

City of Mississauga

# Corporate Report



<p>Date: January 15, 2024</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 &amp; Building</p>	<p>Meeting date: January 22, 2024</p>

## Subject

### RECOMMENDATION REPORT (ALL WARDS)

**A By-law to amend the City's Building By-law 203-2019, to extend the waiver of building permit application fees for temporary tents associated with seasonal outdoor retail sales and seasonal outdoor patios accessory to a restaurant, convenience restaurant**

## Recommendation

1. That the City's Building By-law 203-2019 respecting construction, demolition and change of use permit, inspections and related matters (The Building By-law) be amended to extend the waiver of building permit fees for temporary tents associated with seasonal outdoor retail sales and seasonal outdoor patios accessory to a restaurant, convenience restaurant or take-out restaurant, as defined in the Zoning By-law 0225-2007, as amended, until December 31, 2025.

## Executive Summary

- The Building Code Act authorizes Council to administer the Act and determine an appropriate fee structure to ensure overall cost recovery in providing building permit and inspection services.
- Extend the waiver of building permit fees associated with seasonal outdoor patios accessory to a restaurant, convenience restaurant or take-out restaurant as identified within recently enacted Temporary Use By-law Extension 0218-2023 and originally approved under Building by-law amendment 0278-2021 until December 31, 2025.
- Extend the waiver of building permit fees associated with temporary tents for seasonal outdoor retail sales and display as identified within recently enacted Temporary Use By-law Extension 0218-2023 and originally approved under Building by-law amendment 0278-2021 until December 31, 2025.

## Background

At the December 11, 2023 Planning and Development Committee meeting, the Committee approved a motion in support of transitioning the existing outdoor patio and display program from temporary to permanent. This means that these uses are permitted as-of-right going forward.

As part of the initial temporary patio/outdoor display program, Planning and Development Committee also waived associated applicable building permit fees. This waiver expired on December 31, 2023.

Typically, Building permits are needed for tents attached to or located within 3 m (9.5 ft) of a building and/or if they are greater than 60 m<sup>2</sup> (645 ft<sup>2</sup>) in size.

As a next step, Planning and Development Committee also approved that implementing by-laws be enacted at a future City Council meeting, including by-laws that would allow seasonal outdoor patios and seasonal outdoor retail sales and displays to operate with waived fees for a period of two years until December 31, 2025.

## Comments

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.

In order to continue the waiver of fees for these patio and outdoor display uses, an amendment to the city's Building By-law is required.

Prior to the passing of a By-law to change a fee imposed under the Building By-law, 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.

In accordance Division C, Article 1.9.1.2. of the OBC, a 21-day public notice has been provided prior to the public meeting.

## Financial Impact

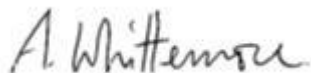
As outlined within the current Building By-law, a charge of \$220 is required for building permit applications associated with temporary tents as identified in the Ontario Building Code Ontario Regulation 332/12, as amended.

This fee includes the services associated with application review and all associated inspections in accordance with the Ontario Building Code and Building Code Act, but does not include the administrative charges required in order to process an electronic application.

The proposed fee waiver will result in the services associated with the review and inspection of these structures to be subsidized either through revenue from other permit applications or through a draw from the Building Reserve fund.

## 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

Prepared by: Rick Conard, Director Building Division