

**ADVISORY**  
**BUILDING PERMIT REVISIONS**  
**SITE DEVIATION**

BUILDING CODE SERVICES

**BUILDING PERMIT REVISIONS**  
**SITE DEVIATION**

This advisory provides direction to construction industry practitioners for circumstances where construction deviates from approved building permit drawings, specifications and related development approvals.

This advisory replaces the Builder's Guide to Master Plan Review and Subsequent Footprint Approvals - Revised May 2016 - Site Changes Involving a Certified Master Plan.

**RESPONSIBILITY TO CONSTRUCT IN ACCORDANCE WITH PERMIT DOCUMENTS**

The Building Code Act mandates shared responsibility for building code compliance by defining roles and responsibilities of all construction practitioners. The roles and responsibilities of permit holders, builders, designers, suppliers, manufacturers, and regulators are defined by legislation and all carry shared accountability for building code compliant construction.

All persons engaged in design and construction are;

- Required to ensure construction or demolition is completed in accordance with the Act and building code,
- Prohibited from making or causing a material change to documents upon which a building permit was issued,
- Required to notify and obtain approval from the chief building official for any changes to material documents upon which a building permit was issued,
- Required to obtain approval from the chief building official for construction and demolition deviations that do not reflect documents upon which a building permit was issued.

**PRODUCT AND MATERIAL SUBSTITUTION**

There are many factors that contribute to construction changes or material substitutions. Construction changes may or may not be critical in terms of building code compliance or the impact on other development related approvals.

Where a construction deviation occurs, the building official records the deviation on a site inspection report and advises the permit holder how to address approval of the change.

Construction changes that deviate from the issued building permit may be classified as,

- A – Minor,
- B - Minor requiring supporting documentation or,
- C – Substantial, requiring a formal building permit revision.

Construction changes identified as minor (A) or minor requiring supporting documentation (B) are intended to be addressed directly with the site inspector and do not require a formal building permit revision.

Minor changes requiring documentation (B) and substantial deviations (C) require designer concurrence except where exempt under the Ontario Building Code Division C 3.2.4.1. Refer to the designer concurrence section below.

Where a construction deviation is considered a substantial change (C) requiring a building permit revision, the permit holder is required to submit a copy of the building official site inspection report (identifying the deviation(s)) with the building permit revision application.

#### **A - MINOR CHANGES NOT REQUIRING A REVISION**

A material substitution is considered a MINOR CHANGE where;

- There is limited to no impact on product, system or building performance,
- Material standardization exists among similar products,
- Products that do not normally require specific detail concerning performance or use such as conventional roofing materials, cladding systems (except masonry), drywall products, damp proofing materials.

A MINOR CHANGE does not require a formal building permit revision.

#### **B - MINOR CHANGES REQUIRING A SITE REVISION**

A MINOR CHANGE may require submission of supporting documentation to the building official for the purpose of determining building code compliance and recording the substitution or deviation as a matter of record.

Minor changes to construction may be accepted by the site building official provided that the documentation is submitted in advance of the scheduled inspection. Minor changes include;

- Modifications to the interior layout within a suite (no impact on daylighting, environmental separation, EEDS, fire or sound ratings),
- Change to the location to exterior wall glazing – doors and windows (no increase in glazing area),
- Structural changes to building components (other than new/revised framing systems) provided changes are accompanied by an engineer’s report - Part 4 Design,
- Finishing a residential basement serving a single unit or suite, excluding basements with bedrooms,
- Installation of a bathroom grouping within a suite (excluding houses on septic systems),
- Substitution of approved equivalent materials,

- Firestopping – deviation from a listed fire stop system that is addressed through an Engineering Judgement assessment,
- Premises Isolation – Deviation from design or installation of equipment associated with backflow prevention – the deviation is designed by a mechanical engineer and supporting documentation reflects the as built site condition (not generic),
- Refer to the designer concurrence section noted below.

### **C - SUBSTANTIAL CHANGES REQUIRING A BUILDING PERMIT REVISION**

A material substitution or deviation from approved permit approvals that is considered a SUBSTANTIAL CHANGE requires a formal building permit revision for changes listed below

A material substitution is considered a SUBSTANTIAL CHANGE where it includes;

- A product, material or system not prescribed for use or is used in a manner not proven or supported by the Ontario building code,
- A structural system,
- Materials that impose additional design loads,
- A mechanical system including HVAC, fire and life safety systems, sprinkler, fire suppression and standpipe systems,
- Material substitution that impacts energy efficiency compliance,
- Material substitution that impacts fire performance,
- Material substitution that impacts required sound attenuation assemblies,
- Deviation from the setbacks to the property boundaries.
- Change to a builder footprint model (minor changes described as a (A) or (B) deviations are acceptable without a formal revision),
- Change in building area, gross building area or building height, reverse model or a walkout,
- Changes impacting multiple discipline reviews (zoning, grading, site plan),
- Change to the location of exterior wall glazing – doors and windows where the change results in an increase in glazing area or impact to spatial separation, permitted unprotected openings and limiting distance,
- Change to framing projections outside of the building envelope or the addition of a garage bay. Framing projections include fireplace build outs, bow or bay windows,
- Change to or from conventional structural framing or a proprietary primary structural system to another structural system (for example ICF, SIPS, PWF),
- Change to a solid wood burning appliance or prefab fireplace and venting devices,
- EEDS modifications – changes to the selected compliance path, changes to products that reduce appliance, building envelope or device efficiency, increased % of exterior wall glazed openings.

## ZONING AND SITE PLAN DEVIATION

Construction deviation within setbacks or maximum building height established on a site plan (zoning or formal site plan approval) or where construction deviations results in encroachment within minimum setbacks shall be considered a substantial deviation (C) requiring a formal building permit revision.

## CUMULATIVE MINOR CONSTRUCTION DEVIATIONS

Where successive or cumulative minor construction deviations have taken place, the building official may determine the as built construction no longer accurately reflects the permit documents or the intended use and occupancy. The building official may consider the cumulative deviations as a substantial change requiring a building permit revision (C) and direct the permit holder to submit a formal revision.

## DESIGNER CONCURRENCE

The Ontario Building Code requires every person engaged in the business of providing design activities to the public to have qualifications that commensurate with the size and use of the building/structure proposed and constructed. Specific designer exemptions may apply as per OBC Division C 3.2.4.1.(3).

Construction deviations for projects designed under home owner exemptions noted in OBC Division C 3.2.4.1.(3) require the home owner (designer) to produce required documentation to support the change or provide a concurrence letter.

A deviation from approved building permit documents deemed a minor change (requiring a site revision) (B) may require a concurrence letter from a competent and registered designer. A typical example is a fire stopping systems covered in an engineering judgment.

A building permit revision for a substantial change (C), requires a competent and registered designer to prepare the permit revision documentation or provide a letter of concurrence in support of the changes.