

July 5,2017

Mayor and Council  
c/o Office of the City Clerk  
26 Francis Street  
P.O. Box 9000

Lindsay, ON K9V 5R8

Dear Members of Council

Please accept this letter as request for relief from the Chief Building officials cancelation of my Building permit application #2015-1495 as stated in the attached letter from the CBO to myself on March 29,2018 and again on April 23, 2018. I am requesting that Council overrule the CBO in this decision and pass a resolution instructing the CBO that the permit application is still currently active and to treat it as an active application as per the City of Kawartha Lakes building bylaw 2012-019. I also request that Council instruct through resolution that the CBO return building review fees paid based upon the revision to the application reducing the number of buildings for a permit being applied for. These requests are based upon the information below and the attached documents and correspondence with City staff.

Since the filing of my building permit in December of 2015 I have been actively pursuing my building permit application with the CBO and City staff. During this time I have challenged the CBO's technical interpretation of the Ontario Building code at the Ontario Building commission. Based upon the Ontario Building Code Commissions ruling in July of 2017 , I amended my design under the permit application #2015-1495 and resubmitted a design report to the City ( please see attached correspondence) I did not hear back so I had to pursue it through the Mayor and CAO who provided comments on the revised proposal that came from whom I can only assume was the building department. I questioned these comments and the relation to the building code in which they were made but did not get any answers. I once again revised my proposal and requested a meeting to review. The City elected to meet with me via the CAO and the Fire Chief on October 21,2017. At that point I had yet to receive any formal review or denial by my September 2017 proposal by the Building department which was in contravention of section 8(2.3) of the building code act. At the October 27<sup>th</sup> meeting with the CAO I explained my revised design proposal outlining how it intended to install a 28,000 litre water storage tank for fire suppression and how that meet the formula requirements under appendix A of the Ontario building code. This design proposal was bolstered by the statements made by the Fire Chief on how the City would be showing up in the event of a fire with transportable water in the amount of 6000 imperial gallons

and that the area wasn't lacking in sources of water, as there is a municipal fire hydrant 250 meters from the property on Walsh road. At the end of this meeting the CAO stated that staff wished to "put this to bed" and encouraged me to resubmit my revised design report from my consultant to the CBO and outline everything we spoke about at the meeting and that the City would keep my application open. I did this in November of 2017 as well in the letter submitted revised my application to 1 building instead of the original two buildings. I subsequently received a response back from the CBO via the CAO denying my proposal however once again I did not receive it from the CBO as per section 8(2.3) of the Ontario Building Code Act a formal , detailed response referencing the specific section of the code and why the proposal didn't meet the code.

In January of 2018 I had received a Freedom of information package I had requested from the City in September of 2017 looking for information on previously approved Self-Storage buildings by the City. This package contained information with regards to emails, drawings, permits and other correspondence. By reviewing this information I had found that the City and the current CBO had given building permits for self-storage buildings based on fewer requirements than what I had been proposing to the CBO. The latest one was issued in 2016 without the requirement for any onsite water for fire suppression. I requested a meeting through the CAO to talk to building department staff about the information I received from the FOI package and about the comments I received from my November submission however I was denied this meeting. Since then I have been adamantly pursuing my application through email correspondence with the City to no avail. I then received a letter via email from the CBO on March 29, 2018 officially addressing my September submission and not my November submission. The letter then continues to state my application has been denied and that no fees from my #2015-1495 permit application will be returned. In essence your application is cancelled and all of your \$8,180 in paid fees for the application are gone without being given a permit. I find this to be unacceptable and in contravention of the 2012-019 building by-law.

I challenged this grievance action by the CBO stating that this action was in contravention of the Building Code Act and City by-law as I have not abandoned my application or fees. The CBO then responded on April 6<sup>th</sup> 2018 that I could resubmit my application by April 23<sup>rd</sup> which I did (see attached correspondence). However the CBO rejected the revised submission and once again canceled my application, which I had previously pointed out to the CBO that she could not do because it subverts the Building Code Act by denying me my appeal rights under the act to challenge the CBO's technical requirements and interpretation of the Building Code at the proper forum which is the Ontario building Code commission. And it also violated the City's building by-law, as pointed out prior in this letter. The By-law only speaks to abonnement which I have not done. I have a legitimate dispute with the CBO on technical matters involving

the building code which I seek to settle at the Ontario Building code commission however without an active application the Commission doesn't have the jurisdiction to hear the issue. I would like to point out again that I have continually and actively pursued my application but find it hard now when staff will not meet with me now to discuss it. There is no language in the by-law for the cancellation of a building permit application it only speaks to abandonment in section 6.05 which I have not done. Even if the application was abandoned section 6.08 (e) states where no refund is available is where the application has been abandoned and the applicant has not been in contact with the City in a 12 month period. I have never be out of contact with the City for a period of greater than two months with regards to my building permit application, so I find the CBO to be knowingly in contravention of the by-law in this respect.

Based upon these facts and actions of City staff I feel compelled to make these reasonable requests of Council in order to keep my application active and to avoid losing over \$8000 without receiving a building permit.

I would like to respectfully request from Council that Council through a resolution, exercise its jurisdiction over the City's Building By-law 2012-019 and

1. Administratively reinstate my revised building application 2015-1495 to active status. (So that the Ontario building Code Commission can hear this technical matter, otherwise I will be forced to resubmit the same application under a new application and ultimately end up at the Ontario building code commission to hear these technical matters. By doing this I would lose all previously paid fees )
2. That since I had revised my building permit application to 1 building and the fact that I had never abandoned the application as per the By-Law 2012-019 that half of my original fees be returned and the balance continue to stay with the revised permit application.



Sincerely: Jeff Farquhar