

## Requirements for Posting Building Permits

**Date:** November 12, 2021

**To:** North York Community Council

**From:** Chief Building Official and Executive Director, Toronto Building

**Wards:** All

### SUMMARY

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The purpose of this report is to respond to the request from the North York Community Council that the Chief Building Official and Executive Director, report to the North York Community Council on the requirements for posting building permits on residential construction sites, and the penalties if building permits are not displayed.

The report identifies that the requirements for posting building permits are contained in the Ontario Building Code and that a range of enforcement tools are available to building inspectors in order to achieve compliance under the provincial legislation.

In an effort to strengthen communication with the public about residential construction projects, Toronto Building has also enhanced access to information about building permits on properties, through its building permit search webpage. The Division also introduced requirements under the Toronto Municipal Code for a public notice to be posted on residential infill construction sites where permits have been issued. This mandatory public notice contains information about the City's by-laws and building permit information beyond the limited information contained on the building permit card.

### RECOMMENDATIONS

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The Chief Building Official and Executive Director, Toronto Building recommends that:

1. North York Community Council receive this report for information.

### FINANCIAL IMPACT

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There are no financial impacts associated with the recommendations contained in this report.

## **DECISION HISTORY**

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At its meeting of October 13, 2021, North York Community Council requested that the Chief Building Official and Executive Director, Toronto Building report to the North York Community Council on the requirements for posting building permits on residential construction sites and the penalties if any building permits are not displayed.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.NY27.18>

## **COMMENTS**

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### **Requirements to Post the Building Permit Card**

North York Community Council asked for information on the requirements to post building permits on residential construction sites. The Ontario Building Code (the Code) does not differentiate between residential and other type of construction activity in setting out the permit posting requirements. The Code requirement for posting the permit (Division C, Part 1, Code Reference 1.3.2.1(1)) is as follows:

"Where a permit has been issued pursuant to the Act, the person to whom it is issued shall have the permit or a copy of it posted at all times during construction or demolition in a conspicuous place on the property in respect of which the permit was issued."

### **Enforcement and Penalties**

Toronto Building works to mitigate against the potential need for enforcement action by advising permit holders of these responsibilities through a letter attached to the issued building permit explaining the posting requirements (which is also printed on the front of the permit card itself).

Toronto Building inspectors also conduct an introductory inspection specific to new houses and small residential construction. The purpose of this inspection is to directly engage the builder and the property owner (where possible) at the outset of the construction process on City expectations and consequences of non-compliance regarding the construction activity. The permit holders' obligation to post the building permit card is included in this inspection.

Where a permit card is not posted, the City may take enforcement action to achieve compliance. Upon identification of the offence, the building inspector typically issues a verbal warning to achieve compliance. If follow-up enforcement action is required, building inspectors may issue Orders. If an Order is issued, and there is a failure to comply a person on a first offence could be fined (under the Building Code Act) of not more than \$50,000. On a subsequent offence, not more than \$100,000. However, it is rare that a property owner does not post the permit after receiving a verbal warning.

## **Improving Communication with the Public**

Toronto Building has made additional efforts to improve communication with the public and facilitate easy and understandable public access to permit information. These include improved permit status information on the City's internet page and the introduction of a new Toronto Municipal Code Chapter requiring a public notice of residential infill construction to be posted on properties where permits have been issued.

### **Permit Application and Inspection Status Search Page**

On Toronto Building's permit applications and inspections status search page the public may enter search parameters (e.g., address, permit number) to access detailed inspection information on a building, including stages and results. The page also includes the status of issued Orders.

### **Toronto Municipal Code, Chapter 519 " Infill Construction, Public Notice"**

As part of its Residential infill strategy, Toronto Building recognized that the provincially mandated permit card was limited as the only on-site communications tool to provide the public with information about the residential infill project. In 2018, City Council adopted Toronto Municipal Code Chapter 519 "Infill Construction, Public Notice" which now requires that all residential infill construction sites also post a public notice with basic information about the residential infill project.

The objective of the notice is to provide the public with information on the project and a gateway to real time information concerning the City's' approvals and enforcement activities. Information contained on the notice includes project-specific information such as:

- site address
- builder's company name
- builder's working telephone number and email address
- building permit number and date of issuance
- Toronto Building general contact information and 311, and
- direction that additional current information may be found on the [www.toronto.ca/infill](http://www.toronto.ca/infill)

Half of the public notice includes information on other City by-laws covering areas such as tree protection, parking, litter and noise.

The "Infill Construction, Public Notice" By-law also contains provisions enabling the Chief Building Official to issue a notice of violation requiring compliance, where contraventions have occurred, including the failure to erect and display the notice as required. Under the by-law, a person can be fined not less than \$500, and not more than \$100,000 for non-compliance. Further, the Chief Building Official has the ability to erect the notice if necessary.

## **Conclusion**

The Ontario Building Code contains provisions which require that the permit holder post the permit card in a prominent place on the property. Toronto Building Inspectors rely on a continuum of enforcement tools to achieve compliance ranging from verbal warnings to orders and tickets. Toronto Building has also taken additional steps to mitigate against enforcement on residential infill sites, by introducing an additional initial inspection with permit holders. The Division has strengthened and facilitated public access to information about issued permits through an enhanced building permit status webpage and the introduction of requirements to post a public notice on residential infill sites. The required notice also contains the building permit number and date of issuance.

## **CONTACT**

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## **SIGNATURE**

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