



PROCEDURE TO ESTABLISH LEGAL NON-CONFORMING

Under Section 34(9) of the *Planning Act* which reads:

34(9) No by-law passed under this section applies, to permit the use of any land, building or structure for any purpose prohibited by the by-law if such land, building or structure was lawfully used for such purpose on the day of the passing of the by-law so long as it continues to be used for that purpose.

Understanding the onus is on the owner to establish that his or her property meets the criteria of section 34(9) in order to claim the exemption from the use provisions of the current Zoning By-law.

The Property owner is to provide a letter from their lawyer, along with any supporting documentation asserting to our office that a Letter of Opinion is required to establish Legal Non-Conforming status.

The letter addressed to the Chief Building Official:

Mr. Guido Mazza, Director of Building Services/Chief Building Official
City of Greater Sudbury
Tom Davies Square, Building Services
PO Box 5000, Stn A
200 Brady Street, 3rd Floor
Sudbury, Ontario P3A 5P3

The following is a list of documentation the Chief Building Official will accept in proof of Legal Non-Conformance:

Sworn affidavits
Vernon's Directories
Real Estate Purchase of Sale Agreements, ads, etc.
Telephone directories (telephone numbers, ads, etc.)
Newspaper ads (if commercial)
Photos
Income tax information (rent receipts)

A lawyer's letter and any supporting documentation may be submitted in person by attending Tom Davies Square or via email to buildingservices@greatersudbury.ca. Letters will be processed by date order upon the payment of fees.

A fee for \$400.00 (subject to change per the User Fee By-law) paid at time of application, will commence the research and review process. Fees can be paid by the following:

- a. Credit Card
- b. Cheque
- c. Debit

Please allow 10 business days for the completion of our research.

For general inquiry or assistance with the Legal Non-Conforming procedure please contact Denise Clement, Manager of Permits & Approvals Integration by calling 705-674-4455, Ext. 4426 or by email to denise.clement@greatersudbury.ca