



MUNICIPALITY OF **West Elgin**

Staff Report

Report To: Council Meeting

From: Jackie Morgan-Beunen, Chief Building Official

Date: 2021-10-28

Subject: Delegation of Authority for Conditional Building Permits and Approval of Draft Agreement

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 Delegate Authority to Enter into Conditional Building Permit Agreements to the Chief Building Official, be considered in the By-Law portion of the agenda.

Purpose:

The purpose of this report is to receive Council approval delegate authority to the Chief Building Official to enter into conditional building permit agreements under the Building Code.

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 principal authority.

The agreement that is included has been vetted by Amy Dale, Solicitor for form and all subsequent agreements, once conditions have been laid out, will also be approved by the Municipal Solicitor prior to the agreements being submitted for signature.

Respectfully Submitted

Jackie Morgan-Beunen
Chief Building Official