

Municipality of Lakeshore – Report to Council

Growth and Sustainability

Building Services



To: Mayor and Members of Council
From: Justin Rousseau, Interim Chief Administrative Officer
Date: July 31, 2024
Subject: Delegation of Authority to Execute Conditional Building Permit Agreements

Recommendation

Direct the Clerk to read By-law 81-2024, being a by-law to delegate authority to the Chief Building Official to execute conditional building permit agreements, during the Consideration of By-laws, as presented at the August 13, 2024 Council meeting.

Strategic Objectives

3c) Modernizing and Enhancing Municipal Functions - Continue investment in modernized services, including the integration of current best practices and automation, by engaging in service transformation and process mapping

Background

Section 8.3 of the *Building Code Act, 1992* authorizes a Chief Building Official to issue a conditional building permit for any stage of construction even though all requirements to obtain a building permit have not been met if:

- compliance with by-laws passed under sections 34 and 38 of the *Planning Act* and with such other applicable law as may be set out in the building code has been achieved in respect of the proposed building or construction;
- the Chief Building Official is of the opinion that unreasonable delays in the construction would occur if a conditional permit is not granted; and
- the applicant and such other person as the Chief Building Official determines agree to:
 - assume all risk in commencing the construction;
 - obtain all necessary approvals in the time set out in the agreement or, if none, as soon practicable;

- file plans and specifications of the complete building in the time set out in the agreement;
- at the applicant's own expense, remove the building and restore the site in the manner specified in the agreement if approvals are not obtained or plans filed in the time set out in the agreement; and
- comply with such other conditions as the Chief Building Official considers necessary, including the provision of security for compliance with subclause (iv).

Section 8(3.1) of the *Building Code Act, 1992* permits a principal authority (defined to include the Council of a municipality) to delegate in writing to the Chief Building Official the power to enter into conditional building permit agreements and may impose conditions or restrictions with respect to the delegation.

Comments

As the ability to enter into conditional building permit agreements has not been delegated to the Chief Building Official, Lakeshore Council retains this authority.

Administration is bringing forward a by-law to authorize the Chief Building Official to enter into conditional building permit agreements in order to streamline the building permit process. Administration intended to bring this forward for Council consideration as part of the Delegation of Authority By-law update, anticipated for September 2024, however, there are a number of pressing developments that have applied or may need to apply for conditional building permits at this time in order to meet developer timelines for construction.

Administration believes this is a key tool to help improve developer relations as outlined in the Service Delivery Review of Building, Planning and Engineering conducted by Strategy Corp.

Financial Impacts

There are no financial impacts as a result of adopting By-law 81-2024.

Report Approval Details

Document Title:	Delegation of Authority to Execute Conditional Building Permit Agreements.docx
Attachments:	- Enforcement by municipalities-Building Code Act.docx
Final Approval Date:	Aug 2, 2024

This report and all of its attachments were approved and signed as outlined below:

Prepared by Justin Rousseau

Approved by the Corporate Leadership Team