

**Minister of Municipal Affairs  
and Housing**

777 Bay Street, 17<sup>th</sup> Floor  
Toronto ON M5G 2E5  
Tel. (416) 585-7000  
Fax (416) 585-6470  
[www.mah.gov.on.ca](http://www.mah.gov.on.ca)

**Ministre des Affaires municipales  
et du Logement**

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05-19512

August 25, 2005

Ms. Linda Stewart  
Executive Director  
Association of Local Public Health Agencies  
425 University Avenue  
Suite 502  
Toronto ON M5G 1T6

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AUG 29 2005  
ALPHA

Dear Ms. Stewart:

Thank you for your letter of July 11, 2005, concerning Parts 8 and 11 of the Building Code, as they relate to the minimum separation distances of sewage systems from wells and surface waters.

As you may be aware, our government, through the Ministry of the Environment, is seeking to protect Ontario's drinking water from source to tap through the introduction of watershed-based source protection legislation that would mandate the development of source protection plans for watersheds across the province. This was a key recommendation of the Walkerton Inquiry.

I have been advised that the Building Code contains minimum standards that must be met when sewage systems are constructed or repaired. Under the compliance alternatives set out in Part 11 of the Building Code, clearance distances may be maintained when an existing system is replaced, provided that the replacement system is within the same class and the capacity is not increased. While the system may not fully comply with new code standards for setbacks, the older components of the system are replaced with new, better functioning, ones thereby improving the overall performance of the system.

Please note that if a local Health Unit or other body responsible for onsite sewage system enforcement determines that a system is not being maintained or operated in accordance with the *Building Code Act, 1992* that body has the authority, under the "unsafe" provisions of the Act, to order that the system be replaced or repaired, as necessary.

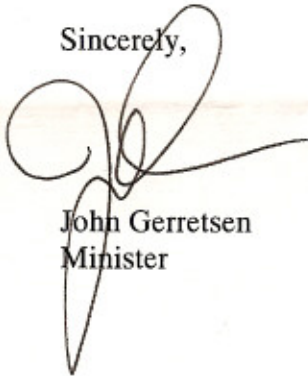
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Ms. Linda Stewart

For further information on the application of the Act and the code, please contact Mr. James Douglas, Manager of Code Development, Legislation, and Appeals, in the ministry's Building and Development Branch, at (416) 585-7174. Should the need to amend the code arise in the future, please be assured that this ministry will consult widely with our municipal partners and stakeholders beforehand.

I trust that this information is helpful. Once again, thank you for writing.

Sincerely,

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

John Gerretsen  
Minister