

**Ministry of  
Municipal Affairs  
and Housing**

Office of the Minister

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July 14, 2009

09-46077

Mr. Ambrose Moran  
PO Box 414  
Apsley ON K0L 1A0

Dear Mr. Moran:

Thank you for your letter of May 28, 2009 and attachments regarding setbacks for on-site sewage (septic) systems. While I cannot comment on the specifics of your situation, I will discuss the relationship between building regulation and the planning system with respect to such setbacks.

My ministry is responsible for the administration of the *Building Code Act, 1992* and the Building Code. The Building Code establishes technical requirements for buildings undergoing construction, renovation and change of use. The Code includes a broad range of technical standards governing the design and installation of small on-site sewage systems, including setback requirements from structures, property lines, and water features such as lakes, rivers and wells.

As you noted in your letter, the Code generally requires setbacks of 15 metres (approximately 50 feet) from any part of a septic system to a lake. Under the Code, the purpose of these setbacks from lakes include reducing the probability that persons in the building or the public would be exposed to an unacceptable risk of illness due to unsanitary conditions or the release of hazardous substances.

This ministry is also responsible for Ontario's system of land-use planning. Under the *Planning Act*, municipalities can establish setbacks through zoning to achieve planning outcomes, including protection of the environment, preservation of wetlands, and protection of habitation areas for natural species. I understand that some municipalities have selected 30 metres as the minimum setback for septic systems from lakes to help achieve these outcomes.

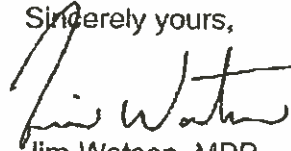
Mr. Ambrose Moran

While both regulatory systems – building and planning – use setbacks as an instrument, they generally have different purposes, and therefore can be seen as being complementary. However, it is important to note that, while municipalities may impose greater setbacks for planning purposes than those found in the Building Code, they may not establish setbacks that conflict with those in the Code since – as you note – the Code supersedes municipal by-laws concerning the construction of buildings.

If you have any further questions about setbacks for septic systems, you may wish to contact Mr. James Ross, Coordinator of Policy and Legislation in the ministry's Building and Development Branch. Mr. Ross can be reached by telephone at 416-585-4243 or by e-mail at [james.ross@ontario.ca](mailto:james.ross@ontario.ca).

I trust that this information is helpful.

Sincerely yours,



Jim Watson, MPP  
Minister