

SUBJECT: Building Permit By-law Amendments
TO: Committee of the Whole
FROM: Development and Growth Management
Building

Report Number: DGM-07-25

Wards Affected: All

Date to Committee: April 7, 2025

Date to Council: April 15, 2025

Recommendation

Approve the draft by-law substantially in the form attached as Appendix A to development and growth management report DGM-07-25, being a by-law to amend By-law 66-2019, a by-law under the Act respecting construction, demolition, change of use, occupancy, transfer of permits and inspections.

Executive Summary

This report outlines a series of housekeeping amendments proposed for the City's Building Permit By-law 66-2019. These updates aim to clarify language, correct typographical errors, incorporate references from the new 2024 Ontario Building Code (effective January 1, 2025), and add new offences and penalty provisions.

Together, these adjustments will improve the By-law's clarity and enforceability, supporting clearer customer interpretation and application, and enhancing administrative efficiency.

Purpose of report:

Report DGM-07-25 provides information to Council on proposed changes to the City's Building Permit By-law 66-2019 that will:

- Capture minor textual changes.
- Update the By-law to reflect current processes and practices (electronic submissions).
- Add a new offences and penalty section so by-law provisions become enforceable.

Key findings:

- It is important that the by-law provides accurate and consistent references to applicable provincial legislation (Building Code Act 'BCA' & Ontario Building Code 'OBC').
- Without an offences and penalty provision, the Building Department has had challenges with enforcing by-law provisions in the past.
- There is an opportunity for staff practices and protocol to be more effectively communicated and outlined within the By-law.

Implications:

- Outdated processes within a by-law could lead to higher operational costs and could negatively impact customer experience.
- By-laws that are either unenforceable or inconsistent could result in greater risk, legal implications and related expenses.

Recommendation Report

Background

Effective January 1, 2025, a new OBC came into effect, replacing the 2012 OBC currently referenced in the City's Building Permit By-law 66-2019. The By-law must be amended to reflect these updated references/regulations.

Additional minor numbering and textual revisions are also required to ensure consistency throughout the By-law.

Furthermore, the current By-law lacks a penalty and offences section referencing enforcement powers under the Building Code Act, limiting the City's ability to address contraventions related to fencing provisions and environmental impacts. Adding this section will strengthen enforcement mechanisms and improve compliance.

Analysis

A significant proposed amendment is the addition of a Penalties and Offences section to the Building Permit By-law.

This new section addresses a gap in the current By-law, which lacks enforcement provisions. By granting the Building Department the authority to enforce the By-law's requirements, this amendment empowers staff to manage compliance more effectively and deter infractions. Specific penalties for non-compliance are outlined in the BCA, as referenced in this new section. This section ensures the By-law is not only easier to interpret but also better equipped to uphold community standards.

In addition to the new Penalties and Offences section and minor corrections to numbering and grammar, other recommended textual changes include the following:

- **Updated department name** – remove all references to the old department name Building & By-Law Department and replace with Building Department.
- **Prescribed forms** – amend section 3.1 to designate the Chief Building Official (CBO) as having delegated authority to prescribe forms under section 7(1)(f) of the Building Code Act (Act), including other non-provincially mandated forms.
- **Incomplete Applications** – amend section 3.3 to include requirements for partial permit application resubmissions and exceptions to such.

- **Plans and Specifications** – amend section 4.3 to remove all references to paper permit submissions and reference only electronic permit submission requirements and standards.
 - **Agreements** – amend Part 9 to remove “Limiting Distance” from the title and include provisions for conditional permit agreements, designating the CBO as having delegated authority to authorize and sign limiting distance agreements and enter into conditional permit agreements on behalf of the City.
 - **Time periods – inspections** – amend section 10.3 to include verbiage limiting site inspections to weekdays, or where a request for special inspection is approved by the Building Department.
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Recommendation Details

Staff are recommending the approval of the proposed textual amendments to Building Permit By-law 66-2019.

Key Dates & Milestones

Enact Amending By-law XX-2025 to By-law 66-2019 on April 15, 2025.

Implications

- A by-law with outdated processes could lead to higher operational costs (e.g., staff time spent navigating unclear or conflicting rules).
 - A by-law that is vague and unenforceable could lead to disputes or non-compliance resulting in legal expenses.
 - The municipality could face legal claims due to inconsistencies between by-laws and actual practice.
 - The municipality may be at risk of non-compliance with provincial laws if by-laws are not updated.
 - Industry professionals and community groups may disengage if they perceive by-laws as barriers rather than supports.
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References

N/A

Strategic Alignment

- Designing and delivering complete communities
 - Providing the best services and experiences
 - Protecting and improving the natural environment and taking action on climate change
 - Driving organizational performance
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Appendices:

- A. Amending By-law XX-2025 to Building By-law 66-2019

Draft By-laws for Approval at Council:

- Amending By-law XX-2025 to By-law 66-2019 – date to Council April 15, 2025, date of adoption April 15, 2025.

Notifications:

Burlington Housing and Development Liaison Committee (BHDLC):
BHDLC email distribution list

Hamilton Halton Construction Association (HHCA):
sue@hhca.ca

West End Home Builder's Association (WEHBA):
mikecw@westendhba.ca

Building Industry and Land Development Association (BILD):
info@bildgta.ca

Report Approval:

All reports are reviewed and approved by the Commissioner, Head of Corporate Affairs, Chief Financial Officer, and Commissioner of Legal and Legislative Services/City Solicitor.