

The Corporation of the City of Burlington

City of Burlington By-law XX-2025

A by-law to amend By-law 66-2019 being a By-law under the *Act* respecting construction, demolition, change of use, occupancy, transfer of permits and inspections.

File: 565-05 (DGM-07-25)

WHEREAS pursuant to the *Building Code Act, 1992*, S.O. 1992, c. 23 (the "*Act*"), the Lieutenant Governor in Council has established a Building Code which is in force throughout Ontario; and,

WHEREAS section 7 of the *Act* empowers the council of a municipality to pass by-laws respecting construction, demolition, change of use, transfer of permits, inspections, and the setting and refunding of fees; and,

WHEREAS section 8 of the *Act* grants authority to the council of a municipality to delegate to the chief building official the power to enter into agreements described in subsection 8(3)(c) and impose conditions or restrictions with respect to the delegation; and,

WHEREAS section 3 of the *Act* provides that the council of each municipality is responsible for the enforcement of the *Act* in the municipality, except where otherwise provided; and,

AND WHEREAS Council of The Corporation of the City of Burlington deems it appropriate to amend By-law No. 66-2019 to, among other things, authorize and delegate the power to prescribe forms and the power to enter into agreements to the chief building official; and,

NOW THEREFORE Council of The Corporation of the City of Burlington hereby enacts as follows:

1. Section 1.1 of By-law No. 66-2019 is amended by adding the following definition in alphabetical order:

"*Electronic submission standards*" means those standards, requirements and specifications for electronic permit application submission, including but not limited to drawing format, colour, size, and file naming conventions, as provided by and available within the Building Department, and all other applicable policies and by-laws of the City as may be amended from time to time.
2. Section 1.1 and subclause 3.2.1.(6)(a) of By-law No. 66-2019 are amended by deleting the words "Building & By-Law Department" and replacing them with the words "Building Department" wherever they appear.

3. Section 3.1. of By-law No. 66-2019 is deleted in its entirety and the following substituted:

- 3.1. Prescribed forms and standards

- The power to prescribe additional forms under clause 7(1)(f) of the *Act* is hereby delegated to the *Chief Building Official*.

4. Subsection 3.2.1. of By-law No. 66-2019 is amended by deleting the first sentence of the section and replacing it with the following:

- A person applying for a *permit* shall submit a completed application to the *Chief Building Official* as follows:

5. Subclause 3.2.1.(2)(c) of By-law No. 66-2019 is deleted in its entirety and the following substituted:

- (c) include a completed Required Demolition Clearances Form; and

6. Paragraph 3.2.1.(4)(c)(iii) of By-law No. 66-2019 is amended by deleting the second bullet point in its entirety and the following substituted:

- the location and applicable clearances systems listed in Div. B, Table 8.2.1.5. and objects listed in Tables 8.2.1.6.A., 8.2.1.6.B. and 8.2.1.6.C. of the *OBC*;

7. By-law No. 66-2019 is amended by adding the following subsections 3.3.3. and 3.3.4. immediately following subsection 3.3.2.:

- 3.3.3. In cases where an application is returned for technical corrections, the *applicant* must resubmit a comprehensive response package with cover letter addressing all identified deficiencies, inclusive of all design disciplines. Partial resubmissions will not be accepted.

- 3.3.4. Exceptions to subsection 3.3.3. may be granted at the discretion of the *Chief Building Official* only in extraordinary circumstances.

8. Subsection 3.7(2) of By-law No. 66-2019 is amended by deleting the acronym “MMA” and replacing it with the acronym “MMAH”.

9. Subsection 3.8.1. of By-law No. 66-2019 is amended by deleting the words “sentence 1.3.3.1.(1)” and replacing them with the words “article 1.3.3.1.”.

10. Subsection 3.8.1. of By-law No. 66-2019 is amended by deleting the numbers “1.3.3.1.(2)” and replacing them with the numbers “1.3.3.1.(3)”.

11. Subsection 3.8.2. of By-law No. 66-2019 is amended by deleting the words “New residential buildings” from the title of the subsection and replacing them with the word “Buildings”.
12. Subsection 3.8.2. of By-law No. 66-2019 is amended by deleting the words “new residential” from the body of the subsection wherever they appear.
13. Subsection 3.8.2. of By-law No. 66-2019 is amended by deleting the numbers “1.3.3.4.(3)” and replacing them with the numbers “1.3.3.4.(4)”.
14. Section 4.2. of By-law No. 66-2019 is deleted in its entirety and the following substituted:
 - 4.2 Complete *permit* submission required unless specified

Each application shall, unless otherwise specified by the *Chief Building Official*, be accompanied by a complete set of plans, documents and specifications as described in this By-law and Schedule “C” attached to this By-law.
15. Section 4.3. of By-law No. 66-2019 is deleted in its entirety and the following substituted:
 - 4.3 Electronic submission standards

Building *permit* applications are only accepted through electronic submission in accordance with the *electronic submission standards* available within the Building Department. Electronic submissions that do not meet the *electronic submission standards* will not be accepted. Applicants will be notified of resubmission requirements.
16. Section 7.1. of By-law No. 66-2019 is deleted in its entirety and the following substituted:
 - 16.1. Application – completed by new *owner*

A *permit* may be transferred by the *Chief Building Official* following a change in ownership of land only upon the new *owner* submitting a completed *permit* application in accordance with the requirements of Part 3 of this By-law.
17. Part 9 of By-law No. 66-2019 is deleted in its entirety and the following substituted:

Part 9
AGREEMENTS

9.1. Conditional *permit*

- (1) The *Chief Building Official* is authorized to take the following actions with respect to the processing of conditional *permit* agreements under section 8 of the *Act*:
 - (a) Approve entering into a conditional *permit* agreement and executing the agreement on behalf of the City;
 - (b) Approve an assignment of a conditional *permit* agreement and execute the consent to the assignment of the agreement on behalf of the City; and
 - (c) Approve the release of a registered conditional *permit* agreement when the agreement is no longer necessary and execute the release of the agreement on behalf of the City.
- (2) Where the conditions in subsections 8(3) to 8(5) of the *Act* and Part 3 of this By-law have been satisfied, the *Chief Building Official* may issue a conditional *permit* for a building subject to compliance with the *Act*, the Building Code, and any other applicable law.
- (3) Where a conditional *permit* is issued for all or part of a building or project, the conditional *permit* does not authorize construction beyond the plans for which approval is given, nor does it represent or imply that approval will be granted for the entire building or project.

9.2. Limiting distance agreements

- (1) The authority to approve entering into limiting distance agreements under the *Building Code* and to execute such agreements on behalf of the City is delegated to the *Chief Building Official* where the following conditions are met:
 - (a) No land owned by the City is affected by the agreement or City Council has approved the City entering into the limiting distance agreement in the City's capacity as land *owner*;
 - (b) The agreement does not impose any obligations on the City in its capacity as regulatory approval authority; and
 - (c) The agreement is satisfactory to the City Solicitor.

18. Subsection 10.1.1. of By-law No. 66-2019 is amended by deleting the second sentence of the section and replacing it with the following:

- 10.1.1. The *permit holder* shall provide the notice of completion as prescribed by Section 11 of the *Act*, or where occupancy is required prior to completion, notice of inspection to ensure compliance with the requirements of section 11 of the *Act* and Div. C, 1.3.3.1., 1.3.3.2., 1.3.3.3., 1.3.3.4., 1.3.3.5., and 1.3.3.7. of the *OBC*.
19. Subsection 10.1.2. of By-law No. 66-2019 is amended by deleting the words “sentence 1.3.5.2.(1) of the *OBC* (excluding clause (i))” and replacing them with “sentences 1.3.5.2.(1)(a), (d) and (j) of the *OBC*”.
20. Section 10.3. of By-law No. 66-2019 is amended by adding the following sentence immediately following the first sentence:
- Site inspections shall not include weekends, holidays and all other days when the offices of the Building Department are not open for business, unless a request for a special inspection has been submitted by the *permit holder* and approved by the Building Department with the applicable fee paid in accordance with the City’s Rates and Fees By-Law.
21. Clause 11.2.4.(4) of By-law No. 66-2019 is amended by deleting the words “if of chain link *construction*” and replacing them with the words “if chain link fencing is used”.
22. Clause 11.2.4.(5) of By-law No. 66-2019 is amended by deleting the words “if of wood *construction*” and replacing them with the words “if wood fencing is used”.
23. Clause 11.2.4.(6) of By-law No. 66-2019 is amended by deleting the words “if constructed of plastic mesh, snow fencing or other similar materials” and replacing them with the words “if plastic mesh, snow fencing, or other similar material fencing is used”.
24. Subsection 11.3.7. of By-law No. 66-2019 is amended by deleting the words “Noise By-law 19-2003 as amended” and replacing them with the words “The Nuisance and Noise Control By-law, as amended or replaced”.
25. By-law No. 66-2019 is amended by adding the following new section 11.5 immediately following section 11.4:
- 11.5 Enforcement
- 11.5.1. Where the Chief Building Official finds a contravention of this article, the Chief Building Official may issue a notice of contravention requiring compliance with this section within a specified time period.
- 11.5.2. A notice of contravention issued pursuant to subsection 11.5.1. shall be served on the registered owner of the construction property and/or to any

party whom the Chief Building Official deems is responsible for, is in possession of or has care and control over the construction site.

- 11.5.3. The notice of contravention issued pursuant to subsection 11.5.1. may be served personally, by e-mail, or by registered mail to the recipient's last known address. Where the notice of contravention is served by e-mail, it shall be deemed to have been served on the date the email is sent. Where the notice of contravention is served by registered mail, it shall be deemed to have been served on the third day after it is mailed.
 - 11.5.4. Notwithstanding subsection 11.5.3., where the Chief Building Official is for any reason unable to effect service of the notice of contravention by the methods of service set out in subsection 11.5.3., the Chief Building Official may serve the notice of contravention by posting it in a conspicuous place on the construction property in which case the notice of contravention shall be deemed to have been served immediately after it is posted.
 - 11.5.5. Notwithstanding subsection 11.5.3., if the delay necessary to serve the notice of contravention would, in the opinion of the Chief Building Official, result in an immediate danger to the health or safety of any person, the Chief Building Official may serve the notice of contravention by posting it in a conspicuous place on the construction property in which case the notice of contravention shall be deemed to have been served immediately after it is posted.
 - 11.5.6. Where a notice of contravention is served by posting it in a conspicuous place on the construction property pursuant to subsection 11.5.5., the Chief Building Official shall thereafter provide a copy of the notice of contravention to the recipients by one of the methods of service set out in subsection 11.5.3. as soon as is practicable.
 - 11.5.7. Where a notice of contravention has been issued under subsection 11.5.1. and the contravention has not been brought into compliance within the time period set out therein, the Chief Building Official may take any action deemed necessary to achieve compliance and to make the construction property safe including but not limited to erecting the required construction fence, and the City may recover the costs incurred by action or by adding the costs to the tax roll for the construction property and collecting them in the same manner as property taxes.
 - 11.5.8. The Chief Building Official may enter onto any property for the purpose of actions taken under subsection 11.5.7.
26. By-law No. 66-2019 is amended by adding the following new part 12, with the parts and sections that follow renumbered accordingly:

Part 12
OFFENCES AND PENALTIES

- 12.1 Every person who contravenes any provision of this By-law is guilty of an offence under subsection 36(1)(c) of the *Act*, and upon conviction is liable to a fine and such other penalties as set out in the *Act*.
27. Clause 2.7.(d)(ii) of Schedule “C” of By-law No. 66-2019 is amended by deleting the words “items listed in Column 1 of Div.B, Tables 8.2.1.6.A, 8.2.1.6.B and 8.2.1.6.C of the *OBC*” and replacing them with the words “systems listed in Div B., Table 8.2.1.6.A, and objects listed in Tables 8.2.1.6.B and 8.2.1.6.C of the *OBC*”.
28. Subject to the amendments made in this By-law, in all other respects By-law No. 66-2019 is hereby confirmed and remains unchanged.
29. Despite the amendments being made to By-law 66-2019, By-law No. 66-2019 as it read before the amendments in sections 1 to 26 above shall continue to apply to proceedings in respect of offences that occurred before its amendment.
30. This By-law comes into force on the date of its passing.

Passed this 15th day of April, 2025.

Mayor Marianne Meed Ward _____

City Clerk Samantha Yew _____