

**OUTSTANDING BUILDING PERMITS POLICY**  
**BUILDING STANDARDS DEPARTMENT**

**Recommendation**

The Commissioner of Planning and Director of Building Standards in consultation with the Commissioner of Legal and Administrative Services, Commissioner of Engineering and Public Works and Commissioner of Finance recommend:

THAT the policies within Option 3 (Revised Outstanding Permit Policy with Securities) and that a Schedule of Securities outlined in Attachment 4 of this report be adopted, and that a by-law implementing the proposed securities be brought forward to Council.

**Economic Impact**

The administration of proposed permit securities outlined in Option 3 of this report will add to the current workload within the Reserves and Investment Department. Finance staff will attempt to absorb the increases, but, if staff have difficulty absorbing the additional workload, additional staffing will be requested.

**Communications Plan**

The communication plan depends on the option chosen.

**Purpose**

The purpose of this report is to provide options respecting Outstanding Building Permits.

**Background - Analysis and Options**

**A) GENERAL OVERVIEW**

As of June 30, 2007, the Building Standards Department has on file approximately 11,490 outstanding building permits. Staff believe that without the appropriate measures in place there will continue to be a high number of outstanding permits. There is difficulty with attempting to clear Building Code infractions on older permits where ownership has since changed hands and in some cases there could be several ownership changes. In these instances, staff has difficulty dealing with owners that are somewhat less than cooperative and most often unaware of outstanding issues. The numbers have been growing as there is no incentive for permit applicants to call for legislated inspections or final inspections to ensure that there are no outstanding Building Code issues. The residential construction community is often the major cause as they fail to request final exterior inspections, leaving unsuspecting homeowners frustrated.

In accordance with existing policy, staff attend a property in an attempt to clear outstanding permits from a builder who has not called for a final inspection. Frequently, they are faced with additional construction that has been done by the homeowner or a previous owner that does not meet the Building Code or is in non-compliance with City zoning by-laws. The Building Standards Department has an obligation to demonstrate that appropriate and reasonable measures have been taken to ensure that all construction is in general compliance with the Ontario Building Code.

An Outstanding Permit is defined as an issued building permit where one or more of the mandated inspections has not been requested by the permit holder or where a previous inspection identified deficiencies with no follow-up inspection requested. This does not include the active building permits or the first 15 months after a permit has been issued.

The requirement to notify the municipality that the construction is ready for inspection is set out in the Ontario Building Code Act . The Building Code Act requires that at each stage of construction specified in the Building Code, the permit holder shall notify the Chief Building Official that the construction is ready to be inspected. The Building Code requires that the City respond to a requested inspection within 48 hours.

The difficulty with gaining compliance and eliminating outstanding permits is created somewhat by the provisions of the Building Code itself. The Building Code permits the occupancy of unfinished buildings where only minor deficiencies exist. In the case of residential permits, once the building is sold and occupied by the homeowner, there is little incentive for the builder to follow up with a final inspection to ensure that all minor deficiencies have been adequately addressed.

## **B) CITY OF VAUGHAN EXISTING OUTSTANDING PERMIT POLICY**

Council, at its meeting of January 11, 1993, adopted an Outstanding Permit Policy that outlined various actions and was dependant upon the type of permit and the year in which the permit was issued. The purpose of the policy was to reduce public risk and the associated municipal liability.

The 1993 Policy provides that outstanding permits would be subject to the following:

- Pre-1988 permits which had been previously filed would only be reactivated on a complaint or enquiry basis, and then only inspected for minimum life-safety requirements.
- January 1, 1988 to December 31, 1990 permits would obtain life-safety only inspections and this would be pursued on a pro-active basis.
- 1991-1992 (then current) permits would receive required inspections.
- Policies were also identified to deal with issues where illegal construction (without a permit, in contravention of an order etc.) was identified.

It is important to note that the above policy adopted in 1993 requires all permits issued from 1991 on to have all required inspections prior to the application being closed. As of June 30, 2007, the total outstanding permits was in the range of approximately 11,490, with a large number (Approximately 5880) having occurred in the peak in construction activity during the years 1999-2003.

During the years 2004 and 2005, the construction activity was manageable and staff were able to allocate some resources towards dealing with these outstanding permits. As of June 30, 2007, staff have managed to reduce the number to approximately 11,490. This is down from the 16,100 that existed as of March 15, 2006 and the over 20,000 in the year 2005. Inspection Staff have actively contacted homeowners and builders and solicited their cooperation in clearing these permits. The Building Standards Department continues to allocate staff resources where available and continue with the summer students program to assist with less complex outstanding permits.

In 2006, residential construction activity increased to record levels, thereby impacting the Department's ability to address outstanding permits. Priority is given to requested inspections to meet the Building Code 48 hour response requirement. With the present level of construction activity the Department is again starting to accumulate outstanding permits.

The following is a breakdown of the existing outstanding permits into four (4) major categories:

▪ New Residential Housing (SFD, Semi & Town.)	4,939
▪ Additions and alterations to Housing	2,558
▪ New Non-Residential (Ind.Com/Inst./High-Rise)	651
▪ Additions and alterations to non- residential	<u>1,869</u>
	Sub-Total 10,017
	All Others <u>1,473</u>
	11,490 Total

Attached to this report as Attachment 1 is a detailed report itemizing the number of outstanding permits by year and by the various permit types.

While staff have not analyzed every aspect of each permit, these four (4) categories account for approximately 87% or 10,000 + outstanding permits. This represents 25% ± of the total permits issued in these categories for the years 1999 through 2005. The majority of outstanding issues are related to the failure of the permit holder to call for inspections, particularly the final exterior inspections in the case of residential permits and occupancy/use inspections (Final) for interior Ind./Com/Inst alteration permits.

It is important to note that staff, in attempting to resolve issues attached to clearing outstanding permits, often find themselves dealing with second and third time owners. This presents an awkward scenario as often landscaping, decks, sheds, etc. may have been constructed by others and not the current owner. The current owner is responsible for ensuring compliance with both the Building Code and other municipal regulations such as zoning. Changes in ownership or changes in the tenancy for non-residential properties also cause difficulties.

### **C) PROCESSES ADOPTED BY OTHER MUNICIPALITIES**

The problem of outstanding permits is not unique to Vaughan. Attached as Attachment 2 is a brief survey conducted of other area municipalities and their approach to outstanding permits.

From the survey, it is noted that there is a wide varying approach to the problem. For example, the City of Mississauga provides a higher level of service when compared to Vaughan. Their building inspectors pro-actively monitor construction within their inspection areas and will conduct unscheduled or un-requested inspections as required. As a further example, the Town of Markham provides a lower level of service when compared to Vaughan. Markham's policy provides that inspection staff document attempts to resolve the problem with the permit holder, after which, if no inspection request is received from the permit holder, the permit is filed as an outstanding inspection and/or deficiency with no further action.

The approach currently used by the majority of the municipalities is to give priority to requested inspections and, as workload permits, the outstanding permits are addressed.

The Town of Aurora reinforces the need for requested inspections by taking refundable securities at the time of the permit application and the monies are returned upon completion of all mandatory inspections.

### **D) OPTIONS**

Moving forward, Staff have identified the following options respecting the outstanding permits. Each option below has varying public safety risks and therefore varying potential municipal liabilities.

#### **Option 1 - File as Outstanding Inspection or Deficiency**

This is the approach adopted by the Town of Markham. Under this option after a specified period of time a letter would be sent to the permit holder on record advising of the inspection status. The letter would further require the permit holder to make an inspection request by a specific date. If an inspection request is not received, the permit would be closed and filed as an outstanding inspection and/or deficiency.

This option is not being recommended by staff.

## **Option 2 - Maintain the Existing Outstanding Permit Policy**

This option maintains the status quo with respect to outstanding permits. That is, priority is given to requested inspections to meet the Building Code 48 hour response time and outstanding permits are addressed when there are reductions in requested inspections.

The existing policy stresses the importance of visible life safety matters but not applicable to those permits after December 31, 1990. Any permit issued after December 31, 1990 must receive all inspections prior to being closed by the inspectors. This has resulted in an accumulation of thousands of more outstanding permits since the adoption of the policy and restricts staff's ability to deal with them effectively.

As outlined in the Existing Outstanding Permit Policy Section of this report, the Department accumulation of over 20,000 outstanding permits after the peak construction years 1999 to 2003 has been reduced to 11,490. With the present levels of construction, the Department is again starting to accumulate a large number of Outstanding Permits.

## **Option 3 - Revised Outstanding Permit Policy with Securities**

This option maintains existing fundamental philosophies and processes with respect to the existing Outstanding Permits Policy by stressing visible life safety matters but removes the date limitations in order that all permits, irrespective of when they are issued, are covered by the policy.

To prevent future outstanding permits, this option also proposes a requirement for a refundable security deposit prior to the issuance of the permit. These monies would be held by the City and only returned upon the satisfactory completion of all the required inspections. This reinforces the need for the builder to call for all the necessary inspections by providing a financial incentive to complete the building permit process.

The Municipal Act sets out in Sections 11 and 15 the general authority to enact by-laws regarding the protection of persons and property which would encompass the requirement of security deposits to secure obligations under the Building Code Act.

Attached to this report as Attachment 3 is a revised Outstanding Permit Policy which has been modified from the previously approved policy by removing the date limitations and adding now current Building Code requirements. This policy, if adopted, would ensure a uniform approach to existing outstanding permits and, if combined with refundable securities, would greatly reduce the numbers created in the future.

The Building Standards Department will implement departmental policies respecting the administration of the proposed securities including such items as the monitoring of securities held for extended periods of time. Where securities remain unclaimed for a period exceeding 10 years, the municipality may take appropriate steps to have the funds included in general revenues. In addition, the department will review staffing resources and adopt a more proactive approach to final inspections so as to offer some assistance to builders through the proposed process.

The Reserves and Investments Department advise that administration of proposed new permit securities will add to the current workloads within the Department. Staff will attempt to absorb the additional workloads but if there are difficulties doing so, additional staffing will be requested.

Attached to the report as Attachment 4 are the proposed securities for the various building permit types.

#### **Option 4 - Increase in Service Level**

This is the approach adopted by the City of Mississauga. Inspection staff, within their assigned areas, would pro-actively monitor construction and would conduct unscheduled or un-requested inspections as required, ensuring that all permits receive the required inspections. This would require the creation of pro-active inspection policies and procedures including pro-active enforcement and monitoring processes.

This option is also much more labour intensive and would require existing staffing levels to be increased to those similar to the City of Mississauga. In Mississauga, there are 39 inspectors and on the average an inspector there would carry approximately 110 active permits with an estimated value of 27 million dollars. Comparatively in Vaughan, there are 20 inspectors who are responsible for more than twice the inspection volume. In Vaughan, an inspector is responsible for approximately 300 permits with an estimated value of 68 million dollars.

This option is not being recommended by staff.

#### **Relationship to Vaughan Vision 2007**

This report recommends a change from the priorities previously set by Council and additional resources may be necessary *and* have not been allocated.

#### **Regional Implications**

N/A

#### **Conclusion**

The Building Standards Department is of the opinion that the fundamental philosophies and processes of the existing policy should continue and apply to all issued permits irrespective of when they were issued. This will allow inspection staff to deal with the outstanding permits effectively and continue to stress life safety matters.

By requiring refundable securities, this option should highly motivate permit holders to call for the required inspections so as to clear permits and the subsequent release of their securities. This should assist staff in managing work flow and minimizing large numbers of outstanding permit inspections in the future.

Accordingly, Option 3 (Revised Outstanding Permit Policy with Securities) is the preferred approach. It stresses life safety matters and ensures securities are in place that will act as an incentive to significantly reduce future outstanding permits. The amount of proposed securities is outlined in Attachment 4.

#### **Attachments**

- Attachment 1 Outstanding Permit Chart
- Attachment 2 Survey of other area municipalities respecting Outstanding Permits
- Attachment 3 Revised/Proposed Outstanding Permit Policy
- Attachment 4 Proposed financial securities for the various building permit types

**Report prepared by:**

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Respectfully submitted,

John Zipay  
Commissioner of Planning

Leo Grellette  
Director of Building Standards



The City Above Toronto

# Outstanding Permit Report

Building Standards Department

(Permits Issued January 1, 1988 to March 31, 2006)

(Permit Status - Issued, Under Construction, Occupancy Authorized - NOT CLOSED)

June 30, 2007

## ATTACHMENT - 1

Permit Type	YEAR												YTD							
	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	Totals
A - New Housing (SFD, Semi, Townhouse)				2	12	43	39	20	15	54	85	93	89	92	83	68	149	844	160	1,848
AI - Infill Housing (Simple Agreement)									11	24	6	19	31	36	45	49	63			284
AR - Repeat Housing							5	4	16	92	120	171	242	218	300	103	150			1,421
B - New Housing (Complex Agreement)								9	3	8	85	156	260	159	216	95	60			1,051
C - New Non-Housing (Ind./Com./Inst.)	1			4	4	4	6	13	9	17	11	21	34	22	40	33	113	240	18	586
D - Accessory Residential Bldg(s)					4	2	2	1	4	4	3	5	3	6	7	6	11	6	2	64
DP - Demolition Permit							2	4	2	8	11	8	7	8	8	13	11	14	2	98
DS - Designated Structure				1	2	2		4	4	10	20	11	17	19	11	17	23	27	2	170
E - Add/Alter Housing	1	1	4	26	32	56	37	85	141	210	261	290	429	319	292	189				2,373
F - Add/Alter Non-Housing	3	3	7	13	78	104	86	100	90	93	118	85	138	101	143	152	135			1,449
FP - Fill Permit (Building Dept)								4	4	8	22	19	16	13	10	28	28	17		165
H - H.V.A.C. Permit				1	3	3	3	3	6	9	6	5	7	4	5	20	20			95
PL - Jumping Permit										1		610	21	13	18	13	17	33	7	733
ST - Septic Tank Approval												3	7	10	14	10	21	15		89
XA - REBASE "NEW" SFD/SEMI	169	74	61	31																335
XB - REBASE Other "NEW" Bldg.	32	19	9	5																65
XD - REBASE "Accessory"	13	5	2	2																22
XF - F.B. "Add/Alt SFD/SEMI"	33	19	23	24																99
XG - REBASE "Add/Alt Other"	168	96	90	66																420
XH - REBASE "Heating Only"	5	2	2	1																10
XI - REBASE "Repair of Bldg"	1	1	1	1																1
XT - REBASE "Tank Install"	29	17	8	4																58
XW - REBASE "Wood Burner"	18	13	5	4																40
XY - REBASE "Demolition"																				1
ZZ - Misc Issued Permit (Wang Only)	1																			1
<b>Outstanding Permits</b>	<b>473</b>	<b>252</b>	<b>216</b>	<b>160</b>	<b>125</b>	<b>192</b>	<b>199</b>	<b>195</b>	<b>249</b>	<b>469</b>	<b>700</b>	<b>1471</b>	<b>1165</b>	<b>1129</b>	<b>1219</b>	<b>899</b>	<b>990</b>	<b>1196</b>	<b>191</b>	<b>11,490</b>
<b>Total Applications</b>	<b>3117</b>	<b>2908</b>	<b>1526</b>	<b>2195</b>	<b>1401</b>	<b>1925</b>	<b>2434</b>	<b>2124</b>	<b>2918</b>	<b>4128</b>	<b>5342</b>	<b>8382</b>	<b>7099</b>	<b>5657</b>	<b>6377</b>	<b>4012</b>	<b>3531</b>	<b>2440</b>	<b>275</b>	<b>67,791</b>
<b>Percentage of Applications Outstanding</b>	<b>15.2%</b>	<b>8.7%</b>	<b>14.2%</b>	<b>7.3%</b>	<b>8.9%</b>	<b>10.0%</b>	<b>8.2%</b>	<b>9.2%</b>	<b>8.5%</b>	<b>11.4%</b>	<b>13.1%</b>	<b>17.5%</b>	<b>16.4%</b>	<b>20.0%</b>	<b>19.1%</b>	<b>22.4%</b>	<b>28.0%</b>	<b>49.0%</b>	<b>69.5%</b>	<b>16.9%</b>
<b>Summary of Outstanding Permits</b>																				
New Housing (Sfd, Semi, Town)	169	74	61	33	12	43	44	33	45	178	296	439	622	505	644	315	422	844	160	4,939
Housing (Add & Alter)	47	25	25	30	26	36	58	38	89	145	213	266	293	435	326	298	200	6	2	2,538
New Non-Housing (Ind./Com./Inst./High-Rise)	32	20	9	5	4	4	6	13	9	17	11	21	34	22	40	33	113	240	18	651
Non-Housing (Add & Alter)	171	99	97	79	78	104	86	100	90	93	118	85	138	101	143	152	135	0	0	1,869
All Others	54	34	24	13	5	5	5	11	16	36	62	660	78	66	66	101	120	106	11	1,473
<b>Total</b>	<b>473</b>	<b>252</b>	<b>216</b>	<b>160</b>	<b>125</b>	<b>192</b>	<b>199</b>	<b>195</b>	<b>249</b>	<b>469</b>	<b>700</b>	<b>1471</b>	<b>1165</b>	<b>1129</b>	<b>1219</b>	<b>899</b>	<b>990</b>	<b>1196</b>	<b>191</b>	<b>11,490</b>

Survey of Other Area Municipalities

Municipality	Value of Construction	Issued Permits	Total Staff	Inspect Staff	Policies/Comments
Town of Aurora					<ul style="list-style-type: none"> <li>- Had problems in the past receiving required inspection requests.</li> <li>- Requires financial deposits and will not be released until the building and grading have been completed.</li> <li>- Required for both Residential and Non-Residential construction.</li> <li>- Requires \$5,000 per lot with reductions and maximum ceilings for larger number of lots.</li> </ul>
City of Brampton	\$1,440,704,166	6899	89	38	<ul style="list-style-type: none"> <li>- Priority given to requested inspections to meet 48 hour requirement</li> <li>- Basically same problem as Vaughan and managed in a similar fashion</li> <li>- Higher Industrial/Commercial/Institutional numbers (Much Larger problem.)</li> <li>- Presently no formal Policy in place.</li> <li>- Outstanding permits are addressed only as workloads permit. (Only with reduced permit volumes)</li> <li>- Reduced volumes last year and expected this year may be addressing the problem</li> <li>- May be creating a formal policy in 2007 (Is on their to do list)</li> <li>- May be proposing two different policies, one for Industrial/Commercial/Institutional and another for Residential.</li> </ul>
City of London	\$772,697,419	4767	66	18	<ul style="list-style-type: none"> <li>- Priority given to requested inspections to meet 48 hour requirement</li> <li>- Lower permit volumes than Vaughan.</li> <li>- Have hired additional resources to specifically deal with outstanding permits when their numbers became a concern.</li> <li>- In the past have considered addressing the problem by financial means (Deposits)</li> </ul>
Town of Markham	\$730,868,512	4167	55	21	<ul style="list-style-type: none"> <li>- Have a best practices protocol to sign-off permits.</li> <li>- Adopted a minimum service level approach.</li> <li>- A letter is sent detailing the inspection history and requiring an additional inspection request</li> <li>- If no request is received, the actions are documented and the permit is closed with a deficiency status.</li> <li>- Usually never receive a response. (May be 2nd + 3rd owners)</li> <li>- They view the problem as being due to the existing Statutes and Regulations.</li> </ul>
City of Mississauga	\$1,052,760,000	4253	104	39	<ul style="list-style-type: none"> <li>- Pro-Active Approach (High Level of Service) &amp; Non-Union environment.</li> <li>- Left to the individual Inspectors to get unscheduled inspections and has been made part of their Performance</li> <li>- Used as an indicator as to their performance and their ability to manage their time. ("On-top of things")</li> <li>- Mississauga is staffed at a higher level.</li> <li>- Higher SFD volumes in the past caused many problems.</li> <li>- Mississauga has written the Ministry recommending changes to the Statutes and Regulations.</li> </ul>
Town of Richmond Hill	\$329,628,120	1966	48	11	<ul style="list-style-type: none"> <li>- Priority given to requested inspections to meet 48 hour requirement</li> <li>- Same problem as Vaughan with slightly smaller numbers.</li> <li>- A policy is being proposed. They have a similar problem. Permit: going back 15 + years (6,000 ±)</li> <li>- May break it down into three classifications 1) Life Safety 2) Required/Necessary, 3) Cosmetic</li> <li>- Would take effect 2 years after the issuance of the permit (Tied to the 1st owner or permit holder)</li> <li>- Are considering a more pro-active approach for 1) Life Safety + Financial Deposit to ensure inspections</li> </ul>
City of Vaughan	\$1,351,064,130	6039	58	20	<ul style="list-style-type: none"> <li>- Priority given to requested inspections to meet 48 hour requirement</li> <li>- Have a Policy approved by Council (January 11, 1993)</li> <li>- Policy only applicable to permits issued prior to 1991.</li> <li>- Policy stresses life visible safety matters.</li> <li>- Outstanding permits are reduced only as workloads permit. (Only with reduced permit volumes)</li> </ul>



## ATTACHMENT – 3

CITY OF VAUGHAN BUILDING STANDARDS DEPARTMENT

### OUTSTANDING PERMITS INSPECTION POLICY

POLICY NO.: BSD/BI 07-01

DATED: September 11, 2007

EFFECTIVE DATE: \_\_\_\_\_

REVISED: \_\_\_\_\_

STAFF/SECTION AFFECTED: ALL STAFF

AUTHORITY: COUNCIL MEETING \_\_\_\_\_

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#### **BACKGROUND**

As of June 30, 2007, the Building Standards Department has on file approximately 11,490 outstanding building permits. Staff believe that without the appropriate measures in place there will continue to be a high number of outstanding permits

On \_\_\_\_\_ the Director of Building Standards presented a report to City Council outlining various options to deal with existing outstanding building permits and the creation of future outstanding building permits

#### **OBJECTIVES**

- to reduce public risk and associated municipal liability resulting from outstanding building permits
- to exercise a reasonable standard duty of care in the performance of the duties of Building Code enforcement.
- to reduce the future occurrences of outstanding permits.

#### **DEFINITION**

An Outstanding Permit is defined as an issued building permit where one or more of the mandated inspections has not been requested by the permit holder or where a previous inspection identified deficiencies with no follow-up inspection requested. This does not include the active building permits or the first 15 months after a permit has been issued

#### **NOTE:**

Management involvement is essential where orders under the following program may have a serious impact on the owners/tenants or use and occupancy of the buildings.

## **Section 1 Dormant Permits Greater Than 8 Years Old.**

**Currently Issued Permits Prior to January 1, 1999** (As of June 30, 2007 - 3230 Outstanding Permits for permits issued between 1988 to 1998 incl. )

The Inspection cards for these permits will be documented as "no additional inspection requests received" by the Building Inspectors and filed with associated building permit application in the department's lot and plans. These permits will only be reactivated and inspected on a complaint or enquiry basis (eg. compliance letter , license application, etc.) and then only inspected for visible Life Safety requirements of the Ontario Building Code.

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## **Section 2 Dormant Permits Greater than 3 Years Old but less than 8 Years Old.**

**Currently Issued Permits from January 1, 1999 to December 31, 2003** (June 30, 2007 - 5883 Outstanding Permits)

As work loads permits, Staff arrange for and attend a properties in an attempt to clear the outstanding permits where an inspection request was not called for by the Permit Holder. The summer student inspection program will continue to provide for additional resources for less complex permits.

These permits will be inspected for visible life safety requirements. Building components which are covered will neither be inspected nor commented on, e.g. walls will not be opened and ceiling tiles will not be removed except where required to determine the rating of a fire separation. Items such as barrier-free access and handicapped facilities, heating and air conditioning systems, non-safety maintenance items, etc. will neither be inspected nor commented on.

If there are minor deviations from permit documents that do not constitute an unsafe condition, the permit may be signed off in spite of said deviations. The Inspector however, must record on permit card, the fact that deviation was considered minor and not unsafe. If the Inspector has any doubts as to when the deviation may be considered minor, he should discuss the matter with his Supervisor or in his absence, with the Director.

If there are significant deviations from permit documents including additional construction not shown on approved drawing (please also see procedures under illegal construction), or if an unsafe condition is observed, appropriate orders must be issued.

### Housing

For housing, the visible life safety requirements are to include items such as smoke detectors, guards, fire separations & gas proofing of garages, exits, etc. Items such as finishes, weatherproofing, heating and air conditioning systems, grading settlements/changes and maintenance items will neither be inspected nor commented on.

### Industrial/Commercial and Institutional

For Industrial and Commercial buildings, the visible life safety requirements are to include such items as fire alarm and sprinkler systems, obvious violations of fire separate ons and closures, guards, handrails, obvious structural defects, emergency lighting, exit signs, etc.

The inspection staff will also attempt to obtain all outstanding Professional Reviews and certifications, including inspection reports on life safety systems.

### High-rise Residential

These buildings will be inspected for visible life safety requirements in all common areas, in accordance with the inspection programme outlined for Industrial/Commercial and Institutional buildings above. In addition, each unit in high-rise residential buildings will receive a pre-occupancy inspection.

The inspection staff will also attempt to obtain all outstanding Professional Reviews and certifications, including inspection reports on life safety systems.

### Miscellaneous Permits

These permits which cover carports, garages, sales pavilions, tanks, pool sheds, decks, etc. will be inspected for safety requirements only. These permits will be dealt with on an individual basis as the circumstances warrant.

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## **Section 3 Active Building Permits – Permit that are less than 3 Years Old.**

**Currently Issued Permits from January 1, 2004 to June 30, 2007** (June 30, 2007 – 2377 Permits are outstanding > 15 Months old)

These are active building permits that will be inspected upon request. As required by the Ontario Building Code Act, permit holders are required to notify the department at the prescribed times that the subject construction is ready for inspection. The Building Standards Department shall respond to the requested inspections within the time frames mandated by the Ontario Building Code Act.

## **Section 4 Building Permits Issued where Permit Securities have been Posted.**

All future permits will require securities to be posted prior to the issuance of the building permit in the amounts outlined on Schedule "A" attached to this policy. Prior to the security deposit being returned to the permit holder all necessary inspections shall be completed in accordance with Building Standards Department policies.

Where financial securities have been provided prior to the issuance of the permit the Building Standards Department will enforce aspects of the permit to ensure that full compliance with the Ontario Building Code is obtained. The code is becoming more complex and is covering a broader range of requirements to ensure energy efficiency, innovated technology and extensive disabled accessibility issues are addressed. It is becoming increasingly incumbent on municipalities to ensure that all these measures are put in place and maintained.

## **Section 5 Other Matters**

### **1) Illegal Construction**

Building permits will be required for any construction that has been undertaken without the authority of a building permit except as indicated below.

#### POST-1991 construction

The Building Inspection staff are required to issue orders for all buildings, material alterations or structures illegally erected since the beginning of 1991, consistent with current inspection practices.

#### PRE-1991 construction

Buildings, material alterations or structures that were illegally erected prior to January 1, 1991 are to be inspected for life safety requirements. Where the footprint of a building has been altered or another floor has been added (including mezzanines) or building elevations have been changed, or structural components have been altered or any other significant form of construction has taken place, orders requiring building permits must be issued. Orders must also be issued for any construction that could affect the safe occupancy of use of the building, eg. Kitchen exhaust equipment, fire alarm, detection and suppression systems, spray booths etc.

If illegal construction is minor in nature, and is not unsafe, the requirement for permit may be waived. These include construction or relocation of partitions that do not adversely affect the safe use of a building and other non-structural alterations such as relocation of doors etc. The Inspector however, is required to note the minor construction on a Field Inspection Report and forward it to the property file.

The Inspection staff may on occasion, be faced with an unsafe situation resulting from a construction which is minor in nature. In such circumstances, it would be sufficient to issue an Order to Remedy an Unsafe Building requiring the deficiency to be rectified without a building permit. Once the unsafe situation has been rectified, the Order to Remedy an Unsafe Building can simply be lifted.

### **2) Provisional Occupancy Certificates**

Permits issued prior to January 1, 2004 (greater than 3 years old) that were filed with a pre-occupancy inspection outstanding will be inspected for life safety items that were in effect at the time of construction. These inspections will be carried out as a result of a complaint or a lawyer's enquiry, etc. Depending on the outcome of the inspection, the Inspector may issue:

- (i) a Field Inspection Report indication that there are no apparent Building Code deficiencies and that there is no objection to occupancy/use (label #1 or label #2),  
or
- (ii) an Unsafe Order.

If the inspection requested is to verify a previously noted deficiency then only the deficiency items will be inspected.

Pre-1998 permits that were filed without the required pre-occupancy inspection will be inspected on a reactive basis only.

For permits issued following January 1, 1999 wherein the building has been occupied without first obtaining a Provisional occupancy certificate, an inspection may be conducted for life-safety requirements. Depending on the outcome of the inspection, the Inspector may issue:

- (i) a Field Inspection Report indicating that there are no apparent Building Code deficiencies.
- (ii) an Order to Comply, or an Unsafe Order indicating the nature of the deficiency.

If the Inspection requested is to verify a previously noted deficiency, then only the deficiency items will be inspected.

In some instances access to both residential and non-residential building that are occupied will be required. To accomplish this access to the premises must be obtained. The recommended procedure for gaining access is as follows.

#### Procedure For Gaining Access

The inspector will attempt to gain access on 2 separate occasions. These attempted inspections will be carried out on different days and at different times. At each visit a business card or note will be left for the owner to contact the inspector. Each attempt by the Inspector is to be recorded on the inspector's permit card.

If access is not obtained after the 2 attempts, a form letter will be sent out by the Inspector to the owner and/or occupant of the premises. The date of the letter will be noted on the Inspector's /building permit card.

If access is not provided after sending of said letter, a registered letter will be sent to the owner and/or occupant under the signature of the Chief Building Official. The date of the Chief Building Official's letter will be noted by the Inspector on the building permit card. If no response to the Chief Official's letter is received within the given period the building permit card, Inspector's letter and the Chief Building Official's letter will be stapled together and sent to the property file for storage. The permit will remain open but will not be identified as outstanding but will show as unable to close. This provides notice on Lawyers requests that the permit was issued and that we attempted to resolve any outstanding issues.

## Schedule "A"

### PROPOSED FINANCIAL SECURITIES FOR THE VARIOUS BUILDING PERMIT TYPES

Securities in the following amounts for the classes of construction identified shall be collected prior to the issuance of a permit and shall only be returned upon rectification of all deficiencies identified under the provisions of the Ontario Building Code and clearance of a final inspection by the Building Standards Department.

<u>Type of permit</u>	<u>Security</u>
<b>Residential Permits</b>	
New (Includes Infill housing)	\$5,000
Residential High-Rise& Multi Residential (Semi/Town)	\$2,500/Unit
Residential additions (Where greater than 50 sq.m)	\$2,500
Residential additions (Where less than 50.sqm.)	\$1,000
Residential Interior alterations	\$500
<b>Non-Residential Permits</b>	
New & Additions for Non-Residential	\$1.00 per sq.ft. to a maximum of \$50,000 (minimum \$5,000)
Non-Residential Interior Alterations	\$2,500

### PROPOSED FINANCIAL SECURITIES FOR PERMIT APPLICATIONS FOR NEW RESIDENTIAL WITHIN DEVELOPING SUBDIVISIONS AND SITE PLAN AGREEMENTS

The following is recommended for insertion into future subdivision agreements so as to ensure that all building deficiencies are addressed and final inspections related to Building Code issues or deficiencies are complete.

"The Owner agrees to deliver to the City, prior to the final approval of the plan/agreement securities in the amount of \$5,000 per single detached unit and \$2,500 per unit for semi-detached and townhouses and to a maximum of \$500,000 to guarantee the satisfactory completion of all occupancy requirements including final inspections in accordance with the provisions of the Ontario Building Code for each unit covered by this agreement. Such Security may be provided by irrevocable letters of credit, in a form acceptable to the City.

These securities may be drawn on by the City as required if, in the opinion of the Director of Building Standards, the Owner has not complied with the provisions of the OBC for occupancy and final inspections. In the event of a draw on the said securities, the Owner agrees to replenish the amount drawn within 30 (thirty) days of written notice thereto.

The Owner is advised that there shall be no reduction of the securities posted until such time as all units save and except the last 50 units have received final clearance in the form of a completed final inspection from the Director of Building Standards following which the City may reduce the Letter of Credit by \$5000.00 for each subsequent unit so completed. Where the agreement recognizes semi detached, townhouses or multiples, the owner shall be permitted to post \$2500.00 per unit to the same maximum. Release of securities shall be in the same manner as for single detached units."

## ATTACHMENT - 4

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