



Infill Housing

Infill vs Renovation

- The term '**Infill**' is generally applied to the construction of a building within an existing established neighbourhood either on vacant land or by demolishing an existing building and replacing with new
- The term '**Renovation**' is generally applied to a construction activity that restores a building by repairing, adding onto or re-building
- In terms of regulation, the distinction is mostly irrelevant;
 - Both are 'construction' as defined by the Building Code Act
 - Both are subject to the Ontario Building Code and *applicable laws* in force at the time of proposed construction
 - Both are subject to similar processes

Infill vs Renovation

- By-law 2018-77, a *Bylaw to Address Infill Construction Activities* defines 'Infill Construction' as
 - *Demolition, construction or work on a property including but not limited to, new home construction, additions and landscaping where a building permit may or may not be required*
- That by-law is intended to regulate construction nuisance; dust, noise, working hours etc not to regulate construction per se or to influence the issuance of building permits

Building Permits

- Every residential building permit application is reviewed on its own merit against:
 - Zoning and other applicable laws [as defined by the Building Code] in force at the time of the application
 - Building Code requirements for health & safety in force at the time of the application, and
 - Lot grading/servicing
- If the proposed construction complies with those standards, the Building Code Act mandates the issuance of the permit
- A person has a right to a building permit where they so comply

Applicable Laws

- Most common '*applicable laws*' relating to residential construction:
 - Zoning [s.34 of the Planning Act]
 - Regulates land use, height, setbacks, density, parking, lot area
 - It does not regulate style, materials, colour, fenestration
 - Site plan approval [s.41 of the Planning Act]
 - Process allows review and approval of issues such as building layout, form, massing, access, parking and landscaping - more aesthetics
 - Currently, residential development is not subject to site plan approval except in areas so designated by the City's site plan control by-law
 - Ontario Heritage Act
 - Conservation Authorities Act [TRCA]

During Construction

- Once a permit is issued, construction may proceed, and must proceed in accordance with the permit documents - inspections
- Any material change [to scope, design, structure etc.] must be authorized through the issuance of a separate permit [revision]
- Where a material change is not authorized before the change is made on site, an Order or Stop Work Order may be issued
- A permit may be revoked [taken back] where, and only where:
 - Construction does not proceed within 6 months of permit issuance;
 - Construction is substantially discontinued for more than 12 months
 - It was issued in error or on mistaken, false or incorrect information