

**Minister of Municipal Affairs  
and Housing**

**Minister Responsible for Seniors**

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**Ministre des Affaires municipales  
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**Ministre délégué aux Affaires des personnes âgées**

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SEP 10 2004  
ALPHA

September 9, 2004

Ms. Susan Lee  
Interim Executive Director  
Association of Local Public Health Agencies  
425 University Avenue, Suite 502  
Toronto ON M5G 1T6

Dear Ms. Lee:

Thank you for your letter of July 21, 2004, in which you set out the Association of Local Public Health Agencies' concerns regarding separation distances for the repair and replacement of sewage systems and further request to amend the Building Code.

Please be assured that I share your concern about the protection of ground and surface water. The *Building Code Act, 1992* states that one of the purposes of the Building Code is to establish standards for environmental integrity.

As such, the Building Code contains minimum standards that must be met when sewage systems are constructed or repaired. The Code requires that new systems meet clearance distances from certain features, including wells, watercourses and property lines. When an existing system is replaced, the clearance distances may be maintained, provided that the replacement system is within the same class and the capacity is not increased.

However, if the local Health Unit determines the system is not being maintained or operated in accordance with the Act – or if it is unsafe – it has the authority to order the system be upgraded or repaired so that the system is made safe.

You may also be aware that there is a formal process to amend the Building Code, which is updated on a regular basis. The review gives us an opportunity to consider the impact of changes in building materials, new technologies and other issues that may arise over time, and how these changes may be better reflected in our regulatory framework. I welcome your input and your proposal will be taken into account as part of this process.

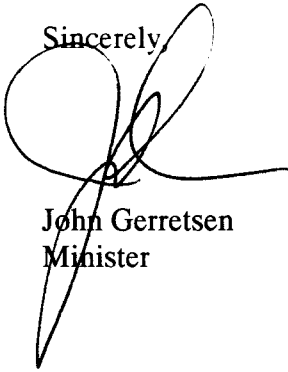
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Ms. Susan Lee

If your association is interested in additional information on the interpretation or development of the Building Code, please contact Mr. David Brezer, Acting Director in this Ministry's Building and Development Branch, at 416-585-6656.

I trust that this information is helpful and thank you, once again, for sharing your concerns with me.

Sincerely,

A handwritten signature in black ink, appearing to be 'John Gerretsen', written over a large, light-colored circular stamp or watermark.

John Gerretsen  
Minister