



Planning & Building Safety Department Internal Policy & Procedure

- Policy:** Incomplete Site Improvement Deposit Policy
(Development Permit Deposit)
- Subject:** Expectations of taking and releasing deposits for completion of all required site improvements under the development permit process.
- Covers:** Planning & Building Safety Department
- Effective:** January 1, 2013
- Purpose:** The purpose of the Incomplete Site Improvement Deposit is to ensure all outstanding site improvements associated with a building permit such as landscaping, to be completed even after the building/site has been issued a final Occupancy Permit. This Policy intends to allow property owners or designees an opportunity to obtain an occupancy permit even though not all site improvements have been completed. The practice under this Policy is not intended to circumvent the provision of the required site improvement or that the deposit is used to replace the required site improvement. In fact, this Policy only applies under extenuating circumstances when it is proven to be impractical or unreasonable for the property owner or designee to complete site improvements under a hazardous or difficult condition (e.g.,: installing landscape material in the winter).

*Where there is any conflict between the policies and procedures adopted by the City of Brandon and the policies and procedures set forth in a collect agreement adopted by the City of Brandon, or policies and procedures set forth in a statute of the Provincial or Federal Government, the collective agreement of the Provincial or Federal statute shall supersede such other policies or procedures.

Policy:

1. The Incomplete Site Improvement Deposit will be required at the time when the property owner or designee requests an Occupancy Permit to be issued while not all required site improvements have been provided; but the property owner or designee is able to demonstrate, due to extenuating circumstances, that the provision of such improvements is deemed unachievable.
2. In order to issue the Occupancy Permit prior to the provision of all required site improvements, a deposit of 10% of the cost of outstanding work (minimum \$500) will be taken at the time the Occupancy Permit is issued.
3. It is the responsibility of the property owner or designee to contact the Planning and Building Safety Department for final inspection on the outstanding site improvements to be completed. The following actions should be taken by staff upon site inspection:
 - a. Should the site improvements be completed in accordance with the approved plans and to the satisfaction of the Planning and Building Safety Department, the deposit will be released to the developer.
 - b. Should the site improvements remain unfinished, the deposit will be retained by the City of Brandon Planning and Building Safety Department; this may be followed by Zoning By-law enforcement on the outstanding site improvement.
4. Although deposits will be retained as a tool to ensure site completion, the Planning and Building Safety Department will not use outstanding funds to initiate completion of outstanding work.

Procedures/Responsibilities**Employees**

- Planners are responsible for communicating the intent and procedure of the Incomplete Site Improvement Deposit requirement to developers at the time of applying for development permit.
- Planners/Planning technicians will ensure all site improvements have been completed as per approved plans during time of inspection for final approval.
- Planner assigned to permit is responsible to notify administrative staff of the deposit requirement to ensure fund will be collected on the specific development site.
- Planner assigned to permit is responsible for updating Cityview to notify administration whether the deposit is to be released.

Supervisors

- Ensure all employees are aware of the Development Permit Deposit Policy.
- Ensure the consistent application of the Development Permit Deposit Policy.
- Support employees in executing the Policy.
- Monitor the Policy and make changes to the Policy as necessary in order to improve upon process efficiency.

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Authorized by: Louisa Garbo

Director

Planning & Building Safety Department