



Subject: Delegated Authority for Conditional Building Permit for SouthPort Condo Inc.

To: Council

From: Chief Administrative Office

Report Number: 2021-20

Meeting Date: January 11, 2021

Recommendation:

That Council delegates authority to the Chief Building Official to issue a conditional permit agreement for the SouthPort Condo Inc. property.

Purpose:

To delegate to the Chief Building Official the authority to enter into a conditional permit agreement for the SouthPort Condos project as outlined in Section 8(3.1) of the Building Code Act.

Background:

SouthPort Condos Inc. has applied for a foundation-only building permit to allow them to commence construction while the plans for the above grade structure are finalized. SouthPort Condos Inc. has filed their application for a Record of Site Condition with the Ministry of Environment, Conservation and Parks (MECP) and is expecting approval by the end of February. Also, the site plan agreement is awaiting the securities to be paid and the agreement to be registered on title to the property.

In order for the Chief Building Official (CBO) to issue the permit, it must comply with all applicable laws. The Building Code Act does allow the CBO to issue a permit that does not comply with applicable law if it can be demonstrated that a delay in construction will create a hardship and that compliance with the applicable law will follow. Port Colborne's CBO has followed this practice in the past to facilitate construction of complex projects of a commercial, industrial, or multi-residential nature in order to facilitate construction processes.

Discussion:

In order for the CBO to proceed with the issuance of a conditional permit, the applicant (in this case the SouthPort Condos Inc.) must enter into an agreement with the City pursuant to the Building Code Act. Such an agreement requires the approval of Council.

By proceeding with a conditional permit, SouthPort Condos Inc. will be required to assume all risk for commencing construction in advance of the Record of Site Condition being received from the MECP and the Site Plan Agreement being registered on title. In the event that the record of site condition and registration of the site plan agreement on title is not completed, SouthPort Condos Inc., at their own cost, will be required to take steps to restore the site to the pre-construction condition and/or otherwise bring the development into compliance with the law.

Financial Implications:

There are no financial implications for the City as a result of approval, as the financial restoration responsibility if compliance is not met falls to the applicant.

Conclusion:

Staff recommends delegating the authority for the approval of entering into a conditional permit agreement in order to ensure that development proceeds in a timely manner.

Respectfully submitted,

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Report Approval:

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final approval is by the Chief Administrative Officer.