l) “construction of pre-engineered elements of a building if the design of the elements is carried out by a person competent in the specific discipline appropriate to the circumstances”.

Source: 2006 Ontario Building Code, Division C, Part 3, Section 3.2.4.1(3)(b) and (l).

I guess that would explain why my sister-in-law was able to simply take a drawing SHE - a person with absolutely no “design qualifications of any kind - had made to a truss company for a cottage on Manitoulin Island and was able to not get her trusses designed but also get a building permit to build her own cottage with her husband.

My sister-in-law also had a cathedral ceiling... and in spite of NOT having gone through a BCIN qualified designer, her cathedral ceiling end wall was PROPERLY designed by the truss company – a company that also made it a POINT to tell her and her husband to “make sure” they had studs going “all the way up to the ceiling”... and so... my sister-in-law and her husband were now enjoying their cottage on Manitoulin Island... while my husband and I – who went through City of Greater Sudbury Building Services “imposed channels” - had a nightmare on our hands – and more delays!

Thus, we should have been allowed to submit our own “design” for our house to the City of Greater Sudbury Building Services!

But, because the City of Greater Sudbury Building Services INSISTED I provide plans designed by a BCIN “qualified” designer, I had sought the services of BCIN designer, Marc Levasseur.

In an email to Marc Levasseur, I discussed the fact that he assumed the copyright for my house floor plan in spite of the fact that I had designed the house [but not the engineered trusses – I would have gone through appropriate channels for pre-engineered trusses and a different truss company].

Forced by CGS BS To Get A BCIN Qualified Designer...

**A Person I Would Never Have Hired...
Had CGS BS NOT INSISTED ON THIS...**

I quote from an email to Marc Levasseur, dated May 24, 2008 as it related to the issue of copyright notation:

“I designed this floor plan and I really don’t want anyone else using it... I appreciate the changes you tried to make but I’m really not using any of them due to practicality for our family or due to health issues, lifestyle, etc. I just want to make sure no one else has access to my design without my written consent. I guess I don’t understand why this would be your copyright since you did not design this plan – just drafted it based on everything I provided.”

Thus, the floor plan, I had already designed and had wanted to submit it to the City of Greater Sudbury Building Services as part of my building permit application... but, they had told me that this would not be acceptable.

It was because of this that I had gone to Marc Levasseur.

It would only be MUCH later that I would learn this was yet another violation of the Ontario Building Code Act [Section 3.2.4.1(3)] by the City of Greater Sudbury Building Services.

Note Marc Levasseur's response to this issue of the copyright for my building plans in an email dated May 24, 2008:

“As per O.B.C., these plans are for your site only and if someone was to use these plans somewhere else with my B.C.I.N. on them and without my written permission I would be forced to use legal actions against them. Your floor plan is too customized for your needs and I would doubt very much that I would be in a position to re-sell this plan, your house is too big for a standard 50'x100' Lot”.

Marc Levasseur was thus stating that the BCIN designation necessitated the copyright belong to him. At no time did he state that I could have designed my own house and provided that to the City of Greater Sudbury Building Services – and, surely, as a BCIN designer, he had to know that I had that right – as did the City of Greater Sudbury Building Services – but, both chose to ignore our right to design our home and told us we had to go the BCIN route – something that was absolutely NOT true!

Plans... “Subject To Change”...

Drawing No. A02...“Foundation, Slab And Plumbing Info”

Since we were building ON BEDROCK, footings were NOT needed! We raised this issue with Ron Liinamaa in building services – who stated to us that CGS BS insisted on footings!

The OBC stated that footings were NOT needed ON BEDROCK!

When we had contractors come out to quote us on ICF (insulated concrete forms), they stated footings were NOT needed and that they would simply “call the city”. The contractors provided us quotes without footings for the installation of ICF blocks.

**Thus, we were told one thing... contractors were told another!
More on this later!**

We were forced to put in footings... when we were 100% ON BEDROCK and thus... footings were NOT required – a HUGE waste of time and money!

Contractors, however, were told they could do ICF blocks WITHOUT FOOTINGS and provided quotes that did NOT include footings!

We were told one thing... contractors were told another!

Building Services
Service de la construction

 Greater Sudbury
www.greatersudbury.ca

Inspection Notice **Avis d'inspection**

An Inspection was conducted at this site today and the following items were inspected:

Une inspection de ce site a été faite aujourd'hui et les éléments suivants ont été examinés :

Footy Inspection Approved.
Formwork as per plans
All on bedrock
OKay to pour.

Rohit Walia

These items were Approved
 Not approved

Ces éléments ont été approuvés
 n'ont pas été approuvés

You may now Continue construction or
 See Order to Comply

Vous pouvez procéder à la construction ou
 voir l'ordonnance ci-jointe

If further explanation is required, contact should be made with the inspector by calling 674-4455, Ext. 4278, between the hours of 8:30 - 9:00 a.m. or 4:00 - 4:30 p.m.

Pour de plus amples renseignements, veuillez communiquer avec l'inspecteur, en composant le 674-4455, poste 4278, entre 8 h 30 et 9 h ou entre 16 h et 16 h 30.

Rohit Walia 08-1658
Inspector / Inspecteur Permit #/# de Permis

Contractor's quote for ICF walls... It includes NO footings!

4 FT WALLS

Summarized Wall Details								Steel Spacing	
Wall	Description / Notes	Length	Height	Conc. Core	90 deg.	45 deg.	Vertical (o.c.)	Horizontal (o.c.)	
1	Foundation	214 ft.	4 ft.	6in / 152mm	8		16in / 406mm	24in / 610mm	
2									
3									
4									
5									
6									
7									
8									
9									
10									
11									
12									
Summarized Particulars and Materials List									
	Description	Pieces	Rnd Qty	Shipping Quantity	Price	GST	PST	Total	
1	IntegraSpec Standard Panel(s)	380	396	22 Bundle(s)	\$2,570.04	128.50	205.60	\$2,904.15	
2	IntegraSpec 90 Deg.Corners Set (6")	31	32	4 Bundle(s)	\$447.36	22.37	\$35.79	\$505.52	
3									
4									
5									
6									
7									
8									
9									
10									
11									
12									
13									
14									
15									
16									
17									
18									
19	IntegraSpec 6" Web/Spacers	1276	1296	6 Box(es)	\$453.60	22.68	\$36.29	\$512.57	
20									
21									
22									
23									
24									
25	Approx. Reinforcing Steel - 10mm or # 4		1205	Linear Feet or (367 Meters)	\$361.39	18.07		\$379.46	
26									
27									
28									
29	Concrete (20 mpa) Cu. Meters		12.50		\$2,543.75	127.19		\$2,670.94	
30	Peel & stick Membrane (Ea. Roll)								
31	Anchor Bolts (8" x 1/2")		60	Ea.	\$66.00	3.30		\$69.30	
32	Strong Tie ICF Hanger		36	Ea.	\$648.00	32.40		\$680.40	
33	Alignment System	214		Ea.	\$60.00	3.00		\$63.00	
34	Re-Bar Bender/Cutter (Rental / Day)	ft.	1	Ea.	\$7,500.00	375.00		\$7,875.00	
35	Labour		2500	Hours	\$1,080.00	54.00		\$1,134.00	
36	Concrete Pump Truck Rental		6						
37									
38	Miscellaneous								
39	Miscellaneous								
TOTALS					\$15,730.14	\$786.51	\$277.68	\$16,794.32	
Miscellaneous									

2006 Ontario Building Code – Section 9.15.3 – FOOTINGS

I quote:

“9.15.3.1 Footings Required

(1)Footings shall be provided under walls, pilasters, columns, piers, fireplaces and chimneys that bear on soil or rock, except that footings are permitted to be omitted under piers or monolithic concrete walls if the safe loadbearing capacity of the soil or rock is not exceeded.” [emphasis added]

2006 Ontario Building Code – Section 9.15.3 – FOOTINGS

We were also told that we would need a “soil engineering study” by Ron Liinamaa of City of Greater Sudbury Building Services. The contractors who came to give us quotes told us “soil studies” would NOT be needed – perhaps because they saw we were 100% ON BEDROCK – just as we had informed the City of Greater Sudbury Building Services!

Again, we were told one thing... contractors were told another!

This was not “equal treatment” but, in our opinion, yet another example of the inconsistent application of the Ontario Building Code by the City of Greater Sudbury Building Services Department!

**CGS BS RE-WRITING THE OBC BY INSISTED ON FOOTINGS...
WHEN WE WERE BUILDING 100% ON BEDROCK!!!**

A photograph showing a rugged, rocky landscape. The ground is composed of large, light-colored, layered rock formations. A person in a blue jacket and dark pants is standing on a higher rock ledge in the upper left. A wooden pallet is lying on the rocks in the center. The overall scene suggests a construction site on a rocky hillside.

When we inquired about the need for footings and the potential use of ICF blocks were told by CGS BS that they would “insist on footings and a soil sample”... We had NO SOIL...only BEDROCK!

CGS BS RE-WRITING THE OBC BY INSISTED ON... “CERTIFIED ICF CONTRACTORS”...

Likewise, we felt CGS BS was, in our opinion, “re-writing” the OBC when it came to whom could install ICF (Insulated Concrete Forms) Blocks...

This was something we would have liked to do as it would have saved us a tremendous amount of time, however, when we placed a call to CGS BS we were told that “the City was going to insist on a certified installer”.

When I pushed back and stated that was not “in the code”, I was informed that it was something “CGS insisted on”. I then placed a call to the By-law personnel and was informed that there was no such by-law that they knew of. I was referred back to the CGS BS personnel who were unable to provide any documentation on this “new requirement”.

CGS BS RE-WRITING THE OBC BY INSISTED ON... “CERTIFIED ICF CONTRACTORS”...

Thus, once again, we had been told “something would not be allowed” for individuals such as ourselves... in spite of the fact that no by-law appeared to exist on this issue... and that... in our opinion... was simply more... “on the fly code enforcement”... and, in our opinion, the “re-writing of the OBC” by CGS BS officials/personnel who had, it appeared, nothing in writing to justify “their requirements”.

CGS BS...

And “Undocumented And/Or Unorthodox Requirements”...

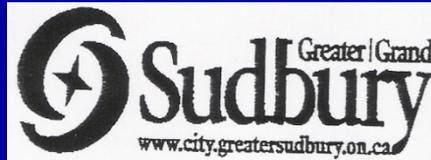
In our opinion, when it came to CGS BS, “requirements” were certainly not uniform for all...and, in our opinion, at times, even appeared “absurd”...

A case in point... “Letters of General Compliance”... as they pertained to our in-floor heating system...

CGS BS...

Letter of General Compliance For In-Floor Heating System...

CGS BS insisted that the an appropriately “qualified” designer design our heating system and oversee its installation... as evidenced by this document required of our engineer by CGS BS. This seemed to indicate the engineer of record had to do the inspection of our system...



HEATING VENTILATION & AIR CONDITIONING SYSTEMS

COMMITMENT CERTIFICATE

THIS FORM TO BE SIGNED BY ALL QUALIFIED OR REGISTERED DESIGNERS RETAINED FOR GENERAL REVIEWS

Permit Application No.

Project Description:	Fred & Jeanne Brohart Residence	Date:	July 2, 2008
Address of Project:	Salo Road Nairn Centre Ontario		

The undersigned qualified or registered HVAC designers hereby certify that they have been retained to provide general reviews of the parts of construction of the building indicated, to determine whether the construction is in general conformity with the plans and other documents that form the basis for the issuance of the building permit, in accordance with the requirements of the Ontario Building Code and provide to the Chief Building Official a final Letter of General Conformance to that design as per the requirements of the City of Greater Sudbury Building By-law.

The undersigned hereby certifies that he/she has read and agrees to the above

<input checked="" type="checkbox"/> HEATING	<input checked="" type="checkbox"/> VENTILATION	<input type="checkbox"/> AIR CONDITIONING	<input checked="" type="checkbox"/> HYDRONICS
Consultant Firm:	Signature:		Print Name:
Superior Sales Agency			Patrick LaPierre
Address:	Telephone:	Fax:	
183 Penman Avenue Garson Ontario P3L1H9	(705)693-2845	(705)693-3146	



In-Floor Heating System Inspection...

Let me start by saying that we had no issues as to the professionalism of the personnel at Superior Sales Agency (the company of the engineer who designed our in-floor heating system) and/or the personnel at A-1 Heating and Air Conditioning (the local BCIN “qualified” contractor who actually performed the inspection of our in-floor heating system)...

Indeed, our issues were with Methods and Procedures at CGS BS...

In-Floor Heating System Inspection... By “BCIN Qualified” Individuals...

Indeed, our question was this...

Given we had already paid for inspections via CGS BS personnel – inspections that included heating and ventilation inspections... why were we forced to have yet ANOTHER BCIN inspection performed by a contractor given “both inspectors” were “BCIN qualified”?

Why, in effect, were we forced to pay for duplicate inspections? Were CGS BS inspectors not “qualified enough” to do these inspections? If not, why had we been forced to have an inspection by a CGS BS building inspector... only to have that followed by a “BCIN qualified” heating and ventilation contractor?

Something was not right here...

In-Floor Heating System Inspection... By "BCIN Qualified" Individuals...



SUPERIOR SALES AGENCY

July 2, 2008

Mr. & Mrs. Fred Brohart

Re: BCIN Requirements For Your Residence

Dear Mr. Brohart

Please be advised that the BCIN requirements have been completed based on the design strategy proposed by Superior Sales Agency within the limits of the equipment selected by Superior Sales Agency.

If you choose to install another brand of equipment, other than what is specified on our information, then our liability for your project is void unless you meet the following criteria:

- 1) Superior Sales must be given 72 hours notice in order to inspect the installation of the equipment.
- 2) Each inspection will be subject to an inspection fee of \$ 250.00 paid at the time of inspection. (2 or 3 inspections)
- 3) Corrections if necessary must be made according to Superior Sales Agency in order for the projects design to be acceptable.


Patrick LaPierre, P.Eng.
Superior Sales Agency


Mr. Fred Brohart
Home Owner

183 Penman Avenue, Garson, Ontario P3L 1H9
Tel: (705) 693-2845 Fax: (705) 693-3146
A Division Of 510268 Ontario Limited

Clearly, the
designing
engineer had
not been
required to do
the inspection...
only BCIN
certification
was required...
and as such, our
engineer had
"sub-
contracted" this
inspection...

In-Floor Heating System Inspection... By “BCIN Qualified” Individuals...

**Thus... again... why 2 BCIN inspections – and duplicate charges -
FOR THE SAME THING!!!**

Note that we were required to have 2-3 inspections for our heating and/or ventilation systems... that meant... at minimum... an additional \$750.00 or so for inspections that should have simply, in our opinion, been performed by BCIN “qualified” CGS BS personnel who should be “qualified” to inspect “any system” requiring only BCIN certification!

In effect, this meant we would have a possible total of 6 inspections for our in-floor heating and ventilation system... 3 by a local contractor and 3 by a CGS BS building inspector – both “BCIN qualified”... this, in our opinion, resulted in unnecessary expenses for us, a waste of CGS BS resources and deceptive practices!

Another Deception... And One That Was Much More Serious! Limitation of Trade...

In an email dated May 24, 2008, I raised the issue of trusses with BCIN designer Marc Levasseur, stating – I quote:

“Trusses... you have a notation saying that they are supposed to be provided by Garden River Truss, Co. Please advise me as to where they are located. I will then see if they can provide trusses I need as cost effectively as companies I have already spoken to. Truss companies only need the blueprints to engineer the trusses and so, I plan to shop around and go with the most cost effective option for this engineered part. So... if another company is more cost effective, I need you to provide in writing that I can use another truss supplier. My husband has access to a flatbed at work and a truck driver... and so... again... there are considerations there that you are not aware of that impact our decision in something like this.”

We NEVER agreed to purchase our trusses from Garden River Truss and planned to shop around for the best deal...

1.mail.live.com/default.aspx?id=64855#n=2011525119&fid=e9t

Hotmail - jbroh...

Tools Help

mail (36) Messenger (0) SkyDrive | MSN

J Brohart
profile | sign out
Options

Reply Reply all Forward Delete Junk Sweep Mark as Move to Categories

Back to messages

Documents | 10/06/2008
Reply

Copy of Notes to Marc - final phase (2) [Protected View] - Microsoft Excel

1 attachment (76.0 KB)

Copy of N...xls
View online
Download (76.0 KB)

Download as zip

Do you have an address or 9

Marc G. Levasseur
Registered Designer / Consul
M.G.L. Drafting & Cons
1206 Hawthorne Drive
Sudbury, ON P3A 1K6
Cell: (705) 690-3499
Fax: (705) 524-3347

File Home Insert Page Layout Formulas Data Review View Add-Ins

Protected View This file originated from an Internet location and might be unsafe. Click for more details. Enable Editing

B32 DONE.

	A	B
201	JRB OK	WITH CHANGE MADE, THIS IS A CLOSED ISSUE.
202	2	I don't understand what those double lines are... for example... in the master bath, just below the circle with the "F" for fan... what is the double line just below that? Does that just represent kind of an extension of the wall?
203	Marc	Yes.
204		
205	JRB OK	Trusses... you have a notation saying that they are supposed to be provided by Garden River Truss Co. Please advise me as to where they are located. I will then see if they can provide trusses I need as cost effectively as companies I have already spoken to. Truss companies only need the blueprints to engineer the trusses and so, I plan to shop around and go with the most cost effective option for this engineered part. So... if another company is more cost effective, I need you to provide in writing that I can use another truss supplier. My husband has access to a flatbed at work and a truck driver... and so... again... there are considerations there that you are not aware of that impact our decision in

Source: Email dated Oct. 6, 2008 between Levasseur and Brohart

BCIN Designer Marc Levasseur... Potential Limitation of Trade... And Much More...

As BCIN designer Marc Levasseur and I corresponded, we made use of Excel spreadsheet to exchange notes via email. I would ask Marc Levasseur questions and he would respond on the spreadsheet, usually sending his answers back in his next email to me...

In one such response... BCIN designer Marc Levasseur indicated to me that I was “limited to buying my trusses from him...” along with a few other comments, that in my opinion, constituted nothing less than libel when it came to comments regarding the trusses of competitors.

BCIN designer, and Truss Sales Manager for Garden River Truss, Marc Levasseur responded with the following – in writing – on May 24, 2008 – I quote:

“When you called the first time I did say that I was the Manager of the Sudbury Sales Office for Garden River Truss Co., since I design all EWP (Engineered Wood Products), on my drawings and I am liable for the B.C.I.N. required for your Building Permit, therefore this LIMITS YOU TO PURCHASE FROM GARDEN RIVER TRUSS CO. I can assure you that as Manager for 4 years with my previous employer Kent Trusses Ltd. That I have better pricing than they do. Secondly Kent Trusses Ltd. Will not sell directly to you, you would have to go through a Lumber Yard that could possibly have a 15% Mark-up if not more. Since I am the Manager for Garden River Truss Co and I am the Designer I can give you Direct Pricing. As for Delivery it is included in the price. There are a few other truss companies out there but I would personally not use their trusses on a outhouse.” [emphasis added].

BCIN designer, Marc Levasseur responded with the following – in writing – on May 24, 2008 – I quote:

Hotmail

New | Reply | Reply all | Forward | Delete | Junk | Sweep | Mark as | Move to |

Inbox (16)

Folders

Junk (107)

Drafts (1)

Sent

Deleted

Alzheimers

Autism - Researchers - ...

Autism - SAVE (13)

Copyright - OK Granted

Copyright - Violatio...

CRA - JOB STUFF (14)

Dog Stuff

Dogs

FAMILY STUFF (1)

FIX THESE ON SITE

Gestational Diabetes - ...

House (7)

Iron Issues

Jobs (3)

Lucie

Online Purchase Co...

Publishing Issues

Researchers

Clean out your inbox We've added new ways to help you get organized, like a "sweep" menu to sweep away unwanted messages, and Microsoft technology to keep junk mail out. [Learn more](#)

Changes [Back to messages](#) |

Marc Levasseur 24/05/2008
To Jeanne Brohart [Reply](#)

2 attachments (total 489.6 KB) [Hotmail Active View](#) ^

A03.pdf
[Download](#) (435.6 KB)

Notes to ...xls
[Download](#) (54.0 KB)

[Download all](#)

If this is close to what you want I will finish the drawings.

Marc G. Levasseur
Registered Designer / Consultant / Owner
M.G.L. Drafting & Consulting
1206 Hawthorne Drive
Sudbury, ON P3A 1K6
Cell: (705) 690-3499
Fax: (705) 524-3347

BCIN designer, Marc Levasseur responded with the following – in writing – on May 24, 2008 – I quote:

Notes to Marc on Main Floor Plan[1]	
A	B
171	
3	Trusses... you have a notation saying that they are supposed to be provided by Garden River Truss Co. Please advise me as to where they are located. I will then see if they can provide trusses I need as cost effectively as companies I have already spoken to. Truss companies only need the blueprints to engineer the trusses and so, I plan to shop around and go with the most cost effective option for this engineered part. So... if another company is more cost effective, I need you to provide in writing that I can use another truss supplier. My husband has access to a flatbed at work and a truck driver... and so... again... there are considerations there that you are not aware of that impact our decision in something like this.
172	
173	
174	Marc When you called the first time I did say that I was the Manager of the Sudbury Sales Office for Garden River Truss Co., since I design all EWP (Engineered Wood Products) on my drawings and I am liable for the B.C.I.N. required for your Building Permit, therefore <u>this limits you to purchase from Garden River Truss Co.</u> I can assure you that as Manager for 4 years with my previous employer Kent Trusses Ltd. that I have better pricing than they do. Secondly Kent Trusses Ltd. will not sell directly to you, you would have to go through a Lumber Yard that could possibly have a 15% Mark-up if not more. Since I am the Manager for Garden River Truss Co. and I am the Designer I can give you Direct Pricing. As for Delivery it is included in the price. <u>There are a few other truss companies out there but I would personally not use their trusses on a outhouse.</u>
175	
176	

Attachment and reply by BCIN designer Marc Levasseur in email to Jeanne Brohart on May 24, 2008 responding to very specific questions/inquiries.

Limitation of Trade...

“Limit: v. To confine or limit within a boundary.”

Source: The American Heritage Dictionary, Office Edition, Fourth Edition, Houghton Mifflin Company, NY, 2001

There were several truss suppliers much closer to Sudbury [where we were building] than Garden River Truss but we were forced to go with Garden River Truss because of false information provided by their Sales Representative, Marc Levasseur... information that was not only inaccurate... but, in our opinion, in all likelihood, illegal!

Note the words: “This limits you to purchase from Garden River Truss Co.”

It would only be later that my husband and I would come to realize that – again – this was a false statement. NO ONE CAN LIMIT TRADE THIS WAY. Garden River Truss Co and Marc Levasseur DO NOT have the right to impose their products on anyone!

This statement by Marc Levasseur – an employee of Garden River Truss - was not only FALSE, in our opinion, IT WAS ILLEGAL as this could constitute an attempt to “limit trade”... something regulatory bodies certainly frown upon!

Trade Interference... As Unfair Competition... Can Be Both A Criminal And Civil Offense!

Unfair competition

From Wikipedia, the free encyclopedia

Unfair competition in **commercial law** refers to a number of areas of law involving acts by one competitor or group of competitors which harm another in the field, and which may give rise to **criminal offenses** and **civil causes of action**. The most common actions falling under the banner of unfair competition include:

- Matters pertaining to **antitrust law**, known in the **European Union** as **competition law**. Antitrust violations constituting unfair competition occur when one competitor attempts to force others out of the market (or prevent others from entering the market) through tactics such as **predatory pricing** or obtaining exclusive purchase rights to raw materials needed to make a competing product.
- **Trademark infringement** and **passing off**, which occur when the maker of a product uses a name, logo, or other identifying characteristics to deceive consumers into thinking that they are buying the product of a competitor. In the **United States**, this form of unfair competition is prohibited under the **common law** and by state statutes, and governed at the federal level by the **Lanham Act**.
- **Misappropriation of trade secrets**, which occurs when one competitor uses **espionage**, **bribery**, or outright **theft** to obtain economically advantageous information in the possession of another. In the United States, this type of activity is forbidden by the **Uniform Trade Secrets Act** and the **Economic Espionage Act of 1996**.
- **Trade libel**, the **spreading of false information about the quality or characteristics of a competitor's products**, is prohibited at common law.
- **Tortious interference**, which occurs when one competitor convinces a party having a relationship with another competitor to breach a contract with, or duty to, the other competitor is also prohibited at common law.

Various **unfair business practices** such as **fraud**, **misrepresentation**, and **unconscionable contracts** may be considered unfair competition, if they give one competitor an advantage over others. In the **European Union**, each member state must regulate unfair business practices in accordance with the principles laid down in the **Unfair Commercial Practices Directive**, subject to transitional periods. (See also **trade regulation law**.)

Source: Wikipedia, Unfair Competition, downloaded January 4, 2010, http://en.wikipedia.org/wiki/Unfair_competition

Interfering With Trade... Can Constitute An “Economic Tort”!

Economic torts

From Wikipedia, the free encyclopedia

Economic torts are **torts** that provide the **common law** rules on liability for the infliction of **pure economic loss**, such as interference with economic or business relationships.

Economic torts protect people from interference with their trade or business. The area includes the doctrine of **restraint of trade** and has largely been submerged in the twentieth century by statutory interventions on **collective labour law**, modern **antitrust** or **competition law**, and certain laws governing **intellectual property**, particularly **unfair competition law**. The "absence of any unifying principle drawing together the different heads of economic tort liability has often been remarked upon."^[1]

The principal torts can be listed as **passing off**, **injurious falsehood** and **trade libel** (see also **Food libel laws**), **conspiracy**, inducement of **breach of contract**, **tortious interference** (such as interference with economic relations or **unlawful interference with trade**), and **watching and besetting**. These torts represent the common law's historical attempt to balance the need to protect claimants against those who inflict economic harm and the wider need to allow effective, even aggressive, competition (including competition between employers and their workers).

Source: Wikipedia, Economic Torts, downloaded January 4, 2010, http://en.wikipedia.org/wiki/Economic_torts

**Marc Levasseur –
BCIN Designer and Garden River Truss Company Employee...
And Potential Libel...**

The comment regarding “trusses made by the competition”... in our opinion, could certainly be viewed by competitors of Garden River Truss as constituting libel.

“Libel: n. 1. A written, printed or pictorial statement that maliciously damages a person’s reputation. 2. The act or offense of publishing a libel.”

Source: Source: The American Heritage Dictionary, Office Edition, Fourth Edition, Houghton Mifflin Company, NY, 2001

Engineered Wood Products...

The comment on “engineered wood products” was not correct.

Much later, we would inquire as to whether or not these “engineered wood products” were needed and we were told that they were not by the City of Greater Sudbury Building Services - this appeared to be only partly true.

We paid several hundred for these engineered wood products that may not have been needed for our headers/lintels but which our BCIN designed plans indicated were supposedly necessary!

But, then, I suppose that if one was “in the business of selling such products”, they may become a little “more necessary”, in our opinion, in design plans. We saw this truly, as a conflict of interest!

**“Manager for 4 years with my previous employer
Kent Trusses, Ltd...”**

Marc Levasseur, in his email dated November 23, 2009, indicated that he had sold HUNDREDS of scissor truss jobs over the past 9 YEARS... that would have been for 3 years at Garden River Truss Co., 4 years at Kent Trusses, Ltd. And 2 years elsewhere!

Thus, this issue with lack of “continuous studs” in buildings designed by Marc Levasseur – an issue dating back 9 years and which was not stopped by the City of Greater Sudbury Building Services – in our opinion, also implicated Kent Trusses, Ltd., and perhaps other truss companies as well.

Kent Trusses, Ltd.

According to their website, Kent Trusses, Ltd. states:

“We are a tightly knit team consisting of over 150 employees and 200 building supply dealers...served the construction industry for over thirty years... More than 30 years supplying builders throughout North America, Asia, Europe and elsewhere...6 offices to serve you, staffed by experienced, innovative professionals. Partners with the industry's leading engineers and suppliers ...”

Kent Trusses, Ltd. Has offices in Sundridge, Sudbury, Timmins, Thessalon, Pembroke, and Barrie...

Source: Kent Truss, Ltd., <http://www.kenttruss.com/about.php>, downloaded December 31, 2009.

Phoenix Building Components...

May also very much be involved in this fiasco...

In a conversation with an employee from a truss company, we were told that it was previous Kent Trusses, Ltd. employees who went on to start Phoenix Building Components...

Per their website, Phoenix Building Components has offices in Barrie and South River, with Manufacturing and Distributing in New Lowell. They state:

I quoted:

“Phoenix Building Components is one of Ontario's newest and fastest growing manufacturers and wholesale distributors of engineered wood building products. We employ one of the most experienced technical support teams in the industry that know and understand the business. Our team of dedicated professionals support and deliver a complete line of Engineered Wood Products at competitive prices... Our products are sold through Retail Building Supply partners throughout Ontario and the Northeast US... »

Source: Phoenix Truss, Ltd., <http://www.phoenixbuilding.ca/> , downloaded December 31, 2009.

I wish it could end there... but, unfortunately, the problem was not only one for the Municipality of Sudbury or the Province of Ontario [that provided BCIN designations and was responsible for registering those with “other qualifications” such as engineers, plans reviewers, building inspectors, managers of code compliance, designers, chief building officers, etc...]

Oh, no... the problem, indeed, in our opinion, appeared much greater still... in fact... it was one for all of Canada... indeed for each and every Canadian... because...

Garden River Truss was a company owned and operated by the Garden River (First Nation) Development Corporation. This particular entity was started with a \$3.2 million dollar investment and it also received a \$280,000.00 grant from the people of Ontario in 2005 via the McGuinty government.

Source: http://mnr.gov.on.ca/en/business/forests/1columnsubpage/stel02_167254.html

Frankly, we now were of the opinion that this issue most likely touched every truss manufacturer in both Canada and the US as I had seen “other truss design software” with problems very much like those that, in my opinion, plagued truss design software at Alpine Systems.

And... as such... it very much appeared that this issue of “non-continuous studs” by BCIN designer Marc Levasseur [and I suspected, perhaps many others] spanned much, much farther than “just Sudbury” – especially since Sudbury failed to stop this non-code-compliant design by BCIN “qualified” designer Marc Levasseur YEARS AGO!

Furthermore... it was only when we started these presentation materials that we thought our issues with trusses were perhaps limited to Northern Ontario... however... given we had since then discovered our truss engineering firm, Alpine Systems, had its truss design software in 550 manufacturing facilities in North America, clearly, in our opinion, this was a much, much bigger problem than we could have ever imagined at the beginning of our problems with CGS BS.

Provincial Funds - \$1M – To Garden River Trust...

PROVINCE SUPPORTS FIRST NATION VALUE-ADDED WOOD ENTERPRISE

July 17, 2007

Provincial Investment Helps Launch New Truss Manufacturer

SUDBURY – The McGuinty government is helping the Garden River First Nation develop a home component manufacturing plant near Sault Ste. Marie, Northern Development and Mines Minister Rick Bartolucci announced today.



"Our government is committed to working with northern communities to pursue opportunities that lay the foundations for prosperity in the future," said Bartolucci, who also chairs the NOHFC. "We are supporting northerners as they apply their considerable skills and energies to establishing new businesses."

The Northern Ontario Heritage Fund Corporation (NOHFC) is providing \$1 million to the Garden River Truss Company to assist with the development of a plant that will manufacture value-added wood products. Products will include prefabricated floor trusses and wall sections for regional and American markets. More than 30 jobs are expected to be created by this initiative.

"The forest sector is a key engine of our economy and we continue cooperating with stakeholders to make it more competitive," said Natural Resources Minister David Ramsay. "This initiative will add value to our resources and create jobs for this First Nation community."

"We are pleased to collaborate with the Garden River First Nation as it strives to establish this new enterprise," said Bartolucci, who also chairs the NOHFC. "Our program supports many communities throughout Northern Ontario as they build ventures that will create jobs and wealth."

Source: Ontario Ministry of Northern Development, Mines and Forestry, "Province Supports First Nation Value-Added Wood Enterprise", News Release, July 17, 2007, <http://www.mndm.gov.on.ca/news/NRView.asp?NRNUM=166&NRYear=2007&NRLAN=EN&NRID=4553>

Provincial Grant of \$280K To Garden River Truss...

Chapleau Express, August 18, 2007 - Page 4

McGuinty Government strengthens forest industry Forest Sector Prosperity Fund Supports Investment That Will Create Jobs For Northerners

The Ontario government is strengthening the forest industry by investing in Tembec through the Forest Sector Prosperity Fund, Natural Resources Minister David Ramsay announced today.

"I applaud the news of this investment and the impact it will have on securing the jobs of the workers at the Tembec facility in Chapleau," said Mike Brown, MPP for Algoma-Manitoulin. "This funding will increase the mill's competitive edge in a difficult market."

The govern-

ment is making available a grant of up to \$3.36 million to Tembec to support recently completed upgrades and further possible capital improvements at its Chapleau sawmill that will allow the mill to optimize use of wood and wood by-products. This investment will strengthen the competitive position of the sawmill and help secure about 150 existing mill jobs.

"As a government, we're investing in the businesses that help Northern Ontario prosper," said Ramsay. "Through the

Prosperity Fund, we are supporting a key engine of our economy – the forest sector - making that sector more competitive, as well as creating good jobs in the North."

"This investment will allow us to increase our operational efficiency, our product recovery and the value of our products on the marketplace," said Dennis Rounsville, vice president, President Forest Products Group of Tembec. "The government's contribution through the Forest Sector Prosperity Fund was a key factor in our

deciding to move ahead with these important upgrades."

The Forest Sector Prosperity Fund is part of the McGuinty government's over \$1-billion five-year plan to help forest companies invest in their own future and the future of the communities that depend on them.

This is just the latest example of how the McGuinty government is working to create a stronger and more prosperous forest sector. Some other initiatives include:

Providing a loan guarantee of \$8 million to Tembec for a \$19-million value-

added engineered wood products facility in Kirkland Lake Providing a \$2-million grant to Grant Forest Products for the construction of a \$20-million coated structural board facility – the first of its kind in North America – in the community of Earleton Providing a grant of \$430,000 to Black Loon Millworks towards an investment of \$4.7 million for a custom hardwood millwork operation in Sault Ste. Marie. Providing a \$1.65-million grant to Flakeboard Company Ltd. for a \$16.5-million capital investment to upgrade its Sault Ste.

Marie mill Providing a grant of \$280,000 to Garden River Truss Company for the development of a \$3.2-million value-added manufacturing facility on the Garden River Reserve near Sault Ste. Marie Providing a grant of \$700,000 to Olav Haavaldsrud Timber Company Ltd. for a \$7 million upgrade to its Hornepayne sawmill. Since 2003, investments in infrastructure, post-secondary education, research and innovation and key economic sectors have strengthened Ontario's economic advantage and continue to build opportunity.

Source: Chapleau Express, "McGuinty Government strengthens forest industry", Aug 18, 2007, page 4,

http://mnr.gov.on.ca/en/business/forests/1columnsubpage/stel02_167254.html

NORTHERN ONTARIO Business
ESTABLISHED 1960

Precision. Power. Influence.

11660
11660
11640
11620

Dec 23, 10:12am

10am 12pm 2pm 4pm

click here for your local forecast

SEARCH

Home Industry News Regional News Video About NOB Event Management Press Releases PDF Edition RSS

Industry News
Aboriginal Businesses
Construction
Energy
Forestry
Government
Health & Safety
Mining
Technology
Tourism
Transportation
Regional News
North Bay & Tri-Towns
Parry Sound & Muskoka
Sault Ste. Marie & Lake Superior
Sudbury & North Shore
Thunder Bay & NWO
Timmins & Region
About NOB
About Our Company
Advertise
Subscribe
Contact Us

Featured Advertiser



Advertisement

Truss company looking to span northeastern Ontario

First-Nation manufacturer learning to compete

By: Ian Ross

A former sawmill property has gotten new life with a First Nation-owned and operated building component manufacturer.



Richard Perrault and the Garden River Truss Company have developed a former sawmill property into a modern value-added shop.

Having started up in the fall of 2005, Garden River Truss Company makes wood roof trusses, open web floor joists, and pre-fab wall panels mainly for the residential housing market.

The company is the first tenant for the Garden River band which hopes to build out an eventual industrial park situated at the junction of former Highway 17 and the new bypass heading east to Sudbury. The six-acre property was once the site of a sawmill operation destroyed by fire 15 years ago.

Owned by the Garden River (First Nation) Development Corporation, the plant has been outfitted with a modern automated saws and assembly systems.

"We're still pretty new in the market," says Richard Perrault, sales rep and designer.

They opened their first year at the tailend of the building season, but they quickly expanded to a double shift when calls and orders came flowing in from builders looking to try out the new guys. This fall, with construction winding down, a single shift employs 12, all from the local First Nation.

Perrault designs open web and I-joist floors while estimator Matt Pine designs trusses for custom roofs.

Much of the product heads to Sudbury, where they now have a sales rep with another stationed in the Temagami area to cover the Highway 11 corridor from Timmins-Kirkland Lake to Bracebridge.

Some product has gone to Wawa and along the Lake Superior reserves and towns. They even deliver by truck as far north as Fort Albany where they sold 11 units last year.

"Our policy is to sell to the First Nations housing coordinators and their band members," says Perrault. "If we get a call from Bear Island, Temagami looking for a house package, we give them a direct quote, otherwise it's through the retail network of Home Depot and Home Hardware."

The company exported across the St. Mary's River last year to the Soo (Michigan) Tribe but that has tailed off because of the unfavourable currency exchange.

Production is measured by value in an eight-hour shift, says Perrault, which should be \$10,000, or roughly enough trusses for seven or eight homes.

Garden River Truss has eyes to edge into northwestern Ontario toward Sioux Lookout, where builders source their material from Manitoba and Saskatchewan. He believes they can beat their competitors' six- to seven-week delivery window by delivering within five to seven business days from the time they take the order.

They have a fully-automated 18,000-square-foot shop with a high-speed Alpine linear saw making precise cuts on lumber provided by Tembec and Domtar. There's also an 87-foot assembly table capable of handling multiple trusses at a time.

Perrault says they have the capability to expand into commercial projects and garage-shed packages but are content to take "baby steps" for now. The biggest truss they make spans 80 feet.

Garden River Truss...

- Opened in fall 2006
- First Nation owned/operated
- sold products in Sudbury, Temagami [Hwy 11 corridor], Timmins, Kirkland Lake, Bracebridge, Wawa, Lake Superior Reserves and towns, Fort Albany, Soo [Michigan], Sioux Lookout, Manitoba, Saskatchewan
- retail networks of Home Depot and Home Hardware

Source: Ross, I., Truss company looking to span northeastern Ontario, Northern Ontario Business, <http://www.northernontariobusiness.com/industry-news/aboriginal-businesses/displayarticle>, downloaded December 23, 2009.

Canada Mortgage and Housing Corporation... Canada's National Housing Agency!

As an entity, funded by and accountable to the people of Canada, surely - at minimum - CMHC and the people of Canada should demand that the homes built with funding from Canadian taxes should at least be “to code”!



The screenshot shows the top portion of the CMHC website. At the top, there is a navigation menu with links for Français, Home, About CMHC, Library, Contact Us, Careers, and Newsroom. To the right of the menu is a search bar with the placeholder text "Type your search here..." and a red "search" button. Below the navigation is the CMHC logo, which consists of a red stylized house shape above the text "CMHC SCHL" and "CANADA MORTGAGE AND HOUSING CORPORATION". Below the logo is a dark grey bar with the text "Corporate Information" and a "Switch Entry Page" button. On the left side, there is a vertical menu with links for About Us, Newsroom, Careers, Library, and Contact Us. The main content area features a small image of a house and the heading "About CMHC". Below the heading is a paragraph of text describing CMHC as Canada's national housing agency, established in 1946 to address the post-war housing shortage, and listing its services: mortgage loan insurance, mortgage-backed securities, housing policy and programs, and housing research.

Franglais Home About CMHC Library Contact Us Careers Newsroom

Type your search here... search

 CANADA MORTGAGE AND HOUSING CORPORATION

Corporate Information [Switch Entry Page](#)

- ▶ About Us
- ▶ Newsroom
- ▶ Careers
- ▶ Library
- ▶ Contact Us

 **About CMHC**

Canada Mortgage and Housing Corporation (CMHC) is Canada's national housing agency. Established as a government-owned corporation in 1946 to address Canada's post-war housing shortage, the agency has grown into a major national institution. CMHC is Canada's premier provider of mortgage loan insurance, mortgage-backed securities, housing policy and programs, and housing research.

**Source: Canada Mortgage and Housing Corporation, downloaded
January 3, 2010, <http://www.cmhc-schl.gc.ca/en/corp/about/index.cfm>**

Garden River and First Nations also received FEDERAL FUNDING from CMHC!

Garden River Truss Co. was started in the fall of 2006.

Had the CGS BS done its job and stopped the “non-code compliant designs” submitted by BCIN designer Marc Levasseur - over the past 9 years - and had the CGS had operational methods and procedures to address issues found in the field, as required in the OBC Act and potentially referred such issues as “non-code compliant designs” to the MMAH, perhaps, we would not have a FEDERAL issue on our hands...as this problem of “non-code compliant designs by Marc Levasseur” could have been stopped prior to his having gone to work for Garden River Truss, A First Nation Corporation... but, now... thanks, at least in part, in our opinion, to the CGS and CGS BS... we did!

Canada's Economic Action Plan of 2009 - 2010 also provided for \$400 million for First Nations Housing – including housing for Garden River First Nation!

**CANADA MORTGAGE AND HOUSING CORPORATION...
A FEDERAL ENTITY... REPORTING TO A FEDERAL
CABINET MINISTER – An Federal Housing Agency – funding
houses could very well be - NOT “to code”!**

**Source: Canada's Economic Action Plan Delivers To Improve
On-Reserve Housing, downloaded December 24, 2009
[http://www.actionplan.gc.ca/eng/media.asp?id=1572,](http://www.actionplan.gc.ca/eng/media.asp?id=1572)**

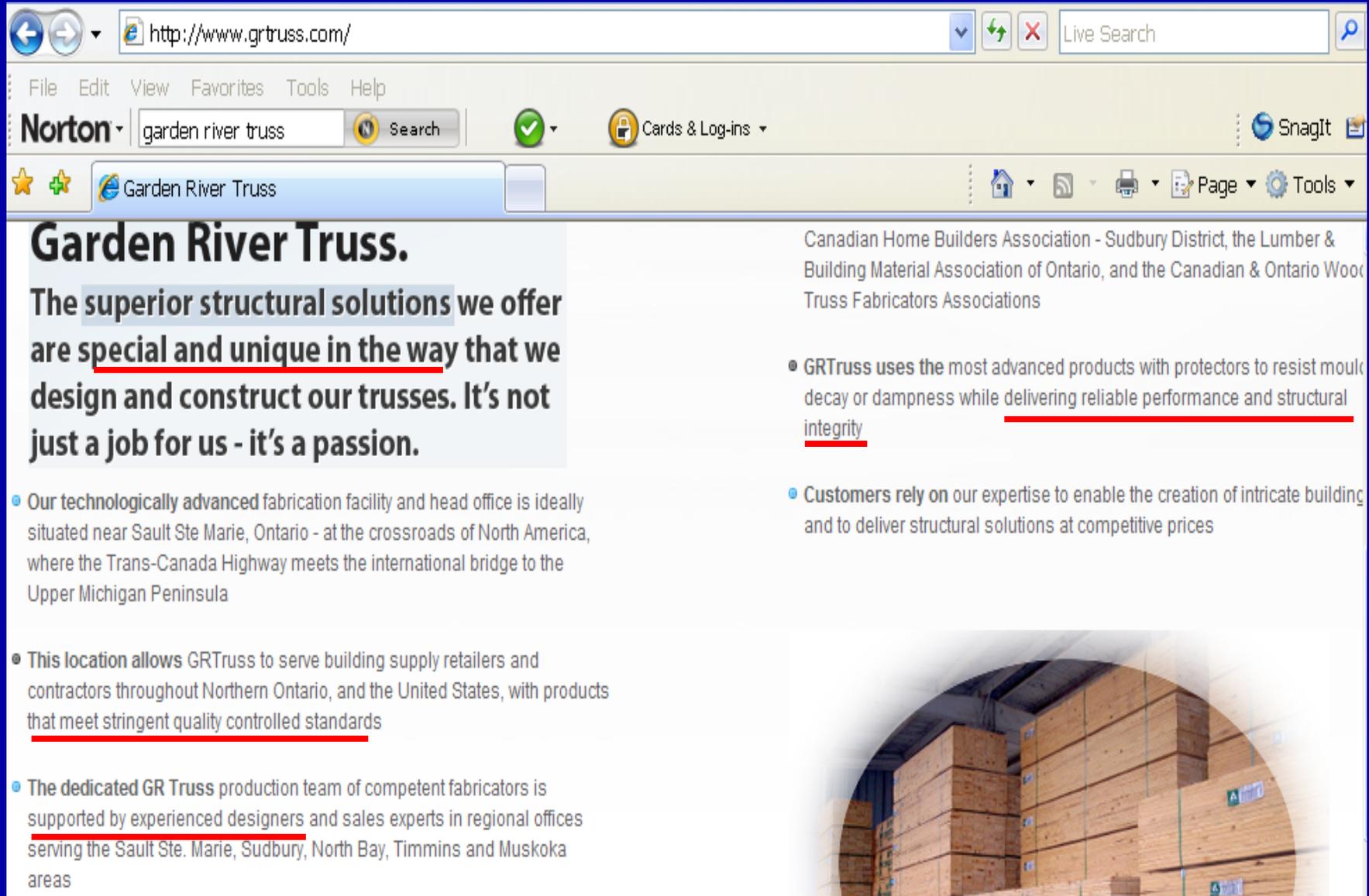
**Clearly, as Canada moved to make home ownership a reality,
Garden River Truss, a First Nation entity, would surely find
many customers among other First Nation entities – also
receiving FEDERAL funding!**

Canada Mortgage and Housing Corporation...

Funding First Nation Homes and Corporations...

**Including Garden River First Nation and Garden River Truss...
a company, in our opinion, possibly engaged in “limiting
trade”... using federal and provincial dollars... and creating
homes... possibly “not to code” with the help of the City of
Greater Sudbury Building Services!**

GRT... And What Was In Our Opinion... False Advertising...



The screenshot shows a web browser window displaying the Garden River Truss website. The browser's address bar shows the URL <http://www.grtruss.com/>. The page features a navigation menu with 'File', 'Edit', 'View', 'Favorites', 'Tools', and 'Help'. The Norton security bar shows 'garden river truss' and a search button. The website's main heading is 'Garden River Truss.' followed by a bolded statement: 'The superior structural solutions we offer are special and unique in the way that we design and construct our trusses. It's not just a job for us - it's a passion.' Below this, there are three bullet points describing the company's capabilities and location. To the right, there is a list of affiliations and two more bullet points. At the bottom right, there is a circular image showing stacks of wooden trusses in a warehouse.

Garden River Truss.

The superior structural solutions we offer are special and unique in the way that we design and construct our trusses. It's not just a job for us - it's a passion.

- Our technologically advanced fabrication facility and head office is ideally situated near Sault Ste Marie, Ontario - at the crossroads of North America, where the Trans-Canada Highway meets the international bridge to the Upper Michigan Peninsula
- This location allows GRTruss to serve building supply retailers and contractors throughout Northern Ontario, and the United States, with products that meet stringent quality controlled standards
- The dedicated GR Truss production team of competent fabricators is supported by experienced designers and sales experts in regional offices serving the Sault Ste. Marie, Sudbury, North Bay, Timmins and Muskoka areas

Canadian Home Builders Association - Sudbury District, the Lumber & Building Material Association of Ontario, and the Canadian & Ontario Wood Truss Fabricators Associations

- GRTruss uses the most advanced products with protectors to resist mould, decay or dampness while delivering reliable performance and structural integrity
- Customers rely on our expertise to enable the creation of intricate building and to deliver structural solutions at competitive prices



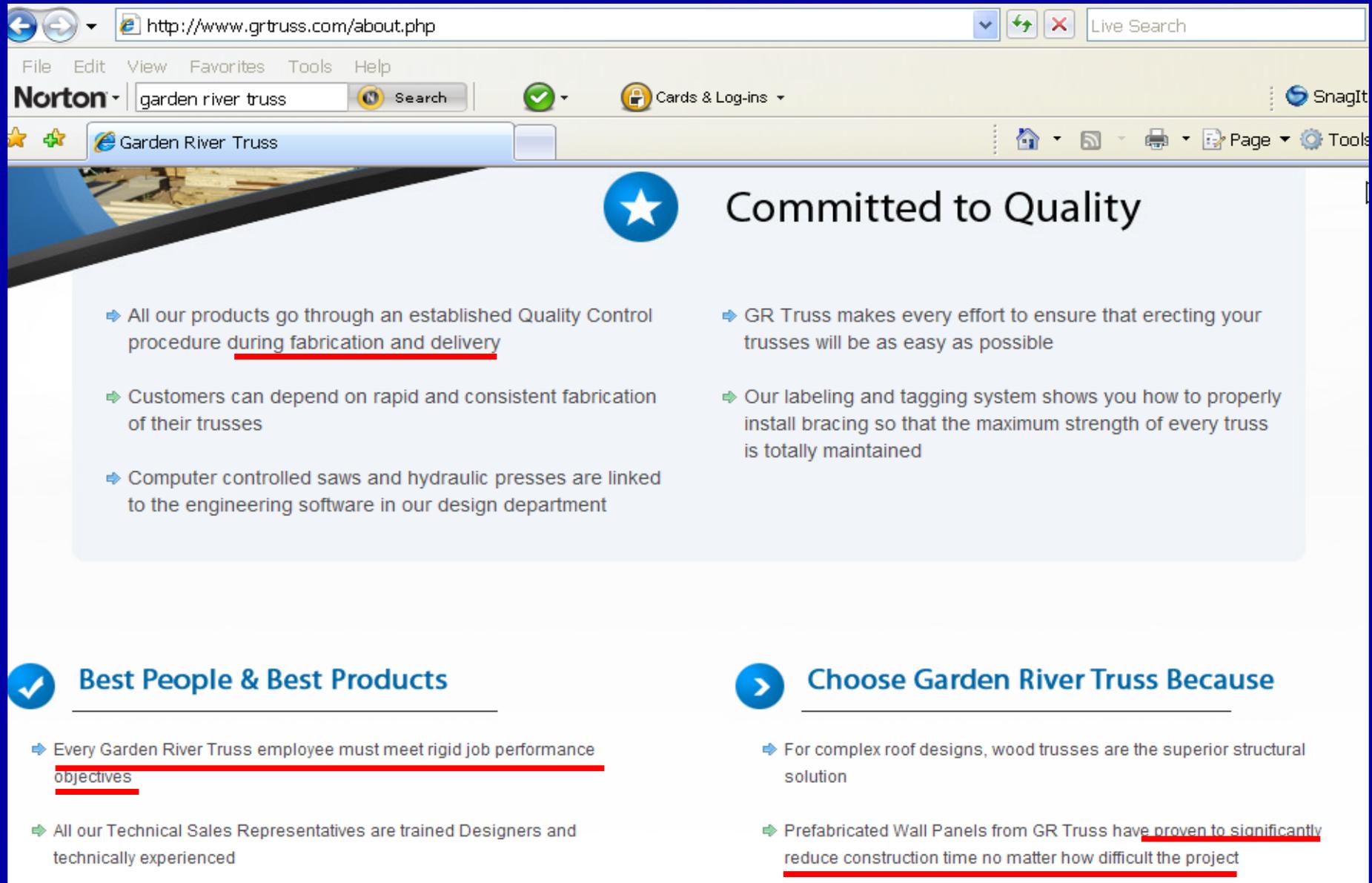
Source: GRT Website, downloaded March 1, 2010, <http://www.grtruss.com>

GRT... And What Was In Our Opinion... False Advertising...

GARDEN RIVER TRUSS
SUPERIOR STRUCTURAL SOLUTIONS
*meeting today's demands
for roof, floor and wall assemblies*

Source: GRT Website, downloaded March 1, 2010, <http://www.grtruss.com>

GRT... And What Was In Our Opinion... False Advertising...



The screenshot shows a web browser window with the URL <http://www.grtruss.com/about.php>. The browser's address bar and search bar are visible. The website content features a blue star icon and the heading "Committed to Quality". Below this, there are two columns of bullet points. The first column lists quality control procedures, and the second column lists efforts to ensure easy erection and proper installation. Further down, there are two more sections: "Best People & Best Products" and "Choose Garden River Truss Because", each with its own set of bullet points. Several phrases in the bullet points are underlined in red, indicating areas of concern or false advertising.

Committed to Quality

- ➔ All our products go through an established Quality Control procedure during fabrication and delivery
- ➔ Customers can depend on rapid and consistent fabrication of their trusses
- ➔ Computer controlled saws and hydraulic presses are linked to the engineering software in our design department
- ➔ GR Truss makes every effort to ensure that erecting your trusses will be as easy as possible
- ➔ Our labeling and tagging system shows you how to properly install bracing so that the maximum strength of every truss is totally maintained

Best People & Best Products

- ➔ Every Garden River Truss employee must meet rigid job performance objectives
- ➔ All our Technical Sales Representatives are trained Designers and technically experienced

Choose Garden River Truss Because

- ➔ For complex roof designs, wood trusses are the superior structural solution
- ➔ Prefabricated Wall Panels from GR Truss have proven to significantly reduce construction time no matter how difficult the project

Source: GRT Website, downloaded March 1, 2010, <http://www.grtruss.com>

GRT... And What Was In Our Opinion... False Advertising... And Our Truss Delivery Nightmare...

Trusses/Beam/Engineered Lumber

From: **J Brohart** (jbrohart@hotmail.com)

Sent: November 27, 2008 4:14:43 PM

To: mgldc@cyberbeach.net

Hi Marc,

I finally have a second to write to you regarding a few things.

1. As you know, our trusses were delivered on November 5th. The good part to that was that it was during very favorable weather... the bad part was that we were told by Josh that they would be coming on the shorter truck... they didn't... and the driver (Joe) said he couldn't make it up the hill with the bigger truck. So... Joe... said he basically had to drop them at the bottom of the hill... that would have been acceptable, had he put them entirely on our property... instead... he dumped them 2 feet onto the road, and, when he dropped them... the tips of the trusses rubbed against a tree... again... not very professional. My husband was less than pleased with that. Joe simply stated he was not the regular driver for that truck... that the regular driver had quit on Monday of that week. He stated he had a crane on the truck which could have been used to pull them onto our lot, but that he did not know how to use it. So... there we were... with a stack of trusses.. partly onto the road. Not a good situation. It took us the better part of 2 days to finally get them up the hill and properly stored when it should have taken one afternoon had the smaller truck delivered them as we were told would be the case.

Anyway... we are passed that nightmare now... but... frankly... in the interest of better customer service, your delivery folks should really be a little more professional in dropping off loads... Had Joe taken a little more time to maneuver his truck, I think he could have easily made it so that the trusses were at least sitting on our property at the bottom of the hill. We've had truckers deliver 65 foot hydro poles to our location, and a 40 foot storage container... both made it onto the property just fine... and the container... that was actually brought all the way up the hill just fine... so... there was no reason for which we should have ended up with the fiasco we did on the truss delivery date.

Source: Email from J. Brohart to BCIN designer and GRT employee, Marc Levasseur, dated November 27, 2008.

GRT... And What Was In Our Opinion... False Advertising... And Our Truss Delivery Nightmare...

GRT can not, in our opinion, advertise that it was “committed to quality” and that it followed “quality control procedures” during truss delivery and that it provided “superior structural products” when its own drivers behaved in such a manner that could literally damage the trusses.

This, in our opinion, can not be said to be “simply puffing” as was so often done in marketing given that trusses HAD to be handled carefully in order to maintain the structural integrity of buildings!

When “the system” was so broken... at all levels... whose job was it to fix it?

The City of Greater Sudbury Building Services was supposed to “enforce” the Ontario Building Code, but, what happened when those responsible for that enforcement had themselves, in our opinion, been violating the Ontario Building Code Act?

Who was supposed to “police the police”?

In our January 5, 2010 meeting, I asked CBO Guido Mazza why his office had done nothing to stop Marc Levasseur since the City of Greater Sudbury Building Services KNEW they had issues with his plans since Marc Levasseur had stated to me – in writing – that Building Inspector Mike Pilon had previously flunked this type of framing and that he had been the ONLY building inspector to do so in the City of Greater Sudbury Building Services.

Mr. Guido Mazza's response to me was... “How could I stop Marc Levasseur?”

I could hardly believe what I was hearing from this top official within the City of Greater Sudbury Building Services!

Given ours was a ONE-LEVEL (no basement, no upper level) rectangular house, we also couldn't help but wonder...

“What else were they missing and how was that affecting public safety?”

“Rubber Stamping”...

In our opinion, “enforcement” of the Ontario Building Code and Act within the City of Greater Sudbury was nothing more than the “rubber stamping of plans” and that no actual “review” was done to ensure Code compliance. Had actual “review” taken place, in our opinion, violations of the OBC and Act would not have occurred for 9 years!

If CBO Guido Mazza had “no idea” as to how he could have stopped Marc Levasseur, we had several suggestions for this “enforcement officer”!

“Enforcement Methods”...

- 1. Written Warnings**
- 2. Checkpoints (via plan reviewers, code compliance officers)**
- 3. Investigations (look for current and/or past offenses via current and/or past employer and/or business associates)**
- 4. Progressive Fines (see Ontario Building Code Act, Sec. 36, paragraphs 1 and 3)**
- 5. Referral to higher authority (i.e., Province of Ontario and/or MMAH for possible suspension of BCIN, etc.)**
- 6. Problem-oriented policing (making sure all in permit issuance processes were aware of and trained in handling of the issue)**
- 7. “Red-Flag” posted on computer systems for specific BCIN holders**
- 8. Requesting revision of building designs/plans and/or rejection of design work performed**
- 9. Zero tolerance policy for plans “not to code”**
- 10. Etc.**

We could not help but wonder – if even now – the City of Greater Sudbury Building Services had even bothered to issue ANY warning to Marc Levasseur. Given our January 5, 2010 conversation, we very much doubted that ANYTHING had yet been done... except - we suspected – to perhaps have asked him NOT to communicate with us in any way.

Marc Levasseur had not responded to ANYTHING we had requested of him – the same had very much been true for most emails we had sent to anyone else within the City of Greater Sudbury (building services, HR, etc.)

**The Question To Ask... For CBO Guido Mazza Was Not...
“How Could I Have Stopped Marc Levasseur?”...**

In our opinion, the much more appropriate question was:

“Why had CBO Guido Mazza NOT stopped Marc Levasseur?”

Why Had CGS Building Services Not Stopped Marc Levasseur?

This was a question I had asked CGS CBO Guido Mazza several times during our January 5, 2010 meeting that had also included his supervisor, Bill Lautenbach, The General Manager of Growth and Development for CGS.

After a little more research, I now felt we had found at least part of the answer to that question...

Why Had CGS Building Services Not Stopped Marc Levasseur? In Our Opinion... It May Have Been Due To... “Conflict of Interest” And “The Buddy System”...



Development Liaison Advisory Panel

Mandate:

To bring together key development/construction industry interests (developers, construction associations, development consultants and approval authorities) for the purpose of maintaining and improving the development/construction environment within the City of Greater Sudbury.

Primary Objectives: **This usually meant... \$\$\$!**

- To provide interaction/liaison between the City and development community;
- To provide a forum to facilitate better understanding between stakeholders;
- To explore development issues of mutual interest and concern; and,
- To explore process improvements with respect to development applications.

Why Had CGS Building Services Not Stopped Marc Levasseur? “Conflict of Interest” And “The Buddy System”...

Development Liaison Advisory Panel

Membership:

Membership is based on stakeholder interest and commitment and are not appointments by Council. Current membership includes representatives from:

- Sudbury and District Homebuilders Association;
- Sudbury Construction Association;
- Sudbury Real Estate Board;
- Ontario Architects Association - Sudbury Chapter;
- Professional Engineers of Ontario - Sudbury Chapter;
- Ontario Land Surveyors - Sudbury Chapter;
- Ontario New Home Warranty Program; and,
- Chair of Planning Committee and Planning Committee Members ex-officio.

Term:

From April 11, 2007 to November 30th, 2010. Members are appointed on the basis of interest and willingness to participate in sub-committee workloads.

Source : CGS Website, Advisory Council, downloaded Feb. 3, 2010,

http://www.greatersudbury.ca/CMS/index.cfm?app=div_councilagendas&lang=en&currID=6701



Why Had CGS Building Services Not Stopped Marc Levasseur?

“Conflict of Interest” And “The Buddy System”...

Development Liaison Advisory Panel

Members:

Bill Lautenbach, Chair

Guido Mazza, Vice-Chair

Kristi Arnold

Luc Bock

Allen Bonis

J. Cannard

Denise Clement

Ron Constant

Paul Corsi

Terry Del Bosco

Dave Dorland

Al Harrigan

Paul Kennedy

Denise Lafond

Robert Langlois

Marc Levasseur

Michael Luciw

Ron Martin

J.P. Max

Chris Perry

Alex Sorensen

Armand Terrien

Nancy Titton

Karen Trudel

S.R.K. Wicklander

Members of the Planning Committee (ex-officio)

CGS CBO Mazza... his supervisor, Lautenbach... and our BCIN Designer, Levasseur... in our opinion, had a relationship that created a very real conflict of interest...

Source : CGS Website, Advisory Council, downloaded Feb. 3, 2010,

http://www.greatersudbury.ca/CMS/index.cfm?app=div_councilagendas&lang=en&currID=6701



Why Had CGS Building Services Not Stopped Marc Levasseur? “Conflict of Interest” And “The Buddy System”...

The screenshot shows a web browser window with the URL http://www.city.greatersudbury.on.ca/cms/index.cfm?app=div_councilagendas&currID=6701&lang=en. The browser's address bar and navigation buttons (back, forward, refresh) are visible. Below the browser window, the website's header features the City of Greater Sudbury logo and navigation links for Residents, Business, Visitors, and City Hall. A search bar is also present. The main content area displays the breadcrumb trail: Home > All City Services > Council & Committee Meetings > Development Liaison Advisory Panel. The page title is "Development Liaison Advisory Panel". The "Mandate:" section states: "To bring together key development/construction industry interests (developers, construction associations, development consultants and approval authorities) for the purpose of maintaining and improving the development/construction environment within the City of Greater Sudbury." The "Primary Objectives:" section lists four bullet points: "To provide interaction/liaison between the City and development community;", "To provide a forum to facilitate better understanding between stakeholders;", "To explore development issues of mutual interest and concern;", and "To explore process improvements with respect to development applications." The "Membership:" section is partially visible at the bottom. On the right side, there is a sidebar with a "Council & Committee Meetings" link and social media icons for Twitter and Facebook. The text size is set to "M".

View Favorites Tools Help

All City Services Site Map Contact Us Français

Greater Grand Sudbury Residents Business Visitors City Hall Search

Home > All City Services > Council & Committee Meetings > Development Liaison Advisory Panel

Text Size: S M L XL

Development Liaison Advisory Panel

Mandate:

To bring together key development/construction industry interests (developers, construction associations, development consultants and approval authorities) for the purpose of maintaining and improving the development/construction environment within the City of Greater Sudbury.

Primary Objectives:

- To provide interaction/liaison between the City and development community;
- To provide a forum to facilitate better understanding between stakeholders;
- To explore development issues of mutual interest and concern;
- To explore process improvements with respect to development applications.

Membership:

Council & Committee Meetings

Source : CGS Website, The Development Liaison Advisory Panel , Membership, downloaded June 15, 2012

http://www.city.greatersudbury.on.ca/cms/index.cfm?app=div_councilagendas&currID=6701&lang=en

Why Had CGS Building Services Not Stopped Marc Levasseur? “Conflict of Interest” And “The Buddy System”...

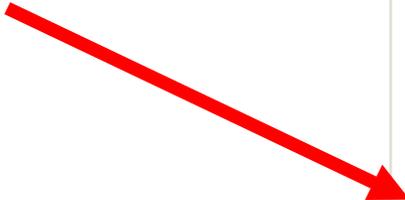
http://www.city.greatersudbury.on.ca/cms/index.cfm?app=div_councilagendas&currID=6701&lang=en

dit View Favorites Tools Help

Membership:

Councillor Fabio Belli
Councillor Dave Kilgour

Kristi Arnold, Dalron Construction Ltd.
Luc Bock, L.S. Bock Developments
Joanne Caouette, Lifestyle Homes
Denise Clement, Lifestyle Homes
Karla Colasimone, Dalron Ltd.
Paul Corsi, J. Corsi Developments
Terry Del Bosco, Del Bosco Surveying Ltd.
Dave Dorland, D.S. Dorland Ltd.
Al Harrigan, Harrigan Builders
Laura Higgs, Sudbury & District Home Builders Assoc.
Paul Kennedy, Goldwood Builders
Jonathan Laderoute, Greater Sudbury Chamber of Commerce
Robert Langlois, R.V. Anderson Ltd.
Amy Lafreniere, Garson Pipe
Tom Lafreniere, Garson Pipe
Dennis Lenzi, NDCA
Marc Levasseur, MGL Drafting & Consulting
Michael Luciw, Yallowega Belanger Architects
J.P. Max, J.P. Max Construction
Debbie Nicholson, Greater Sudbury Chamber of Commerce
Tracy Nutt, President of Service Master & VP Build North
Chris Perry, Perry & Perry Architects
Denis Shank, Sudbury Construction Association
Alex Sorensen, R.V. Anderson Ltd.
Nancy Tifton, Primo Tifton Construction
Karen Trudel, Union Gas
Steve Wicklander, Phoenix Engineering Ltd.
Dan Wunsch, J.L. Richards & Associates



Source : CGS Website, Advisory Council, Membership, downloaded June 15, 2012

http://www.city.greatersudbury.on.ca/cms/index.cfm?app=div_councilagendas&currID=6701&lang=en

Why Had CGS Building Services Not Stopped Marc Levasseur? “Conflict of Interest” And “The Buddy System”...

 http://www.city.greatersudbury.on.ca/cms/index.cfm?app=div_councilagendas&currID=6701&lang=en

View Favorites Tools Help

Paul Baskcomb, CGS
Akli Ben-Anteur, CGS
Greg Clausen, CGS
Roger Eaton, CGS
Bob Falcioni, CGS
Corrie-Jo Delwo, CGS
Andre Guillot, CGS
Val Klotz, CGS
Bill Lautenbach, CGS
Kris Longston, CGS
Guido Mazza, CGS
Kevin Shaw, CGS
David Shelsted, CGS
Eric Taylor, CGS
Rob Webb, CGS



Time Commitment:

The Development Liaison Advisory Panel will meet approximately six (6) times annually, with sub-committee meetings scheduled as required

Term:



To coincide with the term of Council to November 30, 2014.

Questions?

Contact the City Clerk's Office at 3-1-1 or TTY (705) 688-3919.

Source : CGS Website, The Development Liaison Advisory Panel , Membership,
downloaded June 15, 2012

http://www.city.greatersudbury.on.ca/cms/index.cfm?app=div_councilagendas&currID=6701&lang=en

Why Had CGS Building Services Not Stopped Marc Levasseur? “Conflict of Interest” And “The Buddy System”...

The screenshot shows a web browser window with the URL http://www.city.greatersudbury.on.ca/cms/index.cfm?app=div_councilagendas&currID=6701&lang=en. The browser's address bar also shows navigation icons for search, refresh, and close. Below the address bar is a navigation menu with links for "View", "Favorites", "Tools", and "Help". The website's header features the City of Greater Sudbury logo and navigation links for "Residents", "Business", "Visitors", and "City Hall". A search bar is located to the right of these links. The main content area is titled "Development Liaison Advisory Panel" and includes a breadcrumb trail: "Home > All City Services > Council & Committee Meetings > Development Liaison Advisory Panel". The page content is organized into sections: "Mandate:", "Primary Objectives:", and "Membership:". The "Mandate" section describes the panel's purpose. The "Primary Objectives" section lists four bullet points. The "Membership" section is currently empty. A sidebar on the right contains a "Council & Committee Meetings" section with a table that is mostly obscured. Social media icons for Twitter and Facebook are visible in the top right corner, along with a text size selector.

View Favorites Tools Help

All City Services Site Map Contact Us Français

Greater Sudbury Residents Business Visitors City Hall Search

Home > All City Services > Council & Committee Meetings > Development Liaison Advisory Panel

Text Size: S M L XL

Development Liaison Advisory Panel

Mandate:

To bring together key development/construction industry interests (developers, construction associations, development consultants and approval authorities) for the purpose of maintaining and improving the development/construction environment within the City of Greater Sudbury.

Primary Objectives:

- To provide interaction/liaison between the City and development community;
- To provide a forum to facilitate better understanding between stakeholders;
- To explore development issues of mutual interest and concern;
- To explore process improvements with respect to development applications.

Membership:

Council & Committee Meetings

Source : CGS Website, The Development Liaison Advisory Panel , Membership,
downloaded June 15, 2012

http://www.city.greatersudbury.on.ca/cms/index.cfm?app=div_councilagendas&currID=6701&lang=en

Conflict of Interest In Matters of Public Safety...

The screenshot shows a web browser window with the URL <http://sudburyhomebuilders.co...> and a search bar containing "marc levasseur home builders". The website header includes navigation links: WHO WE ARE, MEMBER RESOURCES, DIRECTORY, CONSUMER RESOURCES, and HOMESHOW. The main content area features the association's logo and a list of board members under the heading "Our Board".

Sudbury & District Home Builders' Association
Association des constructeurs d'habitations du district de Sudbury

Our Board

- Marc Levasseur *President* (M.G.L. Drafting & Consulting)
- Philip Monkhouse *1st Vice President* (Monkhouse Homes)
- Michael Giles *2nd Vice President* (Convoy Supply Ltd)
- Chris Jollineau *Treasurer* (Fisher Wavy)
- Joanne Caouette *Past President* (Lifestyle Homes Inc)
- Bryan Dixon *Director* (Fisher Wavy)
- Dave Arnold *Director* (Dalron Homes)
- Dennis Centis *Director* (Centis Tile & Terrazzo)
- Fern Forget *Director* (Windows Unlimited)
- John Zulich *Director* (Zulich Construction Corp)
- Ken Kaltiainen *Director* (Noront Design & Drafting)
- Kevin Landers *Director* (Kelly Lake Building Supplies)
- Mike Witherell *Director* (Mike Witherell Mechanical)
- Robert Myers *Director* (J. Robert Construction)
- Shon Cantin *Director* (Reliance Home Comfort)
- Alex Sorensen *President's Appointment* (R.V. Anderson Associates)

FIND A SDHBA MEMBER

Category:

Company Name:

Keyword(s):

First Annual
RESIDENTIAL AWARDS OF EXCELLENCE

We will recognize excellence in new homes and renovations in Greater Sudbury.

The RAE Awards in an exciting and positive industry initiative, showcasing members' achievements, highlighting construction and design excellence, and reinforcing consumer confidence in the professional residential construction industry.

Source : Sudbury & District Home Builders' Association webpage, downloaded May 24, 2012.

Given Bill Lautenbach, Guido Mazza and Marc Levasseur served together on an “advisory panel” tied to the growth and development of CGS, in our opinion, one could certainly begin to understand the apparent “reluctance” by CGS Building Services to issue any “orders” and/or fines against BCIN “qualified “ designer, Marc Levasseur and why this “lack of enforcement” on the part of CGS Building Services had been allowed to continue – unchecked!

It would indeed be very embarrassing and ironic for the CGS to make public the fact that persons who sat on economic advisory boards (Lautenbach, Mazza and Levasseur) may cost the CGS a great deal in terms of liability given Marc Levasseur had done “hundreds” of “scissor truss jobs” - all framed the same way – all NOT TO CODE – and these had been allowed to pass through CGS “building services”, in our opinion, basically, unchecked!

A Duty To Act...

“DUTY: n. 1. An act or course of action REQUIRED OF ONE. 2. Moral obligation.” [emphasis added]

Source: The American Heritage Dictionary, Office Edition, Fourth Edition, Houghton Mifflin Company, NY, 2001

I quote:

“Through the Code of Ethics, professional engineers have a clearly defined DUTY to society, which is to regard the DUTY TO PUBLIC WELFARE AS PARAMOUNT, above their duties to clients or employers” [emphasis added]

Source: Province of Ontario, Code of Ethics for Professional Engineers, http://www.peo.on.ca/Ethics/code_of_ethics.html, downloaded December 31, 2009

The City of Greater Sudbury Building Services and indeed, The Province Of Ontario – in our opinion – appeared to believe that their “duties” to society were wiped away by the fact that BCIN “qualified” personnel must carry insurance and as such, “proper recourse” would simply involve an action against one’s BCIN insurance provider.

Insurance providers, in my opinion, would most likely beg to disagree when problems had been greatly compounded by the fact that “enforcement” and “checks and balances”, in our opinion, never occurred.

A Very Basic Analogy...

All drivers carry insurance!

At minimum, this included liability insurance and accident benefits! (They could also carry comprehensive, collision, etc.)

If a police officer was sitting in a cruiser, outside of a bar and he saw a drunk get into a car and start to drive away, that ENFORCEMENT officer had a DUTY TO ACT and a DUTY TO SOCIETY and as such, he HAD to pull that driver over since driving under the influence of alcohol was a criminal offense.

A Very Basic Analogy...

Likewise, if a police officer was sitting in a cruiser, outside of a house and he saw a 5 year old – who clearly was not “qualified” to drive a car – get into a car, turn on the ignition and put it in drive – that same **ENFORCEMENT** officer would have a **DUTY TO ACT** and a **DUTY TO SOCIETY** and as such, he **HAD** to pull that child/unqualified driver over since driving without a license or “appropriate qualifications” was also an offense.

If that same “unqualified” child driver was to hit someone and kill or injure that person, the parents could be held liable... especially if negligence was involved (i.e., gave the child the keys, left the car running, etc.).

A Very Basic Analogy...

Thus, it could also be argued, in our opinion, that by choosing NOT to enforce the OBC and OBC Act as it related to “qualifications”, the CGS BS was negligent in the performance of its duties and that negligence, in turn, had created buildings considered structurally inadequate and, as such, a danger to society... courtesy of the CGS BS and CGS City Council!

In Sudbury...

“There was, in our opinion... NO Building Code”...

By choosing NOT to enforce the OBC and OBC Act, the City of Greater Sudbury had “set the standard”...

In effect, there existed, in our opinion, NO building code in the CGS as it related to matters of structural integrity of homes or any other ignored “duties”.

Indeed, in the Ontario Police Services Act, Section on Duties of Police Officer, Sec. 42(1), it states:

“42. (1) The duties of a police officer include,
(b) preventing crimes and other offences and providing assistance and encouragement to other persons in their prevention; and
(e) laying charges and participating in prosecutions

Source: Ontario Police Services Act, Duties of police officer, Sec. 42. (1), http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90p15_e.htm, downloaded January 11, 2010.

PRECEDENTS IN CANADIAN CASE LAW... AND A DUTY TO ENFORCE THE BUILDING CODE...

flow from genuine policy decisions. The hallmarks of a policy decision include the following considerations: financial, social, economic and political considerations. However, the trial judge in *Riverwest* was quite forceful in his Reasons wherein he asserted that the decision of Delta to adopt the BC Building Code and require inspections of construction at specific points in time was the policy decision at issue. Having made that policy decision, it was not open to Delta to inadequately, or improperly discharge the burdens it had assumed in entering the field of construction regulation. It was not open to Delta to decide that it would only enforce some sections of the Code and not all, or perform some inspections but not all. Delta's duty of care arose on the enactment of the relevant bylaws which governed construction.

**Source: Wendy Baker and Aly Kanji, Pacific Business & Law Institute, Pushing The Envelope, The State of Leaky Building Litigation, Oct. 23&24 2003, The Case Against Municipalities – the Post Delta Blues, Where Do We Go From Here?
http://www.millerthomson.com/docs/a_WABleakylitigation.pdf**

PRECEDENTS IN CANADIAN CASE LAW... AND A DUTY TO ENFORCE THE BUILDING CODE...

An additional consideration is the effect of s. 692(2) of the Act. Although the language in s. 694 of the Local Government Act is permissive in enabling a Municipality to adopt regulation of building standards, s. 692(2) of the Act incorporates the Provincial Building Code as having the same force and effect as a validly enacted bylaw of a municipality:

**Source: Wendy Baker and Aly Kanji, Pacific Business & Law Institute, Pushing The Envelope, The State of Leaky Building Litigation, Oct. 23&24 2003, The Case Against Municipalities – the Post Delta Blues, Where Do We Go From Here?
http://www.millerthomson.com/docs/a_WABleakylitigation.pdf**

PRECEDENTS IN CANADIAN CASE LAW... AND A DUTY TO ENFORCE THE BUILDING CODE...

In *Rothfield v. Manolakas* the Court held that “when a building inspector authorizes a given project to proceed this must be taken as an indication that the inspector has satisfied himself that the project conforms to applicable standards. On what other basis could the building inspector acting prudently, authorize construction?” If a building, therefore, cannot be said to comply with the standards established and purportedly enforced by the City, then at common law, the City has a duty to warn occupiers and purchasers that the buildings may not conform to the required standard. If a municipality is charged with a duty and collects fees, including fees for filing drawings, obtaining building permits and occupancy permits, as well as collecting taxpayer revenue for the performance of that duty, how then can the municipality take the position that they ought not to be liable when they fail that duty?

**Source: Wendy Baker and Aly Kanji, Pacific Business & Law Institute, Pushing The Envelope, The State of Leaky Building Litigation, Oct. 23&24 2003, The Case Against Municipalities – the Post Delta Blues, Where Do We Go From Here?
http://www.millerthomson.com/docs/a_WABleakylitigation.pdf**

**PRECEDENTS IN CANADIAN CASE LAW...
AND IN CITY OF GREATER SUDBURY CASE LAW...
AND A DUTY TO ENFORCE THE BUILDING CODE...**

As such, the Provincial Building Code was considered basically equivalent to a validly enacted by-law of a municipality... and so... if a municipality violated this by-law, it should be expected to be subject to the same fines/penalties as would be any other resident of the city who violated such laws.

**PRECEDENTS IN CANADIAN CASE LAW...
AND IN CITY OF GREATER SUDBURY CASE LAW...
AND A DUTY TO ENFORCE THE BUILDING CODE...**

Indeed, when it came to setting precedents, the City of Greater Sudbury itself had set a very nasty one within its own city limits.

The City of Greater Sudbury was charged and, on May 30, 2003, found guilty and fined the appropriate fine for having violated its own no-smoking by-laws.

PRECEDENTS IN CANADIAN CASE LAW... AND IN CITY OF GREATER SUDBURY CASE LAW... AND A DUTY TO ENFORCE THE BUILDING CODE...

FORCES CANADA - Tobacco News - April 2003 - Windows Internet Explorer

http://www.forces.org/canada/news-archive/052003.htm

File Edit View Favorites Tools Help

Norton 2002 sudbury star city fine fc Search Cards & Log-ins

Suggested Sites Web Slice Gallery

FORCES CANADA - Tobacco News - April 2003

Find: sud Previous Next Options

TOBACCO NEWS FROM CANADA (Archives)

May 2003

Comments by Warren Klass
President, FORCES - Canada

Dateline- Sudbury, Ontario

• *May 30* - In recent Forces Canada commentaries I have informed readers about a group of people whom I consider heroes in Sudbury, Ontario. The group is called "Citizens Advocating Bylaw Reform" or CABR. These Freedom Fighters have made themselves a real pain in the ass to those who have imposed smoking bans in Sudbury. Their first action was to have the Sudbury Health Authority charged, convicted, and fined for breaking their own designed anti-smoking by-laws. Next they went successfully after the City of Sudbury and had the city charged convicted and fined \$1,000 for breaking its own by-laws. What could CABR possibly do for an encore?

The answer came in Wednesday's Sudbury Star. CABR are going to court to challenge Sudbury's anti-smoking by-law. Our hopes and prayers are with these true heroes of Canada. The thing that struck me odd about the Sudbury situation is why they are so worried about second-hand smoke, when Sudbury contains the world's largest nickel mine. Sudbury is also facing the possibility of a strike at Inco (International Nickel). This is a great time to do a number on the hospitality industry.



**Source: Klass, W., Tobacco News From Canada, May 2003, downloaded Oct. 1, 2010,
<http://www.forces.org/canada/news-archive/052003.htm>**

**PRECEDENTS IN CANADIAN CASE LAW...
AND IN CITY OF GREATER SUDBURY CASE LAW...
AND A DUTY TO ENFORCE THE BUILDING CODE...**

In the current situation, as outlined in these materials, that would set a very nasty precedent as a 1st offense for a corporation had a fine of up to \$100,000 and a second offense had a fine of up to \$200,000...

As indicated in these materials, “offenses” were, in our opinion, so numerous, for just a single case (not counting the potentially many more), that for the CGS, that had the potential of becoming rather quickly “financially overwhelming”.

PRECEDENTS IN CANADIAN CASE LAW... AND A DUTY TO ENFORCE THE BUILDING CODE...

In our opinion, there could be no doubt that not only should occupants and/or purchasers of structurally defective homes be “warned”, but also bankers providing mortgages for such homes and insurance companies insuring them would most likely need to be “informed” as well.

I had only spent a very minimal amount of time on “ Canadian case law”... but surely... municipalities , in our opinion, certainly had “cause for concern” over issues such as those we had uncovered...

NEGLIGENCE... DEFINED...

Conduct that falls below the standards of behavior established by law for the protection of others against unreasonable risk of harm. A person has acted negligently if he or she has departed from the conduct expected of a reasonably prudent person acting under similar circumstances.

In order to establish negligence as a Cause of Action under the law of TORTS, a plaintiff must prove that the defendant had a duty to the plaintiff, the defendant breached that duty by failing to conform to the required standard of conduct, the defendant's negligent conduct was the cause of the harm to the plaintiff, and the plaintiff was, in fact, harmed or damaged.

**Source: The Free Dictionary online, downloaded February 22, 2010,
<http://legal-dictionary.thefreedictionary.com/negligence>**

HARMED... DEFINED...

harm *noun* aggravation, balefulness, damage, damnum, deadliness, detriment, disablement, disservice, evil, hurt, hurtfulness, ill consequence, ill-treatment, impairment, injury, malignancy, malignity, mischief, misfortune, noxiousness, perniciousness, ruin, scathe, scourge, virulence

Associated concepts: accidental harm, bodily harm, foreseeable harm, irreparable harm, unreasonable risk of harm

harm *verb* abuse, adulterate, afflict, aggravate, attack, be malevolent, bruise, cause pain, corrode, corrupt, cripple, damage, debase, deface, demolish, devastate, disfigure, disserve, do evil, do mischief, do violence, endamage, exacerbate, hurt, ill-treat, ill-use, impair, incapacitate, infect, inflict injury, injure, laedere, maim, mar, misuse, mutilate, nocere, pervert, plague, pollute, ravage, ruin, scathe, scourge, smite, spoil, subvert, worsen, wound, wrong

Associated concepts: accidental harm, bodily harm, foreseeable harm, irreparable harm, unreasonable harm

Foreign phrases: Error scribentis nocere non debet. An error made by a clerk ought not to prejudice. *Qui jure suo utitur, nemini facit injuriam.* One who exercises his legal rights, injures no one.

See also: abuse, annoy, assault, cost, damage, detriment, disable, disadvantage, disaster, disservice, drawback, endanger, eviscerate, expense, harrow, impair, impairment, infect, inflict, injure, injury, mischief, mistreat, molest, penalize, penalty, prejudice, sacrifice, spoil, strike, violate, wrong

**Source: The Free Dictionary online, downloaded February 22, 2010,
<http://legal-dictionary.thefreedictionary.com/harmed>**

DAMAGED... DEFINED...

damaged   Also found in: Dictionary/thesaurus, Acronyms, Idioms, Encyclopedia, Wikipedia

See: aggrieved, blemished, broken, defective, dilapidated, faulty, imperfect, inferior, marred

Burton's Legal Thesaurus, 4E. Copyright © 2007 by William C. Burton. Used with permission of The McGraw-Hill Companies, Inc.

**Source: The Free Dictionary online, downloaded February 22, 2010,
<http://legal-dictionary.thefreedictionary.com/damaged>**

A DUTY TO ENFORCE THE BUILDING CODE...

Given that CGS City Council and/or CGS BS, in our opinion, failed to enforce the OBC and OBC Act, failed to ensure there were appropriate operational methods and procedures to address field issues and prevent them from happening again, issued perhaps hundreds of building permits for structures “not to code”, failed in its plan review process, failed in its supervision of employees, failed in its review of acceptable alternative solutions, failed in so many respects and in our opinion, was guilty of numerous violations of several Acts (OBC Act, Municipal Act, Engineering Act, etc.), it can, in our opinion, be argued that the CGS was negligent in “failing to warn” of this issue given past history.

Permit seekers and persons purchasing properties “not to code” were not, in our opinion, warned of any issues that could affect public safety.

The fact that drivers had “INSURANCE” – in and of itself – had ABSOLUTELY NO IMPACT ON THE ENFORCEMENT OFFICER’S AND/OR CGS CITY COUNCIL’S DUTY TO ACT – THEY – IN OUR OPINION - HAD TO ACT!

“Insurance” – as far as society was concerned – was a “nice to have to help prevent financial loss” to innocent parties.

But...

“INSURANCE”, QUALIFICATIONS AND “ENFORCEMENT” WERE THREE VERY SEPARATE ISSUES... AND THE PRESENCE... OR ABSENCE... OF ONE DID NOT NEGATE THE OTHER!

Having insurance and/or qualifications did not negate the fact that the City of Greater Sudbury had a DUTY TO ACT!

Likewise, in our opinion, the CGS Chief Building Official – who was also an engineer – had a DUTY to SOCIETY and a DUTY to ENFORCE the Ontario Building Code and Act.

The fact that BCIN “qualified” personnel carried “insurance” did not excuse an ENFORCEMENT Officer (in this case the CBO) from this DUTY! Our “qualified” designer was NOT a “qualified” engineer.

INSURANCE, QUALIFICATIONS AND ENFORCEMENT – WERE – IN EFFECT - VERY DIFFERENT ISSUES!

Had the CGS CBO properly performed his duties, it could also be argued, in our opinion, that the “financial impact” and possible safety issues we had faced would have been greatly reduced – if not completely avoided!

If there was no DUTY to act, then why have “enforcement officers”?

Clearly, the DUTY to act was evident in one’s responsibilities to “ENFORCE” the Ontario Building Code and Act much as a Police Officer had a DUTY to act when it came to matters affecting public safety.

Was it fair or even – justifiable - to compare a POLICE OFFICER to a CGS Building Services “ENFORCEMENT OFFICER”?

As an “enforcement officer”, one could issue warning, notices, ORDERS, and/or FINES and the fact that “enforcement” responsibilities existed that were “similar” to those of a POLICE officer was clearly evident, in our opinion, by the fact that the CGS Building Services had an open position for a Manager of Compliance and Enforcement and that the following education, training and experience were required for this position:

I quoted:

EO09-773 – Manager of Compliance and Enforcement, Building Services Division, Growth and Development Department of the City of Greater Sudbury:

Source: City of Greater Sudbury Job Postings, downloaded January 4, 2010 www.greatersudbury.ca/cms/index.cfm?app=div.humanresources&lang=en&currID= and 2006 OBC Act, Section 36(1) and 36(3).

Manager of Compliance and Enforcement

Home > All City Services > Human Resources > Employment Opportunities > Current Employment Opportunities > Compliance and Enforcement

Manager of Compliance and Enforcement

Employment Opportunity Notice EO09-773

MANAGER OF COMPLIANCE AND ENFORCEMENT REPORTING LOCATION: TOM DAVIES SQUARE

PERMANENT POSITION
70 HOURS BI-WEEKLY

START DATE TO FOLLOW SELECTION PROCESS

The Compliance and Enforcement Section, Building Services Division, Growth and Development Department of the City of Greater Sudbury, requires a Manager of Compliance and Enforcement. The successful candidate must possess the qualifications and perform the duties, as set out below. The current range of pay for this position is \$3,188.50 to \$3,753.40 bi-weekly.

QUALIFICATIONS:

EDUCATION AND TRAINING:

- Successful completion of Ontario Police College Diploma Program and/or successful completion of a two (2) year Community College Diploma Program in a directly related discipline (e.g. Law and Security, Building Inspection, O.A.P.S.O. Program).
- Additional education initiatives to update and expand competencies.

EXPERIENCE:

- Minimum of six (6) years of related police enforcement and/or municipal law enforcement experience including four (4) years of experience in the management of a unionized public or private sector organization.

Note: Use of the word “MUST”

Home > All City Services > Human Resources > Employment Opportunities > Current Employment Opportunities > Manager of Compliance and Enforcement

Manager of Compliance and Enforcement

Employment Opportunity Notice EO09-773

MANAGER OF COMPLIANCE AND ENFORCEMENT
REPORTING LOCATION: TOM DAVIES SQUARE

PERMANENT POSITION
 70 HOURS BI-WEEKLY

START DATE TO FOLLOW SELECTION PROCESS

The Compliance and Enforcement Section, Building Services Division, Growth and Development Department of the City of Greater Sudbury, requires a Manager of Compliance and Enforcement. The successful candidate must possess the qualifications and perform the duties, as set out below. The current range of pay for this position is \$3,188.50 to \$3,753.40 bi-weekly.

QUALIFICATIONS:

EDUCATION AND TRAINING:

- Successful completion of Ontario Police College Diploma Program and/or successful completion of a two (2) year Community College Diploma Program in a directly related discipline (e.g. Law and Security, Building Inspection, O.A.P.S.O. Program).
- Additional education initiatives to update and expand competencies.

EXPERIENCE:

- Minimum of six (6) years of related police enforcement and/or municipal law enforcement experience including four (4) years of experience in the management of a unionized public or private sector organization.

KNOWLEDGE OF:

- CGS By-laws, The Building Code Act, The Planning Act, The Municipal Act and their applicability.
- Enforcement procedures and methods including court action.
- Microcomputer software applications (i.e. word processing and spreadsheet applications).

ABILITIES TO:

- Demonstrate organizational and supervisory ability.
- Demonstrate interpersonal skills dealing with public, Employees, Councillors, outside groups and agencies.

PERSONAL SUITABILITY:

- Mental and physical fitness to perform essential job functions.

LANGUAGE:

- Excellent use of English; verbally and in writing.
- French verbal skills highly desirable; written skills an asset.

OTHER:

Human Resources

Employment Opportunities

- Current Employment Opportunities
- Coord of GIS & Mapping Services
- Tree Pruner
- Bookkeeper - Accounting (Tangible Capital)
- Business Development Officer (Funded Position)
- Manager of Compliance and Enforcement
- Health Care Aide (10)
- Registered Practical Nurse (10)
- Archivist Technician
- Occupational Therapist
- Senior Budget Analyst
- Customer Service Clerk
- Co-Ordinator of Waste Diversion
- Employment/Training Opportunity Information
- Fire Fighting Information
- How to Apply
- Summer Student Recruitment Info
- Division Contacts
- Comments & Suggestions

Job Posting: EO09-773 Manager of Compliance and Enforcement

Given the Ontario Building Code Act did not distinguish between “Offenses” and “Penalties” for “the public” vs. members of City of Greater Sudbury Building Services [those who enforced the Ontario Building Code and Act] it was important to know what provisions would be put in place to prevent abuse as, in our opinion, clearly occurred within CGS BS when it came to “enforcement matters”.

Source: City of Greater Sudbury Job Postings, downloaded January 4, 2010
www.greatersudbury.ca/cms/index.cfm?app=div.humanresources&lang=en&currID= and 2006 OBC Act, Section 36(1) and 36(3).

As such, on January 5, 2010, I sent an email to Kevin Fowke of City of Greater Sudbury inquiring as to this very issue... since “equal treatment under the law” was supposed to apply to all residents of Greater Sudbury... and violations of the Ontario Building Code and Act – it very much appeared – in our opinion - were also happening within the very offices that were supposed to be there to enforce the Ontario Building Code and Act.

Indeed, given their role, it could be argued that those in the CGS BS should be held to a higher standard given their “enforcement role”.

If enforcement of the Ontario Building Code and Act did not apply to those within the CGS BS then – in effect – what we had – in our opinion - was nothing more than a police state – and a means of silencing those who would raise issues of “violations” within the enforcement agency itself!

A Duty To Enforce The Ontario Building Code And Act...

Clearly, given a job posting by the CGS BS in which a person with a POLICE background was sought for the position of Manager of Compliance and Enforcement, this very office had recognize that it had “an enforcement role” – and hence - duties similar to those of a police officer and that this role required one with a knowledge of “enforcement methods”.

“enforce: v. To compel observance of or obedience to”.

Source: The American Heritage Dictionary, Office Edition, Fourth Edition, Houghton Mifflin Company, NY, 2001

Given we now had a very nasty situation with the CGS BS and its building officials, we felt it would be a tremendous conflict of interest for any of our further necessary building inspections to be carried out by this agency and/or its employees.

Conflict of Interest...

As indicated earlier, although the MMAH attempted to state it had “no enforcement powers” and that these resided within the municipality, the FACT was that the MMAH HAD reserved for itself enforcement and inspection powers as outlined in OBC Division C, Part 1, Administrative Provisions, Section 1.5, Designated Persons and Powers.

Conflict of Interest...

The CGS, CGS BS, CBO Guido Mazza and numerous employees reporting to him now had “professional” conflicts of interest.

Conflicts of interest were now too numerous for us to continue to work with the CGS without anticipating “unfair treatment”, retaliation (in the form of fines, orders, making our life “difficult” in terms of inspections, and what – in our opinion - was falsification of records, libel, etc.) and so on.

The City of Greater Sudbury Building Services ... Re-Writing The Ontario Building Code!

Via its “by-laws” (i.e., letter of general conformance we were forced to sign for our heating system) and “imposed regulations” (i.e., wood stove inspections, insistence on footings on bedrock, insistence on a BCIN designer, etc.), the City of Greater Sudbury had, in our opinion, in effect, been re-writing the Ontario Building Code!

In our opinion, this organization had moved from simply “enforcing the OBC and/or Act” to ACTUALLY CHANGING IT...outside of established channels for doing so! Changes to the Ontario Building Code and Act were supposed to be made via appropriate channels. A 2006 Building Code Change Request Form was included in the OBC documentation whereby one could submit requests for changes to the OBC and/or Act. These were ONLY requests, however. They had to be REVIEWED via appropriate channels (i.e., Province of Ontario MMAH).

Who Was Accountable To The People Of Ontario... And To... The People of CANADA?

If the City of Greater Sudbury refused to be held accountable for the actions of its personnel in the Building Services Department... and those of “friends and/or buddies of those officials”, surely...

Given the Province of Ontario was responsible for “qualifications” and given federal funds had been provided to Garden River Truss and First Nations, it appeared, in our opinion, that at the very least, the Ministry of Municipal Affairs and Housing for Province of Ontario, and the Federal Cabinet Minister responsible for the Canadian Mortgage and Housing Corporation, Minister of Human Resources and Skills Development, may be most interested in this whole issue of “enforcement by the municipality” when “enforcement” was clearly so “broken” – at so many levels!

Who Was Accountable To The People Of Ontario... And To...The People of CANADA?

Ultimately, it was the Province of Ontario that had to assume responsibility for “administration” of the OBC (which in its own documentation, included enforcement provisions), “qualifications” and “the lack thereof”. As such, any agency, etc. that was “qualified” based on Province of Ontario criteria and that had “issues” with those “qualifications” had no recourse but to raise those “issues” with the Province of Ontario MMAH.

Clearly, if “all levels” of personnel in building services departments – perhaps in several cities – were failing to uncover and properly address framing issues as they related to gable ends – then, perhaps the ultimate blame rested on the Province of Ontario MMAH and specifically, the lack of “engineers roles” as far as responsibility for all aspects of truss design in the Ontario Building Code (i.e., including placement guides).

The Ministry of Municipal Affairs and Housing... Not Much Help For Consumers...

When we raised our issues with David Brezer, then Director for the MMAH that was responsible for overseeing the OBC, and an engineer himself, we felt he really did not want to listen to our concerns... stating that when it came to enforcement, cities could choose to engage in “selective enforcement practices” – that, argument, however, would go against Canadian Case Law as previously presented.

The Ministry of Municipal Affairs and Housing... Not Much Help For Consumers...

Enforcement of the OBC and/or Act was not a “hit or miss” type of regulation or “selective option” as previously discussed via Canadian Case Law examples.

To “enforce for some but not others” would in effect result in different treatment under the law... and a violation of the Canadian Bill of Rights that guarantees equal treatment under the law.

Standards had to be set as far as “acceptable enforcement”.

Municipalities were not given a “buffet option” when it came to enforcement of building codes and/or acts. To choose to not enforce provisions of the building code and/or Act would in effect mean none existed.

The Ministry of Municipal Affairs and Housing... Not Much Help For Consumers...

Given that Mr. Brezer, himself, was an engineer, he, too, was held to a certain standard as a Professional Engineer licensed in Ontario. Perhaps this explained why, in our opinion, he “didn’t even want to hear our issues”!

If a resident of Ontario stated that a municipality was issuing building permits that were “not to code” and had been doing so for the past 9 years... and given this resulted in a matter of public safety, would Mr. Brezer, as an engineer, not have had to take the issue to a higher level and at least attempt to do “something” about it – if not as a politician – then – as an engineer?

In our opinion, he really did NOT want to be involved – as a Director for the MMAH and/or as an engineer!

The Ministry of Municipal Affairs and Housing...

Not Much Help For Consumers...

**With Regard To “Qualifications” For Those City Council Members
On Whom Was Imposed The Duty To Enforce The OBC and Act...**

Although it was primarily the responsibility of City Councils in each municipality to “enforce the OBC and Act” as stipulated in the OBC Act, Section 3. (1), Enforcement Authorities, Enforcement By Municipalities, there appeared to be no “qualifications” necessary for this role.

One could literally be a fuel attendant, a grocery clerk, a dog catcher, a landscaper, a laborer, a fisherman, a teacher, a doctor, a bus or taxi driver, a nurse, a lab technologist, a butcher, a baker, a candlestick maker, etc. one day... and code enforcement officer... the next!

The Ministry of Municipal Affairs and Housing...

Not Much Help For Consumers...

**With Regard To “Qualifications” For Those City Council Members
On Whom Was Imposed The Duty To Enforce The OBC and Act...**

**It appeared one needed only be “an elected official” to now be
“qualified” to enforce and, in our opinion, suffer the consequences
of bad decisions when it came to the OBC and/or Act.**

**Given what we had experienced, in our opinion, it was highly likely
that most Council Members had not even read the OBC and Act
they were supposed to enforce.**

The Ministry of Municipal Affairs and Housing...

Not Much Help For Consumers...

**With Regard To “Qualifications” For Those City Council Members
On Whom Was Imposed The Duty To Enforce The OBC and Act...**

Via email, I had on numerous occasions contacted the MMAH to ask them to investigate CGS for violations of the OBC and/or Act. Over and over I was told – in writing – to basically go back to the municipality since the MMAH felt enforcement was a municipal issue.

When my investigation into these matters first started, I did not realize that then Minister of Municipal Affairs and Housing, Rick Bartolucci was himself from CGS – the epicenter of this now very nasty building scandal. In my opinion, this fact explained a whole lot of things and brick walls we had hit in trying to have these issues addressed by the MMAH.

The Ministry of Municipal Affairs and Housing...

Not Much Help For Consumers...

**With Regard To “Qualifications” For Those City Council Members
On Whom Was Imposed The Duty To Enforce The OBC and Act...**

Getting nowhere with the MMAH, I decided that since engineers had a DUTY to act in matters of public safety, that I would seek the names of engineers at the MMAH. Amazingly, I was forced to go via Freedom of Information and Information and Privacy Commission Appeals processes just to get the names of those 3 engineers. It took over 8 months from the time of my first email to the MMAH asking for the names of engineers at the MMAH.

City Councils... Not Much Help For The Public...

In our opinion, this simply opened municipalities to even further liability as City Councils, in our opinion, came to rely too heavily on those in their building services departments – those who were supposed to know the OBC and Act, but who, clearly, were often, themselves, in our opinion, guilty of violating them!

Indeed, in our case, when we requested a 4-5 hour meeting before CGS City Council, we were told that we would only be provided with a meeting with 2 administrators and 2 Council Members (certainly not a voting body able to make any decisions and quite frankly something we saw as more “stall tactics by CGS”) in spite of the fact that it was supposed to be CITY COUNCIL that investigated allegations against CBO as clearly indicated in “Enforcement

City Councils... Not Much Help For The Public...

Indeed, in our case, when we requested our meeting before CGS City Council, Council met, and had the Chief Administrative Officer for the CGS, Doug Nadorozny reply with a message, in our opinion, indicating that if the CGS so chose, it could have the CBO himself head the investigation.

We could hardly believe our eyes as we read this message... note that we had cc:ed every member of CGS City Council on our request for a 4-5 hour meeting and that we had alluded to the severity of our alleged violations... and attached a most damaging email from our BCIN designer admitting that he had designed “hundreds of scissor truss jobs over the past 9 years all framed the same way”... ALL NOT TO CODE... and that only 1 inspector in CGS BS failed this type of “not to code” framing!

CGS City Council and Top Administrators... Not Much Help For The People of CGS...

In our rather extensive email to the entire CGS City Council dated March 24, 2010 and requesting a 4-5 hour meeting, we stated the following:

- 1. We had been issued a building permit by CBO Guido Mazza for a house designed “not to code”.**
- 2. It appeared from an email provided by our designer that he had designed HUNDREDS of scissor truss jobs... ALL FRAMED THE SAME WAY... ALL NOT TO CODE... OVER THE PAST 9 YEARS...**
- 3. “2 Fixes” as provided by CGS BS were also “not to code” and would also have resulted in a structurally unsound building.**
- 4. In our opinion, we had been exposed to harassment, tactics of duress, falsification of records, etc. by CGS BS officials.**

CGS City Council and Top Administrators... Not Much Help For The People of CGS...

In our rather extensive email to the entire CGS City Council dated March 24, 2010 and requesting a 4-5 hour meeting, we stated the following:

- 5. That CGS BS and City Council, in our opinion were guilty of violating the OBC and Act as well as the Municipal Act and Engineering Act.**
- 6. That the scandal we had uncovered appeared to span much more than “just Sudbury”... that in our opinion, it had provincial, federal and potentially international implications.**
- 7. That the only reason we were even going to CGS Council was because we had been instructed to do so by MMAH.**
- 8. That we would be making our findings public after presenting them to CGS City Council.**

CGS City Council and Top Administrators... Not Much Help For The People of CGS...

The meeting format proposed to us by CGS City Council was unacceptable to us. They wanted to provide only 2 members of City Council [how big of them] and 2 administrators.

We insisted on a “voting body” as we felt decisions involving “voting by Council members” would have to be made and given the extent of our presentation materials, we would not be presenting them twice.

By this time, I had already spent HUNDREDS of hours documenting our issues. By the time my “documentation” would be completed, I would have spent over 1,000 hours!

CGS City Council and Top Administrators... Not Much Help For The People of CGS...

We knew Council members could only vote on matters if they had been involved in hearings from the start. We saw the “proposed format” as nothing more than stalling tactics and a proposed puppet show on the part of CGS City Council – a Council that had a duty to ensuring public safety... and our issues certainly dealt with matters of public safety given we were informing them that CGS BS had, it appeared, issued permits for homes that would be considered structurally unsound by structural engineers and were also certainly in numerous violations of the OBC and/or Act.

**CGS City Council and Top Administrators...
Not Much Help For The People of CGS...**

When we received the following email from CGS Chief Administrative Officer, Doug Nadorozny, in our opinion, we very much felt that CGS would do anything it could to attempt to cover the issues...

CGS City Council and Top Administrators... Not Much Help For The People of CGS...

New | Delete | Junk | Mark as ▾ | Move to ▾ | 

 Mess

Reply | Reply all | Forward |  

RE: Response to Mtg Format

From: **Doug Nadorozny** (doug.nadorozny@city.greatersudbury.on.ca)

Sent: April 8, 2010 11:42:52 PM

To: frederick brohart (fbrohart@hotmail.com)

Cc: Andre Rivest (Andre.Rivest@city.greatersudbury.on.ca); Angie Hache (angie.hache@city.greatersudbury.on.ca); Brian Bigger (Brian.Bigger@city.greatersudbury.on.ca); Caroline Hallsworth (Caroline.Hallsworth@city.greatersudbury.on.ca); Claude Berthiaume (Claude.Berthiaume@city.greatersudbury.on.ca); Doug Craig (Doug.Craig@city.greatersudbury.on.ca); Evelyn Dutrisac (Evelyn.Dutrisac@city.greatersudbury.on.ca); Frances Caldarelli (Frances.Caldarelli@city.greatersudbury.on.ca); Jacques Barbeau (Jacques.Barbeau@city.greatersudbury.on.ca); Jamie Canapini (Jamie.Canapini@city.greatersudbury.on.ca); Janet Gasparini (Janet.Gasparini@city.greatersudbury.on.ca); Joe Cimino (Joe.Cimino@city.greatersudbury.on.ca); John Rodriguez (John.Rodriguez@city.greatersudbury.on.ca); Joscelyne Landry-Altman (Joscelyne.Landry-Altman@city.greatersudbury.on.ca); Lisa McAuley (Lisa.McAuley@city.greatersudbury.on.ca); Manon Depatie (Manon.Depatie@city.greatersudbury.on.ca); Ron Dupuis (ron.dupuis@city.greatersudbury.on.ca); Russ Thompson (Russ.Thompson@city.greatersudbury.on.ca); Ted Callaghan (Ted.Callaghan@city.greatersudbury.on.ca)

Mrs. Brohart:

In response to your email of April 7, our position remains unchanged with regard to your request to make a presentation to Council. We will continue to hold April 23rd open for you to appear before our hearing panel, as described in my previous email.

You have made reference to the Ontario Building Code Commission. This is not a municipal entity – rather it is governed by the Province. You may wish to consult the following website for additional information: <http://www.obc.mah.gov.on.ca/Page51.aspx>

You have also referred to s. 2 of the *Building Code Act, 1992* (which should actually be s. 3) in relation to enforcement of the Act by Council. However, immediately below that is s. 3(2) which authorizes the Chief Building Official to act on behalf of Council, in accordance with s. 23.1 of the *Municipal Act, 2001*.

Finally, with regard to your request to our City Clerk to advise you on civil court proceedings, we are unable to provide such advice and would suggest that you consult independent counsel. The website for the Ontario Superior Court of Justice is: <http://www.ontariocourts.on.ca/scj/en/index.htm>

Regards,

Doug Nadorozny,

CAO

**CGS City Council and Top Administrators...
Not Much Help For The People of CGS...**

Clearly, CAO Doug Nadorozny himself did not appear to realize that this suggestion would be a violation of the CGS Code of Conduct As It Pertained To CGS Building Officials... something, in our opinion, CAO Doug Nadorozny should have known...

But then... it had certainly been our experience, and our opinion, that CGS administration/officials, in general, did not appear to “play by the rules anyway”... and as such... why should we have been surprised by such a suggestion?

**CGS Code of Conduct For Building Officials...
A DUTY TO ACT Imposed On The CGS Council...**

to comply with this code of conduct. Where the allegation is against the Chief Building Official, Council will direct the investigation and make such recommendations as are reasonable.

Note the words “will direct the investigation”...not “may direct”... that meant that CGS City Council HAD NO CHOICE... an investigation HAD to occur!

Note: The OBC Act MANDATED that municipalities have such a Code of Conduct in place for their building officials (see OBC Act, Section 7.1(1), Code of Conduct).

Source: CGS Code of Conduct For Building Officials, obtained via FOI request #2010-19.

Violations Of The Ontario Building Code Act As It Related To “Code of Conduct”

7.1 (1) Code of Conduct. A principal authority shall establish and enforce a code of conduct for the chief building official and inspectors. 2002, c.9, s.12

(2) Purposes. The following are the purposes of a code of conduct:

- (a) To promote appropriate standards of behaviour and enforcement actions by the chief building official and inspectors in the exercise of a power or the performance of a duty under this Act or the building code.
- (b) To prevent practices which may constitute an abuse of power, including unethical or illegal practices, by the chief building official and inspectors in the exercise of a power or the performance of a duty under this Act or the building code.
- (c) To promote appropriate standards of honesty and integrity in the exercise of a power or the performance of a duty under this Act or the building code by the chief building official and inspectors. 2002, c.9, s.12

(3) Contents. A code of conduct must provide for its enforcement and include policies or guidelines to be used when responding to allegations that the code has been breached and disciplinary actions that may be taken if the code is breached. 2002, c.9, s.12.

Note the words:

“**SHALL ESTABLISH AND ENFORCE**”...

Again... for CGS...
this was “**NOT AN OPTION... IT WAS... A MUST!**”...

CGS City Council and Top Administrators... Not Much Help For The People of CGS...

**The CGS Code of Conduct For Building Officials stated that
“COUNCIL shall direct the investigation when the allegation is
against the CBO...”**

**... NOT THE CBO himself... as CAO Doug Nadorozny was
suggesting could happen...**

**To us... this was, in our opinion, akin to placing the perpetrator of
a crime involving abuse to sit as judge over his victims... and this
suggestion, to us... was purely UNACCEPTABLE... as was any
“partial council” where a NON-voting body only would be
provided in the investigation... providing, in our opinion, nothing
more than a puppet show and a mockery of very serious issues.**

CGS City Council and Top Administrators... Not Much Help For The People of CGS...

In view of this email by CAO Doug Nadorozny, we informed the CGS that we would be taking our issues elsewhere as we were clearly unable to agree on a “meeting format” with any CGS personnel.

Note that despite our decision to take our issues elsewhere, that did not negate CGS City Council’s duty to investigate the issues (i.e., whether or not permits had truly been issued for homes “not to code and structurally unsound” over the past 9 years... or any other allegations we made).

It would be interesting indeed to see, what exactly, CGS City Council had indeed investigated in these matters!

CGS City Council and Top Administrators... Not Much Help For The People of CGS...

On Feb. 7, 2011, CBO Mazza was a guest on the “Morning North” radio talk show along with VP Ray Leclair of Title Plus discussing the fact that 2 title insurance companies had decided to “cap claims” in CGS due to elevated numbers claims in this area.

On that show, it was stated that if someone had a major structural defect, due to “caps” coming into play, that homeowners would most likely be left with thousands in uncovered expenses.

After the show, I contacted VP Ray Leclair and asked him why he thought his company could do better than those that were in my opinion, “bailing out” of this area... at the time, I did not know that Title Plus was owned by the Law Society of Upper Canada.

CGS City Council and Top Administrators... Not Much Help For The People of CGS...

It had been stated on the radio show that CGS would be looking into “open orders” and conducting a pilot project with Title Plus and making sure that any “open orders” by CGS Building Services were closed out prior to the sale of a home.

I informed VP Ray Leclair of Title Plus that no order was ever issued against our house and that the intended “pilot project” was in my opinion, but a smokescreen for taxpayers and the insurance industry.

Ray Leclair had been unaware of the issues here documented until I mentioned some of them to him (in conversation and via email) after his appearance on “Morning North”.

**CGS City Council and Top Administrators...
Not Much Help For The People of CGS...
And The Insurance Industry...**

This all raised very interesting questions pertaining to disclosure to the insurance industry by CGS that they had issued building permits for at least 9 years (per my designer's own admission in email) for structures that were designed with major structural defects.

When I inquired about such disclosure via FOI processes, once again, I fell into the Information and Privacy seemingly never ending "appeals process"... as CGS attempted to "burn more time" and in my opinion, further twist the facts as it attempted, in my opinion, to influence the IPCs decisions on whether or not to release information I had requested.

CGS City Council and Top Administrators... Not Much Help For The People of CGS... And The Insurance Industry...

The image is a screenshot of a Windows Internet Explorer browser window. The address bar shows the URL <http://www.cbc.ca/morningnorth/>. The browser's menu bar includes File, Edit, View, Favorites, Tools, and Help. The Norton security toolbar is visible, showing a search box with the text "news sudbury title insur" and a "Search" button. The browser's address bar also contains a "Go" button and a dropdown menu for "Ontar...". The page content is from CBC.ca | Morning North and features a section titled "Categories: Past Episodes" with "Comments 0" and "Recommend 0". The main article is dated "Monday February 7, 2011" and has the headline "Restrictions on title insurance for Sudbury". The article text states: "Homebuyers in Greater Sudbury will face a limit of 30 thousand dollars on the amount of title insurance available from two major title insurance companies. What does this mean for you when you buy a home in Sudbury?". At the bottom of the article, there is a "Listen" button with a speaker icon and the text "(runs 7:35)".

CBC.ca | Morning North - Windows Internet Explorer

http://www.cbc.ca/morningnorth/

File Edit View Favorites Tools Help

Norton news sudbury title insur Search

Go

CBC.ca | Morning North

Categories: Past Episodes

Comments 0 | Recommend 0

Monday February 7, 2011

Restrictions on title insurance for Sudbury

Homebuyers in Greater Sudbury will face a limit of 30 thousand dollars on the amount of title insurance available from two major title insurance companies. What does this mean for you when you buy a home in Sudbury?

Listen (runs 7:35)

**CGS City Council and Top Administrators...
Not Much Help For The People of CGS...
And The Insurance Industry...**

Surely, the issues presented in these materials could be viewed as “material facts” in the insurance industry as insurers decided whether or not to continue to offer insurance in or to the CGS! In our opinion, to not disclose what could be viewed as material facts would indeed potentially thrust the administrators and CGS City Council into an entirely new arena – that of potential insurance fraud – and criminal charges.

Why should CGS taxpayers continue to face higher insurance premiums and taxes in view of what was in our opinion, such complete incompetence in city hall and at the MMAH!

CGS City Council and Top Administrators... Not Much Help For The People of CGS...

Over and over our rights to information and due process, in our opinion, had been trampled as CGS attempted to shield itself from liability... a potentially very huge liability.

The stress all of this had placed on my family had been almost unbearable and had contributed to many, many a sleepless night for myself, my husband and my children since this had all began in November of 2009.

Many thousands – in dollars and hours – had been spent by our family for not only ourselves but for the people of CGS, Ontario and Canada – because we deserved much better than “not my job” when it came to matters of public safety – no matter how ugly they could be!

CGS City Council and Top Administrators... Not Much Help For The People of CGS...

I was also very much of the opinion that there had to be an investigation into the early “retirement” of City Clerk Angie Haché as I suspected that she may have been forced to “retire” as things got very nasty between myself and CGS in matters pertaining to the release of information via the FOI process – a process overseen by then City Clerk, Angie Haché and a process that resulted in much, much more documentation than would be presented in these materials.

Although it was nothing more than my opinion in this matter, I really could not help but wonder if public servants with higher levels of integrity were being forced out by those, who, in my opinion, had much, much lower ethics/morals.

CGS City Council and Top Administrators... Not Much Help For The People of CGS...

In my opinion, City Clerk Angie Haché found herself in the middle of a scandal she could do very little to control. The players were many, and the stakes were high and it is my opinion that she may have been forced to leave by those who had much more at stake than Angie Haché.

As City Clerk, it is my opinion that Angie Haché should have made these issues public. Instead, she chose to “retire”, leaving me with the entire burden of exposing what was, in my opinion, clear wrongdoing within CGS administration.

For my family, the costs of exposing this scandal – given its powerful players - have been high indeed! Yet, given this dealt with matters of public safety – and so much more - my conscience left me no choice.

“Public Servants”...

Not Much Help For The People of CGS... Ontario ... and Canada!

To the many people who had tried to “pass the buck”, I suspected that “not my job” would be something they would now live to regret as they forced me to make it “my job” to get to the bottom of this nightmare for my fellow Ontarians and taxpayers.

In matters of public safety, “not my job” was simply not an option.

“Not my job” was a phrase I suspected many a public servant would have preferred had never been uttered... a phrase that could now become a very powerful message to those in “public service” and a battle cry for taxpayers to have the courage to make it “their job” when no one else will!

Canadian Charter of Rights and Freedoms

Legal Rights

Life, liberty and security of person

7. Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

Equality Rights

Equality before and under law and equal protection and benefit of law

15. (1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

Source: Canada Department of Justice, Canadian Charter of Rights and Freedoms

PART I OF THE CONSTITUTION ACT, 1982(80), Assented to March 29th, 1982

PART I, CANADIAN CHARTER OF RIGHTS AND FREEDOMS, Legal Rights, 7. Life, Liberty and Security of the Person and Equality Rights, 15. Equality before and under law and equal protection and benefit of law, Canada Act 1982.

The Minister of Justice and Attorney General of Canada Seems To Disagree With The “Not My Job” Position of The Ministry of Municipal Affairs and Housing...

Hotmail (33) Messenger (0) SkyDrive | MSN

New | Reply Reply all Forward | Delete Junk Sweep ▾ Mark as ▾ Move to ▾ |  

Correspondence on behalf of the Minister of Justice and Attorney General of Canada

[Back to messages](#) |  

To see messages related to this one, [group messages by conversation](#).

□ Minister - Justice - Canada Office

To fbrohart@hotmail.com

24/03/2011 

[Reply](#) ▾

Dear Ms. Brohart:

On behalf of the Honourable Rob Nicholson, Minister of Justice and Attorney General of Canada, I acknowledge receipt of your correspondence concerning the City of Greater Sudbury and building codes.

As Minister of Justice and Attorney General of Canada, Minister Nicholson is mandated to provide legal advice only to the federal government. I hope you will understand that, for this reason, he is not able to provide legal advice to members of the public, investigate, intervene in, or otherwise become involved in matters of a private nature. Similarly, neither departmental officials nor members of his staff are in a position to help resolve personal legal issues.

As you are aware, the enforcement of building code regulations is provincial responsibility. I note you have already written to the Honourable Rick Bartolucci, Minister of Municipal Affairs and Housing of Ontario, who is the appropriate provincial minister responsible for matters you describe. Please note that Minister Nicholson has no authority over provincial officials or matters that fall within provincial jurisdiction.

With respect to your privacy and access to information concerns, I note you have submitted a complaint to the Office of the Information and Privacy Commissioner of Ontario, which is the correct authority in this regard.

**The Ministry of Municipal Affairs and Housing...
Not Much Help For Consumers...**

**Now... I wondered... who did the people of Ontario think would
best know the laws of Canada and Ontario...**

**The Minister of Justice and Attorney General of Canada (most
likely a lawyer... or judge...)...**

OR...

**Minister Rick Bartolucci and his subordinates...
at the MMAH...**

???

Going Forward...

In our opinion, our rights and those of all persons residing in Ontario and perhaps in Canada, had been violated by the very agencies that were supposed to be there to protect us.

To us, this had been simply appalling and something the public had to be made aware of... and hence... the extensive journey that began as a simple “failed framing inspection” became a nasty journey that would bruise us in more ways than we could ever have imagined... and with that bruising came a determination to expose what, in our opinion, was the blatant violation of too many laws at too many levels.

There would be no secret deals to hide this from the public. Everything that had happened and everything we would live through as a result of these issues, going forward, we would make public – of that – there could be no mistake.

**It had been a heart wrenching thing to have to expose these issues...
but... morally... we had no choice but to expose them.**

Too often, employers asked employees to “be ethical” in their dealings... and required them to “take oaths” and swear that they would be “good public servants”... but we had found this to be nothing more than a “nice on paper” and not much else when it came to so many in “public service”.

To allow so many in public service to be tainted by the few who did the public a great disservice by their non-action in matters of public safety and the public's right to know, would only be a further injustice to too many who worked hard for the public each day.

As such, those found to be breaching their fiduciary duties in these matters simply, in my opinion, could not be allowed to continue to “represent the public” and “public interest”.

In my opinion, they had to be either fired or, if elected, step down in order to salvage trust in public servants. Anything less, in my opinion, would be unacceptable because the public did not need this caliber of “public servants”... it was simply... in the end... too costly to too many!

To All Public Servants... and Elected Officials Two Final Messages...

“Not My Job...” was simply a phrase public servants and elected officials could no longer afford to utter... because it was only a matter of time before SOMEONE made it “their job”... as I did...

May none of those in public service and/or elected offices ever again under-estimate the resolve that, by design, will push a mother to do what must be done... for her child... other children... and other families... for to assume otherwise would be a huge error in judgment.

And finally...

It is my strong belief that the word “honourable” should be removed from the title or formal address (written or spoken) of all politicians as this title should be earned. In my opinion, it is a deception – and fraud – upon the people of Ontario and Canada to do otherwise.

November 11, 2011
A Date To Remember...

Perhaps it is most fitting that on November 11, 2011, we discovered the identity of, in our opinion, one of the major players in this scandal...

**Attorney General of Ontario,
John Gerretsen...**

For our family... that was the final “nail in the coffin”...

This – to us – explained why legal representation had been impossible to obtain... and why we had no choice but to go public... and turn our documentation over ...

to the Ontario Provincial Police!

We could bear no more!

November 11, 2011
A Date To Remember...

For Levasseur and Vertolli – at least for now – the issues were considered “civil in nature”.

One death or injury, however, could make things uglier – for them – and – in our opinion - anyone else who would hide these public safety issues from the public.

OPP Says... “Not Our Job Either...”

In reviewing information I had provided the OPP and after a few more emails... the OPP would state in a letter dated January 31, 2012 and in email – “not our job” either. The OPP stated that “in their opinion” the issues were of a “civil” nature – not criminal. I informed the OPP that given the issues impacted financial institutions (i.e., banks) and insurance providers, that in my opinion, for anyone to allow conditions to continue “as is” and to allow mortgages to be taken out on structures that clearly had major structural defects, given these mortgages were financial instruments traded on financial exchanges worldwide, that, in my opinion, this constituted borderline bank and securities fraud. In my opinion, the fact that this type of fraud had not previously been seen, did not negate its fraudulence.

OPP Says... “Not Our Job Either...”

In my opinion, the fraud we now saw resulted in financial gain in the form of “maintained jobs”, “unblemished careers” and “lucrative pensions” for those who were supposedly there to protect the public but had failed to do so and were now seeking to preserve “their future cash flows” and “their personal earnings” at the expense of the public in matters of public safety and public accountability.

The fact was that fraud, in my opinion, was still very much occurring and that banks, insurance companies and the public at large were now the victims of what were, in my opinion, dishonest administrators who were now attempting to hide what could no longer be hidden.

WHOSE JOB WAS IT TO...

- 1. PREVENT THIS SCANDAL IN THE FIRST PLACE**
- 2. STOP IT – NOW - FROM CONTINUING AS IT HAD – CLEARLY FOR YEARS – VIRTUALLY UNCHECKED**
- 3. PUTTING IN PLACE CHECKS AND BALANCES TO PREVENT THIS FROM EVER HAPPENING AGAIN**
- 4. TO PAY FOR DAMAGES INCURRED – AT ALL LEVELS**
- 5. TO ENSURE THE MOST BASIC HUMAN RIGHTS TO DUE PROCESS OF PERSONS COMING FORWARD WERE NOT TRAMPLED UPON AS REGULATORS ATTEMPTED TO “BURN THE CLOCK” AND “COVER THEIR TRACKS”!**

ON MATTERS OF JURISDICTION...

Certainly whether or not these matters would ultimately be considered “civil only” or criminal would be an issue for legal experts to determine.

In our opinion, the issues were so numerous and so great that they spanned both arenas.

Our family had been through a horrible 2+ years. It was now time to make these issues public because, having heard “not my job” time and time again, we now knew that only with public outcry would administrators and politicians be FORCED to MAKE it “their job” and address these issues.

ON MATTERS OF JURISDICTION...

By disclosing these issues, our conscience was now clear...

Freedom of conscience was something guaranteed to us under the Constitution of Canada and this, ultimately, in the end, was the right to which we most held. This was one right, we would now allow to be trampled – under any circumstances.

This presentation has been compiled to document relevant facts, and/or convey events and/or opinions as we experienced them and/or developed them over time as a result of everything we have been put through by various parties as we came to uncover what was in our opinion the breaking of laws by many in the construction industry, including, in our opinion, those who were supposed to be there to enforce them.

Until proven in a court of law, all materials and references in this document pertaining to “violations” are to be considered “alleged” violations as these individuals have yet to be proven/found guilty in a court of law. The intent of this document is to bring to light matters of public safety and accountability that, in our opinion, must be addressed.

This document is protected by COPYRIGHT and PRIVACY laws.

No person has the right to reproduce this document– in part or in full – in any way (i.e., in print, electronically, or otherwise) without prior WRITTEN authorization by Jeanne A. Brohart AND Frederick E. Brohart.

Note: All emphasis as it relates to text style, underlining, arrows, special boxes, etc. were added by Jeanne A. Brohart.

2009 - Present

**SUBMITTED WITHOUT
PREJUDICE...**

**ALL INFORMATION IN THIS FILE AS WELL
AS IN ANY AND ALL DOCUMENTS
PERTAINING TO THIS MATTER WHICH
ARE ASSOCIATED WITH THESE ISSUES
AND/OR OUR INVESTIGATION OF THESE
ISSUES ARE**

SUBMITTED WITHOUT PREJUDICE

THE END