



CBO Technical Directive

#CBO-01 – Accessory Buildings not requiring permits

Date Amended: November 7, 2023

Objective:

To provide direction on when accessory buildings do not require building permits in the City of Burlington.

Definition(s):

For this directive, the following definitions shall apply:

Gross Area: means the total area of all floors above the finished ground measured between the outside surfaces of exterior walls or between the outside of structural framing members supporting the roof. For this policy, roof overhang is not included in the calculation of gross area.

House: means a detached house, semi-detached house or row house containing not more than two dwelling units.

Accessory Building(s)/Structure(s): means a detached building or structure secondary in use to the principal building on the lot.

Storey: means the portion of a building that is situated between the top of any floor and the ceiling above the floor.

Directive:

A building permit is not required for “accessory buildings/structures” including a shed, gazebo, garage, carport, greenhouse/solarium, cabana, shipping container or other similar-type structures provided the building/structure:

- is used only for purposes ancillary to a “house”,
- is not more than 15 m² in “gross area”,
- is not more than one “storey” in building height,
- is not attached to a building or any other structure, and
- does not contain plumbing.

See Figures A to G below for examples of the “accessory buildings/structures” noted above.



Important: Although a building permit is not required for the “accessory buildings/structures” noted above, compliance to other by-laws/legislation must always be contemplated. It is the property owner’s responsibility to contact other authorities to gain information about required property approvals. These authorities include, but are not limited to, Conservation Halton, Niagara Escarpment Commission, Region of Halton, Burlington Hydro, City of Burlington’s Zoning, Site Engineering and Forestry sections, etc.

Background:

On April 29, 2022, Ontario Regulation 451/22 amended Article 1.3.1.1. of Division C of the Ontario Building Code (OBC) by adding the following sentence:

“(6) A shed is exempt from the requirement to obtain a permit under section 8 of the Act and is exempt from compliance with this Code, provided that the shed,

- (a) is not more than 15 m² in gross area,
- (b) is not more than one storey in building height,
- (c) is not attached to a building or any other structure,
- (d) is used only for storage purposes ancillary to a principal building on the lot, and
- (e) does not have plumbing.”

Neither the amending regulation (Ont. Reg. 451/22) nor the OBC provide a definition for ‘shed’. In addition, the Ministry of Municipal Affairs & Housing (MMAH) has not yet provided clarification for the intent of the new exemption (i.e., does not include shed-like structures such as gazebos, greenhouses, etc.).

Until clarity is received from the MMAH, this directive shall apply.

Review and approval:

This interpretation has been reviewed and approved by the City of Burlington’s Chief Building Official and serves as the City’s final interpretation on this subject matter.

Figure A - Shed



Figure B - Gazebo



Figure C – Cabana



Figure D – Detached Carport



Figure E – Detached Garage



Figure F – Detached Greenhouse/Solarium



Figure G – Shipping Container

