



BRENDAN CHARTERS

# PERMIT PROCESS PRIMER



Navigating twists & turns along the permit path

Whether creating, moving or otherwise altering a structural wall; relocating or running a new drain; installing a new furnace or amending the location or size of a heat run—a permit is required. Contrary to popular belief, even when rehabilitating an old porch, deck or structure over 10 square metres (about 108 square feet), not only will you require a permit, but you will also need to clear zoning bylaws.

## DO YOUR HOMEWORK

The world we live in is a highly regulated one, and while there is ample debate on both sides of the argument as to whether that is a good thing or not, it is the environment we must all operate in. As such, when planning to renovate or planning to build, it is imperative that you understand the process and what impacts to cost and timing it may have on your project.

## MUNICIPALITY REALITY

Depending on where you live, your municipal planning and building departments may operate in a very personable and efficient way. Should you be lucky to live in a small town, you may even know the people helping you on the other side of the desk. As you get into more metropolitan regions, especially in the Greater Toronto and Hamilton Area (GTHA) or in Toronto proper (especially North York, Toronto and East York), your project rarely has a face to it, in that the examiners reviewing your file are often not speaking directly with you at all. The timing of the project can be drastically impacted due to the sheer volume of applications that the local municipality receives.

## ILLUMINATING THE PROCESS

Additions, renovations and custom home projects can often take a path similar to that of the stacked townhouse, mid-rise or even high-rise project that your local developer is undertaking. The difference is, with the development fees they pay, there is often a dedicated planner on their file. In the case of smaller projects, it becomes imperative you understand the process to ensure you (or your designer/consultant) can shepherd your file around the various departments that need to review and approve your file before a permit is issued. To help you do that, or to at least shine a light on the process so you understand what you may be into, I have outlined a typical project process, along with typical time frames as outlined in a survey of professional RenoMark contractors undertaken by the BILD Association last year.

## TYPICAL STEPS & SUBMISSIONS

In the chart on the next page, we outline some typical steps in the process of renovating an old Toronto home and assume we are building an addition to it in order to expand the living area.

In order to submit for zoning review, you will require plans of the as-built home, plus plans showing the proposed changes, including floorplans, elevations and a building section to show heights of floors and the roof. You will also require an up-to-date survey, which shows neighbouring houses (half of them at least) and some key grade heights (top of first floor, and average grade across front of home, as well as 0.01m on each side of your property at the front yard setback), in order to determine the height of the building in relation to your surroundings. A site plan will show your existing conditions relating to the house and the lot, as well as what is being proposed by way of expansion. The first step is to submit that for zoning review. This review will outline your compliance with applicable laws governing the site, will set your path to move forward and can typically take anywhere from 2-12 weeks, depending on where you live.

## SUPPORTING ARGUMENT

If your zoning review yields non-conformity with the bylaw(s), your next step is to submit to the Committee of Adjustment. Here you will request relief from the bylaw, arguing the merit of your application as it pertains to the four tests of the planning act. They include:

- 1) Is it minor?
- 2) Is it appropriate and desirable for the area?
- 3) Is it in keeping with the intent of the bylaw?
- 4) Is it in keeping with the Official Plan?

## COMMUNITY INVOLVEMENT

Timing for a Minor Variance can vary tremendously. The Planning Act legislates that a file be heard within 30 days of an application being accepted. In Toronto/East York, that timing is currently in excess of 120 days. Assuming you are successful at the Committee of Adjustment (CofA), there is a legislated 21-day appeal period where if contested, you may have to go to the Ontario Municipal Board or the Local Appeal Body (if in Toronto) to plead your case. Doing this adds months and costs to the project, as a formal trial takes place, which requires a planner and lawyer to be retained to argue the facts of the application. Avoid it if you can by being a good neighbour and involving your neighbours early in the planning process, in hopes of obtaining their support of your application—it can go a long way with the Committee members at the initial hearing and also reduces the risk of an appeal of the decision.

## CONDITIONAL APPROVAL

If you were successful at Committee, the decision often comes with conditions of approval, including urban forestry, transportation or other department conditions, which must be met in order to allow the Building Department to accept your permit application as complete. Start the process with the various departments immediately after your CofA decision, as they can often take a long time to clear (i.e. Forestry or Ravines and Natural Features can take 8-12 weeks to review and approve if there are trees on the property affected by your application).

## NEARING THE FINISH LINE

Once you have the final and binding letter from the Committee of Adjustment, and have

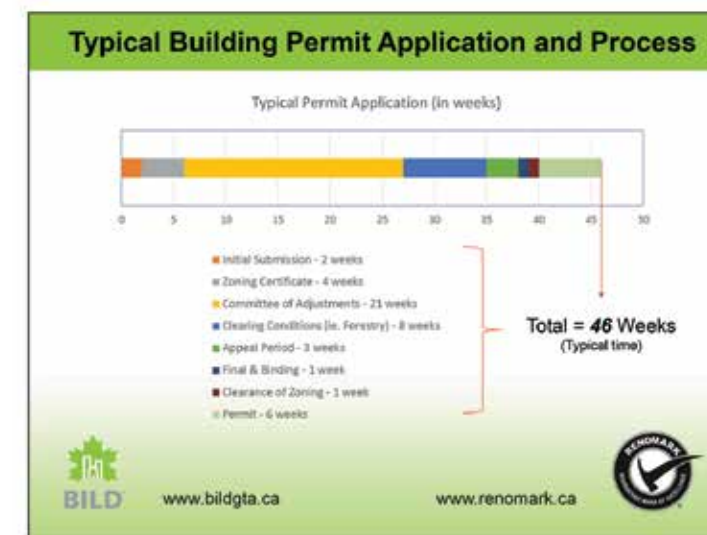
clearances from the various commenting departments, you can request your initial zoning submission to be closed off and cleared as compliant. Congratulations! You now have a file that can be accepted as a complete application, which binds the Building Department to a 10-business day review. Keep track of your file to ensure you get a permit issued, or comments back within that time period, as files can often lie dormant if examiners are away on vacation, or if a labour union strike occurs, as it has twice in the last 10 years in Toronto.

## STAYING ON TOP OF THE FILE

Our industry experience has been that a typical project can take an average of 46 weeks (or close to 12 months) to go through the process from initial submission to permit issuance. Six months is by no means unheard of and can be possible, depending on your specific region, if you are fortunate with whom you are working with at City Hall, and you stay on top of the status of the file. As such, we recommend being diligent with moving your file along the path outlined above, keeping in regular contact with the various departments, to ensure your file does not get lost in the shuffle. If things seem to be at a standstill, don't wait on an email or a phone call to be returned—there is value in making a trip to the department you are working with. A face on a file can help to bring a personal urgency to a file that a phone call and email just cannot deliver.

## EXPERT KNOW-HOW AND A DASH OF COMPASSION

As always, we recommend working with a professional who knows the process and the people to help move a file from a dream into a reality. The approval process is a daunting one, and if you are not aware of the chess moves required to advance a file, a lot of time and stress can be added to the timeline suggested here. Also remember the individuals reviewing your file are people too—ones that are just as stressed with the file loads as you are, and a smile and professional treatment can go a long way in helping you and your file...rather than initiating the heat of battle, which can be counterproductive. Once a permit is issued, there is a fantastic relief that your project can get underway. Enjoy the euphoric ride! ♦



PHOTOGRAPHY: DIAGRAM COURTESY OF BILD, AFTER SHOTS BY PETER SELLAR