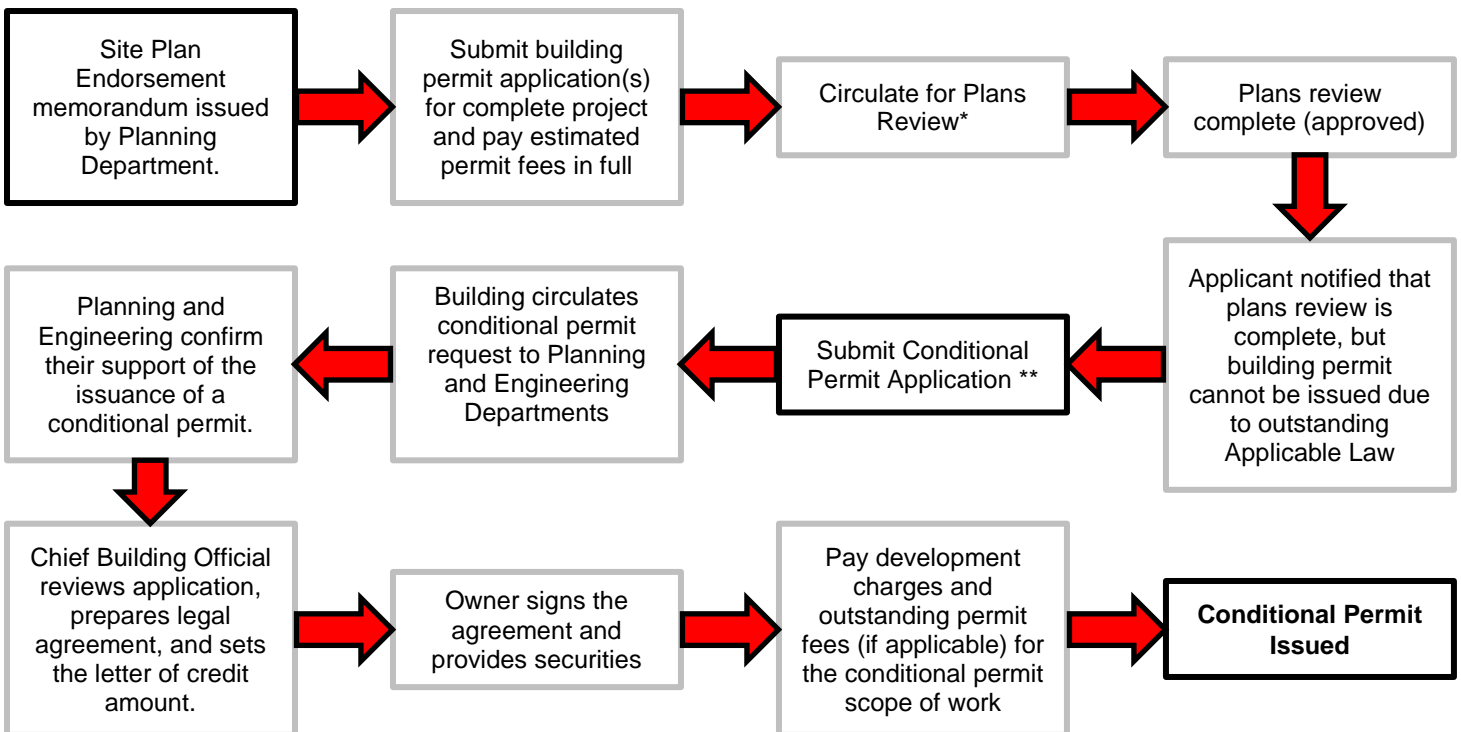


## CONDITIONAL PERMITS

### WHAT IS A CONDITIONAL PERMIT?

A conditional permit is a building permit issued under Section 8(3) of the Building Code Act. A Conditional Permit is a special permission that is sometimes issued where a building permit is delayed due to extended timelines of the final stages of Planning and other approval processes.

### WHAT IS THE CONDITIONAL PERMIT PROCESS?



\* Service level standards for the first review cycle of incomplete permit applications (without all Applicable Law Approvals) can be found [on the Building Permit Process page of our website](#). Review these timeframes and prepare your planning and building permit application schedule accordingly.

\*\* A Conditional Permit application will not be accepted if a building permit has only recently been filed. **A Conditional Permit application is NOT a fast track to circumvent Planning approvals or the time necessary for normal zoning and Building Code technical reviews to assure public health and safety standards are being met.**

## WHEN IS A CONDITIONAL PERMIT AVAILABLE?

Conditional permits are issued at the discretion of the Chief Building Official, when the applicant can show that these approvals are routine and forthcoming, and that the approval timeframes are unreasonable and causing unnecessary construction delays.

A Conditional Permit application may be submitted if the following applies:

- Where subject to site plan approval under S.41 of the Planning Act, plans or drawings have been stamped 'endorsed' by the Director of Planning
- Subdivision is registered or a model home agreement has been executed
- A building permit application was filed and the plans review for the entire project is complete or 40 business days have passed since the date of application, whichever is less
- Any necessary zoning, heritage, conservation authority or environmental permissions have been obtained
- If a minor variance was necessary, the Committee of Adjustment meeting has been held, the application was approved by the Committee, and there were no objections filed at the meeting or in writing
- If a Hold is on the property, a Council Date to remove the Hold must be confirmed before a conditional permit application can be considered for any scope of work not included in the Hold
- All other necessary applicable law approval applications have been filed by the Owner, and approvals are forthcoming

## SUBMISSION REQUIREMENTS

The following items are required to be submitted with applications for new conditional permits:

- A completed [Application for a Permit to Construct or Demolish](#) form
- A completed [Addendum \(Conditional Permit\)](#)
- Non-refundable conditional permit fee, as stipulated in our current Building By-law
- Ontario Land Registry PIN
- A development approval schedule including timeframes of outstanding approvals and the scope of work requested under the conditional permit

If a Conditional Permit request is approved, an agreement will be prepared setting out the terms of approval and the timeframes you must comply with in obtaining final approvals. To obtain the Conditional Permit the owner will be required to:

- Sign and return the Conditional Permit Agreement (see attached Sample)
- Submit an irrevocable letter of credit (LOC) as security, in the amount specified by the Chief Building Official. The LOC must be in a form approved by the City (see attached Sample), and reference the date of the Conditional Permit Agreement and the owner listed on the Conditional Permit Agreement.

## **HOW LONG DOES IT TAKE TO OBTAIN A CONDITIONAL PERMIT?**

It usually takes about 10 business days to consider a Conditional Permit request, consult other Departments, and prepare and execute the necessary agreement. This time estimate is exclusive of the time required for the Owner to complete their tasks (obtain the required LOC, sign the agreement, payment of Development Charges and outstanding building permit fees).

## **WHAT ARE THE RISKS AND COSTS ASSOCIATED WITH CONDITIONAL PERMITS?**

A Conditional Permit allows an owner to lawfully start construction entirely at his or her own risk in some limited circumstances. It does not afford the same guarantees as a regular building permit, however. If the outstanding approvals are not obtained as promised within times that are prescribed, the conditional permit may be revoked. The construction must be removed and the site restored in these circumstances. It is essential that you fully disclose to the Chief Building Official any information or uncertainty you have about an outstanding approval, to reduce these risks.

A Conditional Permit application must be accompanied by a fee, as outlined in our Building By-law. The fee is not refundable. Prior to issuing the Conditional Permit, an agreement is prepared which is required to be secured with a letter of credit in an amount specified by the Chief Building Official. The letter of credit may be drawn on to restore the site, if necessary. All other fees are payable in full, including normal building permit fees and development charges.

In the event that the outstanding approvals are not obtained and the regular building permit issued prior to the conditional permit's expiry date, a request to extend the conditional permit can be submitted. Extensions of the conditional permit expiry date incur a fee as outlined in the Building By-law.

## **ARE CONDITIONAL PERMIT APPLICATIONS SOMETIMES REFUSED?**

Yes. The Chief Building Official may refuse a Conditional Permit application for any reason. The Chief Building Official is prohibited by Ontario law from issuing a Conditional Permit if re-zoning, heritage, conservation authority or environmental approvals are not completed. Other refusal decisions may include an objection from another approval agency, or where applications have only been very recently filed, or the owner has not filed all required documents. The Chief Building Official's decision on whether to issue a conditional permit or not is final. There is no appeal available on Conditional Permit decisions.