

Tower Renewal RAC Interdivisional Working Group

Toronto Building Division

A. Understanding the Process:

- Building Permits
- Building Code Act and the Ontario Building Code
- Applicable Laws associated with Building Permits
- Zoning By-laws
- Committee of Adjustment – Minor Variances
- Sign Variances

1. Building Permits

If you need to build something new to a place, or change what the space is used for from residential to something else; you need a building permit.

When is a building permit required? The need to obtain a building permit is found in section 8. (1) of the Building Code Act where it states that no person shall construct or demolish a building or cause a building to be constructed or demolished unless a permit has been issued therefor by the chief building official. The Building Code Act defines construction as doing anything in the erection, installation, extension or material alteration or repair of a building and includes the installation of a building unit fabricated or moved from elsewhere.

A building permit would also be required when the use of a building is changed. Section 10. (1) of the Building Code Act states that even though no construction is proposed, no person shall change the use of a building or a part of a building or permit the use to be changed if the change would result in an increase in hazard, as determined in accordance with the building code, unless a permit has been issued by the chief building official.

A typical example of changing a use within an RAC zone apartment building would occur when a residential dwelling unit is proposed to be changed to any other use regardless of the lack of any proposed construction. These situations will require a change of use permit issued by the chief building official under section 10. (1) of the

Building Code Act. Other examples of changes in use where a permit is required can be found in Division C of the 2012 Ontario Building Code.

2. Building Code Act and the Ontario Building Code

You need a permit because it is the law to make sure that buildings continue to be safe.

The Building Code Act, 1992, governs the construction, renovation, change of use, and demolition of buildings. It also provides specific powers for inspector and rules for the inspection of buildings, and allows municipalities to establish property standards by-laws.

The Ontario Building Code is a regulation made under the Building Code Act. The code focuses primarily on ensuring public safety in newly constructed buildings, but also supports the government's commitments to energy conservation, barrier-free accessibility and economic development. The code sets out objectives and requirements for new construction and renovations to existing buildings, including change of use proposal.

3. Sign Permits

To advertise your business or service to people on the street, you will need a sign permit.

To erect, display, modify or restore a sign, a sign permit and building permit from the Chief Building Official are required. The exceptions to this are non-electronic signs within a window occupying less than 25% of the area of the window; and signs painted directly onto a building. Painted signs only require a sign permit. A first party sign variance may be required for RAC sites. An application for variance from the provisions of Chapter 694 may be granted where it is established that the proposed sign or signs meet nine criteria.

4. The Sign By-law, Toronto Municipal Code Chapter 694

Sign permits are also a law in the City of Toronto, even in the new zone.

The Sign By-law was introduced in April 2010 with the intention of regulating all signs in the City of Toronto. The Sign By-law applies to all signs erected, displayed, or substantially altered on or after the day the by-law was introduced. Prior to this new Sign By-law, municipalities relied heavily on the zoning by-laws in order to apply sign regulations to properties. The new Sign By-law created nine sign districts across the city. Currently, proposed RAC sites fall under the Residential Apartment sign district and are required to comply with the provisions of first party signs for this sign district.

5. Applicable Laws associated with Building Permits

There are other laws that also have to be satisfied if they apply to the building, or are impacted by the changes proposed. Toronto Buildings Division can advise if your proposed changes will trigger any of these other requirements.

Applicable laws are listed in the Ontario Building Code. Applicable laws must be satisfied before building permits can be issued under section 8. (2) of the Building Code Act.

A typical example of applicable laws which may have relevance within an RAC zone would be:

- Zoning by-laws
- Conservation Authorities Act (Toronto and Regional Conservation Authority)
- Heritage Act
- Site Plan Approval (Planning Act and City of Toronto Act)

Building Permit applications will always be checked against all applicable laws and for those that are relevant the proposal must satisfy the applicable law requirement before the building permit can be issued by the Chief Building Official. Applicable law approvals will be obtained either through other City Divisions, agencies or provincial ministries.

6. Zoning By-laws

Zoning by-laws control the use of land. This includes the size and location of buildings, and other associated facilities for the use, like parking. If a use is not listed in that zone, then it is prohibited.

Zoning by-laws are passed under section 34 of the Planning Act and they are known applicable law for the purpose of the Building Code Act. Zoning by-laws must be satisfied before a building permit can be issued. This document focuses only on City-wide Zoning By-law 569-2013 which was enacted by City Council on May 9, 2013. By-law 569-2013 was appeal to the Ontario Municipal Board and the Board has released those portions of the by-law where the appeal has be settled. Some provisions of by-law 569-2013 remain under appeal and those requirements will require compliance with the former general zoning by-law as well as by-law 569-2013.

Zoning by-laws are enacted by City Council and the purpose and intent of those by-laws are to regulate the use of land, the bulk, height, location, erection and use of buildings and structures, the provision of parking spaces, loading spaces and other associated matter in the City of Toronto.

The most significant aspect of a zoning by-law would be for the regulations respecting permitted uses of land, buildings and structures. If a use is not found listed in the zoning by-law as being permitted it is therefore prohibited.

Understanding the Residential Apartment Zone Category - Zoning By-law 569-2013

The new RAC zone provides permission for previously residential-only buildings to have local institutions and small scale retail.

- The category consists of the Residential Apartment Zone (**RA**) and the Residential Apartment Commercial Zone (**RAC**).
- The purpose of the Residential Apartment Zone category (**RA** Zone and **RAC** Zone) is to permit uses associated with the Apartment Neighborhoods designation in the Official Plan. This zone category includes apartment building, parks, local institutions and small scale retail.
- The purpose of the **RAC** zone is to provide areas for apartment buildings with local institutions and small scale retail.

Understanding the Residential Apartment Commercial Zone (RAC)

The new RAC zone provides for all of the previous legal uses on a site, and permits many new ones with certain conditions. Most of these new uses are small uses, like stores or salons. Some of the uses may require other licenses or permits for the operator to be able to use them. For example, business licenses or public health permits.

- Article 15.20.20 in Zoning By-law 569-2013 lists the permitted uses for the RAC Zone and the permitted uses with specific conditions which would need to be met.
- The permitted uses in the RAC zone are:
 - Ambulance Depot
 - Dwelling units located within an apartment building
 - Fire Hall
 - Park
 - Police Station
- The conditional permitted uses in the RAC zone and which are commonly associated with small scale retail usage are listed below. These uses are all subject to conditions which must be satisfied before the use is permitted. Please refer to Zoning By-law 569-2013, Articles 15.20.20.20 and 15.20.20.100 for these conditional uses.

- Art Gallery
- Artist Studio
- Club
- Community Centre
- Custom Workshop
- Day Nursery
- Eating Establishment
- Education Use
- Financial Institution
- Home Occupation
- Market Garden
- Medical Office
- Office
- Outdoor Sales or Display
- Personal Service Shop
- Pet Services
- Production Studio
- Private Home Daycare
- Recreation Use
- Religious Education Use
- Retail Store
- Retail Service
- Service Shop
- Take-out Eating Establishment

The RAC zone has other conditional uses which are not commonly associated with small scale retail and those uses can be found in Zoning By-law 569-2013, Article 15.20.20.20.

7. Committee of Adjustment – Minor Variances

If the changes to the building or the use are not allowed in the zoning on the site, owners can apply for a small change to the zoning. These changes are evaluated and judged by a Committee. If the Committee doesn't approve it, the decision can be appealed as well.

Proposals which do not comply with the City Zoning By-laws such as by-law 569-2013 may be considered for minor variance relief at the office of the Committee of Adjustment. Committee of Adjustment applications for minor variance are regulated by the *Planning Act* and are subject to a formal application process which the Committee of Adjustment administers.

The Planning Act will require that the Committee hold public hearings of all applications for minor variance. If the Committee of Adjustment determines that the request for zoning by-law variance is minor and also satisfying the listed criteria within the Planning

Act then they have the authority to grant a favorable decision and vary the zoning by-law accordingly. Decisions of the Committee of Adjustment may be subject to conditions which must be satisfied.

Minor Variance decisions are subject to an appeal period and for those minor variance decisions which become appealed an application to the Toronto Local Appeal Body (TLAB) for further consideration. The TLAB's mandate is to address and make decisions on appeals of Committee of Adjustment decisions under Sections 45 and 53 of the Planning Act. The TLAB provides a forum to hear land-use planning appeals when a Committee of Adjustment decision related to an application under Section 45 or Section 53 of the Planning Act is appealed. After a hearing takes place, a decision is made based on the relevant law and the evidence presented. Hearings are conducted in an impartial manner and in accordance with the principles of natural justice.

8. Sign Variances

If you need a sign, you can apply to the City and they will grant the application if it meets the criteria. If they refuse it you can appeal.

An application for variance from the provisions of Chapter 694 may be granted by staff of the Sign By-law unit where it is established that the proposed sign(s) will conform to certain criteria. Decisions on variances made by Sign By-law unit staff can be appealed within 20 days of the decision being made. These appeals will be considered by the Sign Variance Committee. Any applicant or interested party is able to appeal a sign variance decision made by staff provided that they fill out the appropriate forms and pay the applicable fees.