

DATE: May 29, 2025

TO: Mayor and Members of Council

FROM: Vince Musacchio, Deputy City Manager, Infrastructure Development

RE: **COMMUNICATION – Item 12, Report 23 - Committee of the Whole (1)**
– June 4, 2025

**AMENDMENTS TO SITE ALTERATION BY-LAW 031-2024 AND FEES
AND CHARGES BY-LAW 251-2024 TO ESTABLISH FRAMEWORK
FOR ADMINISTERING AND ENFORCING GRADING PERMITS**

Recommendation

That the report of the Deputy City Manager, Infrastructure Development dated June 4, 2025, titled *Amendments to Site Alteration By-law 031-2024 and Fees and Charges By-law 251-2024 to Establish Framework for Administering and Enforcing Grading Permits* be amended as follows:

1. That Attachment 1 be amended as follows:
 - a) The title on the first page of Attachment 1 shall be amended to read:
“Rationale for the Amendments to Site Alteration By-Law 031-2024 and the Fees and Charges By-law 251-2024 to Establish Framework for Administering and Enforcing Grading Permits”.
 - b) A chart outlining the amendments to the Fees and Charges By-law 251-2024 shall be appended to the end of Attachment 1.

Background

The report titled *Amendments to Site Alteration By-law 031-2024 and Fees and Charges By-law 251-2024 to Establish Framework for Administering and Enforcing Grading Permits* includes Attachment 1, which provides context and justification for recent amendments. To enhance clarity and completeness, it is necessary to amend Attachment 1 by updating its title to accurately reflect the scope of the document—specifically, the rationale behind amendments to both Site Alteration By-law 031-2024 and Fees and Charges By-law 251-2024. Additionally, including the addition of a chart that summarizes the amendments to the Fees and Charges By-law 251-2024 will provide greater transparency and facilitate understanding of the changes.

For more information, contact Andrew Pearce, Acting Director, Development Engineering Department, ext. 8255

Attachments

1. Attachment 1 – Rationale for the Amendments to Site Alteration By-Law 031-2024 and the Fees and Charges By-law 251-2024 to Establish Framework for Administering and Enforcing Grading Permits

Respectfully submitted by



Vince Musacchio
Deputy City Manager
Infrastructure Development

Rationale for the Amendments to Site Alteration By-Law 031-2024 and the Fees and Charges By-law 251-2024 to Establish Framework for Administering and Enforcing Grading Permits

Section	Recommendation	Rationale/Result
Section 8.1.1	(1) No Person shall conduct, undertake, cause, permit or carry out the construction of any of the items set out in Schedule "A" without a Grading Permit.	This is based on the need to regulate site grading activities to ensure proper drainage, and compliance with municipal engineering standards.
Section 8.1.2	(2) An application made by an Owner or an Authorized Agent for a Grading Permit shall be in the form required by the Director, and shall be accompanied by: (a) a description of the proposed construction; (b) plans providing complete details of the construction, that have been stamped by a qualified professional engineer or surveyor if required by the Director; (c) plans, documents, or any other information required by the Director; (d) payment of the applicable non-refundable Grading Permit application fee set out in the Fees and Charges By-law; (e) payment of a Grading Permit security deposit as set out in the Fees and Charges By-law;	This provision authorizes a grading permit process that protects public interest, mitigates risk, ensures proper development standards, and allows for cost recovery and compliance assurance.
Section 8.1.3	(3) The Director may refuse to issue a Grading Permit or accept a Grading Permit application if: (a) the proposed construction would contravene any City by-law or any other applicable law or City standards; (b) any of the requirements set out in 8.1(2) have not been provided to the satisfaction of the Director; (c) the application does not contain sufficient information to enable the Director to determine whether the proposal will contravene any City by-law or any other applicable law or City standards; (d) the Owner refuses to enter into and sign a Grading Permit Agreement; or (e) an administrative penalty issued to the Owner under this By-law is unpaid;	This provision ensures that the City maintains legal, technical, and procedural oversight over grading activities, by approving applications that meet permit requirements. It protects the municipality, the environment, and the integrity of municipal processes.
Section 8.1.4	(4) Prior to or upon issuing a Grading Permit, the Director, at their sole discretion, may impose conditions that the Director deems appropriate, including the requirement for the Owner to enter into a Grading Permit Agreement with the City, for which the Director hereby has the delegated	This provision provides the Director with the authority and discretion needed to ensure grading permits are responsibly issued, site-appropriate, and legally enforceable. It balances

	authority to enter into and execute on terms and conditions satisfactory to the Director.	regulatory flexibility with municipal protection, while streamlining the process to avoid delays or unnecessary bureaucracy.
Section 8.1.5	(5) Where an application for a Grading Permit remains inactive or incomplete for six (6) months after it is made, the application may be deemed by the Director to have been abandoned and the file closed.	This provision allows staff to take action on these files to address any audit requirements regarding the management and clearing of pending permit applications.
Section 8.1.6	(6) Where the Director refuses to issue a Grading Permit or accept a Grading Permit application or deem an application to be abandoned as set out in sections 8.1(3) and 8.1(5) of this By-law, upon written request by the Owner, the Grading Permit application fee, if one was provided, will be refunded in accordance with section 8.1(7).	This provision ensures that applicants are treated equitably when their grading permit applications are refused or closed due to inactivity, while still allowing the City to retain funds for any services already performed. It strikes a balance between customer service and cost recovery.
Section 8.1.7	(7) The amount of Grading Permit application fees refundable shall be calculated as a percentage of the total Grading Permit application fee as follows: (a) eighty percent (80%) if the application is cancelled prior to review; (b) fifty percent (50%) if the application is cancelled after commencement of the review, prior to Grading Permit issuance and the pre-construction site inspection has not been conducted; (c) forty percent (40%) if the application is cancelled after commencement of the review, prior to Grading Permit issuance and the pre-construction site inspection has been completed.	This provision helps to ensure that the city recovers permit administration costs up to the point of cancellation.
Section 8.1.8	(8) Notwithstanding any other section in this by-law, the Director has the delegated authority to approve, exempt/waive, issue, revoke, transfer, extend, renew, amend, or close a Grading Permit or application for a Grading Permit.	This provision ensures that the grading permit system is administered efficiently, consistently, and professionally by delegating comprehensive authority to the Director. It provides the necessary discretion and flexibility to manage a variety of real-world situations while maintaining municipal control and accountability.
Section 8.1.9	(9) The Owner shall contact the City once the construction for which the Grading Permit was	This provision ensures that all permitted grading work is

	issued, is complete and ready for a final inspection and shall pay any required re-inspection fees as set out in the Fees and Charges By-law.	completed to the City's satisfaction while allowing the City to recover costs for additional inspections required to address deficiencies.
Section 8.1.10	(10) No Person shall construct any of the items set out in Schedule "A" except in accordance with the plans, specifications, documents and any other information on the basis of which the Grading Permit was issued, as well as any conditions set out in the Grading Permit Agreement, except for any changes that have been approved in writing by the Director.	This provision ensures that grading work is completed as approved through the permit process.
Section 8.1.11 and 8.1.12	(11) Prior to the Grading Permit expiring, the Owner shall: (a) apply for and obtain another Grading Permit or obtain a renewal of the Grading Permit in the form required by the Director and pay any applicable fees as set out in the Fees and Charges By-law; or (b) pass a final inspection to the Director's satisfaction; (12) If a Grading Permit has expired, no Person shall continue any work on the item for which the Grading Permit was issued, until another Grading Permit is issued or the Grading Permit is renewed.	These provisions ensure the timely completion of permitted works. Should the grading work not be completed before the noted expiry date, the permit holder must obtain and pay for a renewal of the grading permit. If the permitted works are complete, the permit holder must contact the City to initiate final inspection.
Section 8.1.13 and 8.1.14	(13) The Director may revoke a Grading Permit if: (a) it was issued in error, or on mistaken, false, or incorrect information; or (b) the construction taking place is not in accordance with the Grading Permit, this By-law, or the Grading Permit Agreement. (14) If a decision is made by the Director to refuse to issue a Grading Permit, refuse to accept a Grading Permit application, deem an application abandoned, or revoke a Grading Permit, the Director shall provide a written notice of that decision to the Owner.	the Director has the authority to revoke permits in the event of the listed scenarios.
Section 8.1.15	(15) During the course of the construction of an item in Schedule "A", no Person shall disturb, damage, or foul City property;	This provision protects the City's physical assets, public safety, and environmental quality by ensuring that construction activities associated with grading do not negatively impact public property.

Section 8.1.16 and 8.1.17	<p>(16) With respect to the Grading Permit security deposit referred to in subsection 8.1(2)(e), the Director may:</p> <p>(a) in the event of a contravention of section 8.1(15) and non-compliance with an Order to restore or clean the disturbed, damaged, or fouled City property, the Director may require that work be undertaken to restore or clean the disturbed, damaged, or fouled City property, and draw upon the security deposit to apply it to expenses incurred by the City to restore or clean the disturbed, damaged, or fouled City property;</p> <p>(b) withhold the return of the security deposit if the construction was not completed in accordance with the plans, specifications, documents and any other information on the basis of which the Grading Permit was issued, as well as any conditions set out in the Grading Permit Agreement, unless the Director is otherwise satisfied that there are no adverse impacts on other properties because of the condition of the Property; and</p> <p>(c) withhold the return of the security deposit if any outstanding inspection fees required under section 8.1(9) have not been paid. If inspection fees required under section 8.1(9) have not been paid, the Director may draw upon the security deposit to satisfy payment.</p> <p>(d) if a Grading Permit has been revoked or expired, withhold the return of the security deposit until a final inspection has been passed to the Director's satisfaction; and</p> <p>(e) if the security deposit was drawn upon for any reason, require the security deposit to be replenished to one hundred percent of the original amount within (30) days of the Director's request;</p> <p>(17) If the Director has required that the Grading Permit security deposit be replenished to one hundred percent of the original amount, no Person shall continue any work on the item for which the Grading Permit was issued and the security deposit is associated, until that security deposit is replenished to the Director's satisfaction.</p>	<p>Together, these clauses form a robust financial and enforcement framework that:</p> <p>Protects City infrastructure and funds</p> <p>Ensures compliance with permit terms</p> <p>Encourages responsible behavior from permit holders</p> <p>Provides the City with clear authority to act and recover costs when needed</p> <p>They reflect a best practice in municipal permit administration, helping balance development facilitation with municipal risk management.</p>
Section 8.1.18	<p>(18) When all relevant provisions, terms and conditions of the Grading Permit, the Grading Permit Agreement, and this By-law, have been complied with and completed to the satisfaction of the Director, the Grading Permit security deposit, or any balance of it remaining if the City drew</p>	<p>This provision ensures that the grading permit security deposit is returned only when all obligations have been satisfied</p>

	upon it in accordance with section 8.1(16), shall be released to the entity that provided it.	
Section 8.1.18, 11.0(3.1), 16.1	<p>(19) Where the City, its employees, contractors, or agents have performed work to restore or clean City property disturbed, damaged, or fouled as a result of, or related to the construction contemplated in the Grading Permit, all expenses incurred by the City in doing the work, including a 15% administrative fee, shall be deemed a debt to the City and if the expenses cannot be fully recovered by drawing upon the Grading Permit security deposit, they will be added to the tax roll and collected in the same manner as municipal taxes.</p> <p>(b) add section 11.0(3.1) as follows:</p> <p>(3.1) Notwithstanding section 11.0(3), the amount of the administrative penalty for a contravention of section 8.1 is two hundred and fifty dollars (\$250).</p> <p>(c) add section 16.1 as follows: 16.1 Grading Permit Transition</p> <p>(1) All Grading Permit applications made prior to section 8.1 of this By-law coming into force and effect are deemed to have been made on the same day that section 8.1 comes into force and effect.</p> <p>(2) Any Grading Permit valid and binding at the date that section 8.1 comes into force and effect shall not require further authorization pursuant to this By-law until the Grading Permit expires, is amended, renewed, revoked, or is otherwise terminated.</p>	<p>These provisions ensure that the City can:</p> <ul style="list-style-type: none"> Recover any costs incurred by the city. Encourage compliance with administrative penalties and debt recovery tools, <p>Grading Permit Transition is to ensure a smooth and administratively consistent transition between the old and new regulatory framework introduced by Section 8.1 of the updated By-law.</p>
Definitions	<p>(d) add the following definitions to section 3.0(7): “Grading Permit” means a formal authorization issued by the City under this By-law for the construction of the items set out in Schedule “A” but does not include a Permit; “Grading Permit Agreement” means an agreement entered into between the City and Owner setting out certain requirements and conditions relating to the construction authorized by a Grading Permit.</p> <p>(e) delete and replace the definition of “Permit” at section 3.0(7) with the following: “Permit” means a formal authorization issued by the City under this By-law and includes a Site</p>	<p>These changes are necessary to:</p> <p>Differentiate between permit types</p> <p>Support consistent application of specific requirements and conditions</p> <p>Enhance clarity for enforcement, compliance, and administration</p>

	Alteration Agreement, but does not include a Grading Permit or a Grading Permit Agreement;	
6.0(2)(b)	(f) delete and replace section 6.0(2)(b) with the following: “(b) any Lot containing one or more occupied residential dwellings, but not including an occupied dwelling on Agricultural Lands where Site Alteration is not part of Normal Farm Practices, with the exception of sections 1.0, 2.0, 3.0, 8.1, 9.0, 10.0, 11.0, 12.0, 15.0, 16.1, 17.0, 18.0 and Schedule “A” as they pertain to the enforcement and administration of Grading Permits, Grading Permit Agreements, Grading Permit applications, and Grading Permit security deposits;”	This amendment ensures that occupied residential lots are not overburdened by full site alteration regulations, while still maintaining targeted control over grading activities through Grading Permits. It provides a clear, balanced, and enforceable framework that protects municipal interests, adjacent properties, and public infrastructure.
Schedule A	A grading permit is required for the following: Accessory structure* greater than 10 square metres Any ground floor addition Loggia/covered porch poured concrete greater than 25 millimetres to 2.5 centimetres (one inch) deep New door addition side elevation that requires excavation New house construction (infill) Sunroom with foundation Walk-up basement	These types of construction activities where a grading permit would be required.

Pursuant to the amended Fees and Charges By-law 251-2024, the following additions shall be made to Schedule “K”:

Residential Grading Permits	2025	2026	HST
Grading Permit Security Deposit (New House Construction - Infill)	\$10,000.00	\$10,000.00	E
Grading Permit Security Deposit (structures 40 metres squared or greater)	\$5,000.00	\$5,000.00	E

Grading Permit Security Deposit (structures less than 40 metres squared)	\$2,500.00	\$2,500.00	E
Grading Permit Renewal	\$202.00	\$208.00	E
Grading Permit Revision	75% of the original permit fee.	75% of the original permit fee.	E