



Staff Report

Report To: Council Meeting

From: Jackie Morgan-Beunen, Chief Building Official

Date: 2021-10-28

Subject: Authorize Execution of Conditional Permit Agreement – Permit No. 2021-83

Recommendation:

That West Elgin Council hereby receives the report from Jackie Morgan-Beunen, Chief Building Official, be received for information purposes; and

That the proposed By-law, being a By-law to authorize execution of an Agreement with Carlos Azevedo for the issuance of a Conditional Building Permit at 24803 Pioneer Line, West Lorne, Ontario in the Municipality of West Elgin, be considered in the By-Law portion of the agenda.

Purpose:

The purpose of this report is to receive Council approval to enter into an agreement with Mr. Carlos Azevedo for a conditional building permit.

Background:

The Ontario Building Code Act 1992 S.O. 1992, c.23 (BCA) allows, at the discretion of Chief Building Officials, to issue conditional building permits for various stages of construction. The discretion to consider a conditional building permit rests solely with the CBO. The use of conditional building permits allows construction to commence or continue in advance of compliance with all requirements of the Act. Such requirements can include, but are not limited to, meeting building code and other applicable law, payment of fees, providing necessary plans, and information. Applicable law requirements can typically also include zoning compliance, permissions from other regulatory agencies, and site plan approval.

More specifically, Section 8(3) of the BCA provides that a CBO may issue a conditional building permit for any stage of construction if:

- the proposal complies with Section 34 (Zoning) and 38 (Interim Control) of the Planning Act;
- the CBO is of the opinion that unreasonable delays in the construction would occur if the conditional permit is not granted;
- the applicant agrees in writing with the municipality to;
 - assume all risks associated with the permit and obtain all necessary approvals in the time set out in the agreement;
 - to file any plans and specifications in the time set out in the agreement;
 - at the applicants expense to remove any works associated with the conditional permit if the terms of the agreement are not met by the applicant and;
 - to comply with any conditions that the CBO may deem necessary which could include the posting of securities.

Section 8(3.1) of the BCA provides that the municipality may in writing delegate authority to the Chief Building Official to enter into the agreement noted in Section 8(3) and further that the delegation may include restrictions or conditions. Delegating authority to the Chief Building Official to enter into these supporting agreements serves to further expedite the Conditional Permit Process and to further protect the interests of the principle authority.

A request for the construction of a detached accessory structure (24' X 32' Garage) prior to the construction of the proposed dwelling has been submitted by the owner. Mr. Azevedo plans to build the house next year under Permit No. 2021-115 but would like to build the garage first in order to store equipment and materials. The list of permitted uses in the R1 Zone are limited to a single unit dwelling and home occupation. An accessory to a permitted use is only permitted once the permitted use exists on the property. A copy of the Conditional Building Permit Agreement is attached, which explains the various conditions applied to municipal approval of the said permit. Section 4 provides for a deposit of \$ 5,000.00 as a condition, which would cover removal and restoration costs should the project not be completed.

Respectfully Submitted

Jackie Morgan-Beunen
Chief Building Official