

CITIZENS' GUIDE



BUILDING PERMITS



IN A SERIES
Updated 2010

Introduction

Land use planning affects almost every aspect of life in Ontario. It helps decide where in our communities homes and factories should be built; where parks and schools should be located; and where roads, sewers and other essential services should be provided.

Land use planning means managing our land and resources. It helps each community to set goals about how it will grow and develop and to work out ways of reaching those goals while keeping important social, economic and environmental concerns in mind. It balances the interests of individual property owners with the wider interests and objectives of the whole community.

Good planning leads to orderly growth and the efficient provision of services. It touches all of us and helps us to have the kind of community we want.

But often we don't see how it affects our lives and property each day. And it often seems confusing. A series of Citizens' Guides has been prepared to help you understand how the land use planning process works in Ontario. They are intended to give general information only and are not an interpretation of the Planning Act or any other act. You should refer to the legislation for specific requirements and procedures.

The titles of the guides are:

- 1. The Planning Act**
- 2. Official Plans**
- 3. Zoning By-laws**
- 4. Subdivisions**
- 5. Land Severances**
- 6. Ontario Municipal Board**
- 7. Northern Ontario**
- 8. Building Permits**
- 9. The Plan Review and Approval Process**

What is a building permit?

The body responsible for enforcing Ontario's Building Code in your area issues permits for the construction, renovation, demolition and certain changes of use of buildings, and for the installation, alteration, extension or repair of on-site sewage systems. Building Code enforcement is generally carried out by municipal building departments, although in the case of on-site sewage systems, enforcement in some areas is conducted by boards of health and conservation authorities.

Why do you need to obtain a building permit?

Building permits allow your municipality to protect the interests of both individuals and the community as a whole. By reviewing and approving building plans before any work is done, the municipality can ensure that buildings comply with:

- the Building Code, which sets standards for the design and construction of buildings to meet objectives such as health, safety, fire protection, accessibility and resource conservation
- the local zoning by-law and other planning controls on buildings
- other applicable legislation, including conservation authority approvals and certain requirements under the Environmental Protection Act.

When do you need a building permit?

You must obtain a building permit before you:

- construct any new building over ten square meters in area or place another structure, such as a mobile home, on your property
- make renovations or repairs or add to a building
- excavate or construct a foundation
- construct a seasonal building.

Permits are also required for the installation, alteration, extension or repair of an on-site sewage system.

Contact your municipality if you have any questions about when a building permit may be required.

How do you apply for a building permit?

You can get an application for a building permit from either your municipality or the Ministry of Municipal Affairs and Housing's Building Code website under "publications". (Visit www.ontario.ca/buildingcode.) But it's a good idea to talk to the staff at your municipality before you apply. They can tell you what information, drawings and plans you'll have to include with the application and whether you'll need any other permits or approvals. Note that building permit applications are submitted to your municipality, not to the provincial government.

When you apply, you'll have to attach drawings, plans, and other documents. You may also have to pay a fee.

What happens to your application?

Staff at your municipality will review your application to confirm that the proposed work complies with the Building Code and other laws set out in the Building Code, such as local zoning by-laws. They may send your application to other local/municipal officials for comments.

Applications for a simple alteration or addition can be processed fairly quickly, but more complex proposals may take longer. The Building Code requires that a municipality review a permit application within a certain timeframe where the application meets the criteria set out in the Code. For example, the timeframe on a permit application for a house is 10 days. For a more complex building, such as a hospital, the timeframe is 30 days. Within this timeframe, a municipality must either issue the permit or refuse it with full reasons for denial.

In order to be issued a permit, the proposed construction must comply with the Building Code and with the applicable laws set out in the Building Code. If you need a zoning change or a minor variance from the zoning by-law (municipal zoning is considered applicable law), or if the proposed construction does not comply with the Building Code, a permit will not be issued until the zoning change or minor variance has been obtained, or the proposed construction complies with the Building Code.

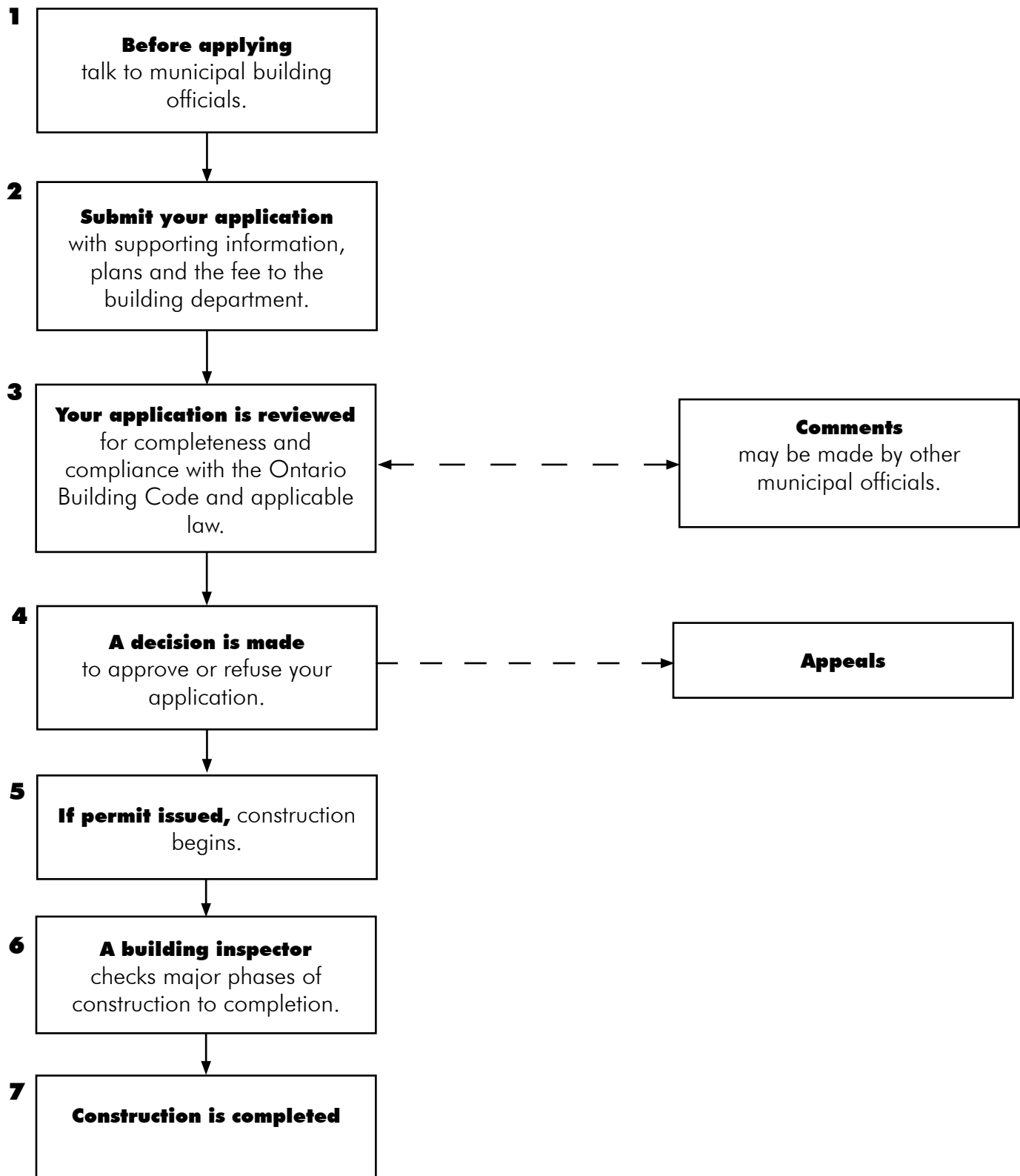
If your property is covered by a site plan control by-law, you will not get a building permit until the plans and drawings have been approved by the municipality. See Zoning By-laws, No. 3 in the series, for more information about zoning, minor variances, and site plan controls.

What can you do if your application is turned down?

If your municipality refuses your application, you will be told why. If you can't resolve the problems with the municipality, you have a few options for appealing their decision.

- If the problem relates to technical requirements set out in the Building Code, you may apply to the Building Code Commission. The Building Code Commission is an independent adjudicative tribunal of the provincial government whose mandate is to hear disputes related to compliance with the technical requirements of the Building Code. If you wish to apply to the Building Code Commission for a hearing, you can find their address at the end of this guide. You can also find the Building Code Commission's application forms and their Guidelines, Policies and Procedures on the Building Code website (ontario.ca/buildingcode) under "Appeals and Approvals".
- If the problem relates to compliance with other applicable laws, such as interpretation of the zoning by-law, you can appeal to a judge of the Superior Court of Justice, who will review the zoning and decide whether your application complies with the zoning by-law. You may want to talk to a lawyer first.

The Building Permit Process



This flowchart focuses on the basic process – some steps are not shown

What happens during construction?

The Building Code sets out the stages of construction at which different types of buildings/sewage systems require inspections. It is the responsibility of the permit holder to contact the municipality for an inspection when the project is at the stages of construction set out in the Building Code. The municipal building official is required to carry out the inspection within two working days of being notified. For construction of a sewage system, the inspector has five working days to conduct the inspection. During the inspection, a building inspector will inspect the work to determine if it is carried out in accordance with the Building Code, your permit and the approved plans.

You will also be required to:

- show your permit in a window or other place where it can be easily seen
- keep copies of the plans on the site
- tell the municipality about any changes to the proposed construction, which will also have to be approved by the municipality.

The inspector must always be able to see the work. If it's different from the work that was approved and, unless you get permission for a revision to your plans, you will be told to correct it. If you don't, the municipality can take enforcement action, such as issuing orders authorized under the Building Code Act, 1992.

What about demolition?

Before you take down all or part of a building, you will have to apply to your municipality for a demolition permit. The process is much the same as for a building permit, but some special situations may affect your application.

In a demolition control area, for example, you will not be able to demolish a residential property until you have received a demolition permit issued by the municipal council.

Or, because of the building's historic or architectural importance, it may be designated, or be intended for designation, as a heritage building under the Ontario Heritage Act. In that case, demolition will require council's

approval and there may have to be negotiations over how some of the unique character of the building can be preserved.

What if you want to change a building's use?

If you want to change the way you use all or part of the building, you may need a change of use permit, even if you're not planning any construction. A building evaluation may have to be done to make sure that the existing building can support the proposed use. Different uses have different Building Code requirements.

Call your municipal building department to find out whether you will need a change of use permit.

What happens if you contravene the Building Code Act, 1992?

An individual who is charged and found guilty of an offence under the Building Code Act, 1992, such as building without a permit, can be fined up to \$50,000 for a first offence and up to \$100,000 for subsequent offences. For a corporation, a first offence could result in a maximum fine of \$100,000 and \$200,000 for subsequent infractions.

Failure to comply with an order from the municipal building department is also an offence under the Building Code Act, 1992.

What other approvals may be required?

In addition to the planning approvals and building permit which are required for a building project, other permits and approvals may be required in particular circumstances, e.g., Conservation Authority and Ministry of Transportation approvals. These approvals are considered applicable law. The applicable laws, which are set out in the Building Code, must be complied with for the building permit to be issued.

How can you find out more?

For more information about land use planning in your community contact your municipal clerk or planning department. For more information about land use planning in Ontario, or how to obtain copies of Citizens' Guides visit the Ministry of Municipal Affairs and Housing website at: ontario.ca/mah or contact your nearest Municipal Services Office (MSO):

Central Municipal Services Office

777 Bay Street, 2nd Floor
Toronto ON M5G 2E5
General Inquiry: 416-585-6226
Toll Free: 800-668-0230

Western Municipal Services Office

659 Exeter Road, 2nd Floor
London ON N6E 1L3
General Inquiry: 519-873-4020
Toll Free: 800-265-4736

Northwestern Municipal Services Office

435 James Street South, Suite 223
Thunder Bay ON P7E 6S7
General Inquiry: 807-475-1651
Toll Free: 800-465-5027
(Thunder Bay, Kenora, Rainy River)

Building Code Commission (BCC)

Ministry of Municipal Affairs & Housing
Building and Development Branch
777 Bay Street, 2nd Floor,
Toronto, ON M5G 2E5
Tel: 416-585-6645

Eastern Municipal Services Office

8 Estate Lane, Rockwood House
Kingston ON K7M 9A8
General Inquiry: 613-545-2100
(Frontenac, Leeds & Grenville, Lennox & Addington)
Toll Free: 800-267-9438
(Ottawa, Prescott-Russell, Prince Edward, Stormont,
Dundas/Glengarry, Kawartha Lakes, Renfrew,
Peterborough, Haliburton, Hastings, Lanark,
Northumberland)

Northeastern Municipal Services Office

159 Cedar Street, Suite 401
Sudbury ON P3E 6A5
General Inquiry: 705-564-0120
Toll Free: 800-461-1193
(Cochrane, Algoma, Manitoulin, Sudbury, Parry
Sound, Nipissing, Timiskaming)

For More Information

MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING

Provincial Planning Policy Branch (416) 585-6014

Website: ontario.ca/mah

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