



Regular Meeting of Council
Agenda

Date: March 2, 2023
Time: 1:00 pm
Location: Hybrid meeting- virtual and Council Chambers, City Hall

City Council meetings are now being conducted using a hybrid model, allowing members of Council, city staff and the public the option of participating remotely or in-person. The meeting will be live web streamed, as usual, and archived on the city website.

Pages

1. **Call to Order:**
2. **Land Acknowledgement:**
3. **Regrets:**
4. **Declarations of Interest:**
5. **Delegations:**

In order to speak at a Council meeting, Individuals must register as a delegation no later than noon the day before the meeting. To register, complete the online application at www.burlington.ca/delegation or by submitting a written request by email to the Office of the City Clerk at clerks@burlington.ca

If you do not wish to delegate, but would like to submit feedback, please email your comments to clerks@burlington.ca by noon the day before the meeting. Your comments will be circulated to Council members in advance of the meeting and will be attached to the minutes, forming part of the public record.

6. **Recommendations from Standing Committees:**

- 6.1 Community Planning, Regulation & Mobility meeting of February 28, 2023

Recommendations pending CPRM meeting of February 28, 2023:
Agenda

- a. Indexation of building permit fees for 2023 (BB-01-23)

- b. Official Plan and Zoning By-law amendment application for 1062-1074 Cooke Blvd (PL-07-23)
- c. Zoning By-law amendment for 3399 Appleby Line (PL-14-23)
- d. Motion memorandum regarding processing of Committee of Adjustment applications (CPRM-01-23)

6.2 Corporate Services, Strategy, Risk & Accountability meeting of March 1, 2023

Recommendations pending CSSRA meeting of March 1, 2023: Agenda

- a. Confidential legal services department update on a litigation matter regarding 3503 New Street (L-16-23)
- b. Confidential legal services department update on a litigation matter regarding 409 Brant Street (L-18-23)

6.3 Environment, Infrastructure & Community Services meeting of March 2, 2023

Recommendations pending EICS meeting of March 2, 2023: Agenda

- a. Site Engineering resourcing update (ES-04-23)

7. Urgent Business:

8. Confidential Items and Closed Session:

Confidential reports may require a closed meeting in accordance with the Municipal Act, 2001. Meeting attendees may be required to leave during the discussion.

9. Rise and Report:

10. Motions of Members:

11. Motion to Receive and File Information Items:

Receive and file Information items, having been considered by Council:

12. Notice of Motion:

13. Motion to Approve By-Laws:

Enact and pass the following by-laws which are now introduced, entitled and

numbered as indicated below:

13.1 06-2023: A by-law to amend Building Permit By-law 66-2019. 1 - 9

Report BB-01-23, Community Planning, Regulation and Mobility
meeting of February 28, 2023

14. **Confirmatory By-law:** 10 - 11

Enact and pass By-law Number 07-2023 being a by-law to confirm the
proceedings of Council at its meeting held March 2, 2023 being read a first,
second and third time.

15. **Motion to Adjourn:**

Adjourn this Council now to meet again at the call of the Mayor.

The Corporation of the City of Burlington

City of Burlington By-law 06-2023

A by-law to amend Building Permit By-law 66-2019

File: 565-05 (BB-01-23)

Whereas pursuant to the *Building Code Act*, S.O. 1992 c. 23 as amended, the Lieutenant Governor in Council has established a Building Code which is in force throughout Ontario; and

Whereas section 7 of the *Building Code Act*, S.O. 1992 c. 23 as amended, empowers Council to pass by-laws respecting construction, demolition, change of use, transfer of permits, inspections, and the setting and refunding of fees; and

Whereas section 6 of the Building Permit By-law 66-2019, requires building permit fees to be indexed to the overall percentage increase for the total Human Resource expenditures as approved in the annual budget in relation to the Building Section and are to be adjusted annually; and

Whereas Council adopted the 2023 annual budget on February 14, 2023 and adopted a 5.8 percent increase to the total Human Resource expenditure costs in relation to the Building Section;

Now therefore the Council of the Corporation of the City of Burlington hereby enacts as follows:

1. That subsection 6.11.2 of By-law 66-2019 is amended by deleting “March 1” and replacing with “March 6”.
2. That Schedule “A” of By-law 66-2019 is deleted and replaced with Schedule “A” attached to and forming part of this By-law.
3. That in all other respects By-law 66-2019, as amended, be and is hereby confirmed.
4. That this By-law comes into force on the day of its passing.

Enacted and passed this 2nd day of March 2023.

Mayor Marianne Meed Ward _____

City Clerk Kevin Arjoon _____

SCHEDULE "A" By-law 06-2023

CLASSES OF PERMITS AND PERMIT FEES

1. CALCULATION OF PERMIT FEES FOR CONSTRUCTION:⁽⁶⁾

Permit fees shall be calculated based on the formula given below, unless otherwise specified in this schedule:

$$\text{Permit Fee (rounded to the nearest dollar)} = \text{SI} \times \text{A}$$

Where: SI = Service Index for Classification of the *work* proposed and, A = floor area in m² of *work* involved.

2. MINIMUM PERMIT FEE

Notwithstanding the fees indicated below, a minimum fee of \$348.00 shall be charged for all *work*, unless otherwise indicated.

3. CLASSES OF PERMITS AND FEES

A. CONSTRUCTION – NEW BUILDINGS, ADDITIONS, MEZZANINES	Service Index (SI) \$/SM Unless otherwise indicated
Group A (Assembly Occupancies)	
Recreational Facilities – arenas ⁽¹⁾ ,/gymnasiums/pools/theatres	30.24
Schools/libraries	"
Places of Worship	"
Restaurants	"
Outdoor patio	9.15
Portable classroom (School)	348.00 ⁽⁷⁾
Interior alterations/renovations	11.82
Group B (Detention Occupancies)	
Institutional	34.27
Hospital/Nursing Home	"
Interior alterations/renovations	14.81

A. CONSTRUCTION – NEW BUILDINGS, ADDITIONS, MEZZANINES	Service Index (SI) \$/SM Unless otherwise indicated
Group C (Residential Occupancies)	
Detached, semi, townhouse, additions (up to 300 SM – total area)	21.36
Detached, semi, townhouse, additions (over 300 SM – total area)	27.55
Attached/detached garage or deck, carport, covered deck/patio Excavating basement or crawl space Basement walkout/exterior stairs/accessory building (shed)	348 ⁽⁷⁾ (for each item)
Apartment buildings, hotels, or stacked townhouses (1-3 storeys)	19.67
Apartment buildings or hotels (4-7 storeys)	23.78
Apartment buildings or hotels (more than 7 storeys)	27.90
Interior alterations/renovations	7.60
Group D (Business and Personal Services Occupancies)	
Office buildings: (up to 10 storeys) shell only (up to 10 storeys) finished (more than 10 storeys) shell only (more than 10 storeys) finished	 22.36 29.71 24.42 31.77
Other business and personal services	30.05
Interior alterations/renovations	11.82
Group E (Mercantile Occupancies)	
Retail stores: Shell Finished	 20.80 29.71
Interior alterations/renovations	11.82
Group F (Industrial Occupancies)	
Warehouse/Manufacturing: First 4650 SM Additional area over 4650 SM	 16.53 11.28
Parking Garages: New Repairs	 8.74 3.63
Interior alterations/renovations	8.06
Miscellaneous (other)	
Farm building/accessory building/greenhouse	5.44

A. CONSTRUCTION – NEW BUILDINGS, ADDITIONS, MEZZANINES	Service Index (SI) \$/SM Unless otherwise indicated
Additional Scopes of Work (All Occupancies)	
Mezzanines	
Open storage	9.59
Enclosed office mezzanine	See Group D
New/alterations to sprinkler system or standpipe & hose system (if applicable, added to the base <i>permit</i> fee)	1.13 (660 minimum)
New/alterations to fire alarm (if applicable, added to the base <i>permit</i> fee)	886.00 ⁽⁷⁾
Electromagnetic locking device (if applicable, added to the base <i>permit</i> fee)	348.00 ⁽⁷⁾ (163.00 for each Additional locking Device)
Dust collectors (if applicable, added to the base <i>permit</i> fee)	686.00 ⁽⁷⁾ (for each item)
Commercial kitchen exhaust hood and/or fire suppression systems (if applicable, added to the base <i>permit</i> fee)	686.00 ⁽⁷⁾ (for each item)
Spray booth (if applicable, added to the base <i>permit</i> fee)	686.00 ⁽⁷⁾ (for each item)
Shelf and rack storage systems	5.19 (660 minimum)
Rack storage systems	2.48 (660 minimum)
Repairs or re-cladding of walls (wall area) or re-roofing (building area)	1.15
Shoring and/or building excavation	5.19
Residential <i>Occupancy Permit</i> for dwelling units [Div. C, 1.3.3.4.(4)] detached, semi detached & most townhomes, etc.]	176.00/dwelling unit
<i>Occupancy Permit</i> for residential buildings [other than Div. C, 1.3.3.4.(4) detached, semi-detached or most townhomes,] & Care Facilities (B3)	318.00 ⁽⁷⁾ (+35.00/suite for multiple unit buildings)
<i>Occupancy Permit</i> for new buildings, additions and renovations [other than residential buildings & Care Facilities (B3) listed above]	348.00 ⁽⁷⁾

B. STAND ALONE & MISCELLANEOUS WORK	Service Index (SI) \$/SM Unless otherwise indicated
Balcony/chimney repairs	133.00/balcony/chimney
Moving/relocation of a building	594.00 ₍₇₎
Temporary tents and stages ⁽¹⁾⁽²⁾ (>60 SM)	348.00 ₍₇₎
Temporary tents and stages ⁽¹⁾⁽²⁾ (>225 SM)	498.00 ₍₇₎
<i>Demolition</i> (up to 600 SM)	348.00 ₍₇₎
<i>Demolition</i> (>600 SM)	978.00 ₍₇₎
All designated structures listed per Div. A. 1.3.1.1.	594.00 ₍₇₎

C. MECHANICAL	Service Index (SI) \$/SM Unless otherwise indicated
New/alterations to HVAC ₍₉₎	1.30
Furnace replacement ₍₉₎	348.00 ₍₇₎
Fireplace/wood stove (Solid Fuel Burning Appliance) ₍₉₎	348.00 ₍₇₎
New air-conditioning unit/roof top unit ₍₉₎	348.00 ₍₇₎

D. PLUMBING	Service Index (SI) \$/SM Unless otherwise indicated
Site Servicing/private water lines ₍₉₎	5.58/M
Backflow prevention devices and/or backwater valves ₍₉₎	400.00 ₍₇₎ (162.00 for each additional device)

E. ON-SITE SEWAGE SYSTEM	Service Index (SI) \$/SM Unless otherwise indicated
New septic system ₍₉₎	1423.00 ₍₇₎
Septic system assessment ₍₉₎	348.00 ₍₇₎
Septic system repair ₍₉₎	652.00 ₍₇₎
Sewer conversions ₍₉₎	348.00 ₍₇₎

F. SIGNS	Service Index (SI) Flat rate Unless otherwise indicated
Fascia and Pylon/Ground Signs	
Up to 2.5 sq. m.	348.00 ⁽⁷⁾
2.5 sq. m. to 8.0 sq. m.	484.00 ⁽⁷⁾
over 8 sq. m.	965.00 ⁽⁷⁾
Billboard	965.00 ⁽⁷⁾

G. OTHER FEES	Service Index (SI) \$/SM Unless otherwise indicated
H.O.M.E.S Program (Halton Original Model Express Service)	1445.00/model
Model home certification	1445.00/model
<i>Fast Track Service</i> ⁽³⁾ In addition to the regular <i>permit</i> fee payable for the entire project. A required premium fee equal to the greater of 50% of the regular <i>permit</i> fee or the min/max of: Commercial/Industrial projects New detached & semi detached residential dwellings Residential – Other than new detached and semi detached residential dwellings	min. 750 – max. 20000 min. 750 – max. 10000 min. 250 – max. 10000

Alternative solution application/equivalency application	1893.00 plus any additional fees incurred in the evaluation process such as third party testing/independent consulting review
Additional Plan Review (Resubmission) Where a non-compliant resubmission is submitted above and beyond the first resubmission. (ie. Second resubmission/review)	194.00/hr of review
Revision to issued <i>permit</i> Where an <i>applicant</i> makes a material change to a plan, specification, document, or other information, following the issuance of a building permit. (includes first hour of review time)	594.00 ⁽⁵⁾ 194.00/hr of review
Fire Watch/Fire Plan Review and approval of Fire Watch/Fire Plans during construction	623.00
Change of use <i>permit</i> (Flat rate includes 4 hours of review time)	856.00 ⁽⁵⁾ 194.00/hr of review
Conditional <i>permit</i>	20% of full <i>permit</i> fee

G. OTHER FEES (continued)	Service Index (SI) \$/SM Unless otherwise indicated
Model Changes:	
Before <i>permit</i> is issued ⁽⁵⁾	348.00 ⁽⁵⁾
After <i>permit</i> is issued ⁽⁵⁾	686.00 ⁽⁵⁾
<i>Limiting Distance Agreement</i>	856.00 ⁽⁷⁾
Transfer of <i>permit</i> – new ownership	348.00 ⁽⁷⁾
Deferral of revocation of <i>permit/permit</i> extension	348.00 ⁽⁷⁾
<i>Work prior to permit</i> issuance at any stage of <i>construction</i> ⁽⁴⁾	
<i>Permit</i> Value 5000 or less	100% of full <i>permit</i> fee ⁽⁸⁾
<i>Permit</i> Value greater than 5000	5000 plus an additional fee equal to 10% of the <i>permit</i> fee in excess of 5000 ⁽⁸⁾
Re-inspection fee: Where an inspection is premature or requires re-inspection due to an infraction identified at a previous inspection which was not remedied, and requires the <i>inspector</i> to re-visit the site to complete the necessary inspection, upon notice to the <i>owner</i> an additional fee will be required, payable prior to re-inspection.	348.00/inspection
Order to Comply is issued pursuant to section 12 or section 13 of the <i>Act</i> , to offset additional investigative and administrative costs.	373.00 ⁽⁸⁾
Stop Work Order is issued pursuant to section 14 of the <i>Act</i> , to offset additional investigative and administrative costs.	747.00 ⁽⁸⁾
Unsafe Order is issued pursuant to section 15.9 of the <i>Act</i> , to offset additional investigative, inspection, administration and rectification of unsafe buildings.	373.00 ⁽⁸⁾
Registration of Order on Title	Actual Legal Cost ⁽⁸⁾
Discharge of Order on Title	Actual Legal Cost ⁽⁸⁾

4. MISCELLANEOUS CHARGES

For classes of *permits* not described or included in this schedule, a reasonable *permit* fee shall be determined by the *Chief Building Official*⁽⁶⁾.

5.a) INTERPRETATIONS

The following explanatory notes are to be observed in the calculation of *permit* fees:

- Floor area of the proposed *work* is to be measured to the outer face of exterior walls and to the centre line of party walls or demising walls (excluding residential garages).
- In the case of interior alterations or renovations, area of proposed *work* is the actual space receiving the *work* (i.e. tenant space).
- Mechanical penthouses and floors, mezzanines, lofts, habitable attics, and interior balconies are to be included in all floor area calculations.
- Except for interconnected floor spaces, no deductions are made for openings within the floor area (i.e. stairs, elevators, escalators, shafts, ducts, etc.).
- Unfinished basements for single detached dwellings (including semis, duplexes, and townhouses, etc.) are not included in the floor area.
- Attached garages and fireplaces are included in the *permit* fee for single detached dwellings and attached dwellings.
- Where interior alterations and renovations require relocation of sprinkler heads or fire alarm components, no additional charge is applicable.
- Ceilings are included in both new shell and finished (partitioned) buildings. The Service Index for ceiling applies only when alterations occur in existing buildings. Minor alterations to existing ceilings to accommodate lighting or HVAC improvements are not chargeable.
- Where *demolition* of partitions or alteration to existing ceilings is a part of an alteration or renovations *permit*, no additional charge is applicable.
- Corridors, lobbies, washrooms, lounges, etc. are to be included and classified according to the major classification for the floor area on which they are located.
- The occupancy categories in the Schedule correspond with the major occupancy classifications in the *OBC*. For mixed occupancy floor areas, the Service Index for each of the applicable occupancy categories may be used, except where an occupancy category is less than 10% of the floor area.

b) REFERENCES

- (1) Includes air supported structures and structures with removable roofs.
- (2) As defined in Zoning By-law and does not include facilities described in (1) above or Group "A" structures as defined in *OBC* and/or requiring the professional services of an *Architect* and/or *Professional Engineer*.
- (3) As defined in 1.1.10 of the Building Permit By-law.

- (4) As outlined in 6.3 of the Building Permit By-law.
- (5) In addition to Flat Rate fee, *permit* fee will be adjusted should there be an increase in floor area.
- (6) Fee could be determined as per *Chief Building Official* as per 6.1 of the Building Permit By-Law.
- (7) Fees are flat fees.
- (8) Payment of these fees does not relieve any person and/or corporation from complying with the *Act*, the *Building Code*, or any Applicable Law.
- (9) Stand alone work only.

The Corporation of the City of Burlington

City of Burlington By-law 07-2023

A by-law to confirm the proceedings of the
meeting of Council of the Corporation of the
City of Burlington held on Thursday, March 2, 2023

Whereas according to Section 5 of the *Municipal Act*, 2001, c. 25 as it may be amended from time to time, the powers of The Corporation of the City of Burlington are to be exercised by the Council of The Corporation of the City of Burlington and municipal powers are to be exercised by by-law; and

Whereas it is deemed expedient that the actions of the Council of The Corporation of the City of Burlington be confirmed and adopted by by-law;

Now therefore the Council of the Corporation of the City of Burlington hereby enacts as follows:

1. The actions of the Council of The Corporation of the City of Burlington in respect of:
 - (a) each recommendation in the report of the Committees;
 - (b) Each motion, resolution and other action passed and taken by the Council of The Corporation of the City of Burlington at this meeting are hereby adopted and confirmed as if same were expressly included in this by-law.
2. The Mayor and the proper officials of The Corporation of the City of Burlington are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Burlington referred to in Section 1.

3. The Mayor, or in the absence of the Mayor, the Deputy Mayor, and the Clerk, or in the absence of the Clerk, the Deputy Clerk,
 - a) are authorized and directed to execute all documents necessary to the action taken by Council as described in Section 1, and
 - b) Are authorized and directed to affix the seal of The Corporation of the City of Burlington to all such documents referred to in Section 1.
4. This by-law comes into force on the day upon which is enacted by the Council of the Corporation of the City of Burlington.

Enacted and passed this 2nd day of March, 2023.

Mayor Marianne Meed Ward _____

City Clerk Kevin Arjoon _____