

Jeff,

I issued the letter of denial at your request (see your email Sent: Wednesday, March 28, 2018 1:04 PM To: Ron Taylor) in which you correctly quoted Section 8.(2.3) of the Act. What I believe you are misunderstanding is that this action effectively cancels your permit application. I cannot refuse to issue and have your permit application remained open, as these two actions are contradictory to one another.

I completely disagree with this opinion. The act of me requesting that you formally review a revised submission under permit #2015-1495 and respond to in a formal format does not constitute in any way a request for cancellation, I am not sure how you can infer that. The intent of quoting section 8.(2.3) as it reads

**Same, reasons for refusal**

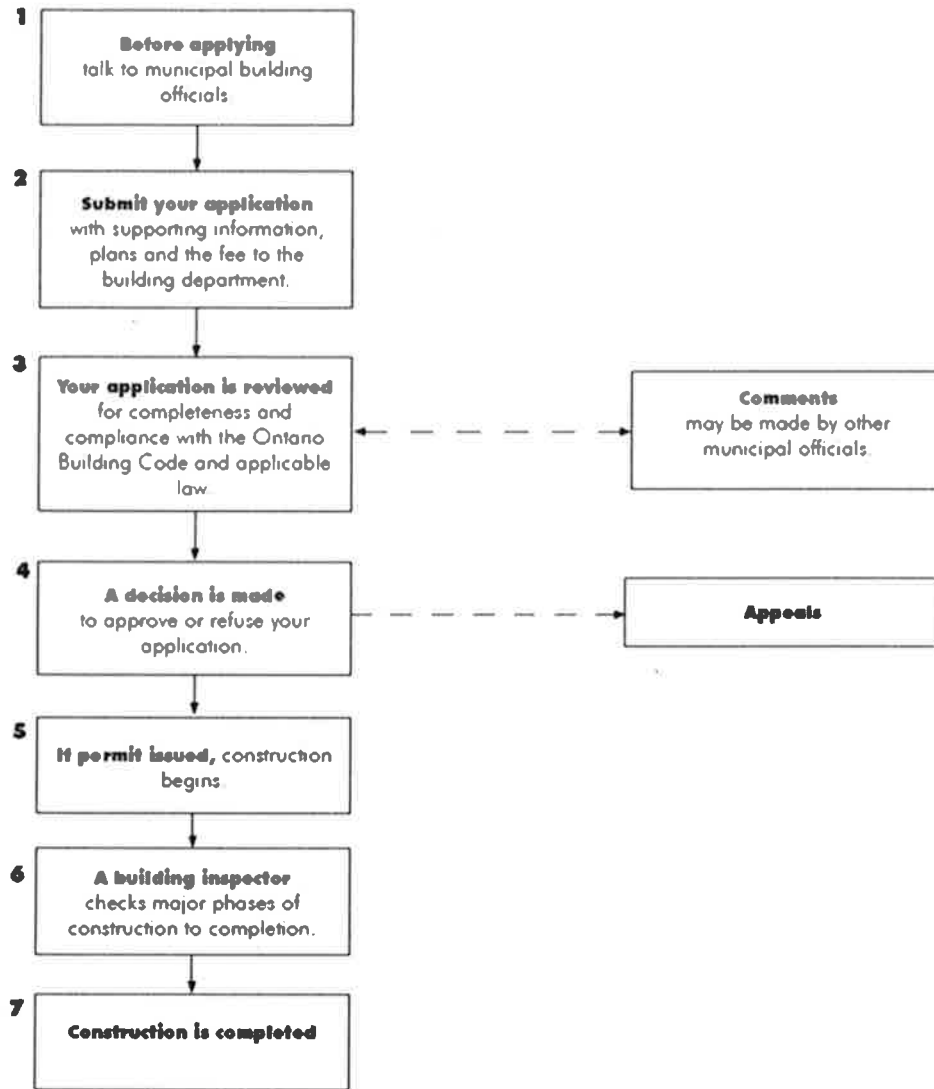
(2.3) If the chief building official refuses to issue the permit, he or she shall inform the applicant of all of the reasons for the refusal of the permit and shall do so within the period prescribed by regulation. 2002, c. 9, s. 14 (2).

Was to get a formal response from you based on the submission with reasons why you didn't agree with the proposal. It is not the intent of the Act to have the applicant request this section, it is the intent of the Act that the CBO automatically comply with this section and issues reasons why the CBO will not issue a permit based on the proposal submission. Once the applicant knows why you don't agree they could make decisions based on your response and opinion on how to proceed with the application dependant on the difference of opinion on technical issues. If it was in fact the case as you have explained it in your opinion, then the act of cancelling the permit at the same time that you render your decision with reasons would stripe me of any statutory appeal rights under the act of the technical differences we have. This is not the intention of this section of the Act.

To illustrate the proper process I have included a flow chart from the Ministry of Municipal Affairs and Housing , Building division to show you. It can be found at the link below

<http://www.mah.gov.on.ca/Page1753.aspx>

## The Building Permit Process



If it is indeed your intention to submit a revised package, addressing all outstanding issues in a code compliant manner, then I will review another submission. I would further advise that due to my unavailability to address your file during the first three weeks of May, if you are interested in submitting a revised package I would need it by the 23<sup>rd</sup> of April to allow sufficient time to review and return comments to you. I would further advise that if a revised package is not received by that date that your application file will be closed permanently.

I will review your comments below and structure a response. I still have technical questions with regards your comments below as to how a user is directed to the location of the pumper truck , as section 3.10 does not state the location of the pumper truck has to be 3 m from the hydrant nor does it speak to pressurized systems.

I would also like to comment on the time line and ultimatum you seem to have given with regards to time frame for a revised submission as well as closing my application permanently. Firstly the timeline for approval or denial is dictated by the code and not your schedule, please chart below. Do not permits get approved and applications review when you are away or does all business stop?

Table 1 3 1 3  
Period Within Which Permit Shall be Issued or Refused  
Forming Part of Article 1 3 1 3

Item	Column 1 Class of Building	Column 2 Time Period
1.	(a) A detached house, semi-detached house, townhouse, or row house where no <i>dwelling unit</i> is located above another <i>dwelling unit</i> (b) A detached structure that serves a building described in Clause (a) and does not exceed 55 m <sup>2</sup> in <i>building area</i> . (c) A tent to which Section 3.14. of Division B applies. (d) A sign to which Section 3.15. of Division B applies.	10 days
2.	(a) Buildings described in Clause 1 1 2 4 (1)(a), (b) or (c) of Division A, other than buildings described in Column 1 of any of Items 1 and 4 of this Table. (b) <i>Farm buildings</i> that do not exceed 600 m <sup>2</sup> in <i>building area</i> .	15 days
3.	(a) Buildings described in Clause 1 1 2 2 (1)(a) or (b) of Division A, other than buildings described in Column 1 of any of Items 1 and 4 of this Table. (b) <i>Farm buildings</i> exceeding 600 m <sup>2</sup> in <i>building area</i>	20 days
4.	(a) <i>Post-disaster buildings</i> (b) Buildings to which Subsection 3 2 6. of Division B or any provision in Articles 3 2 8 3. to 3 2 8 11 of Division B applies.	30 days

Secondly I will once again remind you that the 2012-019 Building by-law has no language in it with regards to the closing or cancelling of a permit application only abandonment and I have not abandoned the application only sought answers to technical questions . And if you do decide to close the file permanently as you have stated then you will be in contravention of the bylaw.

The items which remain outstanding:

1. Confirm which set of drawings for the structure, previously submitted, are now forming the basis for the permit application
2. Two full size hard copies of the site plan are required for plans review in association with the building permit and code requirements - with references to fire walls/fire breaks removed
3. Submission to Planning Division for amendment to site plan approval must be made at same time as revised building permit application package is filed, as this is applicable law to the building permit and will prevent issuance - with references to fire walls/fire breaks removed
4. Location of dry hydrant does not comply with respect to distance to all openings, as the fire department pumper truck must be located within 3m of the hydrant in order to draft from a dry hydrant - the OBC reference to 45m path from truck to hydrant is only relevant to pressurized systems
5. Site plan drawing does not indicate protective traffic barrier support block, as required by CKL design requirements
6. Revised tank design required to reflect required minimum size of 54,000 litres
7. Building code data matrix still required
8. Outstanding Development Charge payment at 2018 rate – required at time of issuance

I respectfully request your confirmation within the next few days regarding whether you will be submitting a revised package by April 23, 2018. Thanks,