

BUILDING WITH A PERMIT

When you decide you are ready to build, you shall consult the building department and apply through them for a permit to construct. The Ontario Building Code regulates through the Code and the Building Code Act what construction shall look like for various classifications of uses. Where a permit is not used to construct a structure that is required to be constructed under the governance of a permit the following punitive actions can be taken: Building Assessment Permits with double fee as fines invoiced and due in 30 days, Orders to Comply and Stop Work Orders are levied on a property until such a time as the matters are rectified. The orders often include the requirement for you to seek the services and expertise of an Engineer to report on the construction as constructed. This can be a costly way to venture when you are looking at developing your lot. Always ask if a permit is required, and it may still go through this process even if you bought it that way!

Ready to Proceed:

You can submit the completed Application to Construct complete with drawings, truss package, site plan, septic approval and other pertinent information to the building department. If you have questions as to what is permissible on your lot, how big you can build, what uses can you have; you can either look at the Comprehensive Zoning By-law 2024-10 found on the website www.assignack.ca or you can contact the building department.

These applications can be done in person or by email. Your project will be reviewed, you will be notified of the fee and any further documentation required. Once everything is ok to proceed, you will be notified by phone or email, and a permit will be issued to you and available for pick up in the office. This permit document and a copy of the plans must be posted or made available at the site.

It is imperative that you contact the Chief Building Official (CBO) at each required inspection. Failure to do so may result in possible excavation of footings, required pictures and/or an Engineers' Report indicating the structure as conforming to the Building Code.

You will receive reminders for deadlines and appointments. You can schedule appointments, attach documents and pictures and email the department regarding your permit. Once inspections have been completed you will be notified of a pass or fail for that inspection. You can respond to questions asked by the CBO or the department.

If you need assistance to initiate an application, you can contact the Administrative Assistant to walk you through the process. The Building Department can be reached by emailing building@assignack.ca with any questions or concerns.

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LOT STATUS: NO LEGAL PRIMARY STRUCTURE

Under the Ontario Building Code (2024 and prior), you are required to have a legal primary structure on the property to legally construct **any** accessory building. The requirements for permits are found under Division C, Section 1.3.1.1. of the Building Code. More specifically for sheds see the following under subsection 6:

Quoted Text**Div. C. 1.3.1.1.(6) Sheds*****

A shed is exempt from the requirement to obtain a permit under Section 8 of the Act and is exempt from compliance with the Code provided that the shed:

- a) Is not more than 15m² in building area,
- b) is not more than one storey in building height,
- c) is not attached to a building or any other structure,
- d) is **used only for storage** purposes **ancillary to a principal building** on the lot, **and**
- e) Does not have plumbing located in it.

End Quoted text*****

So, in summary, if there are structures in place currently, with no legal primary, none are legal. You are not allowed to have any structures without the permit for a primary structure (Residential House, Seasonal Cottage, etc.). There is a lot of misinformation circulating about the undersized structures. It was thought that any lot could build a 10ft x10ft structure and not require a permit on any land type. This is not accurate. Now, with a legal primary structure, the shed size as indicated in sentence (a) above is approximately 10ft x 16ft.

Where you are found to have constructed without a permit, the following will be the general process that is followed. Each site is unique and may warrant a different approach on either end of the scale, this is for awareness purposes and will fit most circumstances.

A **Building Assessment Permit** is a tool utilized by municipalities to action MPAC for assessment purposes. This BAP is not intended to accept the structure as it has been constructed but rather gain assessment for the construction. This permit type almost always is accompanied by an Order to Comply.

The largest structure constructed without a permit, where use permits habitation, will be:

- assigned to a **Building Assessment Permit**,
- invoiced a minimum **permit fee** of \$2,400.00,
 - The minimum fee for habitable structure is \$1,200.00 and where construction occurs without permit that fee shall be doubled. Where a structure is larger than the minimum allotted under the calculation, this fee shall be calculated accordingly.
- Issued an **Order to Comply** which will have the following requirements at minimum:
 - Required to submit an engineer's report and structural drawings indicating the structure as constructed conforms or does not conform to the current Code. Whereby it does not conform to the Code, owners are required to either:
 - Demolish the structure,
 - Or bring it up to Code under the engineers' guidance and direction through that report.
- Each site visit for inspections where items are not complete will be levied a fee of \$100.00.
- Note: where only one structure is present, on property deemed vacant land, a minimum fee as noted above will be used, regardless of the use.

All other structures, where the use does not permit habitation, will be:

- assigned to a **Building Assessment Permit**,
- invoiced a minimum **permit fee** of \$600.00,
 - The minimum fee for an accessory structure is \$300.00 and where construction occurs without permit that fee shall be doubled. Where a structure is larger than the minimum allotted under the calculation, this fee shall be calculated accordingly.
- Issued an **Order to Comply** which will have the following requirements at minimum:
 - Required to submit an engineer's report and structural drawings indicating the structure as constructed conforms or does not conform to the current Code. Whereby it does not conform to the Code, owners are required to either:
 - Demolish the structure,
 - Or bring it up to Code under the engineers' guidance and direction through that report.
- Each site visit for inspections where items are not complete will be levied a fee of \$100.00.

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LOT STATUS: ADJACENT TO A MUNICIPAL SHORELINE ROAD ALLOWANCE

As per the Comprehensive Zoning By-Law (CZBL) 2024-10 the shoreline road allowance is Municipal property. This is standard practice throughout the province. Municipal shoreline road allowances on the Manitoulin Island are not available to tender for sale to the public. They may be traversed by any member of the public. As such, the municipality may enter into agreements with adjacent property owners pertaining to structures and accessories required on these lands for the further enjoyment of their adjacent lot. This will provide assured knowledge that the municipality will not be held responsible for injury or accidents that occur affecting any member of the public due to the state of the SLRA or any changes thereto.

No structures shall be constructed on the SLRA without a Hold Harmless Agreement in place, and any applicable fees remitted for the permits required therein. These Hold Harmless Agreements are NOT transferable to new property owners. Municipal SLRA Properties shall be reverted to original state prior to advertising the property for sale and the structure(s) may be placed on the owned lot within the governance under the CZBL. The new potential owner may, after ownership is obtained, request changes and enter into a new Hold Harmless Agreement.