



Working together with our community

Council-In-Committee Meeting – April 16, 2019

Subject: Bunk House Information Follow-up
Report Number: DCS 19-21
Division: Development and Cultural Services
Department: Planning, Building and By-Law Enforcement
Purpose: For Information

Executive Summary:

In review of the bunk house approval process, the Agricultural Advisory Board (AAB) has requested that Norfolk County provide feedback to the Province in order to streamline the Environmental Compliance Approval process, thus, improving the timeline to construct a bunk house in Norfolk County.

Discussion:

On April 8, 2018, the Agricultural Advisory Board (AAB) presented information to Norfolk County Council regarding the process for building a bunk house within the Province of Ontario.

Highlights from the presentation include the following:

- In 2018, Farm Credit Canada increased the small farmer loan from five hundred thousand dollars to one million dollars.
- A single detached dwelling can be occupied by a maximum of four (4) unrelated people. If there are more than four (4) unrelated residents, the Ontario Building Code (OCB) interprets the dwelling as a boarding and lodging house, which has different building code requirements than a single detached dwelling.
- The Ontario Building Code, and Ministry of Environment, Conservation and Parks (MECP), does not differentiate between a 0.4 hectare (1 acre) lot and a 121 hectare (300 acre) lot in relation to water use.
- Provincial policy requires that if the design capacity of the sewage system, and/or aggregate total of all sewage systems contained within a single parcel is more than 10,000 litres a day, an MOECP large subsurface sewage disposal system approval is required.
- A building permit can't be issued until the environmental compliance for a water taking permit has been approved.

- Based on current provincial timeframes, obtaining a MECP water taking permit may take up to 2 years.
- The AAB is seeking assistance from Norfolk County to keep their farms competitive.
- It was recognized by the AAB and Norfolk County Council that the limitation of four (4) unrelated people per dwelling is an OBC requirement.
- Staff offered to prepare an information report with the bunk house background information so that Norfolk County Council can make an informed decision and help frame a letter to the Province.
- The AAB requested that Norfolk County Council move forward with two motions from the March, 2018 AAB Board meeting minutes:
 1. That Norfolk County Council send a letter to the MMAH and MECP requesting that the MECP large subsurface sewage disposal system(s) policy be reviewed to consider parcel size, distance to adjacent parcels and land use when determining the need for a MECP environmental compliance approval and to work with the AAB to find a solution that meets the unique needs to agriculture as opposed to residence uses; and
 2. That the Norfolk County CAO be assigned the task of investigating the issue of allowing only four unrelated people to live in a single detached dwelling and associated policy, and propose solutions to permit the housing of more than four unrelated people in a single detached dwelling in a rural area.

Norfolk County Zoning By-law 1-Z-2014

The Norfolk County Zoning By-Law contains provisions related to the development of bunk houses on agricultural lands. From the definitions section of the Zoning By-law:

“BUNK HOUSE” shall mean a building or part of a building used for the temporary accommodation of seasonal farm workers provided such accommodation does not serve as the principal place of residence of an occupant and the bunk house is located on a farm. A mobile home or recreational vehicle may be used for the purposes of a bunk house. [5-Z-2018]

“FARM” shall mean the use of land, building or structure for agricultural purposes, such as, without limitation, the growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry and maple syrup production, but does not include Cannabis Production and Processing. [25-Z-2018]

“SEPTIC SYSTEM AND/OR HOLDING TANK” shall mean a system that stores and/or treats human waste on-site and shall include, but not be limited to, greywater systems,

cesspools, leaching bed systems and associated treatment units, and holding tanks, and shall not include sewage treatment plants. [37-Z-2017]

Ontario Building Code (OBC)

A building permit is required for the construction of a new bunk house, or for the conversion of an existing dwelling, or building into a bunk house. In addition to a building permit, there are a number of other approvals a bunk house must obtain in order to be used for seasonal employees.

The term bunk house is defined under the Ontario Building Code as “*Camp for housing of workers*”. The term is used interchangeably.

Camp for housing of workers means:

A camp in which *buildings* or other structures or premises are used to accommodate five or more employees

All camps for housing of workers are required to have a plumbing system that is connected to a sanitary drainage system. Every sanitary drainage system shall be connected to a public sanitary sewer, a public combined sewer or a private sewage disposal system.

Private sewage disposal system means:

A sewage system or a sewage works that is not owned and operated by the Crown, a municipality or an organization acceptable to the Director responsible for issuing an environmental compliance approval required under section 53 of the Ontario Water Resources Act.

Sewage system means:

- a) a chemical toilet, an incinerating toilet, a recirculating toilet, a self-contained portable toilet and all forms of privy, including a portable privy, an earth pit privy, a pail privy, a privy vault and a composting toilet system,
- b) a greywater system,
- c) a cesspool,
- d) a leaching bed system, or
- e) a system that requires or uses a holding tank for the retention of hauled sewage at the site where it is produced before its collection by a hauled *sewage system*, where these, have a design capacity of 10,000 litres per day or less, have, in total, a design capacity of 10,000 litres per day or less, where more than one of these are located on a lot or parcel of land, and are located wholly within the boundaries of the lot or parcel of land on which is located the building or buildings they serve.

There are amendments made to the Ontario Building Code from time to time, however there is no update planned in the foreseeable future. If someone was interested in changing the Ontario Building Code, they could contact the Ministry of Municipal Affairs and Housing to complete a request for a change.

Number of Workers

In order to be classified as a *Camp for housing of workers* under the Ontario Building Code, a minimum of five (5) employees or greater is required in the building. The definitions of a bunk house in the Norfolk County Zoning By-law does not reference a minimum number of employees. Therefore, no changes to the Norfolk County Zoning By-law are required in reference to the number of employees taking up residence in a bunk house.

Septic Systems

The Ontario Building Code definition allows a municipality to review and inspect sewage systems where the total daily design flow for the entire property does not exceed 10,000 litres per day. Where a use requires more than 10,000 liters per day, the Ministry of Environment, Conservation and Parks (MECP) is responsible for review and inspection. A complete, tested and operational drainage system including a sewage system is an Ontario Building Code requirement for building occupancy, however, the Norfolk County Building Department does not require MECP approval in order to grant a building permit.

From the MECP website:

“All sewage works with a design capacity in excess of 10,000 L/d, including subsurface disposal systems, are subject to the requirements of Section 53 of the Ontario Water Resources Act (OWRA) administered by the Ontario Ministry of the Environment, Conservation and Parks

**footnote 1[1] . Subsurface disposal systems with a design capacity in excess of 10,000L/d are referred to as large subsurface sewage disposal systems (LSSDS).”*

MECP and Environmental Compliance Approval including Provincial timelines

Environmental Compliance Approval (ECAs) offer a one-window approach for activities that fall under:

- *Environmental Protection Act (EPA) section 9 (activities that may discharge, or from which may be discharged, a contaminant into the natural environment other than water, which includes most industrial processes or modifications to industrial processes and equipment), and*
- *Ontario Water Resources Act (OWRA) section 53 (sewage works).*

In most cases, a pre-submission meeting with the ministry is recommended to help an applicant understand the requirements for the ECA project and make it easier to submit a complete ECA application and avoid delays. A pre-submission meeting with the ministry is a discussion between an applicant and the ministry before the applicant submits an ECA application. Such discussions are meant to help applicants define the environmental objectives for their project and identify any special cases and approval-related requirements. The groundwater impact report must also be reviewed by MECP Regional Technical Support prior to submission of an application, as well a surface water impact assessment and review must be completed if there are any surface water receivers within 300m of the system.

The Ministry's review time will depend on several factors:

- The quality of the application.
- The complexity of the proposal.
- The associated documentation.
- Concerns of the district office or ministry supplementary reviewers.
- Issues or concerns expressed by the public, First Nation or Metis communities.

An ECA is required before engaging in any activity governed by the EPA or OWRA. This includes the operation, construction, alteration, extension or replacement of the proposed activity.

A process flow diagram of the ECA process is attached to this report as Appendix A.

On January 1, 2018, a one-year service standard took effect for new higher-risk ECA applications. The one-year service standard was aimed to help avoid delays in the application and review process. If there are specific concerns or questions proponents have in the preparation of their ECA applications, they can contact either the district or CSPB to potentially arrange a meeting. Section 12 has more information about the pre-submission consultation meetings.

Financial Services Comments:

There are no direct financial implications as this report is to provide information to Council regarding Bunk Houses and legislation encompassing bunk houses.

Interdepartmental Implications:

Agricultural Advisory Board

This report was circulated to the Agricultural Advisory Board on March 14, 2019. No additional comments were received.

Haldimand-Norfolk Health Unit

Inspection of the seasonal housing for farm workers is performed in accordance with the 'Seasonal Farm Worker Housing Guidelines'. Annual inspections are completed based

on request from the farmer and sufficient notice (preferably 6 weeks) is recommended. As indicated in the guidelines, inspection requirements include ensuring safe potable water, adherence to maximum occupancy limits, adequate washroom facilities, as well as proper structural design elements for the purposes of infection control (e.g. smooth cleanable surfaces) and environmental health considerations (e.g. working fridge for food safety). In addition to this, the health unit will notify applicable partners where general structural, septic and fire safety concerns are observed.

Consultation(s):

In the preparation of this report, the Norfolk County Building Department, as well as the Ministry of Environment, Conservation and Parks (MECP) and the Ministry of Municipal Affairs and Housing (MMAH) were consulted to help add clarity to the bunkhouse development process.

Strategic Plan Linkage:

This report is tied to the Norfolk County Strategic Plan Goal #1: Financial Sustainability and Fiscal Responsibility. The continued development of seasonal worker housing in bunk houses will contribute to the County's Economic Development Strategy by ensuring that the agricultural industry is well serviced with housing options for its workers.

Conclusion:

The process of constructing a bunk house in Ontario requires the approval of both a local municipality and Ministry of Environment, Conservation and Parks. The Provincial approval process can take 1 to 2 years to complete, making the process stressful for farmers who require housing for employees. Therefore, in order to meet provincial timelines, farmers must plan far in advance and be educated in the municipal and provincial approval process.

Norfolk County has received feedback from its Agricultural Advisory Board (AAB) and has heard its concerns regarding the timing of the bunk house construction timelines.

In collaboration with the Agricultural Advisory Board's request, the Norfolk County Building and By-law Department and Planning Department, staff recommend forwarding a letter of request to the Ministry of Municipal Affairs and Housing (MMAH), and the Ministry of Environment, Conservation and Parks (MOECP) to request that their review timelines for an Environmental Compliance Approval (ECA), is reduced to three (3) months in order to provide the agricultural community with a better level of provincial service to reduce the time it takes to construct a camp for housing of workers (bunkhouse) in Ontario including the Ontario Building Code requirements.

Recommendation(s):

THAT staff report DCS 19-21 be received as information;

AND THAT the attached letter (Appendix C), be forwarded from Norfolk County to the MMAH, and MECP with the purpose of reducing the review time of an application for an Environmental Compliance Approval (ECA).

Attachment(s):

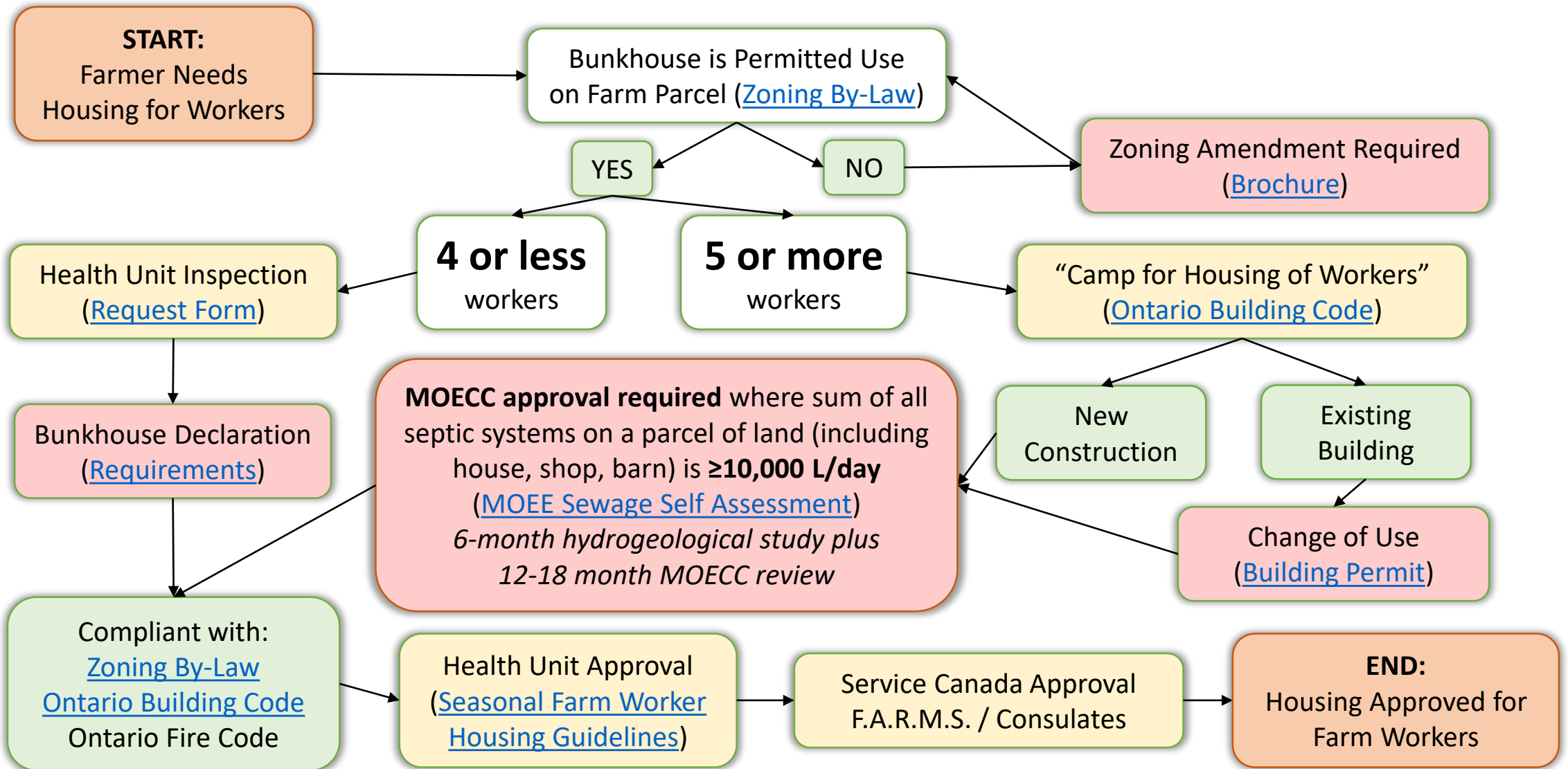
Appendix A – Norfolk County Bunkhouse Approval Process
Appendix B - ECA Application Process
Appendix C – Letter of Request (ECA approvals)

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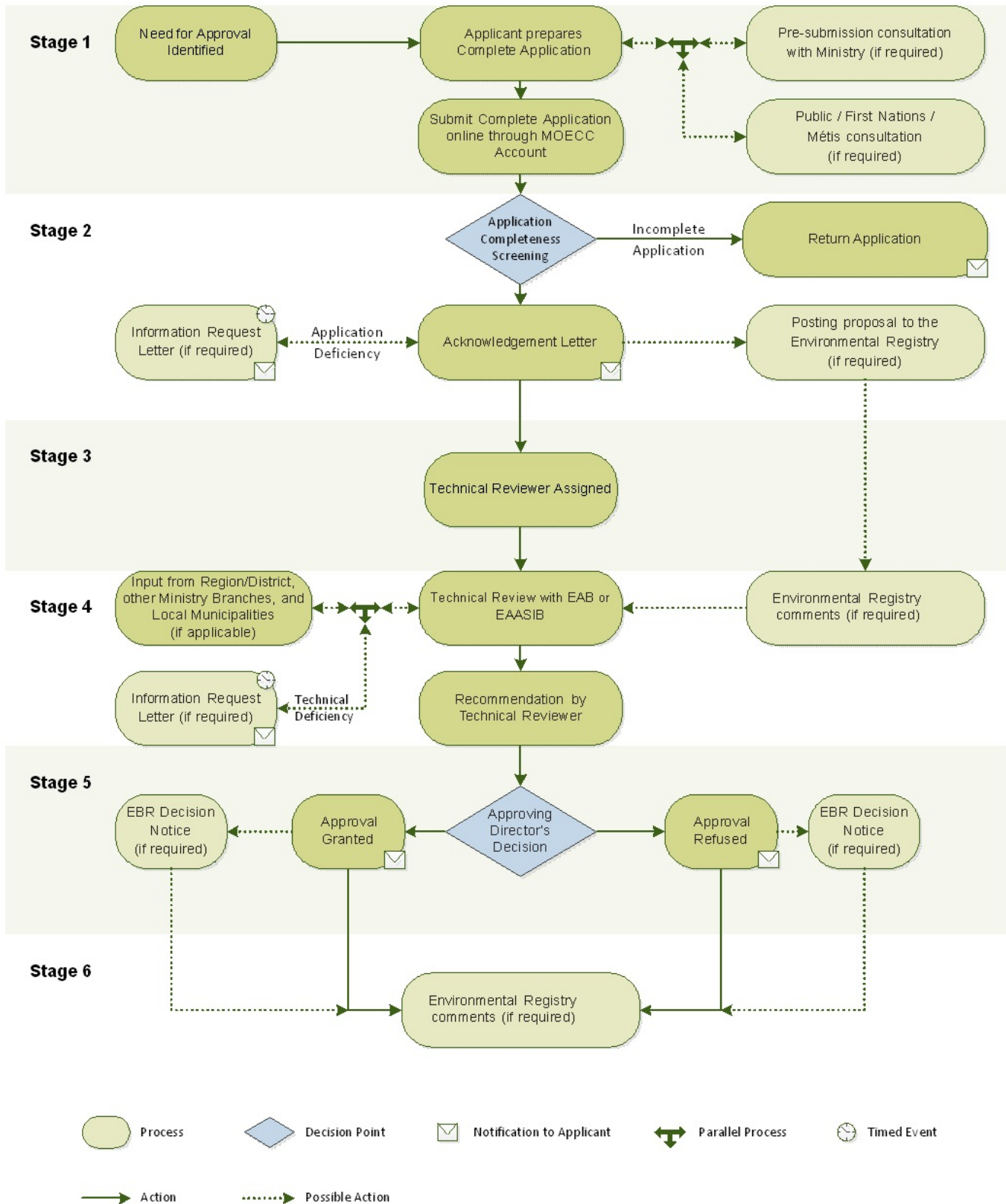
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Bunkhouse Approval Process - Norfolk County, Ontario, Canada



Appendix B - ECA Application Process





Norfolk County
Development and Cultural Services Division
Planning Department
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22 Albert Street, Langton Ontario N0E 1G0
519-426-5870 or 519-842-4485 or 519-582-2100
norfolkcounty.ca

April 16, 2019

Ontario Ministry of Municipal Affairs and Housing
777 Bay Street, 17th Floor
Toronto, ON M5G 2E5

RE: Environmental Compliance Approvals (ECAs)

To Whom It May Concern:

On April 8, 2018, the Norfolk County Agricultural Advisory Board (AAB) presented information to Norfolk County Council regarding the process for building a bunk house (housing for seasonal workers) within the province of Ontario.

Highlights from the presentation regarding the ECA process included the following:

- The Norfolk agricultural industry identified that the Ontario Building Code, and Ministry of Environment, Conservation and Parks (MOECP), does not differentiate between a 0.4 hectare (1 acre) lot and a 121 hectare (300 acre) lot in relation to water use.
- Provincial policy requires that if on-site water consumption is in excess of more than 10,000 litres a day, an MOECP water taking permit is required.
- A building permit can't be issued by Norfolk County until the environmental compliance for a water taking permit has been approved.
- Based on current provincial timeframes, obtaining a MOECP water taking permit may take up to 2 years (despite the new one (1) year service standard).
- The Norfolk County Agricultural Advisory Board is seeking assistance from Norfolk County and the Province of Ontario to keep their farms competitive.

On April 16, 2019, Norfolk County Council held a Council-in-Committee meeting to discuss the ECA process and to find ways to help streamline the provincial approval process to improve timelines to construct housing for seasonal workers in Norfolk County.

In light of this information, through this letter, Norfolk County Council formally requests that the MOECP water taking policy be reviewed to streamline the approvals process to reduce the review time-line to three (3) months (90 days).

Thank you,

Norfolk County Council