

BUILDING FILES ROUTINE RELEASE PROCEDURE
Administrative Procedure No. 12/19

PURPOSE:

To outline classes of documents that can be routinely released by the Planning and Engineering Department without the need for a formal Freedom of Information (FOI) Request or Comfort Letter.

Requestors are required to call Planning and Engineering to schedule an appointment to review a file and a minimum of 24 hours-notice is required. This allows staff the ability to review the contents of the file and remove/redact items listed in Tiers 2 and 3.

BACKGROUND:

Records contained in Building files are subject to the *Freedom of Information and Protection of Privacy Act* (the “Act”), which prohibits the disclosure of personal information unless authorized under the Act where the consent of the Owner is obtained, records containing that owner’s personal information can be released; where no consent is obtained, certain records can still be released which either do not contain personal information, or where the release of personal information is not an unreasonable invasion of privacy.

This policy is intended to streamline the release of information in Building files that can be released without the need for a formal FOI request.

PROCEDURE:

Staff should first refer individuals seeking information on Building files (“Requestors”) to the “What kind of request do I need to make?” information sheet to assist them in determining what type of request they would like to make. Depending on the information being sought, requests can be made in the following ways:

Type of Request	Comfort Letter	Building File Request	Freedom of Information Request
Responsible Department	Planning and Engineering	Planning and Engineering	Legislative and Administrative Services

This policy applies to records that can be released to Requestors that is not a comfort letter and does not require a formal FOI request.

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PROCEDURE:

Building File Requests allow staff to release records without the need for the Requestor to apply for a formal FOI request. Staff is responsible to redact documents and personal information as identified in each tier prior to allowing a person to view the file and/or provide copies to a Requestor. There are three tiers of Building File Requests set out in Schedule 1 to this policy:

Tier 1 records may only be viewed, but not copied

Tier 2 records may be released without consent of the Owner(s) of the subject property

Tier 3 records may be released only with the consent of the Owner(s) of the subject property

Requests for records in Tiers 1 and 2 can be processed by Planning and Engineering Department Staff and do not require a formal FOI request.

Tier 3 records can only be released under this procedure (ie: without the need for a formal FOI request), where the Requestor has the written consent of the owner of the subject property. Please note that this consent only applies to Tier 3 records for the time period that the consenting owner owned the subject property. A formal FOI request is required for a request for Tier 3 records where the Requestor does not have the consent of the owner(s) of the subject property for the applicable time period of the request for information.

Freedom of Information Requests are required for all records not listed in Tiers 1-3, as these records have a high likelihood of containing personal information or other information that cannot be routinely released without a review by the Legislative and Administrative Services Department.

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Schedule 1: Building Records Eligible for Routine Release by Tier

Tier 1: Planning and Engineering Department Staff may allow individuals to view, but not copy the following records **without** the consent of the Owner(s) of a Property and **without** a formal Freedom of Information Request:

- Building Permits – Site Plans
- Development Permit – Site Plans
- Survey Certificates

Tier 2: Planning and Engineering Department Staff may allow individuals to view and may release the following records to individuals **without** the consent of the Owner(s) of a Property and **without** a formal Freedom of Information Request:

- Building, Sign, Plumbing, Development, Development Variance, Solid Fuel Burning Appliance Permits – Issued
- Building Permit Application *
- Building Inspection Report
- Form J – Fire Flow Calculations Sheet
- Occupancy Permit – Issued (with attached Inspection Reports)
- Letter of Assurance – Schedule C -A
- Letter of Assurance – Schedule C-B
- Letter of Assurance – Schedule B
- Business License - Issued
- Business License Checklist
- OCP/Zoning Amendment Application *
- Development Permit – Application *
- Title Certificate (Finance Department can also provide this document for a fee)
- Survey Certificate **
- Payment receipts issued by Finance Department

* In the case of a formal request for access, FIPPA Section 22(4)(i) states that it is not an unreasonable invasion of personal privacy to disclose personal information that constitutes the details of a permit. This information would include the name of the applicant. Other personal information supplied in support of the application would not necessarily be disclosed. For example: for building permits, the applicant's home address would not be released if it were not the subject property. Personal information that must be redacted include: an owner's home address, home or personal cell phone number and the employee completing the access request is responsible for redaction. Names of employees who are filling out an application on behalf of their employer is not personal information.

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Schedule 1: Building Records Eligible for Routine Release by Tier

Tier 3: In addition to the records listed in Tier 2, Planning and Engineering Department Staff may release the following records to individuals **with the written** consent of the Owner(s) of the subject property and **without** a formal Freedom of Information Request:

- Business License Application *
- Building Plans **
- Comfort Letters *
- Form A – Application for Standard Building Permit *
- Form B – Application for Complex Building Permit *
- Form B-1 – Declaration of On-Site Chemicals and Hazardous Materials
- Form C – Application for Plumbing Permit *
- Form D – Application for Demolition Permit *
- Form E – Application for Moving Permit *
- Form F – Application for Solid Fuel Burning Appliance Permit *
- Form G – Application for Security Fence, Deck or Shed *
- Form H – Deck Support Declaration
- Form I – Application for Fire Sprinkler Permit *
- Development Permit – Servicing Plans **
- Development Permit – Grading Plans
- Water Turn On/Off Application *
- Permit Cost Tracking Form
- Business Inspection Checklist
- Building Inspector’s Report
- Letter of Assurance – Schedule A
- Notices of Rejection
- Stage 1 Preliminary Environmental Site Investigation Letter *
- Invoicing Request *

**** Documents that have a copyright stamp are only allowed to be released once and must have the Copyright stamp affixed to it in accordance with the *Copyright Act*.**

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Schedule 2: Building Records that Require a Freedom of Information Request

Requests for the following records **always** require a formal Freedom of Information Request which must be sent to the Legislative and Administrative Services Department:

- Letters
- Memorandums
- Correspondence
- Emails
- Continuation Note Form
- RCMP Business Property Reference Form