



TOWN OF
GRIMSBY

GUIDE TO CONDITIONAL BUILDING PERMITS

(Updated in 2024)



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WHAT IS A CONDITIONAL PERMIT?

A Conditional Permit (CP) is a type of building permit that may be granted when not all the necessary approvals for a building permit have been obtained. CP's are typically used for large development projects.

The Chief Building Official (CBO) has the discretion to issue a CP when the applicant demonstrates that the required approvals are in progress, and that delays in approval are causing unreasonable construction setbacks.

It is important to note that a CP application is not a fast-tracking system and does not bypass the required technical reviews that ensure public health and safety standards are met. To initiate a CP application, a written request must be submitted. The request and accompanying documents will be reviewed to ensure the development meets the necessary criteria for issuing a CP.

This CP application guide serves as a reference document and does not provide an exhaustive list of criteria for CP issuance. Additionally, it does not limit the CBO's discretion, as outlined in subsection 8(3) of the Building Code Act, 1992, when deciding whether to grant a CP.

STEP-BY-STEP PROCESS

Step 1: Submit a standard Building Permit application, including a complete set of drawings, and pay all required permit fees. Development charges are due when the first permit is issued.

Step 2: The application is circulated for plan review to ensure compliance with the Ontario Building Code, Zoning By-Laws and any relevant applicable law.

Step 4: The applicant is notified that the plans review is complete. However, a Building Permit cannot be issued due to outstanding Applicable Law requirements.

Step 5: Submit a Conditional Permit request for support or refusal by the Chief Building Official (CBO) via the Town of Grimsby Building Division website. Conditional permits may be considered for a portion of the proposed construction after a comprehensive review of the entire project.

Step 6: If the CBO supports the Conditional Permit request in Step 5, submit a Conditional Permit Application.

Step 7: The Chief Building Official reviews the application, prepares a legal agreement, and determines the amount for the letter of credit.

Step 8: The owner signs the agreement and provides the required securities.

Step 9: Pay any outstanding Development Charges and permit fees related to the Conditional Permit scope of work.

Step 10: Allow time for processing the legal agreement and fees. Once completed, the Conditional Permit will be issued.

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A Conditional Permit application is not intended to expedite the by passing of Planning approvals, or the standard time required for Zoning and Building Code reviews, which ensure compliance with public health and safety standards. The decision of the Chief Building Official is not appealable, so if the conditional permit application is refused then all necessary applicable law approvals or exemptions are required prior to building permit issuance.

WHEN IS A CONDITIONAL PERMIT AVAILABLE?

Conditional permits are issued at the discretion of the Chief Building Official, when the applicant can show that these approvals are routine and forthcoming, and that the approval timeframes are unreasonable and causing unnecessary construction delays.

An application for a Conditional Permit may be submitted under the following circumstances:

- For projects subject to site plan approval as per Section 41 of the Planning Act, where plans or drawings have been endorsed by the Director of Planning
- When a subdivision is registered, or a model home agreement has been executed
- After a building permit application has been filed, and the plans review for the entire project is complete
- Once all necessary zoning, heritage, conservation authority, or environmental permissions have been secured
- If a minor variance was required, following approval at the Committee of Adjustment meeting with no objections raised during the meeting or submitted in writing
- When all other required approvals under applicable laws have been applied for by the Owner and are expected to be granted

SUBMISSION REQUIREMENTS

The following documentation must accompany applications for new conditional permits:

- Completed Application for a Permit to Construct or Demolish form
- Non-refundable conditional permit fee, specified in our current Building By-law
- Ontario Land Registry PIN
- Development approval schedule detailing outstanding approvals' timeframes and the requested scope of work under the Conditional Permit
- Letter from the Applicant explaining the Conditional Permit rationale and detailing the nature of delays in accordance with 8(3)(b) of the Building Code Act

If a Conditional Permit request is approved, an agreement will be drafted outlining approval terms and required compliance timeframes. To obtain the Conditional Permit, the owner must:

- Sign and return the Conditional Permit Agreement (refer to attached Sample)
- Provide an Irrevocable Letter of Credit (LOC) as security, in an amount determined by the Chief Building Official. The LOC must be in a Town-approved format (see attached sample), referencing the date of the Conditional Permit Agreement and the owner listed therein.

HOW LONG DOES IT TAKE TO OBTAIN A CONDITIONAL PERMIT?

It usually takes about 10 business days to consider a Conditional Permit request, consult other Departments, and prepare and execute the necessary agreement. This time estimate is exclusive of the time required for the Owner to complete their tasks (obtain the required LOC, sign the agreement, payment of Development Charges and outstanding building permit fees).

WHAT ARE THE RISKS AND COSTS ASSOCIATED WITH CONDITIONAL PERMITS?

A Conditional Permit allows an owner to lawfully start construction entirely at their own risk in some limited circumstances. It does not afford the same guarantees as a regular building permit; however, if the outstanding approvals are not obtained as promised within times that are prescribed, the conditional permit may be revoked. The construction must be removed, and the site restored in these circumstances. **To reduce these risks, it is essential that you fully disclose to the Chief Building Official any information or uncertainty you have about an outstanding approval.**

A Conditional Permit application must be accompanied by a fee, as outlined in our Building By-law. **The fee is not refundable.** Prior to issuing the Conditional Permit, an agreement is prepared which is required to be secured with a Letter of Credit (LOC) in an amount specified by the Chief Building Official. The Letter of Credit may be drawn on to restore the site, if necessary. All other fees are payable in full, including normal Building Permit fees and Development Charges.

If the outstanding approvals are not obtained, and the regular Building Permit issued prior to the Conditional Permit's expiry date, a request to extend the Conditional Permit can be submitted and it incurs a fee as outlined in the Building By-law.

ARE CONDITIONAL PERMIT APPLICATIONS SOMETIMES REFUSED?

Yes. The Chief Building Official may refuse a Conditional Permit application for any reason. The Chief Building Official is prohibited by Ontario law from issuing a Conditional Permit if re-zoning, heritage, conservation authority or environmental approvals are not completed. Other refusal decisions may include an objection from another approval agency, or where applications have only been very recently filed, or the owner has not filed all required documents. The Chief Building Official's decision on whether to issue a Conditional Permit or not is final. There is no appeal available on Conditional Permit decisions.

Should you have any other questions and/or concerns, please contact the Building Division at 905-309-2022 or building@grimsby.ca.