

COMMUNICATION 136043

Received From: Len Smith, Chief Building Official
Addressed To: Committee of the Whole
Date: April 22, 2025
Topic: Amend Delegated Authority By-law re Temporary Use Buildings

BACKGROUND

The Town of Carleton Place has recently enacted a new Development Charges By-law 09-2025. However, after passing the by-law, it was noted there was no provision pertaining to treatment for temporary buildings - those structures intended to be erected and used for a period not exceeding six (6) months.

Under the by-law, development charges are inadvertently to be applied to temporary structures, which may deter temporary uses such as seasonal retail, temporary construction support facilities, or event-based installations.

COMMENT

In accordance with Section 8(3) of the Building Code Act, the CBO has authority to issue conditional building permits where certain criteria are met. Conditional permits allow for limited construction where it is unreasonable to delay work until all requirements are fulfilled, provided that the outstanding items are not of a structural or safety nature.

Delegating authority to the CBO to issue conditional permits, without the payment of development charges, specifically for temporary structures (permitted to remain for a maximum of 6 months) would enable the Town to:

- recognize the temporary nature of such buildings;
- avoid unintended development charge levies that were not contemplated in the by-law;
- support short-term business and community needs, and
- provide a fair and consistent administrative mechanism until the Development Charges By-law can be amended or clarified.

This approach maintains compliance with the Building Code Act while addressing the oversight in the development charge framework, all in keeping with Council's intention for fair process and application of development charges.

Managing temporary installations by way of a conditional permit agreement provides significant powers to the Chief Building Official to enforce specific conditions on the applicant. This includes the ultimate ability to require a temporary building to be removed within short timeframes.

It should be noted that the next time the Development Charges By-law is amended, a more formal approach of including language pertaining to temporary uses will be included.

FINANCIAL IMPLICATIONS

There is minimal financial impact to the Town. Temporary structures generally have limited development charge applicability and minimal effect on municipal infrastructure. The proposed approach aligns with the intent of charging fees for long-term development rather than short-term uses.

STAFF RECOMMENDATION

THAT Council authorize an amendment to the Delegated Authority By-law pertaining to temporary uses in accordance with the Chief Building Official's report dated April 22, 2025.