

City of Mississauga

Corporate Report



Date: November 11, 2020 To: Chair and Members of Planning and Development Committee	Originator's files:
From: Andrew Whittemore, M.U.R.P., Commissioner of Planning & Building	Meeting date: November 23, 2020

Subject

A By-law to amend the City's Building By-law 203-2019, to waive building permit application fees associated with temporary outdoor patios for restaurants, convenience restaurants or take-out restaurants from November 11, 2020 until December 31, 2021.

Recommendation

That the City's Building By-law 203-2019 be amended respecting construction, demolition and change of use permit, inspections and related matters (The Building By-law) to waive building permit application fees associated with tents over temporary outdoor patios accessory to a restaurant, convenience restaurant or take-out restaurant as defined in Zoning By-law 0225-2007, as amended, commencing retroactively on November 11, 2020 until December 31, 2021.

Report Highlights

- 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.
- Waive building permit fees associated with temporary tents as identified within Temporary Use By-law 0163-2020

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.

In accordance with Part IX of the Building By-law, a 21-day notice must be provided prior to the public meeting to any persons and organizations that requested notice in the last five years. Upon discussions with the Office of the City Clerk, no persons or organizations has requested notice and Legal Services has confirmed that no additional notice is required other than this item being listed on the Committee's agenda.

Present Status

Building permit fees for temporary tents are collected in accordance with the rates identified in Building By-law 0203-2019. These fees are in addition to the administrative charges required to process an electronic building permit application.

Comments

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 m² (645 ft²) in size. Permit fees can be waived at Council's direction, through an amendment to the Building By-law. Additional considerations include Patio Heater Safety Guidelines as outlined within the Technical Standards & Safety Authority (TSSA) as well as the tent design specifications provided within the Ontario Fire Code.

Financial Impact

As outlined within the current Building By-law, a charge of \$207 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 inability to recover full costs associated with the services prescribed by the *Building Code Act*.

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.

Attachments

Appendix 1: The Building By-law 0203-2019, as amended

Schedule A – Permit Fees and Refunds

Schedule B – Building Classifications and Permit Fees

Schedule C – Forms

Schedule D – Plans and Specifications

Schedule E – Prescribed Inspections



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