

The Corporation of the City of Richmond Hill

By-Law 19-24

A By-Law under the *Building Code Act, 1992*, respecting permits and related matters.

Whereas Section 7 of the *Building Code Act, 1992*, authorizes a municipal council to pass by-laws concerning the issuance of permits and related matters;

And Whereas Subsection 3(1) of the *Building Code Act, 1992*, provides that the municipal council is responsible for the enforcement of the Building Code Act, 1992, within the City;

And Whereas Subsection 3(2) of the act requires that municipal council appoint a chief building official and such inspectors as are necessary for the enforcement of the Building Code Act, 1992;

And Whereas Subsection 7.1(1) of the Act requires Council, as the principal authority referred to in that section, to establish and enforce a code of conduct for the chief building official and inspectors;

And Whereas Subsection 23.1(1) of the Municipal Act, 2001 provides that a municipality may delegate its powers and duties under that act or any other act to a person or body, subject to certain restrictions;

And Whereas Council deems it appropriate to delegate the appointment of the chief building official to the Commissioner, Planning and Building Services;

And Whereas Council deems it appropriate to delegate the appointment of inspectors to the chief building official;

And Whereas Subsection 8(3.1) of the *Building Code Act, 1992*, provides that the municipal council may delegate to the chief building official the power to enter into conditional permit agreements and may impose conditions or restrictions with respect to the delegation;

And Whereas Sections 8, 9 and 11 of the *Municipal Act, 2001*, authorizes a municipal council to pass by-laws necessary or desirable for municipal purposes, and in particular, paragraphs 3, 5, 6 and 8 of Subsection 11(2) authorizes by-laws respecting the financial management of the municipality, the economic, social and environmental well-being of the municipality, the health, safety and well-being of persons and the protection of persons and property;

And Whereas Section 391 of the *Municipal Act, 2001*, authorizes a municipal council to pass by-laws to impose fees or charges on persons for services done by or on behalf of the City;

And Whereas Section 446 of the Municipal Act, 2001, provides that if a municipality has the authority under the Municipal Act or any other Act or under a by-law under the Municipal Act or any other act to direct or require a person to do a matter or thing, the municipality may also provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense;

Now Therefore The Council Of The Corporation Of The City Of Richmond Hill Enacts As Follows:

Short Title

This By-Law may be referred to as the "Building By-Law"

SECTION 1 DEFINITIONS

1.1 Definitions

Each of the listed words or terms has the following meaning when used in this by-law:

Act	The Ontario Building Code Act, 1992 S.O. 1992 Chapter 23, as amended.
Applicant	An Owner of a building or property who applies for a Permit, or any person authorized by the owner to apply for a Permit on their behalf, or any person or corporation empowered by statute to cause the construction or demolition of a building and anyone acting under the authority of such person or corporation.
Building Code	Regulations made under section 34 of the Act.
Chief Building Official	The person appointed by Richmond Hill Council as the Chief Building Official for the purposes of the enforcement of the Act.
City	The Corporation of the City of Richmond Hill
Inspector	The persons appointed by the Chief Building Official under authority delegated by Richmond Hill Council, as an inspector for the purposes of the enforcement of the Act.
Owner	The registered owner of the land and shall also include a lessee and a mortgagee in possession
Permit	Permission or authorization given in writing by the Chief Building Official to perform Work, to change the use of a building or part of it or to occupy a building or part of it, as regulated by the Act and Building Code.
Work	Construction or demolition of a building or part thereof.

1.2 Words not defined

Any word or term not defined in this By-Law that is defined in the Act or Building Code shall have the meaning as ascribed to it in the Act or Building Code.

SECTION 2 CLASSES OF PERMITS

2.1 Classes of Permits – Schedule A

The classes of Permits and corresponding Permit fees are set out in Schedule A of this By-Law.

SECTION 3 PERMIT APPLICATIONS

3.1 Permit Application – Provincial Form

Every application for Permit for Work, shall be made by an Applicant on a form prescribed by the Minister, available from the Chief Building Official or Ministry of Municipal Affairs and Housing.

3.2 Required Information

Every Permit application shall be submitted to the Chief Building Official in person or online and shall include the following information:

(1) The following applies to all permits. The application shall:

- (a) be submitted using the provincial application form described in Subsection 3.1 of this By-Law;

- (b) be accompanied by the required fee;
 - (c) include complete plans and specifications and other information as set out in the Building Code and in this By-Law;
 - (d) include completed forms as required by the Chief Building Official; and
 - (e) be accompanied by a site plan as set out in Section 4 of this By-Law.
- (2) In addition to the requirements of Sentence (1) above, where an application is made for a construction Permit under Subsection 8(1) of the Act, the application shall:
- (a) be accompanied by a site plan as set out in Subsection 4.3 of this By-Law.
- (3) In addition to the requirements of Sentence (1) above, where an application is made for a demolition Permit under Subsection 8(1) of the Act, the application shall:
- (a) provide photographs that accurately depict the buildings to be demolished, as they are at the time of application;
 - (b) include evidence satisfactory to the Chief Building Official that the building or structure intended to be demolished is not located on a property that: (i) is included in the City's register of properties that are of cultural heritage value or interest; or (ii) is designed to be of cultural value or interest; or (iii) is within a designated heritage conservation district; pursuant to the Ontario Heritage Act, R.S.O. 1990, c. O.18 as amended or superseded.
- (4) In addition to the requirements of Sentence (1) above, where an application is made for a conditional Permit under Subsection 8(3) of the Act, the application shall:
- (a) be accompanied by:
 - (i) In the case of residential model homes:
 - (a) a copy of the model home agreement; or
 - (ii) In the case of new construction and additions to existing buildings for industrial, commercial, institutional and residential high-rise properties:
 - (a) a copy of the draft site plan agreement or undertaking, and prior to Permit issuance, a copy of the executed conditional permit agreement signed by the owner and the Chief Building Official;
 - (e) state the reasons why the Applicant believes that unreasonable delays in construction would occur if a conditional Permit is not granted;
 - (f) state any outstanding approvals which must be obtained in respect of a Permit under Subsection 8(1) of the Act for the proposed building, and the time in which such approvals will be obtained;
 - (g) state the time in which plans and specifications of the building will be filed for a Permit under Subsection 8(1) of the Act; and
 - (h) be subject to the owner entering into an agreement with the City, as provided in Subsection 8(3) of the Act.
- (4) Where an application is made for a change of use Permit under Subsection 10(1) of the Act, the application shall:
- (a) include complete plans and specifications showing the current and proposed occupancy of all parts of the building and containing sufficient information for the

determination of compliance with the Building Code, including floor plans, details of wall, ceiling and roof assemblies, identifying fire resistance ratings and load bearing capacities and details of the existing sewage system; and

- (5) The Chief Building Official may approve the issuance of a partial Permit for a portion of a building or project prior to the issuance of a Permit for the entire building or project, subject to the following requirements:
 - (a) an application has been made and fees paid for the entire project;
 - (b) an application is submitted using the application form described in Section 3.1 of this By-Law for the portion of the building or project that is the subject of the partial Permit;
 - (c) the application is accompanied by the required fee for a partial Permit; and
 - (d) include complete plans and specifications as set out in this By-Law, for the portion of the building which is the subject of the partial Permit application.
- (6) Subject to Section 7 of this By-Law and in addition to the requirements of Sentence (1) above, where an application is made for the transfer of Permit because of a change in ownership of the land, the application shall:
 - (a) include evidence of ownership satisfactory to the Chief Building Official;
 - (b) a declaration, using the application form prescribed by the Chief Building Official, executed by the new owner of the property declaring that the transfer of permit has been authorized by the previous owner of the property; and,
 - (c) where applicable, be accompanied by proof of engagement of design professionals to conduct field review.
- (7) Where an application is made for an occupancy Permit as set out in Division C 1.3.3.1 of the Building Code, the application shall:
 - (a) describe the building, or part thereof, for which an occupancy Permit is requested.
- (8) Where the application for an occupancy Permit referenced in Paragraph (7) above relates to the partial occupancy of a building prior to its completion, a separate application is required for each stage of occupancy.

3.3 Incomplete Applications

The Chief Building Official may refuse to accept any application for a Permit if any of the requirements set out in the Act, the Building Code or any by-law are determined to be incomplete or contain insufficient information at the time the application is filed. Incomplete applications, where accepted, are not subject to the time-frames set out in the Building Code.

3.4 Permit – Limitations

A Permit, including a conditional Permit, that is issued for part of a building or project should not be construed as authorizing construction beyond the permit for which approval was given, nor that approval will necessarily be granted for the entire building or project.

3.5 Abandoned Permit Application

Where an application for a Permit remains inactive or incomplete for six months after it is made, the application may be deemed by the Chief Building Official to have been abandoned without any further notice to the Applicant.

3.6 Permit – Limitations

A Permit, including a conditional Permit, that is issued for part of a building or project should not be construed as authorizing construction beyond the permit for which approval was given, nor that approval will necessarily be granted for the entire building or project.

3.7 Abandoned Permit Application

Where an application for a Permit remains inactive or incomplete for six months after it is made, the application may be deemed by the Chief Building Official to have been abandoned without any further notice to the Applicant.

SECTION 4 PLANS AND SPECIFICATIONS

4.1 Sufficient Information

Every Applicant shall furnish sufficient plans, specifications and documents as set out in the Building Code and this By-Law to enable the Chief Building Official to determine if the proposed construction, demolition or change of use will contravene the Act, Building Code and any other applicable law.

4.2 Submission Guidelines

Plans and documents that accompany a Permit application shall conform to guidelines set out by the Chief Building Official and be submitted in electronic format. Paper copies of plans may be required in addition to electronic submissions.

4.3 Site Plan Referenced to Survey

Site plans shall reference a current plan of survey, certified by an Ontario Land Surveyor, and, when required to determine compliance with the Act, Building Code or any other applicable law, a copy of the survey shall be submitted to the Chief Building Official. Site plans shall include:

- (1) lot size and dimensions of the property and setbacks to any existing or proposed buildings;
- (2) lot area, coverage, number and dimensions of parking spaces;
- (3) setbacks from all existing and proposed buildings to all property boundaries and to all existing and proposed buildings on the lot;
- (4) locations of egress points and number of exterior risers;
- (5) existing and finished ground elevations or grades of the property, clearly indicating drainage patterns and swales;
- (6) existing and proposed elevations of underside of footings, finished basement slab, top of foundation wall and finished first floor;
- (7) existing rights of way, easements and municipal services; and
- (8) proposed fire access routes and existing fire hydrant locations.

4.4 As-Constructed Plans

On completion of construction of a building, or part of a building, the Chief Building Official may require a set of as-constructed plans, including a plan of survey showing the location and elevations of the building, the foundation or other building elements.

4.5 Plans - Property of the City

Plans, specifications and documents furnished in accordance with the Act, Building Code or this By-Law become the property of the City and will be disposed of or retained in accordance with relevant legislation.

4.6 Additional Requirements

In addition to the requirements listed elsewhere in this By-law, every application for Permit prescribed under the Building Code shall also:

- (1) Include a detailed description of the Work proposed, as well as the current and proposed use and occupancy of the building,
- (2) Describe any encroachments onto other properties, including municipal, regional and provincial lands, including encroachments for temporary work (including hoarding, excavation, shoring and site servicing),
- (3) Describe all access points to the development site, including temporary access, and include existing, expanded and new access points (driveways and walkways),
- (4) Include a breakdown of the area of the building corresponding to the occupancy classification or type of construction in Schedule A of this By-Law,
- (5) Where applicable, be accompanied by an "Energy Efficiency Design Summary" form (available from the City's Building Division),
- (6) Where applicable, be accompanied by a "Commitment to Have General Review Undertaken by Architects and Engineers" form (available from the City's Building Division or the Professional Engineers Ontario (PEO) and Ontario Association of Architects (OAA) for all buildings requiring professional review,
- (7) Where applicable, be accompanied by an "Ontario Building Code Data Matrix" form (available from the City's Building Division) for all buildings within the scope of Division B Part 3 of the Building Code,
- (8) Where applicable, a Permit application for a temporary building shall indicate the total time the building will remain in place. Permits for temporary buildings expire after 180 days, and may be renewed upon re-application, and,
- (9) Where applicable, be accompanied by any other fee or security for which an agreement is made between the City and the owner.

SECTION 5 – FEES, CHARGES AND REFUNDS

5.1 Fees Payable under Schedule A

- (1) The Chief Building Official shall determine the required fee for Work being proposed, calculated in accordance with Schedule A of this By-Law and the Applicant shall pay such fees upon submission of an application. Where the review of the Permit application determines that additional fees are required, such additional fees shall be paid prior to Permit issuance.
- (2) Where an independent third-party review is required, the Chief Building Official may require that all or part of the associated costs be added to the Permit fee and be collected prior to issuance of a Permit.
- (3) The Chief Building Official may allow for the payment and refund of required fees by credit card, with such fees having a convenience charge added at the applicable rate at the time of the transaction.
- (4) The Permit fees set out in Schedule A shall be adjusted on January 1 each year with provisions for annual indexing by the year-over-year change in

Statistics Canada's Consumer Price Index - Toronto Series.

5.2 Refunds

- (1) In the case of withdrawal or refusal of an application for Permit, or where a Permit application has been deemed to have been abandoned as set out in Subsection 3.6 of this By-Law, upon written request, the Chief Building Official will determine the amount of fees, if any, which are refundable.
- (2) Where a Permit is revoked, no fees will be refunded, except where it was issued in error or where the Applicant requests revocation no more than six months after the date the Permit was issued.
- (3) Refunds will only be made to the person or organization named on the fee receipt, unless such person or organization has provided written direction to the Chief Building Official to release the refund to another person or organization, prior to its release.
- (4) Subject to clause (1) and (2) above, the amount of fees refundable shall be calculated as a percentage of the total Permit fee as follows:
 - (a) 80% if the application is cancelled prior to review.
 - (b) 70% if the application is cancelled after commencement of the zoning review and prior to Permit issuance.
 - (c) 45% if the plan review has been completed.
 - (d) 35% if the Permit has been issued and no inspections have been conducted.
 - (e) No refund shall be made if work has commenced or if more than one year has passed since the Permit was issued.
 - (f) No refund shall be made where the amount is equal to or less than the minimum fee, as indexed.

5.3 Special Inspection Fee

Subject to availability of resources, inspections outside normal working hours may be requested. If approved, the hourly rate set out in Schedule A applies, with a minimum charge of 3 hours.

5.4 Administrative Fee for Work Without Permit

Any person or corporation that commences construction, demolition or change of use of a building before obtaining a Permit shall, in addition to any other penalty under the Act, Building Code or this By-Law, pay an additional fee in accordance with Schedule A of this By-Law, so that the City can recover the additional administrative and enforcement costs.

SECTION 6 – ALTERNATIVE SOLUTIONS

6.1 Alternative Solutions

Where the Applicant seeks approval for an alternative solution that is proposed to be substituted for an acceptable solution as set out in Division "B" of the Building Code, the Applicant shall submit:

- (1) a description of the proposed alternative solution;
- (2) contact information for the designer(s) of the alternative solution;
- (3) the qualifications of the designer responsible for the proposed alternative solution;

- (4) identification of the prescribed acceptable solutions under Division B of the Building Code for all of the alternative solutions being proposed;
- (5) information about relevant assumptions, limiting or restricting factors, studies or *building* performance parameters, including any commissioning, operational and maintenance requirements of the alternative solution being proposed, as required by Division C 2.1.1.1 of the Building Code;
- (6) identification of applicable objectives and functional statements in Division A of the Building Code;
- (7) an evaluation of the acceptable solution in Division B of the Building Code as compared with the proposed alternative solution;
- (8) supporting documentation to establish that the proposed material, system or building design will provide the same level of performance as the acceptable solution in Division B of the Building Code; and,
- (9) payment of the required fee set out in Schedule A of this By-Law.

6.2 Peer Review

- (1) After reviewing the application for approval of an alternative solution, the Chief Building Official may require a peer review by a third-party having expertise in the subject matter of the application, and may identify specific questions to considered and addressed in the review.
- (2) The peer review report will be provided to the Chief Building Official.
- (3) The cost of obtaining a peer review will borne by the Applicant, paid directly to the expert carrying out the review.

6.3 Alternative Solution – Decision

The Chief Building Official may accept or reject any proposed alternative solution and may impose conditions or restrictions on its use.

6.4 Alternative Solution Not Transferrable

Alternative solutions that are accepted under this section shall be applicable only to the location described in the application and are not transferrable to any other Permit.

SECTION 7 – TRANSFER OF PERMITS

7.1 Application for Transfer of Permit

Where construction or demolition has commenced, a Permit may be transferred to a new Owner, provided that the new Owner submits an application, plus any required documentation described in clause 3.2 (6) of this By-Law and a fee as set out in Schedule A.

7.2 New Owner – Responsibilities

The new Owner shall, upon transfer of Permit, be the person to whom the Permit is issued for the purpose of the Act and Building Code.

SECTION 8 – REVOCATION OF PERMITS

8.1 Notice of Revocation

Prior to revoking a Permit under Subsection 8(10) of the Act, the Chief Building Official may serve a notice by email or first class mail to the last known address of the person to whom the Permit was issued. After 35 days from the date shown on

the notice, the Chief Building Official may, provided the grounds for revocation still exist, revoke the Permit without further notice.

8.2 Deferral of Revocation

The person to whom a Permit was issued, may, within 30 days of the date shown on the notice of revocation, submit a written request for deferral of revocation to the Chief Building Official stating the reasons why the permit should not be revoked.

8.3 Limitation

Where construction has not commenced and a written request to defer revocation is received by the Chief Building Official, a deferral request may be granted to extend the Permit for a period of six (6) months. No more than two (2) deferral requests may be granted to extend the Permit for a maximum of 18 months from the date it was first issued.

8.4 Fee

A request for deferral of revocation shall be accompanied by a non-refundable fee as set out in Schedule A of this By-Law: Minimum Permit Fee.

8.5 Decision

The Chief Building Official, having regard for any changes to the Act, the Building Code or any other applicable law, may grant the deferral request and provide notice of the decision.

SECTION 9 – NOTICES FOR INSPECTION

9.1 Notice at Completion of Each Stage

The person to whom the Permit was issued shall notify the Chief Building Official or Registered Code Agency, where one is appointed, at the completion of each stage of construction set out in Division C, 1.3.5.1 and 1.3.5.2 of the Building Code.

9.2 Notice of Completion before Occupancy

The person to whom the Permit was issued shall notify the Chief Building Official or Registered Code Agency, where one is appointed, of the date of completion of the building or part thereof, prior to the building or part thereof, being occupied.

9.3 Notice Effective When Received

The notice under this section must be made in a manner specified in the documentation provided when the Permit is issued and is not effective until it is actually received by the Chief Building Official or Registered Code Agency, where one is appointed.

9.4 Prescribed Inspections

Upon receipt of notice, the Inspector shall undertake an inspection of the building to which the notice relates, in time frame set out in Division C, 1.3.5.3 of the Building Code or Subsection 11(4) of the Act.

SECTION 10 – CONSTRUCTION AND DEMOLITION SITE FENCING

10.1 Site Fencing

Every person issued a Permit for construction or demolition under the Act, shall erect and maintain a fence to enclose the construction or demolition site, including areas where equipment is operated or equipment or material is stored.

10.2 Fencing Required

If fencing has not been provided in accordance with Subsection 10.1 above, and, if in the opinion of the Chief Building Official the site presents a hazard to the public, the Chief Building Official may require the owner to erect and maintain fencing to enclose the site in accordance with Subsection 10.1.

10.3 Conditions for Exemption

The Chief Building Official may grant an exemption from the requirements of Subsection 10.1 where they are satisfied that site conditions would not present a hazard, having regard for:

- (1) the proximity of the site to occupied dwellings;
- (2) the proximity of the site to lands accessible to the public, including but not limited to streets, parks and commercial and institutional activities;
- (3) the hazards presented by the construction activities and materials;
- (4) the feasibility and effectiveness of site fencing; and,
- (5) the duration of the hazard.

10.4 Fencing Requirements

Every fence required by this section shall:

- (1) be erected to fully enclose the site;
- (2) be a minimum of 1.2 metres high, measured from grade outside the fence, and have no gaps larger than 100 millimetres below the fence;
- (3) be constructed to deter entry by unauthorized persons or vehicles;
- (4) have no rails or other horizontal or diagonal bracing, attachments or pattern of openings on the outside that would facilitate climbing;
- (5) contain no opening more than 150 millimetres wide or less than 900 millimetres above the bottom of the fence except where required to facilitate access to and from the site;
- (6) at any access opening, be equipped with gates that shall:
 - (a) contain wire mesh or similar material to provide visibility for traffic entering and exiting the site;
 - (b) be constructed to specifications that provide performance and safety equivalent to the fence; and
 - (c) deter entry by unauthorized persons;
- (7) be maintained:
 - (a) in good repair with no gaps larger than 100 millimetres below the fencing;
 - (b) free from health, fire and accident hazards; and
 - (c) so that access openings are closed and locked or securely reinstalled when the site is unattended; and
- (8) be removed no later than 30 days after completion of the construction or demolition work. the hazards presented by the construction activities and materials;

10.5 Fence Construction Standards

A fence required by Subsection 10.1 shall be constructed to the following standards:

- (1) If constructed of wood, the outside face shall be smooth exterior grade plywood or wafer board which is a minimum of 12.5 millimetres thick, securely fastened to 89 millimetre by 89 millimetre vertical posts spaced at 2.4 metre centres and embedded sufficiently deep to provide rigid support and securely nailed to 39 millimetre by 89 millimetre horizontal rails secured to the vertical posts at the top and bottom.
- (2) If constructed using plastic mesh, the fencing shall be fastened securely at 200 millimetre centres to steel "T" posts or similar, spaced at not more than 1.2 metre centres and embedded at least 600 millimetres into the ground with the top and bottom of the plastic mesh secured horizontally by 11 gauge cable threaded through or otherwise attached to the mesh and each post.
- (3) If constructed with chain link, the mesh shall have openings no larger than 50 millimetres and shall be fastened securely to vertical steel posts spaced not more than 2.4 metre centres and to top and bottom horizontal steel rails or 9 gauge steel wire.
- (4) The fence may be a combination of fence types specified in this section or may be constructed of other materials that provide performance and safety equivalent to the fence types specified and the Chief Building Official authorizes its use.

10.6 Municipal Authority to Construct Site Fence

Where the person to whom a Permit is issued fails to erect a site fence required under this section, and where the Chief Building Official has not granted an exemption, the Chief Building Official may cause a fence to be erected and recover the costs by adding them to the tax rolls and collecting them in the same manner as property taxes.

SECTION 11 – CONDITIONAL PERMITS

11.1 Conditional Permit

The Chief Building Official may, where conditions in Subsections 8(3) to 8(5) of the Act and Clause 3.2 (3) of this By-Law have been fulfilled, issue a conditional Permit for a building subject to compliance with the Act, the Building Code and any other applicable law.

11.2 Conditional Permit Agreement – Delegation

The Chief Building Official and Deputy Chief Building Officials are authorized to approve the entering into of a conditional permit agreement, to execute the agreement on behalf of the City and to approve the release of a conditional permit agreement when the agreement is no longer necessary.

SECTION 12 – REGISTERED CODE AGENCY

12.1 The Chief Building Official may enter into service agreements with registered code agencies to perform one or more of the functions specified in Section 15.15 of the Act from time to time in order to comply with the time frames for Permits prescribed in Division C, Part 1 of the Building Code.

SECTION 13 – SPATIAL SEPARATION AGREEMENTS

13.1 The Chief Building Official may enter into spatial separation agreements, as set out in Division B, Part 9 and Part 3 of the building code, on behalf of the City and the owners of properties on which the limiting distance is measured.

SECTION 14 – APPOINTMENTS

- 14.1 Those Inspectors holding the positions of Manager, Plans Review and Compliance and Manager of Inspections are hereby appointed as deputy chief building official.
- 14.2 Any person appointed as a deputy chief building official shall exercise the powers and duties of the Chief Building Official in the absence of the Chief Building Official. The Chief Building Official shall identify the deputy chief building official to act in their absence and may limit or impose conditions on the powers and duties of the deputy chief building official.

SECTION 15 – CODE OF CONDUCT

- 15.1 The Chief Building Official and each Inspector shall be governed by the Code Of Conduct set out in Schedule B to this By-Law with respect to exercising powers and performing duties under the Act. Such Code of Conduct is in addition to City codes of conduct that may also apply.

SECTION 16 - SEVERABILITY

- 16.1 In the event that any provision of this By-Law is declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the remaining provisions of this By-Law.

SECTION 17 – CONTRAVENTION - OFFENCE

17.1 Offences

Every person or corporation that contravenes any provision of this By-Law is guilty of an offence and, on conviction, is liable to a penalty as set out in Section 36 of the Act

SECTION 18 – REPEAL – ENACTMENT

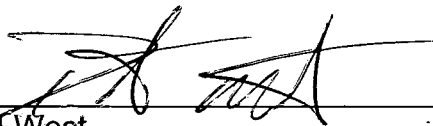
18.1 Previous By-Law

On the date this By-Law comes into force, the previous By-Law 55-19 is repealed.

18.2 Effective Date

This By-Law comes into force and takes effect on April 1, 2024.

Passed this 28th day of February, 2024.



David West
Mayor



Ryan Ban
Deputy City Clerk

SCHEDULE "A" to By-Law 19-24

Fees under Section 7 of the *Building Code Act, 1992*

Section 1 - Calculation of Fees

- a) Permit fees payable are the product of the fee multiplier shown Section 3 below for the class of construction involved and the measure of the floor area of the project. For certain classes of construction or services, the fee is a flat rate.
- b) Fees for revisions, partial renovations, building reclassification and for classes of permits or construction not described in this schedule shall be determined by the Chief Building Official who shall have regard for the complexity and amount of effort required relative to the classes of construction described herein.
- c) Floor area is measured to the outer face of exterior walls and to the centre of party walls or demising walls, except when calculating interior partition work. In calculating floor area for interior partitioning, corridors, lobbies, washrooms, lounges, etc. are to be included and classified according to the major occupancy classification for the floor area with which they are associated. Where these areas are constructed in a "shell only" building, fees shall be calculated at the "partitioned" rate in Section 3 below.
- d) No deductions are allowed for floor openings required for stairs, elevators, escalators, shaft, ducts, etc. Interconnected floor spaces and atriums above their lowest level may be deducted from the calculated floor area.
- e) Where they serve single dwelling units, no additional fee applies for decks, fireplaces, unfinished basements and attached garages proposed and constructed at the same time as the single dwelling they serve. The appropriate "shell only" fee in Section 3 below, applies to non-residential unfinished basements.
- f) No additional fee applies for sprinklers or fire alarms, or mechanical systems proposed and installed at the same time as the construction they serve.
- g) For interior partitioning, floor areas used for the calculation of fees are the lesser of:
 - i. the area contained within a rectangle encompassing the partitions being erected, or
 - ii. the actual area of the tenant space.
- h) The occupancy classifications used in this By-Law are based on the Building Code major occupancy classifications. For mixed occupancy floor areas, the fee multiplier for the area of each occupancy applies.
- i) Where a change of occupancy from one classification to another classification of a higher hazard is proposed, the fee multiplier for the proposed occupancy applies. Where a change of use permit is denied, fees paid may be credited to an alteration permit which incorporates the construction required to accommodate the change of use. (See also point 2 above)
- j) Except for temporary buildings on construction sites for office or sales purposes, fees for temporary buildings, including tents, apply to buildings erected for less than 30 days.

Section 2 - Payment of Fees

- a) All fees are payable at the time of application except as noted in (b) below.
- b) For fees of \$20,000 or more, the applicant may elect to either:
 - i. pay the full permit fee at the time of application, or

SCHEDULE "A" to By-Law 19-24

Fees under Section 7 of the *Building Code Act, 1992*

- ii. pay 50% of the permit fee at the time of application and the balance at the time of permit issuance.

Section 3 – Fee Tables

See attached fee schedule starting on next page (updated annually)

SCHEDULE "B" to By-Law 19-24
Code of Conduct for Chief Building Official and
Inspectors Appointed Pursuant to the Building Code Act

Purpose

1. To promote appropriate standards of behaviour, honesty and integrity and enforcement actions by the Chief Building Official and Inspectors (Building Officials) in the exercise of a power or the performance of a duty under the *Building Code Act* or Building Code.
2. To prevent practices which may constitute an abuse of power, including unethical or illegal practices by Building Officials in the exercise of their power or the performance of a duty under the *Building Code Act* or Building Code.
3. To promote standards of honesty and integrity in the exercise of a power or the performance of a duty under the *Building Code Act* or Building Code by Building Officials.

Building Officials Will:

1. Always act in the public interest, particularly with regard to the safety of buildings.
2. Apply all building laws in an impartial, consistent, fair and professional manner, independent of external influence and without regard to personal interests.
3. Act within the authority set out by the Building Code Act and by City policies.
4. Maintain required legislated qualifications and discharge duties in accordance with areas of competency.

Enforcement Guidelines

Allegations that a breach of this Code of Conduct has occurred, must be made in writing to the Chief Building Official. Where the allegation is against the Chief Building Official, the complaint may be forwarded to the Commissioner, Planning and Building Services.

The Chief Building Official or Commissioner will review the allegations and determine the appropriate response.

Where investigation determines that a breach has occurred, the Chief Building Official or Commissioner, having regard for the severity of the breach, will determine the appropriate disciplinary action to be taken against the building official.