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PLUMBING AND DRAIN CONTRACTOR LICENSING AND REGISTRY PROGRAM

The Community and Health Services Committee recommends the adoption of the recommendations contained in the following report dated February 17, 2011, from the Commissioner of Community and Health Services.

1. RECOMMENDATIONS

It is recommended that:

1. Regional Council discontinue its licensing program for plumbing and drain contractors.
2. Regional Council repeal Regional By-law L1-0011-2003-004 entitled “Authorizing the Licensing of Plumbing and Drain Contractors.”
3. The Regional Clerk circulate this report to local municipalities.

2. PURPOSE

This report outlines the rationale for divesting The Regional Municipality of York of the plumbing and drain contractor licensing and registry program, and seeks approval to repeal Regional By-law L1-0011-2003-004 “Authorizing the Licensing of Plumbing and Drain Contractors.”

3. BACKGROUND

The Region has the authority to license plumbing and drain contractors but is not required to do so

Section 11 of the *Municipal Act* (the Act) provides York Region with “exclusive jurisdiction” regarding business licensing for drainage and plumbing. This means that the Region, as the upper-tier municipality, has the power under the Act to pass a by-law with respect to drainage and plumbing while the lower-tier municipalities do not have this power. Even though the *Municipal Act* gives the Region the exclusive right to license drain contractors and plumbers, the Region is not required to license them.

York Region administers the Plumbing and Drain Contractor Registry, while local municipalities are responsible for plumbing permitting and inspection

In the past, the Region was responsible for licensing, permitting and inspection related to plumbing and drainage in York Region. On January 1, 1999, however, the responsibility for plumbing permitting and inspection, including drain work, was transferred from the Region to the local municipalities. The Region retained responsibility for administering the Plumbing and Drain Contractor Registry program, including the delivery of master plumber and master drainlayer examinations. Since that time, the Health Protection Division of the Public Health Branch has administered the program.

4. ANALYSIS AND OPTIONS

York Region's by-law on plumbing and drainlaying is obsolete and its requirements cannot be met

Regional By-law L1-0011-2003-004, "Authorizing the Licensing of Plumbing and Drain Contractors," was enacted in 2003. It authorizes the Region to license persons and/or businesses that engage in plumbing or drain work within the Region and outlines the requirements necessary to operate a plumbing or drain business in York Region. Licensing requirements include proof of insurance, successful completion of examinations qualifying the person as a master plumber or master drainlayer, and payment of annual licence fees.

Since 2003, the Region has not offered the master plumber or master drainlayer examination because it no longer has the staff expertise. Applicants are required to provide proof of having passed the exam in a 'reciprocal' municipality before they are issued a licence. In the past, this was an onerous but practicable requirement; however, this requirement has now become impossible to meet because many municipalities have dropped the master plumber exam and limit the drainlayer exam to contractors working in their jurisdiction. Therefore, the Regional by-law on plumbing and drain contractors has become obsolete.

The current licensing program is contrary to the provisions of the *Municipal Act*

York Region's by-law requires that master plumbers provide proof that they are a 'qualified plumber' and that they have passed the master plumber examination. 'Qualified plumber' means that they have received a Certification of Qualification from the Ministry of Training, Colleges and Universities after successful completion of an examination. In accordance with a regulation under the *Municipal Act*, municipalities in carrying out their business licensing powers should not require retesting of professions or trades that already have provincially recognized qualifications. The Regional by-law

requires proof that the applicant has both a Certification of Qualification and has successfully completed a master plumber exam. The master plumber exam can legally be viewed as a retesting of the Certification of Qualification examination.

Safeguards for plumbing and drainlaying exist elsewhere and repealing the Regional by-law authorizing the licensing of plumbing and drain contractors would not compromise these

While York Region licenses plumbing and drain contractors, it is administrative in nature. The Region does not verify or regulate the quality of the contractor's work, and contractors are not required to present their licence in order to carry out plumbing or drain work. The level of protection that the program provides is, therefore, limited.

Repealing the by-law would mean that plumbing and drain contracting businesses would no longer be licensed in York Region; however, there are sufficient safeguards in provincial legislation to ensure that plumbing and drain systems are correctly installed. For example, the following health protective provisions exist in the Building Code:

Plumbing and Drain Installation Requirements

The *Building Code Act* addresses requirements and standards for installation of plumbing (definition of plumbing in Building Code includes drainage systems) including requirements to ensure that plumbing systems are protected against contamination and malfunction.

Permitting Process for Plumbing and Drain Work

The *Building Code Act* prohibits any person from constructing a building unless a permit has been issued. This Act defines a building which includes all plumbing, works, fixtures and service systems in it. Plumbing includes drainage systems. Plumbing contractors and drain contractors cannot install plumbing or drains without getting a plumbing permit or a drain permit. Plumbing as well as drain installation must be in accordance with the *Building Code Act*. Municipal building inspectors enforce this Act.

The plumbing and drain contractor licensing and registry program could be discontinued at the end of 2011

The Public Health Branch maintains a database of contractors currently licensed with the Region. If the plumbing and drain contractor by-law is repealed, contractors will be advised in writing that beginning in 2012 they will no longer require a licence from the Region in order to carry out plumbing or drain work.

5. FINANCIAL IMPLICATIONS

Licence fees amount to \$200 per contractor per year. In 2010, York Region received \$47,071 in fees from the Master Plumber and Drain Contractor Licensing program. These fees were used to offset effects of inflation, rising salaries, and other program costs.

Community and Health Services projected revenue from the program for 2011 is \$40,000. In order to alleviate the tax levy impact of discontinuing the program, the Health Protection Division of the Public Health Branch is planning to reduce spending by \$40,000.

6. LOCAL MUNICIPAL IMPACT

Repealing the York Region by-law on plumbing and drain contractors will have minimal impact on local municipalities. Chief Building Officials consulted in some local municipalities have indicated that they have no objection to the proposed discontinuing of the program. Since municipal building departments will continue to have authority and responsibility for ensuring that plumbing and drain systems are installed safely and in accordance with legislative requirements, there will be no impact to water quality or distribution systems in local municipalities.

7. CONCLUSION

As a result of changes in other jurisdictions and evolutionary changes in the industry, contractors are no longer able to meet the requirements of Regional By-law L1-0011-2003-004 "Authorizing the Licensing of Plumbing and Drain Contractors." In addition, plumbing contractors already have provincial standards they must meet by successfully completing an examination.

Given the existing protective provisions within the *Building Code Act*, discontinuing the Region's administration of the plumbing and drainlayers licensing program would not impact the public's health. Therefore, it is recommended that Regional By-law L1-0011-2003-004 be repealed.

For more information on this report, please contact Dr. Karim Kurji, Medical Officer of Health, at Ext. 4012.

The Senior Management Group has reviewed this report.