



BUILDING BULLETIN

Building Services

Subject:	Investigating Construction without a Permit
Building Bulletin No:	BD.BB.18.05
Date Issued:	July 12, 2018
Date Revised:	May 10, 2019
Reference:	s. 1.1(6) <i>Building Code Act</i>

A. Purpose

The purpose of this Building Bulletin is to:

- Establish the minimum investigation protocol for investigating and responding to ongoing construction without the benefit of a building permit; contrary to the *Ontario Building Code Act* Section 8(1).
- Establish the legal status of the construction under investigation.
- Initiate the appropriate corrective actions of any outstanding illegal construction.
- Take reasonable measures to protect the public health & safety.

B. Background and Definitions

Building is defined by the *Building Code Act* and means a structure occupying an area greater than 10m² (108ft²) consisting of a wall, roof and floor or any combination of them; plumbing; sewage system or designated structures.

Construction is as defined by the *Building Code Act* and would normally require a building permit.

Completed construction; means at the time of investigation construction has been completed to the stage whereby a prescribed Building Code inspection is not possible due to the construction being enclosed or covered.

Completed Construction Order; means an Order issued under the authority of the *Building Code Act* when construction is ongoing and part of the building has been completed and one or more prescribed Building Code inspections is not possible due to the construction being enclosed or covered.

Construction ongoing; means *construction* is in progress evidenced by persons being observed in the act of building *construction* or where no persons are observed at the time of investigation, *construction* has changed (added to or deleted from) between two established known dates.

Uncovering plan; means a plan developed collaboratively by an architect or engineer and the Building Inspector that will enable the architect or engineer to develop a credible opinion respecting code compliance of the *completed construction* for the construction associated with the missed prescribed inspections.

C. General Interpretation and Requirements

Where construction without the benefit of a building permit has occurred and confirmed by a Building Inspector or a Municipal Law Enforcement Officer, the following will be required in order to determine compliance with the Ontario Building Code:

1. *Completed construction* is not susceptible to a level of inspection comparable to the Town's normal inspection program and as required under the Ontario Building Code. Accordingly it is the Chief Building Official's standard practice to require an *uncovering plan* for any *completed construction* portion of a project without the benefit of a building permit. The Chief Building Official, or designate, shall advise the owner of the prescribed inspection(s) that are to be addressed in the *uncovering plan*.
2. A permit submission shall be prepared by the architect, professional engineer or a qualified person that includes all of the work identified in the *uncovering plan* and any repairs required arising from the opinion developed in the *uncovering plan*.
3. The *uncovering plan* shall be issued as part of the building permit or separately.
4. Inspections by a Building Inspector shall be performed in accordance with the Building Code prescribed notices for the work identified in the *uncovering plan* prior to the issuance of an Occupancy Permit or Final Inspection, if required.
5. Written certification from an architect, engineer or qualified person that the completed construction complies with the Building Code may be required (at the owner's expense).
6. *Completed construction* shall be recorded as *Not Visible* in City View, unless the entire construction is visible or made visible for inspection by a Building Inspector.

7. Where the services of a Professional Engineer or Architect is required by Building & By-Law Services for Building Code Act related matters; *the owner is responsible for contacting and arranging the required services and obtaining the necessary reports or documentation.*

D. Reference Information

Ontario Building Code Act

E. Attached

N/A

F. Review Cycle

This building bulletin will be reviewed annually by the Chief Building Official.

Greg Miller, BSSO, CBCO, C.E.T.,
Chief Building Official

Planning and Building Department
Building Services Division
building@collingwood.ca