SUBJECT: Building Permit By-law Amendments

TO: Committee of the Whole

FROM: Department of City Building - Planning Building and Culture

Report Number: PB-09-18
Wards Affected: All
File Numbers: 565-01
Date to Committee: February 26, 2018
Date to Council: March 19, 2018

Recommendation:

Repeal Building Permit By-law 36-2016 effective March 31, 2018; and

Approve proposed By-law XX-2018 attached as Appendix A to department of city building – planning, building and culture report PB-09-18, including text amendments to be enacted on April 1, 2018.

Purpose:

The purpose of this report is to propose an amended Building Permit By-law which has been updated to clarify intent and readability of the By-law, to address changes to the Ontario Building Code and to bolster penalties for construction without an issued permit.

The overall recommendations of this report will facilitate and support the objective of Intensification contained within the Burlington Strategic Plan under the key Direction of a City that Grows.

A City that Grows
• Promoting Economic Growth
• Intensification
• Focused Population Growth
Background and Discussion:

In 2016, the Building Section undertook a comprehensive fee review study and the results were incorporated into Building Permit By-law 36-2016. At that time, the text of the Building Permit By-law received only minor changes.

In the 4th quarter of 2017, building staff undertook a comprehensive review of the Building Permit By-law with a view towards clarifying wording and intent of the by-law, to address changes to the Ontario Building Code and to update penalties on larger projects for construction without an issued permit. Notable changes included in this proposed by-law:

- New wording has been added in Section 3.8 for Occupancy Permits to acknowledge the addition of 6 storey wood frame buildings into the Ontario Building Code;
- Section 6.3 – Work prior to permit issuance – the fee has been increased beyond the $5,000 limit and the fee amount has been moved to the table in Schedule “A”. The additional fee amount will be 100% of the permit fee up to $5000 plus 10% of the permit fee amount in excess of $5000 with no maximum. The purpose of this change is to compensate the Corporation for the cost of the additional administrative and regulatory actions incurred by such early start of work without an issued permit;
- A new Schedule B has been added to outline the amount of refund to be paid when a permit is cancelled or revoked (See Section 6.9 of the By-law). The refund amounts have been clarified and no refund will be paid if the permit is revoked because it was issued on false or incorrect information (Building Code Act Section 8(10)(a)) or because a term under a Conditional Permit has not been complied with (Building Code Act Section 8(10)(f));
- The time for response from a permit holder to respond to a Notice of Revocation of a permit has been reduced from 30 days to 10 business days after receipt of a Notice;
- Section 10.1 has been modified to replace the listing of the stages of construction where notification must be given to the Chief Building Official with a reference to the stages detailed in Division C Sentence 1.3.5.2. (1) of the Ontario Building Code;
- Section 11.2 – Fences at Construction and Demolition Sites has been substantially amended to clarify requirements and to add the reference to requirements under the Occupational Health and Safety Act.
Strategy/process

The proposed changes will clarify the intent of the Building Permit By-law and accommodate recent changes in the Ontario Building Code legislation. The additional fee for construction without a permit on larger projects has been increased to compensate the Corporation for the cost of the additional administrative and regulatory actions incurred by such early start of work without an issued permit.

Options considered

This was a phased approach with phase one of the Building Permit By-law taking place in 2016 when the Fees for Service Model was reviewed.

Financial Matters:

The increase in fees for construction without an issued permit on larger projects is meant to fairly compensate the Corporation for the additional administrative and regulatory actions resulting from the early construction start. Although some additional revenue may be realized, it is expected that it will be minor and will not appreciably add to the building permit revenue.

Total Financial Impact

Not applicable

Source of Funding

Not applicable

Other Resource Impacts

Not applicable

Connections:

Not applicable

Public Engagement Matters:

The information contained in this public report will be shared with the Burlington Housing and Development Liaison Committee (BHDLC), Hamilton Halton Home
Conclusion:
Acceptance of the proposed changes will update the Building Permit By-law to incorporate legislative changes, increase the fees on larger projects for starting construction before a permit has been issued and result in a clearer and more legible by-law.

Respectfully submitted,

Nick Anastasopoulos, P.Eng.
Chief Building Official
905-335-7600, ext 7619

Appendices:
A. Proposed New Building Permit By-law

Notifications: (if none delete section)

<table>
<thead>
<tr>
<th>Name</th>
<th>Mailing or E-mail Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>BHDLC</td>
<td>Susan Mammel, <a href="mailto:smammel@hhhba.ca">smammel@hhhba.ca</a></td>
</tr>
<tr>
<td>HHHBA</td>
<td>Susan Mammel, <a href="mailto:smammel@hhhba.ca">smammel@hhhba.ca</a></td>
</tr>
<tr>
<td>HHCA</td>
<td>Sue Ramsay, <a href="mailto:ramsaysue@hhca.ca">ramsaysue@hhca.ca</a></td>
</tr>
</tbody>
</table>

Report Approval:
All reports are reviewed and/or approved by Department Director, Director of Finance and Director of Legal. Final approval is by the City Manager.