

To: Mayor and Members of Council  
From: Chris Alexander, Acting Manager, By-law and Regulatory Services  
RE: Infill Construction By-law  
Date: June 26<sup>th</sup>, 2018

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At the June 26<sup>th</sup>, 2018 General Committee meeting, Chris Alexander, Acting Manager By-law and Regulatory Services, presented a proposed Infill Construction By-law. At the conclusion of the meeting, Committee requested further information and clarification on the following:

1. Definition of Infill Construction
2. Exemptions to the dry cutting provision for government projects
3. Requirement for Informational Signage
4. Environmental concerns with the demolition process
5. Refusal of Building Permits based on past behaviour

### **1. Definition of “Infill Construction”**

General Committee expressed interest in having the application of the By-law defined to clearly state what type of projects that the by-law applies to in the City. Staff are proposing the following definition;

**Infill Construction**” means 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.

The Bylaw would then apply to all projects whether a Building Permit is required or not and larger projects like subdivision constructed under site plan would be addressed through the existing City by-laws.

### **2. Dry- Cutting of Stone – Government Project Exemption**

The intent in the draft by-law presented to General Committee was for emergency works and the By-law has been amended to include this. Staff appreciate that the City should be a leader in this area and set the example. There may however be circumstances where wet cutting is not possible. Staff will review this over the summer and report back in the fall with an update as part of the proposed Workshop on the By-law.

### **3. Informational Signage**

Staff agree with the comments made at General Committee that a requirement for signage on affected properties is an excellent suggestion and are proposing the following definition and requirement:

**“Construction Information Sign”** means a sign approved by the Manager of By-law and Regulatory Services which includes the provisions and prohibitions of this By-law;

- 2.1 Every Person for whom this By-law applies shall erect and maintain a Construction Information Sign as provided by the City in a location approved by the Manager of By-law and Regulatory Services

The specific content and location of the sign will be addressed based on the site conditions, location of the property and size of the property. The goal is to ensure that ALL workers are aware of the applicable by-laws. It will also provide information to area residents on the by-laws and who to call if there is a concern.

#### **4. Environmental Concerns – Demolition**

Staff were able to conduct a quick review of the authorities related to environmental concerns raised at General Committee and it would appear that the Building Code is limited in this area and that most of the authority lies with the Ministries of Labour and the Environment. Staff are committed to looking further into these concerns and report back in the fall at the workshop with some possible recommendations.

#### **5. Refusal of Building Permits**

One of the issues that both staff and residents experience are situations where multiple infill projects are completed by the same builder and there are issues which the proposed by-law is designed to address. The Committee raised the question of whether a Building Permit could be refused in these situations and the answer unfortunately is no. There is not an ability to deny or refuse a Building Permit based on previous behaviour or unpaid fines or penalties.

#### **Conclusions**

As discussed at General Committee, staff believe that the By-law is an important tool to address concerns raised by residents about issues created by infill construction projects.

Staff have made some of the changes discussed at General Committee and are prepared to report back in the fall at the proposed Workshop on those issues that require further research.

In the meantime, staff recommend that the By-law be passed and any changes or improvements can be made in the fall once there is more time to review the By-law and also learn from its application over this summer.

Regards,

Chris Alexander, Acting Manager, By-law and Regulatory Services