# **Applicable Law Checklist Resources**

Approvals from other agencies are required in many instances before a building permit can be processed and issued. These approvals are not administered by the Building &

Septic Division. In order to ensure your application package moves through the approval process in a timely manner you should ensure all these other approvals are completed (or do not apply) before applying for a building permit. The Building &

Septic Division is required by law to prioritize applications that are fully complete in terms of applicable law approvals and document submissions.

The following list contains the most common Applicable Law references, however please refer to the Ontario Building Code Division A, Article 1.4.1.3. for the full list. The

Ontario Building Code and any other statutory requirement referenced in Article 1.4.1.3. can be found at <https://www.ontario.ca/laws>.

## **Zoning & Planning**

Contact: Kawartha Lakes Planning Division at 705-324-9411 ext. 1231 or planningadmin@kawarthalakes.ca or their [website](https://www.kawarthalakes.ca/en/business-growth/planning-and-development.aspx).

Planning Act, s. 34, 34(5), 45, 47 and Part VI

Zoning by-laws restrict such things as land use, lot size, building size and setbacks. If your project does not comply with any part of the zoning by-law, a minor variance or rezoning must be obtained before any building permit can be issued. Zoning by-laws also restrict the issuance of permits until any associated land division, subdivision or municipal servicing is complete.

Planning Act, s. 41

Site Plan Approval is required for most new buildings and additions other than houses and accessory structures. The site plan agreement must be registered before site plans will be approved.

## **Design Requirements**

Contact: Ontario Association of Architects [www.oaa.on.ca](http://www.oaa.on.ca) or Professional Engineers

Ontario [www.peo.on.ca](http://www.peo.on.ca).

Architects Act R.S.O. 1990 or Professional Engineers Act R.S.O. 1990

Certain buildings require design and general review by an architect and/or a professional engineer and design documents as well as commitment to general review forms must be provided prior to the issuance of any building permits.

## **Heritage**

Contact: Kawartha Lakes Economic Development Division at ext. 1232 or visit our

Website to view the [Heritage Register](https://www.kawarthalakes.ca/en/business-growth/resources/Heritage-Building-Register/Documents/Listed-Properties-in-Kawartha-Lakes-June-2022.pdf).

Ontario Heritage Act, s. 27, 30, 33, 34, 40.1 & 42

City of Kawartha Lakes has designated certain heritage buildings and maintains a listing of building of heritage interest. Approval from the City of Kawartha Lakes Municipal

Heritage Advisory Committee must be obtained if your property is affected.

## **Conservation Authority Permits**

Contact:

Conservation Ontario – CAmaps - <http://www.camaps.ca/>

Kawartha Conservation Authority at 705-328-2271 [www.kawarthaconservation.com](http://www.kawarthaconservation.com)

Lake Simcoe Region Conservation Authority at 905-895-1281 [www.lsrca.on.ca](http://www.lsrca.on.ca)

Otonabee Regional Conservation Authority at 705-745-5791

[www.otonabeeconservation.com](http://www.otonabeeconservation.com)

Ganaraska Region Conservation Authority at 905-885-8173 [www.grca.on.ca](http://www.grca.on.ca)

Conservation Authorities Act s. 28(1)(c)

Development within certain conservation regulated areas requires a permit from the conservation authority before a building permit can be issued. The respective CA will confirm if your property falls within their jurisdiction.

## **Public Lands Work Permits**

Contact: Ministry of Northern Development, Mines, Natural Resources and Forestry at 1-

800-667-1940 or [www.ontario.ca/page/ministry-natural-resources-and-forestry](http://www.ontario.ca/page/ministry-natural-resources-and-forestry).

Public Lands Act, reg. 239/13 s. 2

Ministry approvals are required for construction of buildings on Crown land and shore lands.

## **Highway Corridor Building & Land Use Permits**

Contact: Ministry of Transportation [www.ontario.ca/page/highway-corridor-management](http://www.ontario.ca/page/highway-corridor-management).

Public Transportation and Highway Improvement Act, s. 34, 38

Ministry authorization is required for construction of all buildings within certain distances of a highway or intersection. The requirement for Ministry authorization extends to 800m from a highway where development will generate major traffic, such as a shopping centre.

## **Environmental Approvals**

Contact: Ministry of the Environment, Conservation and Parks at 1-800-565-4923

[www.ontario.ca/page/ministry-environment-conservation-parks](http://www.ontario.ca/page/ministry-environment-conservation-parks).

Environmental Protection Act, s. 46, 47.3, 168 and the Environmental Assessment Act,

s. 5

Ministry of the Environment approvals are required where a property of industrial or commercial use is changed to a more sensitive residential or parkland use, for major government, industrial and commercial projects where defined regulation, properties formerly used for landfill or waste disposal, or renewable energy projects.

## **Electrical Conductor Clearances**

Contact: Electrical Safety Authority at 1-877-372-7233 or [www.esasafe.com](http://www.esasafe.com).

Ontario Building Code, Div. B 3.1.19. and 9.1.1.5.

Certain minimum clearances must be maintained from overhead electrical conductors depending on their voltage. Please contact appropriate authority to obtain written approval to accompany permit submission.

## **Clean Water Act/Source Protection**

Contact: Kawartha Conservation Authority at 705-328-2271

[www.kawarthaconservation.com](http://www.kawarthaconservation.com).

Clean Water Act, s.59

Special land use restrictions may apply if a water source protection plan is in effect in the area where the building is located. Uses affected by these restrictions require the approval of the designated risk management official.

## **Agriculture and Farms**

Contact: Ministry of Agriculture Food and Rural Affairs at 1-877-424-1300

[www.ontario.ca/page/minimum-distance-separation-mds-formulae](http://www.ontario.ca/page/minimum-distance-separation-mds-formulae).

Nutrient Management Act 2002, s. 11, reg. 267/03, Milk Act, s. 14

Buildings or structures that house animals or store manure may trigger a requirement for a nutrient management strategy approved by the ministry. The Ministry must determine if a milk processing plant is necessary and authorize it before a building permit can be issued.

## **Education and Child Care Centres**

Contact: Ministry of Education at 1-800-367-5514 or [www.edu.gov.on.ca/eng](http://www.edu.gov.on.ca/eng).

Education Act, s. 194, Child Care and Early Years Act, s. 14, reg. 137/15

The Minister must approve the demolition of all school buildings. Ministry plan approval is required if a new building is proposed to be used as a day nursery, an existing building is proposed to be used, altered or renovated for a day nursery, or if an existing day nursery is altered or renovated.