



**October 3, 2013**

## **City Council Committee Report**

**TO: Mayor and Council**

**Fr: Charlotte Caron, Property and Planning Manager**

**Re: Undertaking/Agreement for Conditional Permit for the Kenora Catholic District School Board, Ecole Ste. Marguerite Bourgeoys Kindergarten Addition**

### **Recommendation:**

That per the Building Code Act, S.O. 1992, c.23, clause (3)(c), Council of the City of Kenora enters into an agreement with the Kenora Catholic District School Board to permit the issuance of a Conditional Building Permit for a Kindergarten Addition to the Ecole Ste. Marguerite Bourgeoys School; and

Further, that three readings be given to a by-law to delegate authority to Kevin Robertson, Chief Building Official to execute said agreement that for the purposes of this particular conditional permit.

### **Background:**

The Ontario Building Code Act, Section 8.(3)(1) authorizes Delegation re Conditional Permits : A principal authority may, in writing, delegate to the chief building official the power to enter into agreements described in clause (3) (c) and may impose conditions or restrictions with respect to the delegation. 2002, c. 9, s. 14 (3). Council is the principal authority.

- Required site plan approval has to this date not been approved, for this project, therefore per the Building Code Act, applicable law has not been met and a Building Permit cannot be issued.
- A Conditional Permit may be issued by the Chief Building Official if the Applicant agrees in writing with the Municipality to;

- (i) assume all risk in commencing the construction,
  - (ii) obtain all necessary approvals in the time set out in the agreement or, if none, as soon as practicable,
  - (iii) file plans and specifications of the complete building in the time set out in the agreement,
  - (iv) at the applicant's own expense, remove the building and restore the site in the manner specified in the agreement if approvals are not obtained or plans filed in the time set out in the agreement, and
  - (v) comply with such other conditions as the chief building official considers necessary, including the provision of security for compliance with subclause (iv). 1992, c. 23, s. 8 (3); 1997, c. 30, Sched. B, s. 7 (2); 1999, c. 12, Sched. M, s. 5 (1); 2002, c. 17, Sched. F, Table.
- It is of the opinion of City Staff that appropriate information for site plan approval is forthcoming and the Chief Building Official is of the opinion that unreasonable delays in the construction would occur if a conditional permit is not granted.
  - The Conditional Permit will be for the foundation only.

**Budget: Any costs incurred to be paid by Owner/Applicant**

**Communication Plan/Notice By-law Requirements: Agenda of Council, Kenora Catholic Separate School Board, Nelson Architecture, Planning, Operations, File**