

# Brownfield Regulatory Scheme

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# Role of a Municipality

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- The Municipality ensures the provisions of the Planning Act are met when approving new developments
- The Planning Act sets out the general parameters and processes for development

# Role of a Municipality

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- The Municipality ensures the provisions of the Building Code Act are met when issuing permits for building construction or demolition
- The Building Code Act sets out the provisions given to building departments to ensure applicable law is not contravened

# Tools for regulating development

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- Official Plan
- Zoning By-laws
- Site Plan Control By-law and agreements
- Subdivision agreements
- Building Code Act and Building By-law

# Development Applications

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- Site Plan approval process will be the predominant mechanism of identifying a Brownfield site
- Others incl. Subdivision, zoning amendment
- Planning Dept. encourages pre-consultation
- Use of historical land use data base
- Informal request for environmental information
- Possible use of Questionnaire at time of development application

# Ontario Building Code

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- Zoning or Building Plan examiners to determine compliance with applicable law
- Pursuant to the BCA building departments will be obligated under section 1.1.3.3 to ensure an RSC is filed on properties moving to a more sensitive use as set out in the property use categories of the EPA Legislation

# Role of the Municipality

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- It is incumbent upon the Chief Building Official to exercise due diligence in the determination of compliance to the EPA
- Identify applications that are exempt from development approval
- Identify certain property use changes
- Confirm property has no CPU restriction attached to RSC
- Owner to signoff an avadavat identifying previous & proposed use of subject property

# Role of a Municipality

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- As is current practice in most cases, planning departments take lead role in Brownfield determination
- Building Departments confirming subject property is under a development application

# Mandatory Filing Requirements

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**Sections 168.3.1 & 168.8 of EPA will,**

- **File RSC to the registry before a property use can change as set out in the EPA**
- **Restrict construction of a building before filing an RSC, if building will be used in connection with a specified change of property use**
- **Prohibit the issuance of a Building Permit if it is in relation to the use of the property or the construction of a building that is restricted by a CPU**

# Guidance Information

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- Document “Records of Site Condition” is available on MOE web-site [www.ene.gov.on.ca](http://www.ene.gov.on.ca)
- The guide provides an overview of the RSC process



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**Questions ?**