

Changes to construction plans? Building permits can be revoked

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In a recent WeirFoulds win, the Ontario Superior Court confirmed that a chief building official can revoke a building permit if the facts on the ground change after the permit is issued, even if the changes don't affect what's built at the end of the day.

Here is what took place. A property owner wanted to increase the height of its building. The town told the owner that if the building was demolished and rebuilt, certain strict requirements would have to be met. The owner therefore applied for and got a permit to renovate the existing building by adding several rows of brick to the tops of the existing walls.

During construction, the walls of the building were demolished. When the chief building official learned that the walls had been demolished, he revoked the building permit on the ground that the information the permit was based on that the walls would remain standing was now incorrect. The property owner appealed the chief building official's decision.

The judge concluded that the chief building official had acted correctly in revoking the permit. Since the permit contemplated that the walls would remain standing, once those walls were demolished, the construction authorized by the permit could not be built. It didn't matter that the property owner intended to rebuild the building in exactly the same way as shown on the plans the owner knew that it had to meet certain requirements if the building was demolished and made a conscious decision to apply for a permit to renovate the existing building. The appeal was dismissed.

The lesson for those applying to municipalities for permits? Make sure the information on your permit application accurately reflects what you intend to do, or you could face the revocation of your permit and a stop to your construction.

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