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Building Bulletin

CONDITIONAL BUILDING PERMITS

The Building Code Requirements:

Section 8 (3) of the **Building Code Act** lists the conditions under which a Conditional Building Permit (CBP) can be issued. The intent of CBPs is to allow construction to begin earlier than it might otherwise where unreasonable delays would occur if the permit were not issued. CBPs are not intended to be applied where the applicant has not met their obligations/responsibilities with respect to the development application process. They are not a permit of right and there are many issues which can affect a Chief Building Official's decision to issue a CBP. CBPs are generally limited to large scale projects where there is a significant benefit and little risk to allowing construction to start.

CBPs include conditions which must be met within a specified time frame. The condition(s) are usually related to an approval that would otherwise be required with the issuance of a non-conditional permit. CBPs require that a CBP agreement be entered into to specify the conditions of the permit among other things. Securities are required within the agreement to ensure the obligations of the agreement are met.

While the list of applicable law that is required prior to issuance of a CBP is shorter than that required for other permits, there are still significant milestones which must be met. These include compliance with zoning and interim control by-laws, the **Conservation Authorities Act**, **The Ontario Heritage Act** and parts of the **Environmental Assessment Act**. Most notably approvals under section 41 of the **Planning Act** (Site Plan) are not required for CBPs. Consequently, projects not subject to site plan approval rarely benefit from the issuance of a CBP.

City of Barrie - CBP Process:

- If any construction with respect to the project has been initiated without the benefit of a building permit, CBPs will not be considered.

- Prior to considering an application for a CBP, the proponent must demonstrate they are sufficiently advanced in the development process such that all major approvals have been signed off and there is no possibility of any further geometric changes to the building or site. City of Barrie staff will consult with affected internal departments to confirm this in determining if a CBP application will be permitted.
- The proposed construction must comply with zoning including the provision of services to the site.
- The proponent must demonstrate that unreasonable delays in construction would occur if a CBP was not issued.
- The proponent must have approval for the applicable law required for the issuance of the CBP (as listed above) and all other necessary applicable law approval applications must be filed with approvals forthcoming.
- When a CBP is permitted, it requires a separate permit application with a separate non- refundable fee due upon application.
- A CBP application must be accompanied by a second application for the entire building with a complete set of drawings, notwithstanding that the CBP may only be for a smaller scope of the entire permit.
- All building permit fees and DC payments are due for the entire project prior to issuance of a CBP. Development charges may be deferred for a permit that authorizes the construction of only the underground portions of a building.
- The owner must enter into a CBP agreement with the City.
- The City will endeavour to prepare a CBP agreement within two weeks of accepting the application. The City will require additional time to perform plans examination of the drawings prior to issuing the CBP. Time should be scheduled by the proponent to allow for this. The time frames for this review depend on the scope of construction and complexity of the building.
- Prior to issuance of any CBP, senior staff will be circulated to ensure there are no objections to issuance of the permit.
- Breach of any of the conditions of the CBP will result in revocation of the CBP and forfeiture of the securities associated with the agreement.

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