

Citizens' Guide 8



Building Permits

May 2018

Introduction

Land use planning affects almost every aspect of life in Ontario. It helps to shape our communities and decide things such as where homes and factories should be built, where parks and schools should be located and where roads, sewers and other essential services should be provided.

Land use planning means managing our land and resources. It helps each community to set goals about how it will develop and change and to work out ways of reaching those goals while keeping important social, economic and environmental concerns in mind. It balances the interests of individual property owners with the wider interests and objectives of the whole community.

Good planning leads to orderly change and the efficient provision of services. It touches all of us and helps us to have the kind of community we want.

A series of Citizens' Guides has been prepared to help you understand how the land use planning process works in Ontario. They are intended to give general information only and are not an interpretation of the Planning Act or any other act. You should refer to the legislation for specific requirements and procedures. The following guides are available:

1. [The Planning Act](#)
2. [Official Plans](#)
3. [Zoning Bylaws](#)
4. [Subdivisions](#)
5. [Land Severances](#)
6. [Local Planning Appeal Tribunal](#)
7. [Northern Ontario](#)
8. [Building Permits](#)
9. [The Plan Review and Approval Process](#)

Disclaimer

These guides have been prepared as a resource to help citizens understand how the land use planning system works in Ontario. They summarize complex matters and reflect legislation, policies and practices that are subject to change. The Citizens' Guides should not be relied upon as a substitute for specialized legal or professional advice in connection with activities and decisions pertaining to land use planning. The Citizens' Guides were last updated May, 2018.



What is a building permit?

A building permit is a document issued by the body responsible for enforcing Ontario's Building Code in your area. A building permit is necessary when you wish to construct, renovate, demolish or change the use of a building.

Building Code enforcement, including issuing building permits, is generally carried out by municipal building departments, although in the case of on-site sewage systems, enforcement in some areas is conducted by boards of health and conservation authorities.

Why do you need to obtain a building permit?

Building permits allow your municipality to protect the interests of both individuals and the community as a whole. By reviewing and approving building permit applications before any work is done, the municipality can ensure that buildings comply with:

- the Building Code, which sets standards for the design and construction of buildings to meet objectives such as health, safety, fire protection, accessibility and resource conservation
- the local zoning bylaw and other planning controls on buildings
- other applicable legislation, including conservation authority approvals and certain requirements under the Environmental Protection Act.

When do you need a building permit?

You must obtain a building permit before you:

- construct any new building over ten square meters in area or place another structure, such as a mobile home, on your property
- make renovations or repairs or add to a building
- change the use of a building
- excavate or construct a foundation
- construct a seasonal building
- undertake work regarding the installation, alteration, extension or repair of an on-site sewage system.

Contact your municipality if you have any questions about when a building permit may be required.

How do you apply for a building permit?

You can get an application for a building permit from either your municipality or the Ministry of Municipal Affairs' [Website](#). Note that building permit applications are submitted to your municipality, not to the provincial government.



When you apply, you'll have to attach drawings, plans, and other documents. You may also have to pay a fee.

It's a good idea to talk to the staff at your municipality before you apply. They can tell you what information, drawings and plans you'll have to include with the application and whether you'll need any other permits or approvals.

What happens to your application?

Staff at your municipality will review your application to confirm that the proposed work complies with the Building Code and other applicable laws set out in the Building Code, such as local zoning bylaws. They may send your application to other local/municipal officials for comments.

Applications for a simple alteration or addition can be processed fairly quickly, but more complex proposals may take longer. The Building Code requires that a municipality review a complete permit application within a certain timeframe where the application meets the criteria set out in the Code. For example, the timeframe on a permit application for a house is 10 days. For a more complex building, such as a hospital, the timeframe is 30 days. Within this timeframe, a municipality must either issue the permit, or refuse it with full reasons for denial.

In order to be issued a permit, the proposed construction must comply with the Building Code and with the applicable laws set out in the Building Code. If you need a zoning change or a minor variance from the zoning bylaw (municipal zoning is considered applicable law), or if the proposed construction does not comply with the Building Code, a permit will not be issued until the zoning change or minor variance has been obtained, or the proposed construction complies with the Building Code.

If your property is covered by a site plan control bylaw, you may not get a building permit until the plans and drawings have been approved by the municipality. See [Zoning Bylaws, No. 3](#) in the series, for more information about zoning, minor variances, and site plan controls.

What can you do if your application is refused?

If your municipality refuses your building permit application, you will be told why. If you can't resolve the problems with the municipality, you have a few options for appealing their decision.

If the problem relates to technical requirements set out in the Building Code, you may appeal to the [Building Code Commission](#). The Building Code Commission is an independent adjudicative tribunal of the provincial government whose mandate is to hear disputes related to compliance with the technical requirements of the Building Code.

If the problem relates to compliance with other applicable laws, such as interpretation of the zoning bylaw, you can appeal to a judge of the Superior Court of Justice, who will review the matter. You may want to talk to a lawyer first.



What happens during construction?

The Building Code sets out the stages of construction when different types of buildings must undergo a mandatory inspection. It is the responsibility of the permit holder to contact the municipality for an inspection when the project is at the stage of construction set out in the Building Code. The municipal building official is required to carry out the inspection within two working days of being notified. For construction of a sewage system, the inspector has five working days to conduct the inspection. During the inspection, an inspector will inspect the work to determine if it is carried out in accordance with the Building Code, your permit and the approved plans.

You will also be required to:

- show your permit in a window or other place where it can be easily seen
- keep copies of the plans on the site
- tell the municipality about any changes to the proposed construction, which will also have to be approved by the municipality.

The inspector must always be able to see the work. If it's different from the work that was approved and, unless you get permission for a revision to your plans, you will be told to correct it. If you don't, the municipality can take enforcement action, such as issuing orders authorized under the Building Code Act, 1992.

What about demolition?

Before you take down all or part of a building, you will have to apply to your municipality for a demolition permit. The process is much the same as for a building permit, but some special situations may affect your application.

In a demolition control area, for example, you will not be able to demolish a residential property until you have received a demolition permit issued by the municipal council.

Or, because of a building's historic or architectural importance, it may be designated, or be intended for designation, as a heritage building under the Ontario Heritage Act. In that case, demolition will require council's approval and there may have to be negotiations over how some of the unique character of the building can be preserved.

What if you want to change a building's use?

If you want to change the way you use all or part of a building, you may need a change of use permit, even if you're not planning any construction. A building evaluation may have to be done to make sure that the existing building can safely accommodate the proposed use. Different uses have different Building Code requirements.

Call your municipal building department to find out whether you will need a change of use permit.



What happens if you contravene the Building Code Act, 1992?

An individual who is charged and found guilty of an offence under the Building Code Act, 1992, such as building without a permit, can be fined up to \$50,000 for a first offence and up to \$100,000 for subsequent offences. For a corporation, a first offence could result in a maximum fine of \$500,000 and \$1,500,000 for subsequent infractions.

Failure to comply with an order from the municipal building department is also an offence under the Building Code Act, 1992.

What other approvals may be required?

In addition to the planning approvals and building permit which are required for a building project, other permits and approvals may be required in particular circumstances, e.g., Conservation Authority and Ministry of Transportation approvals. These approvals are considered applicable law. Generally, the applicable laws, which are set out in the Building Code, must be complied with prior to the building permit being issued.

How can you find out more?

For more information about building permits in your community, contact your [municipal building department](#). For more information about land use planning in Ontario, or how to obtain copies of Citizens' Guides contact your nearest [Municipal Services Office](#).

For More Information

[Ministry of Municipal Affairs](#)

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Provincial Planning Policy Branch (416) 585-6014

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