



# Applicable Law Checklist

This form is used to confirm approvals from other agencies that are required before a building permit can be issued

Address	Application No.	Date Received
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	YES	NO
<b>Zoning Bylaws</b> ♦ City Planning Department		
Is/was relief required to permit a minor zoning variance in your proposal?	<input type="checkbox"/>	<input type="checkbox"/>
Is/was rezoning required to permit the proposed building or land use?	<input type="checkbox"/>	<input type="checkbox"/>
Is the project/development subject to a section 37 agreement?	<input type="checkbox"/>	<input type="checkbox"/>
Is this property subject to a Minister's Zoning Order or Provincial Zoning Regulation?	<input type="checkbox"/>	<input type="checkbox"/>
Is a land division or subdivision required and not yet fully completed?	<input type="checkbox"/>	<input type="checkbox"/>
Are municipal services required but not yet completed or available?	<input type="checkbox"/>	<input type="checkbox"/>
<b>Planning Approval</b> ♦ City Planning Department		
Does this development require site plan approval from the Planning Department?	<input type="checkbox"/>	<input type="checkbox"/>
<b>Heritage</b> ♦ City Planning Department		
Are you demolishing a building that is listed on the City's heritage inventory?	<input type="checkbox"/>	<input type="checkbox"/>
Is the building designated or in the process of being designated?	<input type="checkbox"/>	<input type="checkbox"/>
Is the property located in a heritage district or study area?	<input type="checkbox"/>	<input type="checkbox"/>
<b>Construction and Fill Permits</b> ♦ Toronto Region Conservation Authority		
Does the property abut a ravine, watercourse, wetland or shoreline or is it located in a regulated area?	<input type="checkbox"/>	<input type="checkbox"/>
<b>Building &amp; Land Use Permits</b> ♦ Ontario Ministry of Transportation		
Is the property within 45 m of a highway or 180 m from any highway intersection?	<input type="checkbox"/>	<input type="checkbox"/>
Is the property within 395 m of a controlled highway intersection?	<input type="checkbox"/>	<input type="checkbox"/>
Is this a major traffic generating project located within 800 m of a highway?	<input type="checkbox"/>	<input type="checkbox"/>
Is the property located within a Transit Corridor or within 30 m from any Transit Corridor?	<input type="checkbox"/>	<input type="checkbox"/>
<b>Environmental Approvals</b> ♦ Ontario Ministry of Environment		
Is an RSC required to be filed because of a change to more sensitive land use?	<input type="checkbox"/>	<input type="checkbox"/>
Is the property a former waste disposal site?	<input type="checkbox"/>	<input type="checkbox"/>
Is this project a major industrial, commercial or government project?	<input type="checkbox"/>	<input type="checkbox"/>
Is this a renewable energy project?	<input type="checkbox"/>	<input type="checkbox"/>
<b>Clean Water Act</b> ♦ Region of York / TRCA		
Is a Containment Management Plan required to be filed due to bulk fuels or chemical handling?	<input type="checkbox"/>	<input type="checkbox"/>
Does the project involve construction of a new building or addition within a Well Head Protection Area?	<input type="checkbox"/>	<input type="checkbox"/>
<b>Agriculture and Farms</b> ♦ Ontario Ministry of Agriculture and Food		
Is this a farm building that will house animals or manure?	<input type="checkbox"/>	<input type="checkbox"/>
Is this a milk processing plant?	<input type="checkbox"/>	<input type="checkbox"/>
<b>Education / Child Care Centres</b> ♦ Ontario Ministry of Education		
Is a daycare proposed in any part of the building?	<input type="checkbox"/>	<input type="checkbox"/>
Is this permit for the demolition of a school operated by the public or separate school boards?	<input type="checkbox"/>	<input type="checkbox"/>
<b>Seniors Centres</b> ♦ Ontario Ministry of Community and Social Services		
Is this a seniors project where Ontario Government Funding is being sought?	<input type="checkbox"/>	<input type="checkbox"/>
<b>Electrical Conductor Clearances</b> ♦ Electrical Safety Authority		
Are any overhead electrical conductor wires within 3.7 m of the proposed building?	<input type="checkbox"/>	<input type="checkbox"/>
<b>DECLARATION</b>		
I have considered the list of applicable laws in the Ontario Building Code and as described above, and do hereby declare that:		
<input type="checkbox"/> 1. None of these applicable law approvals apply to this project.		
<input type="checkbox"/> 2. Applicable laws checked with a 'yes' apply to this project, and approval documents are submitted with this application.		
<input type="checkbox"/> 3. Applicable laws checked with a 'yes' apply to this project, however all approval documents have not yet been obtained.		
The information provided on this form is true to the best of my knowledge. I have authority to act on behalf of the owner, corporation or partnership with respect to this application (if applicable).		
Name of Applicant:	Signature:	Date:

# Applicable Laws & Building Permits

The *Building Code Act* prohibits the issuance of a building permit if the proposed construction or demolition will contravene an applicable law as defined by the building code. Approvals from other agencies are required in many instances before a building permit can be processed and issued. These approvals are **not** administered by the Building Standards Department. The fastest way to obtain a building permit is to ensure all these other approvals are completed (or do not apply) before applying for a building permit. The Building Department is required by law to prioritize applications that are fully complete in terms of applicable law approvals and document submissions. Building permit documents must be consistent with applicable law approvals.

## **Zoning, Planning & Heritage**

Contact: City of Markham Planning Department at 905-475-4861 [developmentsservices@markham.ca](mailto:developmentsservices@markham.ca)

*Planning Act, s.34, 34(5), 45 and Part VI*

Zoning bylaws restrict such things as land use, lot size, building size and setbacks. If your project doesn't comply with any part of the zoning by-law, a minor variance or rezoning must be obtained before any building permit can be issued. Zoning by-laws also restrict the issuance of permits until any associated land division, subdivision or municipal servicing is complete.

*Planning Act, s.41*

Site Plan Approval is required for most new buildings and additions other than houses and accessory structures. The site plan agreement must be registered before site plans will be approved.

*Ontario Heritage Act, s. 27, 30, 33, 34 40.1 & 42*

Markham has designated certain heritage buildings and maintains a listing of buildings of heritage interest. Specific areas have also been established as Heritage Conservation Districts. Planning and/or City Council approval for demolition, alteration and construction is required if your property is affected.

## **Conservation Authority Permits**

Contact: Toronto Region Conservation Authority at 416-661-6600 [planning&permits@trca.on.ca](mailto:planning&permits@trca.on.ca)

*Conservation Authorities Act s.28 (1)(c), regulation 166/06*

Development within certain conservation regulated areas requires a construction and fill permit from the conservation authority before any building permit can be issued. TRCA will confirm if your property falls within their jurisdiction.

## **Highway Corridor Building & Land Use Permits**

Contact: Ministry of Transportation [www.mto.gov.on.ca](http://www.mto.gov.on.ca)

*Public Transportation and Highway Improvement Act, s.34, 38*

Ministry authorization is required for construction of all buildings within certain distances of a highway or intersection. The requirement for Ministry authorization extends to 800m from a highway where development will generate major traffic, such as a shopping centre.

## **Transit Corridor Building & Land Use Permits**

Contact: Ministry of Transportation [www.mto.gov.on.ca](http://www.mto.gov.on.ca)

*Building Transit Faster Act, 2020, s.o. 2020, c. 12*

Ministry authorization is required for construction or alteration of a building or other structure within certain distances of a transit corridor. The requirement for Ministry authorization within transit corridor land or lands within 30 meters of a transit corridor.

## **Environmental Approvals**

Contact: Ministry of the Environment at 1-800-461-6290

*Environmental Protection Act s. 46, 47, 3, 168 and the Environmental Assessment Act s 5.*

Ministry of Environment approvals are required where a property of industrial or commercial use is change to more sensitive residential or parkland use, for major government, industrial and commercial projects where defined by regulation, properties formerly used for landfill or waste disposal, or renewable energy projects.

## **Electrical Conductor Clearances**

Contact: Electrical Safety Authority at 1-877-372-7233

Certain minimum distances must be maintained from overhead electrical conductors, depending on their voltage.

## **Source Water Protection**

Contacts: York Region at 1-877-464-9675 [sourcewaterprotection@york.ca](mailto:sourcewaterprotection@york.ca)

Toronto Region Conservation Authority at 416-661-6600 [planning&permits@trca.on.ca](mailto:planning&permits@trca.on.ca)

*Clean Water Act s. 59*

Special land use restrictions may apply if a water source protection plan is in effect in the area where the building is located. Uses affected by these restrictions require the approval of the designated risk management official. Properties located within a Highly Vulnerable Aquifer (HVA) are to contact York Region. Properties located within the Well Head Protection Area Water Quality (WHPA-Q) are to contact the TRCA.

## **Agriculture and Farms**

Contact: Ministry of Agriculture Food and Rural Affairs at 1-877-424-1300

*Nutrient Management Act 2002 s. 11 req 267/03, Milk Act s. 14*

Buildings or structures that house animals or store manure may trigger a requirement for a nutrient management strategy approved by the Ministry. The Ministry must determine that a milk processing plant is necessary and authorize it before a building permit can be issued.

## **Child Care Centres**

Contact: Ministry of Education at 1-877-510-5333

*Day Nurseries Act s. 5 of reg 262*

Ministry plan approval is required if a new building is proposed to be used as a day nursery, an existing building is proposed to be used, altered or renovated for a day nursery, or if an existing day nursery is altered or renovated.

## **Seniors Centres**

Contact: Ontario Ministry of Community and Social Services at 1-888-789-4199

*Elderly Persons Centres Act s. 6 of reg 314*

Reports must be submitted to the Minister and approval obtained for all seniors centres to which government funding applies.