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**Halifax Regional Council**  
**June 14, 2005**

**TO:** Mayor Kelly and Members of Halifax Regional Council

**SUBMITTED BY:** Sharon Bond for  
Paul Dunphy, Director, Planning & Development Services

**DATE:** May 16, 2005

**SUBJECT:** Building and Development Permit Expiry (Sunset Clauses)

## **INFORMATION REPORT**

### **ORIGIN**

At the April 26, 2005 meeting of Regional Council, there was a request for a staff report on whether or not project completion time limits can be imposed through building and development permits for construction projects.

### **BACKGROUND/DISCUSSION**

Both the Building Code Act and the Municipal Government Act require the municipality to approve construction and development activities. These approvals or "permissions" are granted by way of Building and Development Permits as prescribed by the respective legislation. These permissions are given based on an owners request to undertake an activity voluntarily. The only restrictions regarding these approvals are related to design considerations, ensuring a commitment to comply with applicable construction and development regulations.

The legislative time restrictions on permits are intended to ensure that the work is done under "current" regulatory requirements. Without an expiry, permits would authorize construction to occur long after changes to regulations had been implemented. Under the HRM Building Bylaw, Building Permits are valid for 2 years, after which time the owner may apply for, and is entitled to another permit to complete any outstanding work. Staff have no discretionary authority to impose project specific time restrictions.

Where construction activities become a "nuisance" to a community due to "unsightliness", an Order to Remedy may be issued under the MGA, directing an owner to address these issues within a specified time frame. Time limits for carrying out the work which are specified in an Order to Remedy would supercede the expiry dates of Building and Demolition Permits.

In summary, permits are “permissive”, providing an owner with approval to do something to their property, while Orders to Remedy are issued to require an owner to correct something specific, often within a prescribed time frame.

**BUDGET IMPLICATIONS**

There are no budget implication of this report.

**FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN**

This report complies with the Municipality’s Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

**ALTERNATIVES**

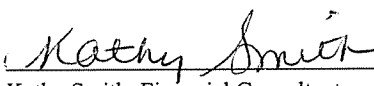
None

**ATTACHMENTS**

None

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

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