

Complete Application **Best Practice Guide for** **Chief Building Officials**

**A Joint Working Group of Large
Municipal Chief Building Officials
and Ontario Building Officials
Association Members**

Issued December 30, 2011



Complete Application Best Practice Guide

The Building Official & Industry Guide When Filing a Building Permit Application

Introduction

The Complete Application Best Practice Guide is intended to inform and serve as a resource tool for Chief Building Officials related to the regulation changes on Complete Applications (eff. January 1, 2011). The changes set out in the regulation allow greater flexibility for Building Departments across Ontario to receive and process building permit applications. The Best Practice Guide provides background information, service level options and a comprehensive list of FAQ's to assist building officials in understanding the regulation changes. Further, this guide will assist with municipal practice from municipality to municipality and is more consistent and increases industry understanding of municipal practices for a successful complete application filing.



The guide will be shared with the Ontario Home Builders Association, the Ontario Association of Architects and the Professional Engineers of Ontario.

The Complete Application Best Practice Guide will assist owner applied projects such as house additions provided municipalities have the Guide accessible through their website, front counter display's and promoting during Building Safety Month (May).

New Provincial Building Permit Application Form

The provincial form "Application for a Permit to Construct or Demolish" has been amended to reflect amendments to the *Building Code Act, 1992* made under the *Good Government Act, 2009*, and related changes to the Building Code (BC). These amendments clarify the criteria for a "complete" permit application that is subject to a full review within the timeframes set out in the BC. The new provincial form must be used for all permit applications made after January 1, 2011 and can be found on the Ministry of Housing website <http://www.mah.gov.on.ca/Page9222.aspx> and additional information at <http://www.mah.gov.on.ca/Page9223.aspx?DateTime=634279261800000000&PageM>

Determination of Completeness

Under the new regulations, a permit applicant must, on the permit application form, make a declaration about the completeness of their application. This will require the applicant to consider whether their application meets the requirements for a complete application. To facilitate this, municipalities are encouraged to prepare and make available helpful guides, procedures and/or checklists to inform and assist the applicant.

The Chief Building Official (CBO) is now entitled to make a determination on the completeness of the application. Where the applicant declares that their application is not complete, the application will not be subject to a full review within the timeframes set out in the BC. Where they declare their application to be complete, the chief building

official can refuse to accept the application or they can choose to accept it and advise the applicant in writing of the reasons why the application is not complete.

Where the Chief Building Official determines within two days after the submission of the application that it does not meet the requirements for completeness and the chief building official notifies the applicant in writing of the reasons why the application is not complete, the application is not subject to a full review within the timeframes set out in the BC. If the chief building official does not make that determination within the two days, the application is deemed to be complete and the chief building official must, within the times prescribed by the BC, issue the permit or refuse to issue the permit and provide all the reasons for the refusal.

What Constitutes a Complete Application?

Under the new regulations, a complete application must include the following:

- A completed permit application form signed by the applicant and all required Schedules (Note: Architect and Engineer are exempted from filing Schedule 1);
- Payment of all permit fees prescribed by municipal bylaw, resolution or regulation made under clause 7(1)(c) of the Building Code Act;
- Plans and specifications detailing the proposed construction or demolition as prescribed by municipal bylaw. It is recommended these plans and specifications be prescribed by municipal by-law, resolution or regulation made under clause 7(1)(c) of the Building Code Act and be project specific;
- Information and documents as prescribed by municipal bylaw which enable the Chief Building Official to determine whether the proposed construction or demolition will contravene any applicable law. These will be documents that confirm that approvals required by an applicable law have been obtained. It is recommended that the information and documents be prescribed by municipal by-law, resolution or regulation made under clause 7(1)(c) of the Building Code Act; and
- A proposed building that will not contravene any applicable law. This requires the proposed building to comply with the applicable zoning standards of the municipality and any other relevant applicable law.

The Municipal Response

For an application that has been declared complete by the applicant the municipality, can respond as follows;

1. CBO **does** assess “completeness” within 2 days

CBO accepts applications that meet the requirements of 1.3.1.3 (5).

These applications are made in the correct form and by the owner or the authorized agent of the owner, all applicable fields have been completed on the application and the required schedules, and all the required schedules are submitted. Payment has been made of all fees required under the municipal bylaw.

These applications are accompanied by the plans and specifications prescribed by the applicable by-law ...

These applications are also accompanied by the information and documents prescribed by the applicable bylaw...which enable the CBO to determine whether the proposed building, construction, demolition, will contravene any applicable law.

These applications do not contravene any applicable law.

The applicant has declared that these requirements are met by checking “Yes” under “H” of the provincial permit application form.

The CBO undertakes a review of completeness and compliance with applicable law within 2 days. If the application is not complete the CBO provides reasons to the applicant in writing why the application is not complete (or does not comply with applicable law). If the application is “complete” the CBO completes the full review of the application within the prescribed timeframe (e.g. 10 days for houses).

This approach enables municipalities to screen out applications that are incomplete or not in compliance with applicable law, so that building department resources can be focused on complete applications.

2. CBO does not assess “completeness” within 2 day period

As in option 1.

However, the CBO does not confirm the “completeness” of the application or compliance with applicable law within the 2 day completeness review period and accepts the application as complete.

The CBO must then undertake a full review of the application and identify all reasons for refusal if a permit is not issued, even if the application does not comply with applicable law or is found to be incomplete.

This approach may be appropriate for some rural or smaller municipalities unable to complete the 2 day review because of constraints related to staff resources or distance.

Other procedures

Other procedures that some municipalities have implemented to provide better service or improve efficiency include:

- Require or offer a pre-application review (for all or selected permit types) that confirms what documentation is required and whether the proposed construction conforms to applicable law, including zoning; or
- Implement a ‘zoning certificate’ procedure that is identified through the municipal building by-law as a required document for a complete application. The certificate will confirm compliance of a proposal with the zoning by-law and other applicable law, and, will not be issued until the proposal complies with the zoning by-law and all approvals required by an applicable law have been submitted.

With respect to providing guidance to permit applicants on what constitutes a complete application the municipality is encouraged to:

1. Define in the municipal by-law, precisely what constitutes a complete application;
2. Develop guidelines for the completion of the permit application form;
3. Develop municipal checklists that, by building and/or project type, identify what drawings, specifications and documents must accompany an application; and,
4. Develop web presence to identify the foregoing; and,
5. Communicate the changes with industry associations such as the local home builders association

Review and pre-screen responses to those items in Box H

1. If the applicant marks any items with a 'No', the applicant is declaring their application is incomplete;
2. If the applicant marks all items with a 'Yes', the applicant is declaring that in their opinion, the application is complete.

In either case, the municipality should confirm the applicant's declaration and provide in writing the reasons for incompleteness (eg. Notification of Completeness of an Application).

For those applications declared as not complete and as mentioned in the section on "determination of completeness" - that the application can still be accepted by the municipality for review (but is not subject to a full review within the prescribed timeframes for that category of building).

Often for larger and more complex projects, not all plans or applicable law approvals will be in place before an application is submitted. While the Building Code does not include any specific provisions for dealing with applications that are declared to be not complete, it is however a matter of good practice for the municipality to advise applicants that it will accept some applications that are declared by the applicant to be incomplete. The municipality will not necessarily accept all applications that are declared incomplete but will accept those that are sufficiently mature to warrant review by the municipality.

As a general rule applicants are encouraged to consult with the municipality prior to submitting an application. Pre-consultation can often reduce problems down the road.....

Tips and FAQ's

The joint Working Group (WG), responsible for creating the Best Practice Guide (BPG), includes tips and frequently asked questions to highlight the changes related to complete applications. During the preparation of the BPG, common questions were recorded and the answers to the questions form part of the guide. See separate attachment titled "23 FAQ's".

Every CBO/municipality should consider the following tips;

- Update the municipal building bylaw after reading this guide,
- Communicate the goal of "How to file a complete permit application" such as counter pamphlets, information via website, meeting with local associations, etc.
- Create templates that assist staff with serving the customer while acting as a hard copy for the customer,

- Ask local CBO's about their process with the goal of being uniform as customers prefer to be treated the same from all municipalities. At the very least, municipality practices around complete applications should be transparent,
- Obtaining feedback from the customer is a common method for seeking feedback on services,
- Remove policies/forms that add no value to the application process,
- Communicate, communicate and communicate with the customer,

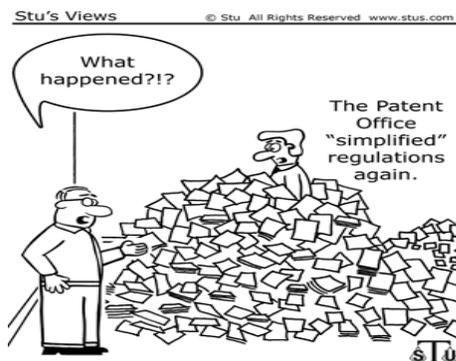
Reference Documents – Attachments

The Complete Application Best Practice Guide contains a number of proven documents to serve as tools to assist both the municipality and the customer when filing building permit applications. To increase awareness surrounding complete applications, common templates are included for use in any Ontario municipality. Feel free to add your municipal logo/contact information. See separate attachment titled "Attachments A-H".

1. **Attachment "A"**, "A Guide to the Permit Application Form",
2. **Attachment "B"**, "Notice of the Completeness of an Application for Permit"
3. **Attachment "C"**, "Application Checklist Complete Building Permit",
4. **Attachment "D"**, "Zoning Certificate Program",
5. **Attachment "E"**, "Pre-Consultation Process",
6. **Attachment "F"**, "Coordinated Applicable List Checklist",
7. **Attachment "G"**, "Schedule of Documents, Drawings and Specifications" forms part of building by-law.
8. **Attachment "H"**, "Full Review Status Letter",

Municipal Feedback (Jan.1/11 to Dec.1/11)

The regulation changes for complete applications became effective on January 1, 2011. Since implementation of the changes, there have been very few questions from CBO's. There were a couple questions on the payment of fees; development charges and building permits.



For clarification purposes, development charge fees are NOT required to be paid at time of filing a complete application. The opposite is true for the payment of building permit fees. The building permit fee is required to be paid at time of filing a building permit application. Note; municipalities may elect to accept complete applications without requiring the building permit fee to be paid when filing the application.

Every applicant who files a complete application is to receive a full municipal review with a written decision within the prescribed time frame. Municipalities that do not provide this level of service are not following the regulations in the BC. The recourse for an applicant who does not receive this level of service is to contact MMAH; Building Code Commission. The WG is hopeful there will be no need for further BCC rulings related to time frames.

The WG members encourage and remind municipalities to provide a written decision within the prescribed time frame for all complete applications as part of the regulatory process and to provide the certainty for the applicant. The intent behind prescribed time frames is “certainty”.

Municipal Performance Measurement Program (MPMP)

Effective January 1, 2011, Municipal Building Departments will be required to record two metrics and report on these in 2012. This program is brand new for Municipal Building Departments. The one metric is specific to time frames (10, 15, 20 & 30 business days). Each municipality will report on the median number of days to review a complete building permit application and issue a permit or not issue a permit, and provide all reasons for refusal. **The metric reporting on the four (4) median days applies only to “complete applications”.** Permit applications that are deemed incomplete are not to be included in this metric.

For additional information on MPMP, refer to this MMAH website at <http://www.mah.gov.on.ca/Page297.aspx> and/or speak to the Clerk in your municipality.

Authors & Assistance for the Best Practice Guide



The Complete Application Best Practice Guide was a joint venture of experienced individuals from small, rural and large municipalities, with representatives from; Large Municipal Chief Building Officials and the Ontario Building Officials Association. The WG team included; Willy Wong (Mississauga), Mark Sraga (Toronto-West), Frank Zabukovec (Oakville), Bob Foster (Centre-Wellington), Chris Bird (Markham), Tim Moore (Markham), and Chair Mike Seiling (Kitchener). The WG was fortunate to have one additional member, Michael DeLint, Senior

Policy Advisor with the Ministry of Municipal Affairs and Housing (MMAH). The WG members responsible for this Guide would welcome answering your questions. The changes surrounding complete applications were wide ranging and the WG attempted to cover all points but if a point was overlooked, please feel free to contact one of the WG members directly or alternately contact the MMAH.

Background Information

In late 2006 the Ministry of Municipal Affairs and Housing formed a Working Group to review reported industry complaints on municipal practices when filing a building permit application. The WG was comprised of representatives from various sectors of the construction industry such as; two home builders, one architect, two building officials and one Ministry official.

The WG received clarification from the MMAH surrounding the intent of complete application filing, specifically, permit review timeframes (Jan. 2006) from the Building Code Statute Law Amendment Act, 2002 (Bill 124) changes. According to MMAH, one of the original goals of Bill 124 was consistency, and, in terms of application filing the

industry reported inconsistencies. The WG prepared a detailed report listing issues and recommendations that would support the goal of consistent application filing. In February 2007, the Building Advisory Council (BAC) unanimously endorsed a twelve page report and the said report was forwarded to the Minister.

Ministry staff discussed the BAC recommendations with stakeholders in mid 2007 and by fall of 2008 there was consensus to “raise the bar” for a complete application to include documentation from external applicable law agencies and plans/specifications that comply with the municipal by-law. The recommendations included provisions for early screening or “customer review” of applications, at which time missing information related to applicable law and plan / specification, would be identified. Where no early screening/counter review takes place, or no control procedures are established for the early review, the application would be accepted as complete and subject to the full permit review process. Further an early review does not preclude the CBO identifying missing clearances or the content of plans during permit review process.

Clarification was provided that where a permit application is considered incomplete the plan review is not subject to the timeframes. However as part of customer service the municipality would still complete the full plan review but not necessarily within the prescribed time frame.

In late 2009, the Good Government Act, 2009 (Bill 212) revised the Building Code Act to clarify the requirements for building permit applications that are subject to full review within the timeframes set out in the BC. Clearer requirements for building permit applications that are subject to mandatory review, within the timeframes set out in the BC, are intended to promote more uniform administration of the BC and increase certainty in the permit process.

The timing of the complete application changes coincides with new municipal reporting as part of Municipal Performance Measurement Program. The complete application changes will serve as a “starting point” for a uniform province-wide definition for complete applications. Effective January 1, 2011, municipalities will be required to record two Building Service scales; one is permit review time frames and the second is operating costs. In early 2012, each municipality will be expected to report on the 2011 data metrics and subsequent years thereafter.

In late 2010, a second WG was formed to produce a Complete Application Best Practice Guide. The intent of the Complete Application Best Practice Guide was to increase the awareness of the changes surrounding “complete applications” and provide options for each municipality. Providing options and explaining the change is important because municipalities are different from one another, ranging from subtle to very different in terms of processing applications. What works for one municipality may not work for another municipality. The key to a successful rollout of this guide is communicating the changes while listing options.