

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

Report Number: DGM-18-26

Wards Affected: All

Date to Committee: May 11, 2026

Date to Council: May 26, 2026

Recommendation

Approve the proposed new Building Permit By-law, substantially in the form attached as Appendix A to development and growth management report DGM-18-26, to repeal and replace City of Burlington By-law 66-2019 (the “Building Permit By-law”), being a by-law under the *Building Code Act, 1992* respecting construction, demolition, change of use, occupancy, transfer of permits and inspections.

Executive Summary

The proposed new City of Burlington Building Permit By-law repeals and replaces the existing Building Permit By-law to establish a consolidated, modernized, and user-friendly regulatory framework. The proposed new City of Burlington Building Permit By-law:

- consolidates all previous amending by-laws into a single, comprehensive document;
- clarifies and updates language to improve readability, transparency, and interpretation;
- corrects typographical errors and incorporates minor textual revisions;
- aligns provisions and references with the *Building Code Act, 1992* (the “**BCA**”) and the 2024 Ontario Building Code (the “**OBC**”), which came into effect January 1, 2025, and;
- introduces updated offence and penalty provisions to strengthen compliance and enforceability.

These updates are administrative and housekeeping in nature and are intended to improve clarity, consistency, and alignment with current legislative requirements and municipal practices, including electronic submissions. There are no changes to the prescribed fees.

Purpose of report:

Report DGM-18-26 provides Council with information regarding the proposed repeal and replacement of the existing Building Permit By-law. The proposed new City of Burlington Building Permit By-law is intended to:

- consolidate all prior amendments into a single, accessible document;
- improve clarity, transparency, and ease of interpretation for users;
- reflect current administrative practices and service delivery methods;
- ensure alignment with applicable legislation, including the BCA and the OBC; and
- strengthen compliance through updated offence and penalty provisions.

The proposed changes do not alter the existing fee structure.

Key findings:

- The existing Building Permit By-law requires updates to ensure accurate, consistent, and current references to applicable provincial legislation, including the BCA and the OBC.
- The absence of a clearly defined offence and penalty framework has limited the City's ability to effectively enforce certain provisions of the By-law.
- Consolidating and formalizing current administrative practices and protocols within the existing Building Permit By-law presents an opportunity to improve clarity, consistency, and overall compliance.

Implications:

- Maintaining the existing and outdated Building Permit By-law may result in operational inefficiencies, increased administrative costs, and a diminished customer experience.
- An unenforceable or inconsistent regulatory framework may expose the City to heightened legal and financial risks, including costs associated with disputes or non-compliance.
- Continuing to rely on multiple amending by-laws creates fragmentation, requiring staff, applicants, and the public to navigate several documents, increasing the likelihood of misinterpretation and inconsistent application.
- A piecemeal framework also increases the risk of conflicting or outdated provisions remaining in force, which may lead to confusion, disputes, and potential impacts on public safety.

Recommendation Report

Background

Effective January 1, 2025, a new OBC came into force, replacing the 2012 OBC currently referenced in the existing Building Permit By-law. The existing Building Permit By-law must be updated to reflect the most up-to-date provincial regulatory framework.

The existing Building Permit By-law has been amended multiple times since its adoption, resulting in a fragmented structure that can create confusion, inconsistencies, and administrative inefficiencies for staff, applicants, and the public. To address these issues, the proposed new City of Burlington Building Permit By-law repeals and replaces the existing Building Permit By-law with a single, consolidated, and modernized document. The new by-law will improve customer service by providing a single up-to date by-law and the by-law has been structured to be more user friendly than the previous by-law, especially given the multiple amendments to the 2019 by-law. The proposed new City of Burlington Building Permit By-law incorporates all prior amendments, improves internal consistency through minor numbering and textual revisions, and reflects current administrative practices and processes.

This work has been undertaken in coordination with the City's regular five-year review cycle, ensuring continued alignment with the Building Department's Fees for Service model. No changes to the prescribed fees are proposed as part of this update.

The proposed new City of Burlington Building Permit By-law will serve as a clear and authoritative reference, reducing the risk of misinterpretation, eliminating conflicting provisions, and improving overall transparency and usability.

Finally, the existing Building Permit By-law does not include a comprehensive offence and penalty framework aligned with enforcement authorities under the BCA. The proposed new City of Burlington Building Permit By-law addresses this gap by introducing updated provisions to strengthen enforcement and support improved compliance.

Analysis

Option 1 – Approve the proposed new City of Burlington Building Permit By-law (Recommended)

Benefits:

- Establishes a single, consolidated and modernized by-law that incorporates all prior amendments, improves clarity and consistency, and aligns with current provincial legislation.
- Strengthens the City's regulatory framework, supports efficient service delivery, and enhances transparency and ease of interpretation for staff, applicants, and the public.
- Introduces a clearly defined offence and penalty framework to support improved compliance, deter infractions, and better uphold community standards.

Considerations:

- Implementation will require staff training and minor transition adjustments for permit applicants as they become familiar with the updated format and provisions.

Option 2 – Amend the existing Building Permit By-law

Benefits:

- Represents a more incremental approach with limited immediate operational change.

Considerations:

- Maintains the current fragmented structure and does not fully address key gaps, including the absence of a comprehensive enforcement framework.
- This approach increases the likelihood of misinterpretation, inconsistent application, and ongoing administrative inefficiencies.

Option 3 – Do not approve the proposed new City of Burlington Building Permit By-law

Benefits:

- No immediate changes required.

Considerations:

- Retains outdated legislative references, a fragmented structure, and the absence of enforceable provisions, limiting the City's ability to address non-compliance. This option increases operational, legal, and reputational risks and does not align with current regulatory requirements or administrative best practices.
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Recommendation Details

Staff are recommending the approval of **Option 1** supporting the enactment of proposed new City of Burlington Building Permit By-law to repeal and replace the existing Building Permit By-law.

Key Dates & Milestones

N/A

Implications

Without the support of **Option 1**, the City will continue to rely on a by-law containing outdated processes and fragmented provisions, which may result in:

- operational inefficiencies and increased administrative costs (e.g., additional staff time required to interpret and apply inconsistent requirements);
 - non-compliance, disputes, and associated legal costs due to lack of clarity and enforceability;
 - exposure to legal and reputational risks due to inconsistencies and misalignment with current provincial legislation, including potential claims;
 - limited ability to effectively address non-compliance and uphold community standards; and
 - negative impact to stakeholder confidence that discourages engagement from industry professionals and the public.
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References

Building Code Act, 1992, S.O. 1992, c. 23

2024 Ontario Building Code (O. Reg. 163/24)

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. Draft new City of Burlington Building Permit By-law

Draft By-laws for Approval at Council:

- New City of Burlington Building Permit By-law

Notifications:

- Burlington Housing and Development Liaison Committee (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.