



Applicable Law Checklist and Declaration

Application No.	Address	Date

This list is provided for convenience purposes only and does not necessarily describe every approval which may be necessary. For more detailed information about the applicable laws mentioned below, please contact the relevant agency/authority.

Check the items below that apply and attach approval documents where applicable.

Ministry of Municipal Affairs and Housing		
Zoning By-Laws	Yes	No
Is a minor variance required for your project?		
Is a zoning amendment required for your proposed building or land use?		
Planning Approval	Yes	No
Is this property regulated by Site Plan Control under Section 41 of the Planning Act?		
Heritage	Yes	No
Are you demolishing a building that is listed on the Town's heritage inventory?		
Is the building designated or in the process of being designated?		
Is the property located in a heritage district or study area?		

Conservation Authority		
Construction & Fill Permits (NPCA)	Yes	No
Is the property located within Niagara Peninsula Conservation Authority regulated area?		
Development Permit (NEC)	Yes	No
Is the property located within area regulated by the Niagara Escarpment Commission?		

Ministry of Agriculture & Food		
Nutrient Management Strategy	Yes	No
Is this a farm building that will house animals or manure?		
Plant Building Permit	Yes	No
Is this a milk processing plant?		

Ministry of Transportation		
Public Transportation & Highway Improvement Act	Yes	No
Is the property within 45m of a highway or 180 m from any highway intersection?		
Is the property within 400m of the QEW (powerlines/signs)?		
Is the property within 395m of a controlled highway intersection?		
Is this a major traffic generating project located within 800m of a highway?		
Building Transit Faster Act	Yes	No
Are you constructing or altering a building or conducting excavation or dewatering on or under transit corridor land, or within 30 meters?		

Ministry of Education		
Education Act	Yes	No
Is a daycare proposed in any part of the building?		
Is the project being carried out on the property of an educational facility?		
If so, is any or all building on the property being fully or partially demolished?		



Ministry of Environment		
Environmental Protection Act	Yes	No
Is a Record of Site Condition required to be filed because of a change to more Sensitive land use?		
Is the property a former waste disposal site?		
Is this project a major industrial, commercial, or government project?		
Is this a renewable energy project?		
Environmental Assessment Act	Yes	No
Does this property have a Certificate of Property Use under the Environmental Protection Act?		

Ministry of Children, Community & Social Services		
Child Care and Early Years Act	Yes	No
Is this a senior's project where Ontario Government funding is being sought?		

Ministry of Health & Long-Term Care		
Elderly Persons Centre Act	Yes	No
Construction, alteration or conversion of building used for a nursing home?		

OTHER CONSIDERATIONS AFFECTING CONSTRUCTION		
Electrical Safety Authority	Yes	No
Are any overhead power lines located above or within 5.5 metres of the proposed building?		
Ontario Building Code	Yes	No
Are there above ground conductors located above any building?		
CN Railway Guidelines	Yes	No
Is your proposed project adjacent to CN Rail lands?		
Archeological Assessment	Yes	No
Is your proposed project within the Archeological jurisdiction		

Declaration		
I, _____ (print name)		
I hereby declare that I have carefully reviewed the list of applicable laws in the Ontario Building Code, as outlined above. Based on this review, I make the following declarations:		
<input type="checkbox"/> None of the applicable law approvals apply to this project. <input type="checkbox"/> All necessary applicable law approvals have been completed, and the corresponding approval documents are attached to this application. <input type="checkbox"/> The proposed construction or demolition requires one or more applicable law approvals that have not yet been obtained.		
I understand that if any of this information is incorrect or falsely declared that the permit may not be issued, construction may cease, construction may need to be removed, and I may be subject to fines.		
_____	_____	_____
Name	Signature of Applicant	Date



MINISTRY OF CHILDREN, COMMUNITY AND SOCIAL SERVICES

Child Care and Early Years Act

<i>Section 14 (approval of plans for childcare center construction or renovations)</i>	A person must get approval from a director before starting any construction, use, or renovation of a building for a childcare center. The purpose of this Act is to support children's learning, development, health, well-being, and safety.	General Inquiry: 416-212-7432
--	---	----------------------------------

MINISTRY OF NATURAL RESOURCES AND FORESTRY

Public Lands Act

<i>Section 2 (work permit for construction on public land)</i> <i>Section 5 (permit for mining claim)</i>	The Ministry of Natural Resources and Forestry (MNR) reminds landowners that a permit may be needed before working in or near the water. Shoreline areas are vital habitats for wildlife. Most work on waterfront properties requires an MNR permit. This Act regulates the use and protection of provincial Crown land. An exemption exists for building or placing a structure on an unpatented mining claim without a permit.	General Inquiry: 800-667-1940
--	--	----------------------------------

Niagara Escarpment Planning and Development Act

<i>Subsection 24(3) (approval regarding development on the Niagara Escarpment)</i>	The purpose of this Act is to provide for the maintenance of the Niagara Escarpment and land in its vicinity substantially as a continuous natural environment, and to ensure only such development occurs as is compatible with that natural environment.	Niagara Escarpment Commission: 905-877-5191
--	--	---

MINISTRY OF AGRICULTURE, FOOD AND RURAL AFFAIRS

Milk Act

<i>Section 14 (permit for construction/alteration of plant building)</i>	The purpose of this Act is to promote milk production in Ontario, regulate the production and marketing of milk, cream, and cheese, and ensure the quality control of milk and related products within the province. A permit for construction must be obtained from the MAFR prior to submitting a building permit application.	General Inquiry: 519-826-3100
--	--	----------------------------------

Nutrient Management Act

<i>Section 11.1 (nutrient management strategy)</i>	This Act aims to manage nutrient materials to protect the environment and ensure sustainable agriculture. A nutrient management strategy must be prepared and approved before constructing any proposed building or structure.	General Inquiry: 519-826-3100
--	--	----------------------------------



MINISTRY OF THE ENVIRONMENT, CONSERVATION AND PARKS

Clean Water Act

Clause 59(1)(b) (issuance of a notice for building construction)

The purpose of this Act is to protect existing and future sources of drinking water.

General Inquiry:
416-325-4000

Environmental Protection Act

Section 46 (Part V Waste management)

Section 46 of the Environmental Protection Act (EPA) mandates that the Minister’s approval is required before using lands that were previously used for waste disposal. This is to ensure the protection of public health and safety from potential hazards associated with those lands.

Section 47.3 (PART V.0.1 Renewable Energy)

A person shall not engage in a renewable energy project except under the authority of and in accordance with a renewable energy approval issued by the Director if engaging in the project involves engaging in any of the following activities:

Section 168.3.1 (change of property use)

A person is not allowed to change a property’s use from industrial or commercial to residential or parkland, make changes to the property’s use in a manner specified by regulations, or construct a building that would be used for a change of use that is prohibited.

General Inquiry:
416-325-4000

paragraph 2 of subsection 168.6 (1) (certificate of property use has been issued in respect of the property under subsection 168.6 (1) of that Act)

Refrain from using the property for any use specified in the certificate or from constructing any building specified in the certificate on the property.

Environmental Assessment Act

Section 17.2 (approval of the Ministry or the Ontario Land Tribunal to proceed with an undertaking)

The Environmental Assessment Act provides for the protection, conservation and wise management of Ontario’s environment and generally applies to projects by provincial ministries, municipalities, and public bodies. Some private sector applicants may be required by regulation to complete an environmental assessment, or they may voluntarily do so.

General Inquiry:
416-325-4000

Environmental Approvals
Branch:
416-314-8001



MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING

Ontario Planning and Development Act, 1994

Section 14 (conflict between act and zoning by-law)

Despite any other Act, if there is a conflict between a development plan and an official plan or zoning by-law covering part or all the same area, the development plan prevails.

General Inquiry:
416-585-7041

Subsection 17 (Minister order)

The Minister may by order establish as a development planning area any area of land defined in the order and may amend the order to alter the boundaries of the area.

Planning Act

Section 33 (permit for residential property demolition)

In Ontario, section 33 of the Planning Act authorizes municipalities to identify areas where the demolition of residential property will be controlled.

By-laws made under section 34

Zoning by-laws may be passed by the councils of local municipalities For prohibiting the use of land, for or except for such purposes as may be set out in the by-law within the municipality or within any defined area or areas or abutting on any defined highway or part of a highway.

By-laws made under section 38

Where the council of a local municipality has, by by-law or resolution, directed that a review or study be undertaken in respect of land use planning policies in the municipality or in any defined area or areas thereof, the council of the municipality may pass a by-law (hereinafter referred to as an interim control by-law) to be in effect for a period of time specified in the by-law, which period shall not exceed one year from the date of the passing thereof, prohibiting the use of land, buildings or structures within the municipality or within the defined area or areas thereof for, or except for, such purposes as are set out in the by-law.

Town of Grimsby
Planning
905-945-9634

Section 37 (Community Benefit Charges By-Law)

Payment of money or making arrangements satisfactory to the council of a *municipality* for the payment of money, where the payment is required by a community benefits charge by-law

Section 41 (approval of municipal board plans/drawings)

Section 41 of the *Planning Act* (Ont.) permits a municipality to establish a site plan control area (or areas) within the municipality. Where development is proposed within that area, a developer must obtain the approval of the municipal council (or its delegate) of such plans and drawings of the proposed development as are specified in the legislation.

Section 42 (conveyance of land for park purposes)

If a rate authorized by subsection (1) applies, the council may require a payment in lieu, to the value of the land otherwise required to be conveyed.



Section 47 (orders under the Act)	Section 47 of the Planning Act authorizes the minister to make zoning orders that regulate the use of land in Ontario.	MMAH General Phone 416-585-6226
-----------------------------------	--	------------------------------------

Development Charges Act, 1997

Sections 28 and 53 (development charges)	<p>Despite any other Act, a municipality is not required to issue a building permit for development to which a development charge applies unless the development charge has been paid.</p> <p>A municipality shall not issue a building permit for development until the amount payable under a front-ending agreement is paid.</p>	<p>Town of Grimsby Finance 905-945-9634</p> <p>Niagara Region Finance 905-980-6000</p>
--	---	--

LOCAL CONSERVATION AUTHORITY

Clause 28(1)(c) (permission for construction related to flooding, erosion, etc.)	<p>The purpose of this Act is to provide for the organization and delivery of programs and services that further the conservation, restoration, development and management of natural resources in watersheds in Ontario</p> <p>An authority may issue a permit to a person for an activity otherwise prohibited by section 28 if, in the authority's opinion, the activity will not impact flooding, erosion, dynamic beaches, or unstable soil/bedrock, will not create conditions jeopardizing health, safety, or property in the event of a natural hazard, and meets any other prescribed regulatory requirements.</p>	NPCA General Phone: 905-788-3135
--	---	-------------------------------------

MINISTRY OF CITIZENSHIP AND MULTICULTURALISM

Ontario Heritage Act

subsection 30 (2)	<p>consent of the council of a <i>municipality</i> to the <i>alteration</i> or <i>demolition</i> of a <i>building</i> where the council of the <i>municipality</i> has given a notice of intent to designate the <i>building</i></p>	
Subsection 27(9) (demolition notice on registered properties)	<p>If a property that has not been designated under this Part has been included in the register under subsection (3), the owner of the property shall not demolish or remove a building or structure on the property or permit the demolition or removal of the building or structure unless the owner gives the council of the municipality at least 60 days notice in writing of the owner's intention to demolish or remove the building or structure or to permit the demolition or removal of the building or structure.</p>	
Section 33 (alteration/demolition consent by council)	<p>No owner of property designated under section 29 shall alter the property or permit the alteration of the property if the alteration is likely to affect the property's heritage attributes, as set out in the description of the property's heritage attributes in the by-law that was required to be registered under clause 29 (12) (b) or subsection 29 (19), as the case may be, unless the owner applies to the council of the</p>	



<i>section 34</i>	<i>'Consent of the council'</i>	<p>municipality in which the property is situate and receives consent in writing to the alteration.</p> <p>An owner of property designated under section 29 cannot demolish or remove any of the property's heritage attributes, or demolish or remove a building or structure, without first applying to the municipal council for written consent. This includes cases where the demolition does or does not affect the property's heritage attributes, as described in the registered by-law.</p>
<i>Section 34.5</i>	<i>'Consent of the minister'</i>	<p>The Minister, after consulting with the Trust, may designate property in a municipality or unorganized territory as having provincial cultural heritage significance, provided it meets certain criteria and follows the required process. Once designated, the property owner cannot alter, demolish, or remove heritage attributes or buildings on the property without the Minister's consent. The owner may apply for consent for alterations or demolitions, and the Minister has 90 days to decide, after consulting with the Trust. If the Minister fails to respond within this time frame, consent is deemed granted. Decisions are published in local newspapers or through other means depending on the location of the property. The Minister can delegate decision-making authority to the Trust or local municipality officials, and the delegation may be limited in scope. The owner has the right to appeal decisions to the Tribunal if the application is refused or granted with conditions.</p>
<i>Section 34.7 (2)</i>	<i>'Minister notice of intent'</i>	<p>Subsections 34.5 (2) to (10) apply with necessary modifications to property as of the day a notice of intention to designate the property is given under section 34.6 as though the designation process were complete, and the property had been designated under subsection 34.5 (1).</p>
<i>By-laws made under section 40.1</i>		<p>f the council of a municipality undertakes a study under section 40, the council may by by-law designate the area specified in the by-law as a heritage conservation study area for a period of up to one year</p>
<i>Section 42</i>	<i>'Permit from council'</i>	<p>An owner of property within a heritage conservation district designated by a municipality cannot alter any part of the property (except the interior of structures), erect any new buildings or structures, or demolish or remove any property or building, unless they first obtain a permit from the municipality. This includes actions that affect heritage attributes described in the heritage conservation district plan registered in the by-law.</p>

Town of Grimsby
Planning
905-945-9634



MINISTRY OF CONSUMER SERVICES

Ontario New Home Warranties Plan Act

<p><i>Section 17.4</i> <i>‘Confirmation by the Registrar for the construction of a residential condominium conversion project’</i></p>	<p>For a residential condominium conversion project, the Registrar must confirm certain facts to the builder, vendor, and any other prescribed person. These facts include that the project and its units or common elements have qualified for or been enrolled in the Plan, and that both the builder and vendor hold valid licenses under the New Home Construction Licensing Act, 2017. The Registrar may also request or require conditions to be attached to the licenses of the builder or vendor. Additionally, no construction on a residential condominium conversion project can begin until the Registrar has provided this confirmation.</p>	<p>877-982-7466</p>
--	---	---------------------

MINISTRY OF TRANSPORTATION

Public Transportation and Highway Improvement Act

<p>Section 34 or 38 (permit for construction on transportation land)</p>	<p>No person is allowed to perform certain activities near the King’s Highway without a permit from the Minister.</p>	<p>General Inquiry: ph: 800-268-4686</p>
--	---	--

Building Transit Faster Act

<p><i>Section 3 with respect to the issuance of a permit under that section</i></p>	<p>No one is allowed to carry out certain activities on or near transit corridor land without a permit from the Minister. These activities include building, altering, or placing a building, structure, or road, or conducting excavation or dewatering on or under transit corridor land or land within 30 meters of it. However, this does not apply to utility infrastructure or related excavation or dewatering. Additionally, the construction, alteration, or placement of utility infrastructure that requires grading or excavation is prohibited on or under transit corridor land or land within 10 meters of it without the necessary permit.</p>	<p>Central Region: 416-235-5412</p>
---	--	---

Ministry of Education

Education Act

<p><i>Section 196 (Minister’s approval for demolition of a building)</i></p>	<p>Despite any provision of this or any other Act, a board shall not demolish a building unless, in addition to any other approval that may be required, the board has obtained the approval of the Minister.</p>	<p>General Inquiry: 416-325-2929</p>
<p><i>Sections 257.83</i></p>	<p>Despite any other Act, a municipality shall not issue a building permit for development to which an education development charge applies unless the charge has been paid.</p>	



Ministry of Health and Long-Term Care

Elderly Persons Centres Act

<i>Section 6 of Regulation 314 (approval for construction of elderly persons' center)</i>	The regulation mandates that written approval from the Minister is needed before starting key steps in a building project funded by a capital grant, including acquiring land, calling tenders, beginning construction, or putting up signs or plaques.	General Inquiry: 416-327-4327
---	---	----------------------------------

Other Approval Agencies

CN Railway

<i>CN Rail Guidelines</i>	Before entering upon CN right-of-way, the Contractor must have all documentation properly executed and available for review by CN personnel at the working site (Permits, Licenses, Contract Documents, Contractor Safety Approved Sticker and/or Waivers)	General Phone: (888) 888-5909
---------------------------	--	----------------------------------

Electrical Safety Authority & Ontario Building Code

<i>Clearances of conductors from buildings</i>	<p>ESA: Vertical and horizontal distances are required for primary and secondary power lines. No building to be constructed under power lines</p> <p>OBC :3.1.20.1 - A building shall not be located beneath existing above ground electrical conductors.</p>	<p>ESA Contact: 877-372-7233</p> <p>Town of Grimsby: Contact: 905-309-2022</p>
--	---	--