

City of Mississauga
Corporate Report



<p>Date: January 25, 2023</p>	<p>Originator's files:</p>
<p>To: Chair and Members of Planning and Development Committee</p> <p>From: Andrew Whittemore, M.U.R.P., Commissioner of Planning & Building</p>	<p>Meeting date: February 13, 2023</p>

Subject

A By-law to amend the City's Building By-law 203-2019, to extend Schedule A-3 (Permit Fees) and Refunds and Schedule B-3 (Building Classification and Permit Fees) to remain in effect from January 1, 2023 until December 31, 2023.

Recommendation

That the City's Building By-law 203-2019, as amended, respecting construction, demolition and change of use permit, inspections and related matters (The Building By-law) be amended to revise the expiry date of Schedule "A-3" (Permit Fees and Refunds) and Schedule "B-3" (Building Classification and Permit Fees) from December 31, 2022 to December 31, 2023, as outlined in the corporate report dated January 25, 2023 from the Commissioner of Planning and Building.

Executive Summary

- The *Building Code Act* authorizes Council to administer the Act and determine an appropriate fee structure to maximize cost recovery in providing building permit and inspection services
- The City of Mississauga is currently completing a comprehensive review of the *Planning Act and Building Code Act* Processing Fees and Charges, and a recommendation report to Budget Committee is expected in the first quarter of 2023 followed by an amending *Building by-law* to support implementation of the comprehensive review
- Extend effective date of Schedules A-3 Permit Fees and Refunds and B-3 Building Classification and Permit fees of Building By-law 0203-2019, from December 31, 2022 to December 31, 2023

Background

The construction, renovation, demolition and change of use of buildings are regulated through the Building Code Act, 1992 (BCA) and the Building Code. The BCA and the Code are enforced locally, through municipalities. Municipal building divisions review building permit applications, issue permits, inspect buildings under construction, and take enforcement action where contraventions are found.

Ontario's Building Code Act, 1992 sets the regulatory framework for the construction, renovation and change of use of buildings. It sets out or authorizes technical standards; administrative procedures; enforcement powers; and mechanisms for dispute of appeals and new product and system approvals.

Clause 7. (1) of the Building Code Act, the council of a municipality may pass a by-law (The Building By-law) applicable to the matters for which, and in the area in which, the municipality has jurisdiction for the enforcement of the Act.

Clause 7. (1)(c) of the Building Code Act authorizes Council to levy permit fees. The responsibility rests with Council to determine an appropriate fee structure for all classes of building permits.

Prior to passing of a By-law to introduce or change a fee imposed for permits or for the issuance of permits, the municipality must hold at least one public meeting at which any person who attends has an opportunity to make representations with respect to the matter. As no material changes to permit fees are proposed, the statutory public notice will not be required in this instance.

Present Status

Building permit fees are collected in accordance with the applicable rates as identified within *Building By-law 0203-2019* and its associated schedules, the most recent of which expired on December 31, 2022.

Comments

In 2021, Watson was retained by the City to review the following and make recommendations for required updates to:

- Planning application fees charged in accordance with the *Planning Act*, excluding minor variance and consent application fees, to measure the change and to identify cost recovery improvements.
- Building permit fees charged in accordance with the *Building Code Act*, as well as sign permit fees and zoning review application fees.

This review is currently underway and a recommendation report is expected in the first quarter of 2023, to be followed by an amending Building By-law to support implementation of the

comprehensive review. This review also includes the evaluation of service changes required to operationalize recent legislative changes and ensure they are accurately reflected within the applicable building fees.

Financial Impact

There is no anticipated financial impact resulting from the proposed changes to the Building by-law.

Conclusion

The proposed amending Building By-law is in compliance with the *Building Code Act, 1992*, as amended, and in compliance with the *Ontario Building Code, Ontario Regulation 332/12*, as amended.



Andrew Whitemore, M.U.R.P., Commissioner of Planning & Building

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