

THE CORPORATION OF THE TOWN OF RICHMOND HILL

**OFFICE CONSOLIDATION OF BY-LAW NO. 55-19
(Including amending By-law No. 80-20)**

A By-law under the Building Code Act, 1992

Respecting Permits and Related Matters

WHEREAS pursuant to the *Building Code Act, 1992*, the Lieutenant Governor in Council has established a *Building Code* which is in force throughout Ontario;

AND 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 Town;

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 Subsection 8(9.1) of the *Building Code Act, 1992* requires that the *chief building official* shall provide drawings, plans, or specifications accompanying applications for permits or the reports arising out of the general review of the construction of a building to the Association of Professional Engineers of Ontario or the Ontario Association of Architect, upon request;

AND WHEREAS Sections 8, 9, and 11 of the *Municipal Act, 2001* authorize 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) authorize 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 provided done by or on behalf of the *Town*;

AND WHEREAS By-law No. 145-08 authorizes the *chief building official* to issue a demolition permit and impose such conditions as are permitted pursuant to Section 33 of the *Planning Act, 1990*;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF RICHMOND HILL ENACTS AS FOLLOWS:

SECTION 1. SHORT TITLE

This By-law may be cited as the “Building By-law”.

SECTION 2. DEFINITIONS

Definitions

2.1 Each of the words and terms in italics in this By-law has,

- (a) the same meaning as in Subsection 1 (1) of the *Act*, if not defined in Clause (b) or (c),
- (b) the same meaning as in the *Building Code*, or
- (c) the following meaning for the purposes of this By-law:

| | |
|----------------------|---|
| <i>Applicant</i> | means: (a) the <i>owner</i> who applies for a <i>permit</i> or any person authorized by the <i>owner</i> , in writing, to apply for a <i>permit</i> on the <i>owner's</i> behalf, or (b) any person or Corporation empowered by statute to cause the construction or demolition of a building or buildings and anyone acting under the authority of such person or Corporation. |
| <i>Owner</i> | means the registered owner of the property on which the construction is to take place and/or includes a lessee, mortgagee in possession, and the authorized agent in lawful control of the property. |
| <i>Permit</i> | means permission or authorization given in writing from the <i>chief building official</i> to perform work, to change the use of a building or part thereof, as regulated by the <i>Act</i> and <i>Building Code</i> . |
| <i>Permit holder</i> | means the <i>owner</i> to whom the <i>permit</i> has been issued or, where a permit has been transferred, the new <i>owner</i> to whom the permit has been issued. |
| <i>Town</i> | means the Corporation of the Town of Richmond Hill. |
| <i>Work</i> | means construction or demolition of a building or part thereof, as the case may be. |

SECTION 3. CLASSES OF PERMITS

- 3.1 The classes of *permits* and associated fees set out in Schedule “A” of this by-law are hereby established.
- 3.2 The *chief building official* shall prescribe the format of a *permit*.
- 3.3 The *chief building official* may issue a *permit* to demolish a residential *building* or part of a residential *building* located in an area of demolition control designated by By-law 15-90, as amended, in accordance with Section 340.1.4 of the Municipal Code.
- 3.4 A *permit* is required for a structure greater than 10m² in area that is located on a municipal right of way and is intended for occupancy by pedestrians.
- 3.5 A *permit* is not required for a structure that is located on a municipal right of way and is not intended for occupancy by pedestrians.

SECTION 4. PERMIT APPLICATIONS

Application Filed on Provincial Form

- 4.1 To obtain a permit under Section 8 of the *Act*, the *applicant* shall file an application in writing by completing a prescribed provincial application form available from the Ministry of Municipal Affairs and Housing *Building Code website*. Application Filed on Town Form
- 4.2 To obtain a *permit* other than under Section 8 of the *Act*, the owner or an agent authorized in writing by the *owner* shall file an application in writing by completing the *Town* application form available from the *chief building official*.
- 4.3 The *chief building official* shall prescribe the *Town* application form.
- 4.4 The *chief building official* may provide prescribed forms in an electronic format and may allow the electronic submission of completed permit application forms, drawings, documents, specifications and other required information in accordance with Section 6.

Refusal of an Application for a Permit

- 4.5 An application for a *permit* may be refused by the *chief building official* where it does not meet the requirements for applications set out in:
 - (a) the *Building Code*, Division C, Sentence 1.3.1.3.(5); or,
 - (b) Section 4 of this By-law.

4.6 GENERAL REQUIREMENTS FOR ALL PERMIT APPLICATIONS

4.6.1 Every application for a *permit* shall:

- a) identify and describe in detail the *work* and occupancy included in the scope of the *permit* for which the application is made;
- b) identify and describe in detail the existing use(s) and the proposed use(s) for which the premises are intended;
- c) describe the land on which the *work* is to be done, by a description that will readily identify and locate the site on which the *work* is to occur;
- d) include plans and specifications as described in Section 6 of this By-law;
- e) include the required fees as calculated in accordance with Schedule A and Section 7 of this By-law;
- f) state the names, addresses and telephone numbers of the *owner*, *applicant*, *architect*, *engineer* or other designer, and the contractor or person hired to carry out the *work*, as the case may be;
- g) include acceptable proof of corporate identity and property ownership, unless proof is determined by the *chief building official* to be unnecessary;
- h) where Division C, Part 1, Section 1.2 of the *Building Code* applies, or as required by the *chief building official*, include a signed acknowledgement from the *owner*, on a form prescribed by the *chief building official*, that an *architect* or *professional engineer*, or both, have been retained to carry out the general review of the *work*;
- i) where Division C, Part 1, Section 1.2 of the *Building Code* applies, or as required by the *chief building official*, be accompanied by a signed acknowledgement from the an *architect* or *professional engineer*, or both, on a form prescribed by the *chief building official*, undertaking to provide general review of the *work*;
- j) include, where applicable, the registration number of the builder or vendor as provided in the *Ontario New Home Warranties Plan Act*;
- k) include the completed “Listing of Applicable Law” form in accordance with Division A, Part 1, Section 1.4 of the *Building Code*; and
- l) be signed by the *applicant* who shall certify as to the truth of the contents of the application.

4.7 DEMOLITION PERMIT APPLICATIONS

4.7.1 In addition to the requirements of Subsection 4.6, every demolition *permit* application shall:

- a) identify and describe in detail the work and the existing occupancy of the building, or part thereof, for which the application for a *permit* is made, and the proposed occupancy of the building, if any, that will remain upon completion of the demolition;
- b) where Division C, Part 1, Section 1.2 of the *Building Code* applies, include a signed acknowledgement from the *owner*, on a form prescribed by the *chief building official*, that an *architect* or *professional engineer*, or both, have been retained to carry out the general review of the demolition of the building;
- c) where Division C, Part 1, Section 1.2 of the *Building Code* applies, include a signed statement from an *architect* or *professional engineer*, or both, on a form prescribed by the *chief building official*, undertaking to provide general review of the demolition of the building;
- d) include proof satisfactory to the *chief building official* that arrangements have been made with the proper authorities for the termination and capping of all the water, sewer, gas, electric, telephone or other utilities and services;
- e) where Division C, Part 1, Section 1.2 of the *Building Code* applies, include structural design characteristics of the building and the method of demolition;

- f) include proof satisfactory to the *chief building official* that the building or structure that is the subject of the *permit* application is not affected or governed by Sections 30, 33, 34, or 42 of the *Ontario Heritage Act*;
- g) include a current photograph of all buildings to be demolished; and
- h) include proof satisfactory to the *chief building official* that the building or structure or property that is the subject of the *permit* application is or is not contaminated and if contaminated, has been de-commissioned and returned to a usable state in accordance with the Ministry of the Environment guidelines.

4.7.2 Where a building or structure, or part thereof, has been demolished prior to application and issuance of a demolition permit, administration fees shall be applied, in addition to the applicable *permit* fees, in accordance with Schedule A of this By-law.

4.8 PERMIT APPLICATIONS FOR PART OF A BUILDING

4.8.1 In addition to the requirements of Subsection 4.6, every *permit* application for part of a building shall include:

- a) an application for the entire project;
- b) plans and specifications covering the part of the *work* for which more expeditious approval is desired, together with such information pertaining to the remainder of the *work* as may be required by the *chief building official*; and
- c) the required fee for the entire project and required administrative fee for partial *permit* as calculated in accordance with Schedule A.

4.8.2 When determining whether to issue a partial *permit*, the chief building official shall have regard for the likelihood of subsequent approvals being available in a timely fashion such that a project is not interrupted and exposed to potential damage from the elements while awaiting subsequent approvals.

4.8.3 The *chief building official* shall not, by reason of the issuance of a partial *permit* pursuant to this By-law, be under any obligation to grant any additional *permits*.

4.9 CONDITIONAL PERMIT APPLICATIONS

4.9.1 In addition to the requirements of Subsection 4.6, every conditional *permit* application for the construction of a building shall:

- a) state the reasons why the *applicant* believes that unreasonable delays in construction would occur if a conditional *permit* is not granted;
- b) state the necessary approvals which must be obtained in respect of the proposed building and the time in which such approvals will be obtained; and
- c) be subject to the applicant entering into an written agreement as provided for in the *Act*, with the understanding that a conditional *permit* is a *permit* of privilege and not that of right.

4.9.2 The *chief building official* may, at his/her discretion, issue a conditional *permit* where unreasonable delays are anticipated in obtaining all necessary approvals and where the relevant provisions of this By-law and the *Act* are met.

4.9.3 The *chief building official* shall not, by reason of the issuance of a conditional *permit* or conditional *permits* for a part of parts of the building, be under any obligation to grant any further *permits* therefore.

4.10 CHANGE OF USE PERMIT APPLICATIONS

4.10.1 In addition to the applicable requirements of Subsection 4.6, every change of use *permit* application shall include plans and specifications which show the current and proposed occupancy of all parts of the building, and which contain sufficient information to establish compliance with the requirements of the *Building Code*

including, but not necessarily limited to, floor plans, details of wall, floor and roof assemblies identifying fire resistance ratings, load bearing capacities and occupant loads.

4.11 APPLICATION FOR OCCUPANCY OF AN UNFINISHED BUILDING

4.11.1 Every application for authorization to occupy an unfinished building under Division C, Subsection 1.3.3. of the *Building Code* shall,

- a) identify and describe in detail the occupancy, the date of such occupancy, and the building or part thereof for which the application for a *permit* is made;
- b) include plans which show the areas of the proposed occupancy; and
- c) include plans identifying how occupancy of and access to the remainder of the building, and intended for occupancy, will be prevented.

4.11.2 For the purpose of this By-law, only the *chief building official* or his/her designate may permit occupancy.

4.12 INCOMPLETE PERMIT APPLICATIONS

4.12.1 An application shall be deemed not to be complete according to Division C, Part 1, Article 1.3.1.3. of the *Building Code* where:

- a) any of the applicable requirements of Section 6 to this By-law have not been complied with;
- b) the proposed application does not contain sufficient information to enable the *chief building official* to determine whether or not the proposed construction, demolition, change of use or transfer of *permit* will conform with the *Act*, the *Building Code* and any other applicable law;
- c) the application is for part of a building, pursuant to Subsection 4.8; or
- d) the application is for a conditional *permit*, pursuant to Subsection 4.9.

4.12.2 Where there is a significant revision to the original design, the *chief building official* may require the *applicant* to submit an application for a new *permit*.

4.13 ABANDONED PERMIT APPLICATIONS

4.13.1 An application for a *permit* shall be deemed to have been abandoned by the *applicant* where,

- a) the application is incomplete according to Subsection 4.12 in this By-law and remains incomplete six months after it was submitted;
- b) six months have elapsed after the *applicant* was notified that the proposed building, construction, demolition or change of use will not comply with the *Act* or the *Building Code* or will contravene applicable law; or
- c) the application is substantially complete, and six months have elapsed from the date upon which the *applicant* was notified that a *permit* was available to be issued.

4.13.2 Where an application is deemed abandoned, such notice, in writing, shall be provided to the *applicant* and after 30 days have elapsed, all submitted plans, specifications and documents shall be disposed of, or upon written request from the *applicant*, returned to the *applicant*.

4.13.3 An *applicant* may, within 30 days of receipt of the notice, as determined in Subsection 9.2, submit a written request for deferral of abandonment to the *chief building official* for a period of six (6) months.

4.13.4 The *chief building official* shall grant the request for deferral of abandonment of the permit application upon receipt of the written request and the fee prescribed in Schedule A of this By-law.

4.13.5 The *chief building official* shall not grant more than one deferral request .

SECTION 5. ADMINISTRATION OF PERMITS

5.1 REVISIONS TO PERMITS

5.1.1 Should a *permit holder* wish to make any material change to any plan, specification, document or other information on the basis of which the *permit* was issued, prior to the commencing with the change on site, the *permit holder* shall file an application for a revision to the *permit* which describes the material changes, and shall pay the fee set out in Schedule A to this By-law.

5.2 TRANSFER OF PERMITS

5.2.1 If the *owner* of the land changes after a permit has been issued, the *permit* may be transferred to the new *owner* (the “transferee”) of the lands where an application is filed to the *Town* in writing, in accordance with this section.

5.2.2 Every application for the transfer of *permit* shall,

- a) include a written statement from the current *permit holder* authorizing the transfer of the *permit* and all supporting plans, approvals and other documentation to the new *owner*;
- b) include proof of ownership of the lands by the new *owner* satisfactory to the *chief building official*;
- c) confirm that the *work* to be done and the existing and proposed use and occupancy of the building or part thereof, for which the application for the transfer of the *permit* is made, is the same as that identified and described on the application for the *permit*;
- d) state the name, address, telephone number of the new *owner*;
- e) state the name, address, telephone number and facsimile number of the proposed *architect* and/or *professional engineer*, where they are different from those identified in the application for the *permit*, and a written confirmation from the *architect* and/or *professional engineer(s)*, that they have been retained to undertake general review of the construction or demolition where required under the *Building Code*;
- f) include, where the new *owner* is a builder as defined in the *Ontario New Home Warranties Plan Act* or any successor thereto, the proposed new *owner*'s registration number thereunder; and
- g) be signed by the new *owner* who shall certify as to the truth of the contents of the application.

5.2.3 Upon the issuance of a *permit* to the new *owner*, the new *owner* shall be deemed to be the *permit holder* and the original *permit holder* shall have no further rights or obligations under the *permit* save and except for any obligations set out in any agreements entered into for the purposes of Subsection 8(3)(c) of the *Act*.

5.3 REVOCATION OF PERMITS

5.3.1 Prior to revoking a *permit* under Subsection 8(10) of the *Act*, the *chief building official* may give written notice of an intention to revoke the *permit* to the *permit holder* at the *permit holder*'s address shown on the application or to such other address as the *permit holder* has provided to the *Town* for that purpose.

5.3.2 Following issuance of the notice described in 5.3.1 above, the *permit* may be revoked immediately or after a period prescribed by the *chief building official*, and all submitted plans, specifications, documents and other information may be disposed of or, upon written request from the *permit holder*, returned to the *permit holder*.

- 5.3.3 The person, to whom the *permit* was issued, may request in writing that the *chief building official* defer the revocation by stating reasons why the *permit* should not be revoked. The *chief building official* having regard to any changes to the *Act*, *Building Code* or other applicable law may allow the deferral, in writing.
- 5.3.4 Notice under 5.3.1 shall be given either personally or by registered mail, and where notice is by registered mail, it shall be deemed to have been given on the fifth day after the day of mailing.

SECTION 6. PLANS AND SPECIFICATIONS

- 6.1.1 Every applicant shall furnish sufficient plans, specifications, calculations, documents and other information to enable the *chief building official* to determine whether the proposed work conforms to the *Act*, the *Building Code*, and other applicable law.
- 6.1.2 Plans shall include coordinated working drawings.
- 6.1.3 The *chief building official* shall determine the plans, specifications, documents and other information required to be submitted with an application in order to deem it complete according to Division C, Part 1, Sentence 1.3.1.3.(5) of the *Building Code* having regard for:
- a) the scope of the proposed work;
 - b) the requirements of the *Building Code*, the *Act* and other applicable law; and
 - c) the requirements of this Section.
- 6.1.4 The *chief building official* may require, where deemed appropriate, that a *professional engineer* design and review all *work* for all or part of the *work*.
- 6.1.5 Plans submitted shall be copies of originals drawn to scale upon paper, or other suitable and durable material and shall be legible.
- 6.1.6 Site Plans submitted, when required, shall be referenced to a current plan of survey certified by a registered Ontario Land Surveyor and a copy of such survey shall be filed with and retained by the *Town* unless this requirement is waived because the *chief building official* is able, without having a current plan of survey, to determine whether the proposed *work* conforms to the *Act*, the *Building Code*, and any other applicable law.
- 6.1.7 Site plans shall include:
- a) lot size and dimensions of the property;
 - b) lot area, coverage, number and dimensions of parking spaces;
 - c) setbacks from all existing and proposed buildings to all property boundaries and to each other;
 - d) locations of egress points and number of exterior risers;
 - e) existing and finished ground elevations, clearly indicating drainage patterns and swales;
 - f) existing and proposed elevations of underside of footings, finished basement slab, top of foundation wall and finished first floor;
 - g) existing rights of way, easements and municipal services;
 - h) proposed fire access routes and existing fire hydrant locations.
- 6.1.8 The *chief building official* may also waive any of the site plan requirements.
- 6.1.9 Each application shall, unless otherwise determined by the *chief building official*, be accompanied by two complete sets of plans, specifications, documents and other information as required by the *chief building official*.

- 6.1.10 On completion of foundation wall(s) of a building, the *chief building official* may require a plan of survey showing its location and elevations of top of wall to confirm conformance to lot grading plan and *Building Code* requirements, prior to issuance of the completion stage of the building *permit*.
- 6.1.11 On completion of the construction of a building, the *chief building official* may require a set of plans of the building *as constructed plans* which may include an electronic file in the format specified by the *chief building official* of such plans.
- 6.1.12 The *chief building official* may refuse a permit application if any of the above is deemed to be incomplete or insufficient at the time of application.
- 6.1.13 Plans and specifications furnished according to this By-law or otherwise required by the *Act* become the property of the *Town* and will be disposed of or retained in accordance with relevant legislation.

SECTION 7. FEES AND REFUNDS

7.1 CALCULATION OF FEES

- 7.1.1 The *chief building official* shall determine the required *permit* fees for the work proposed calculated in accordance with Schedule A of this By-law.
- 7.1.2 The applicant shall pay the required fees upon submission of an application for a *permit*.
- 7.1.3 Where the applications plans review identifies that additional *permit* fees are required, additional fees shall be paid prior to the issuance of the *permit*.
- 7.1.4 Where an *applicant* submits revised drawings or modification to a *permit* application that has already been examined, an additional fee as prescribed in Schedule A of this By-law shall be applied to the examination of these documents.
- 7.1.5 No *permit* shall be issued until all fees therefore have been paid.
- 7.1.6 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 building *permit* fee and be collected prior to issuance of a building *permit*.
- 7.1.7 Notwithstanding Section 7.1.1, the chief building official, having regard to Schedule A of this By-law and the direct and indirect costs associated with the provision of a service, may determine the required permit fees and/or fees if same are not explicitly set out in this By-law.
- 7.1.8 The chief building official may allow for the payment of the required permit fees and/or fees by credit card with such fees having a service fee/convenience charge so added at the applicable rate at the time of the transaction.

7.2 REFUND OF PERMIT FEE

- 7.2.1 In the case of withdrawal or abandonment of a *permit* application, or refusal for issuance of a *permit*, and upon written request, the *chief building official* shall determine the amount of fees, if any, that may be refunded, in accordance with this Subsection.
- 7.2.2 Pursuant to the above, the fees that may be refundable shall be a percentage of the fees payable under this By-law, calculated as follows:

- a) 80 percent if administrative functions only have been performed;
- b) 70 percent if administrative functions and zoning functions only have been performed;
- c) 45 percent if administrative functions, zoning and plans examination functions have been performed;
- d) 35 percent if the *permit* has been issued and no field inspections have been performed subsequent to *permit* issuance.

7.2.3 No refund shall be made of an amount less than \$100.00.

7.2.4 No refund shall be made for plumbing *permit* fees.

7.2.5 The refund shall be returned to the person named on the fee receipt, unless such person advised the *chief building official*, in writing and prior to the release of the refund, of a change in name, in which case the refund shall be returned to the person then authorized to receive it.

7.2.6 No refund shall be paid where any construction or demolition has commenced.

7.2.7 Where the *chief building official* deems it appropriate, a refund of other than specified above may be granted.

7.2.8 There shall be no refund of *permit* fees where a *permit* has been revoked, except where the *permit* was issued in error, or where the *applicant* requests cancellation no more than six months after the *permit* is issued. In such case, the amount of refund shall be calculated in accordance with subsection 7.2.2.

7.2.9 There shall be no refund of *permit* fees where the refund is requested more than 24 months after the date of application for the *permit*.

7.2.10 The service fee/convenience charge referenced at Section 7.1.8 is non-refundable.

7.3 CHANGE IN FEES

7.3.1 The *permit* fee rates set out in Schedule A shall be adjusted with provisions for annual indexing at 2.5%, effective the beginning of April each year.

7.3.2 Prior to passing a By-law to change the fees, the *Town* shall:

- a) hold at least one public meeting at which any person who attends has an opportunity to make representations with respect to the matter;
- b) ensure that a minimum of 21 days notice of the public meeting is given to every person and organization that has, within five years before the date of the meeting, requested such notice; and
- c) ensure that the notice include an estimate of the costs for administering and enforcing the Act, the amount of the fee and change to the existing fee and the rationale for imposing or changing the fee.

7.3.3 Any person or organization wishing to receive notice as set out above shall make such request in writing to the Clerk's office.

SECTION 8. REGISTERED CODE AGENCIES

8.1 The *chief building official* may enter into service agreements with *registered code agencies* and appoint them to perform one or more of the functions specified in Section 15.15 of the *Act* from time to time in order to maintain the time periods for *permits* prescribed in Division C, Part 1, Subsection 1.3.1. of the *Building Code*.

SECTION 9. NOTIFICATIONS

9.1 NOTIFICATIONS FOR STAGES OF CONSTRUCTION

9.1.1 Notices required by the *Building Code* or this By-law shall be made in writing and given by the *permit holder* to the *chief building official* a minimum of two business days prior to the stages of construction specified therein and shall be made in

accordance with the requirements of Division C, Part 1, Article 1.3.5.1. of the *Building Code*.

9.1.2 The *permit holder* shall notify the *chief building official* or a *registered code agency*, where one is appointed, of each stage of construction for which a notice is prescribed by the *Building Code* and listed in Schedule B to this By-law.

9.1.3 Notwithstanding Section 8, the *permit holder* shall notify the *chief building official* of the date of completion of the building or demolition *work* no more than two days after that date.

9.1.4 In addition to the notices prescribed in Division C, Part 1, Article 1.3.5.1. of the *Building Code*, the *permit holder* shall give the *chief building official* notice of the readiness for inspection for the stages of construction listed in Schedule B to this By-law.

9.2 ABANDONED PERMIT APPLICATION NOTIFICATIONS

9.2.1 Where an *inspector* or the *chief building official* sends a notice, pursuant to Subsection 4.13, to a *permit applicant*, the notice is deemed to be delivered:

- a) immediately, when the notice is personally delivered to the *applicant*;
- b) on the seventh (7th) day following the date the notice is sent by registered mail or by regular mail to the address provided by the *applicant* on the *permit* application; or
- c) immediately, when the notice is sent by electronic mail (i.e. e-mail) to the address provided by the *applicant* on the *permit* application

SECTION 10. SPATIAL SEPARATION AGREEMENTS

10.1 The *chief building official* may enter into spatial separation agreements, as set out in Division B, Part 9, Sentences 9.10.15.2.(4) and (5) and Part 3, Sentences 3.2.3.1.(11) and (12) of the *Building Code*, on behalf of the *Town* and the owners of the properties on which the limiting distance is measured.

SECTION 11. FENCING – CONSTRUCTION OR DEMOLITION SITES

11.1 Where a construction or demolition site presents a hazard to the public, the *owner* shall ensure that the site is suitably fenced and maintained to prevent public access onto the site.

11.2 If fencing has not been provided in accordance with Subsection 11.1 and, if in the opinion of the *chief building official*, the site presents a particular hazard to the public, the *chief building official* may require the *owner* to erect such fencing as he deems appropriate to the circumstances such as described in the National Building Code, Section 8.2 and 7.(1).(i) and (j) of the *Act*.

11.3 In considering the hazard presented by a construction or demolition site and the necessary fencing, the *chief building official* shall have regard for:

- a) the proximity of the construction site to occupied buildings;
- b) the proximity of the site to lands accessible to the public, including but not limited to streets, parks and commercial and institutional activities;
- c) the hazards presented by the construction or demolition activities and materials;
- d) the feasibility and effectiveness of site fencing, and
- e) the duration of the hazard.

11.4 If a site visit by an *inspector* is necessary for enforcement of this Section, the *owner* of the property is responsible for costs incurred, as determined by the *chief building official*.

SECTION 12. VALIDITY

12.1 Should any Section, Subsection, Clause or provision of this By-law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this By-law as a whole or any part thereof, other than the part so declared to be invalid.

SECTION 13. OFFENCES

13.1 Every person who contravenes any provision of this By-law is guilty of an offence and on conviction is liable to a fine as provided in Section 36 of the *Building Code Act, 1992, S.O. 1992, c.23*, as amended.

SECTION 14. TRANSITION

14.1 Notwithstanding the provisions of this By-law, the provisions of By-law 71-10 as amended shall continue to apply to an application for a permit that is accepted by the *chief building official* prior to the date of the coming into force of this By-law.

SECTION 15. COMMENCEMENT

15.1 This By-law comes into force on the 9th day of April, 2019.

SECTION 16. REPEAL

16.1 Upon this By-law coming into force, By-law No. 71-10 and all amendments thereto is repealed.

SECTION 17. SCHEDULES

17.1 Schedules A and B attached shall form part of this By-law.

17.2 Pursuant to Section 7 of this By-law, the *chief building official* shall amend Schedule A of this By-law annually to revise the *permit* fee rates set out in Schedule A in accordance with 7.3.1.

17.3 Deleted by By-law No. 8-20

17.4 Pursuant to Sections 6, 9 and 13 of this By-law, Schedules A and B may be amended by the *chief building official as required*.

Mayor Dave Barrow

Town Clerk

SCHEDULE A TO BY-LAW NO. 55-19

PERMIT FEES AND REFUNDS

SECTION (1) CALCULATION OF PERMIT FEES

- a) Permit fees payable shall be the product of the fee multiplier prescribed in Section (3). PERMIT FEES for the class of construction involved and the appropriate measure of the floor area of the project. For certain classes of construction, the fee is the flat rate.
- b) Fees for major revisions, partial renovations, building reclassification, and for classes of permits or construction not described or included in this schedule shall be determined by the *chief building official* who shall have regard to the complexity and amount of service 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).
- d) No deductions shall be allowed for floor openings required for such facilities as stairs, elevators, escalators, shafts and ducts. 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). 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 shall be 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 Section (1).(b). 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 time of application except as noted in (b) below.
- b) Only applicants for building permits with a permit fee equal to or in excess of \$20,000.00 may elect to either:
 - i) pay the full permit fee at the time of application, or
 - ii) pay 50% of the permit fee at the time of application and the balance at the time of permit issuance.

| TABLE 3.1 CONSTRUCTION | | |
|---|--|--|
| New buildings, additions to existing buildings (Fees include plumbing inspection services) | | |
| Class of Permit, Occupancy Classification and Work Description | | Permit Fee Multiplier (\$/m ² of floor area or as otherwise specified) |
| | | 2021 Fees (Effective Apr. 1, 2021) |
| Group A: Assembly | Transit Station, Bus Terminal | 19.70 |
| | Portable Classroom(s) | \$371.08/portable classroom (flat fee) Maximum \$1,832.29 |
| | Other Assembly Occupancies - Shell only | \$20.44 |
| | Other Assembly Occupancies - Partitioned and/or Finished | \$34.78 |
| Group B: Institutional | Shell only | \$22.96 |
| | Partitioned and/or Finished | \$26.63 |
| Group C: Residential | Single/semi-detached Dwelling, Townhouse, Duplex | \$16.34 |
| | Hotel, Motel | \$25.48 |
| | All other Multiple Unit Residential Buildings | \$21.43 |
| | Finishing Basement | \$3.68 |
| | Attached or Detached Garage or Other Detached Structure less than or equal to 50 m ² in floor area accessory to a Single/semi-detached dwelling, Townhouse, or Duplex | \$278.31 (flat fee) |
| | Attached or Detached Garage or Other Detached Structure greater than 50 m ² in floor area accessory to a Single/semi-detached dwelling, Townhouse, or Duplex | \$417.46 (flat fee) |
| | Unenclosed Deck or Porch attached to a Single/semi-detached Dwelling or Townhouse | \$144.94 (flat fee) |
| Group D: Business & Personal Services | Shell only | \$14.71 |
| | Partitioned and/or Finished | \$22.38 |
| Group E: Mercantile | Shell only | \$13.77 |
| | Partitioned and/or Finished | \$17.50 |
| Group F: Industrial | Shell only | \$9.51 |
| | Partitioned and/or Finished | \$16.02 |
| | Gas Station, Car Wash | \$11.35 |
| | Parking Garage (underground, above ground, open air) | \$5.78 |
| Miscellaneous | Sales Trailer | \$8.67 |
| | Sales Pavilion, Office | \$15.08 |
| | Permanent Tent, Air Supported Structure | \$5.99 |
| | Mezzanines | per intended occupancy |
| | Mechanical Penthouse | \$8.46 |
| | Temporary Building/Structure (less than 30 days) | \$359.52 (flat fee) |
| | Unfinished Basement to accommodate a Building moved from elsewhere | \$5.09 |
| | Communication Tower | \$359.52 (flat fee) |
| | Installation of Solar Panels (residential) | \$220.31 (flat fee) |
| | Installation of Solar Panels (all other occupancies) | \$220.31 (flat fee) |
| | Installation of Wind Turbines | \$144.99 (flat fee) |
| | Retaining Wall | \$10.46/m of length Maximum \$545.06 |
| | Farm Building | \$4.52 |

| TABLE 3.2 ALTERATIONS / CHANGE OF USE | | |
|---|--------------------------------|--|
| Class of Permit, Occupancy Classification and Work Description | | Permit Fee Multiplier (\$/m ² of floor area or as otherwise specified) |
| | | 2021 Fees (Effective Apr. 1, 2021) |
| Group A: Assembly | Restaurant | \$8.25 |
| | All other Assembly Occupancies | \$5.31 |
| Group B: Institutional | | \$5.31 |
| Group C: Residential | | \$6.04 |
| Group D: Business & Personal Services | | \$5.31 |
| Group E: Mercantile | | \$4.05 |
| Group F: Industrial | | \$4.05 |
| All Occupancies (other than a Single Family Dwelling) | Parking Structure Repair | \$2.00 |
| | Balcony Guard Replacement | \$2.00/m of length |

| TABLE 3.3 DEMOLITION | | |
|---|--|--|
| Class of Permit, Occupancy Classification and Work Description | | Permit Fee Multiplier (\$/m ² of floor area or as otherwise specified) |
| | | 2021 Fees (Effective Apr. 1, 2021) |
| Group C: Residential | Single or Semi-detached Dwellings and Accessory Structures | \$255.14 (flat fee) |
| | All other Residential Buildings | \$405.91 (flat fee) |
| All other Occupancies | | \$405.91(flat fee) |

| TABLE 3.4 MECHANICAL WORK Heating, Ventilation, Air Conditioning, and Fire Protection not proposed with original building | | |
|--|--|--|
| Class of Permit, Occupancy Classification and Work Description | | Permit Fee Multiplier (\$/m ² of floor area or as otherwise specified) |
| | | 2021 Fees (Effective Apr. 1, 2021) |
| Group A: Assembly | Heating, Ventilation, Air Conditioning | \$1.00 |
| Group B: Institutional | Heating, Ventilation, Air Conditioning | \$1.00 |
| Group C: Residential | Heating, Ventilation, Air Conditioning | \$0.72 |
| Group D: Business & Personal Services | Heating, Ventilation, Air Conditioning | \$1.00 |
| Group E: Mercantile | Heating, Ventilation, Air Conditioning | \$0.72 |
| Group F: Industrial | Heating, Ventilation, Air Conditioning | \$0.72 |
| All Occupancies | Fire Alarm - Part 9 | \$202.93 (flat fee) |
| | Fire Alarm - Part 3 | \$202.93 per floor (\$405.91 minimum) |
| | Sprinkler System | \$0.41 (\$405.91 minimum) |
| | Kitchen Exhaust, Spray Booth, Dust Collector | \$405.91 (flat fee) |
| | Electromagnetic Lock | \$40.61 each (\$202.93 minimum) |

| TABLE 3.4 MECHANICAL WORK Heating, Ventilation, Air Conditioning, and Fire Protection not proposed with original building | | |
|---|---------------------------|---|
| Class of Permit, Occupancy Classification and Work Description | | Permit Fee Multiplier (\$/m ² of floor area or as otherwise specified) |
| | | 2021 Fees (Effective Apr. 1, 2021) |
| | Fireplace, Wood Stove | \$100.91 each |
| | Heating Plant Replacement | \$202.93 (flat fee) |

| TABLE 3.5 MISCELLANEOUS | | |
|--|--------------|---|
| Class of Permit, Occupancy Classification and Work Description | | Permit Fee Multiplier (\$/m ² of floor area or as otherwise specified) |
| | | 2021 Fees (Effective Apr. 1, 2021) |
| Occupancy of a building prior to Building Code Division C, Part 1, Subsection 1.3.3. | | \$533.45 (flat fee) |
| Storage Tanks Underground/Above Ground | | \$202.93/tank (flat fee) |
| Swimming Pool Enclosure | In Ground | as per Site Alteration By-law |
| | Above Ground | |
| Signs | | as per Sign By-law |

| TABLE 3.6 SEWAGE SYSTEMS | | |
|---|--|---|
| Class of Permit, Occupancy Classification and Work Description | | Permit Fee Multiplier (\$/m ² of floor area or as otherwise specified) |
| | | 2021 Fees (Effective Apr. 1, 2021) |
| New System for Residential, Farm, Commercial, Industrial or Institutional Structures | where the structure is 185 m ² or less | \$672.62 (flat fee) |
| | where the structure is greater than 185 m ² | \$4.05 for each m ² of the structure, Maximum \$4,012.55 |
| Communal Subsurface Sewage Disposal Systems | where the structure is 185 m ² or less | \$672.62 (flat fee) |
| | where the structure is greater than 185 m ² | \$4.05 for each m ² of the structure, Maximum \$4,012.55 |
| Minor alterations or repairs to a Sewage Disposal System, including replacement of the tile bed | | \$266.71 (flat fee) |
| Replacement of Sewage System | | \$533.45(flat fee) |

| TABLE 3.7 PLUMBING | | |
|--|------------------------|---|
| Class of Permit, Occupancy Classification and Work Description | | Permit Fee Multiplier (\$/m ² of floor area or as otherwise specified) |
| | | 2021 Fees (Effective Apr. 1, 2021) |
| For each Fixture, Appliance, Floor Drain, Vented Trap or Roof Hopper | | \$19.70 |
| Water Services: For each Water Service | 50 mm (2") or less | \$27.84 |
| | 100 mm (4") | \$53.32 |
| | 150 mm (6") | \$81.16 |
| | 200 mm (8") | \$106.69 |
| | 250 mm (10") | \$134.53 |
| | 300 mm (12") or larger | \$160.01 |
| Backflow Preventer: | 1" or less | \$12.76 |

| TABLE 3.7 PLUMBING | | |
|---|---------------------|--|
| Class of Permit, Occupancy Classification and Work Description | | Permit Fee Multiplier (\$/m ² of floor area or as otherwise specified) |
| | | 2021 Fees (Effective Apr. 1, 2021) |
| For each according to size | 2" | \$27.84 |
| | 3" | \$40.61 |
| | 4" | \$53.32 |
| Drains - Residential: Single Family Dwellings, including Townhouse and Semi-detached Dwellings. For each Residential Drain and Sewer (includes both Storm and Sanitary, inside and outside drains) For Multiple Dwellings and Apartment Buildings, see Commercial. | | \$134.53 |
| Drains - Commercial: For each Storm and Sanitary Drain, inside and outside. | 100 mm (4") or less | \$53.32 |
| | 150 mm (6") | \$81.16 |
| | 200 mm (8") | \$106.69 |
| | 250 mm (10") | \$134.53 |
| | 300 mm (12") | \$160.01 |
| For each conversion from Well to Municipal Water | | \$134.53 |
| For each conversion including Sewer | | \$134.53 |
| For each Manhole, Catch Basin, or Area Drain | | \$66.08 |
| Interceptors, including Oil, Grease, Neutralizers (acid) Storm Water Treatment Structures | | \$66.08 |
| Plumbing Permit (Flat Fee) | | \$134.53 |

| TABLE 3.8 ADMINISTRATIVE FEES | | |
|--------------------------------------|---|--|
| Administrative Fees | | Permit Fee Multiplier (\$/m ² of floor area or as otherwise specified) |
| | | 2021 Fees (Effective Apr. 1, 2021) |
| (a) | Construction, alteration, or mechanical work commenced prior to issuance of permit and where an Order to Comply (OTC) and/or Stop Work Order (SWO) has been issued, the permit fee prescribed in (3) shall be increased by the greater of \$110.32 or as follows: | SFD/ Part 9 Buildings: Home owners: 0% if OTC issued 25% if SWO issued Builders: 0% if OTC issued 50% if SWO issued Part 3 Buildings: 0% if OTC issued 50% if SWO issued maximum \$31,193.06 |
| (b) | Demolition work commenced prior to issuance of permit and where an Order to Comply (OTC) and/or Stop Work Order (SWO) has been issued, the permit fee prescribed in (3) shall be increased by the greater of \$110.32 or as follows: | 100% if no application made prior to demolition, 25% if application had been made prior to demolition |
| (c) | Transfer of permit from permit holder to another person. | \$127.55 (flat fee) |
| (d) | With respect to written requests for information concerning compliance with the Building Code and applicable law. | as per Tariff of Fees By-law |
| (e) | With respect to minor revisions of plans already examined. | \$127.55 (flat fee) |
| (f) | With respect to major revisions of plans already examined. | as determined by the Chief Building Official minimum \$382.69 |
| (g) | With respect to phased projects, in addition to the fee for the complete building, an additional fee of \$105.06 for each phased permit shall be levied. | |
| (h) | Conditional permits. | \$6,239.13 (flat fee) |

| TABLE 3.8 ADMINISTRATIVE FEES | | |
|--------------------------------------|--|--|
| Administrative Fees | | Permit Fee Multiplier (\$/m ² of floor area or as otherwise specified) |
| | | 2021 Fees (Effective Apr. 1, 2021) |
| (i) | With respect to changes to house models within a plan of subdivision where permits have been issued for both models involve, the fee shall be \$315.19 plus the rate as set out in Section (A) Group C: Residential (single/semi-detached dwelling, townhouse, duplex) per square metre of increased floor area. Where the floor area is reduced, no refund applies. | |
| (j) | Where upon request, an inspection reveals an infraction identified at a previous inspection and not remedied or, an inspection reveals that the stage of construction requested to be inspected is not substantially completed, the fee shall be \$115.57 per inspection, payable upon receipt of a written invoice. | |
| (k) | With respect to the review of plans for compliance with the Ontario Building Code prior to application for building permit, i.e. pre-permit application model review. Note: The provision of this service is subject to available resources and is at the sole discretion of the chief building official. | 25% of the fee calculated in accordance with Table 3.1 with said fee being non-refundable. Note: This is in addition to the full permit application fee applicable and payable at the time of permit application. |
| (l) | Spatial separation agreements | \$498.68 (flat fee) |
| (m) | Remediation (including, but not limited to grow-ops, clandestine drug labs) | \$1,878.67 (flat fee) |
| | Fire department vehicle as required: Per vehicle for first hour or part thereof Per vehicle for each additional half hour or part thereof | as per Tariff of Fees By-law |
| (n) | Alternate solutions/Equivalents (when associated with a permit application) | \$382.69 minimum, includes up to 3 hours, \$125.23 each additional hour or part thereafter. |
| (o) | Emergency Measures (after normal working hours) | 1.5 x hourly rate minimum \$122.93/hr. |
| (p) | Minimum Permit Fee, unless specified elsewhere | \$127.55 flat fee residential \$324.70 flat fee for all others |
| (q) | Where a permit has been signed off deficient/dormant for a period greater than two years since such date and an inspection is subsequently requested, an administration fee shall be paid for each such inspection. | \$127.55 flat fee for each inspection |
| (r) | General Zoning By-law Information (Note: Electronic Service Only) | Nil |

SCHEDULE B TO BY-LAW NO. 55-19

REQUIRED BUILDING INSPECTION NOTICES

In accordance with Subsection 10.2 of the *Act*, the *chief building official* shall be notified at each stage of construction, as specified in the *Building Code* and this By-law, that the construction is ready for inspection.

After the notice is received by the *chief building official*, an *inspector* shall, not later than two (2) days after receipt of a notice, undertake a site inspection of the building, to which the notice relates. Where a notice given under Division C, Sentence 1.3.5.1(1) relates to matters described in Division C, Clauses 1.3.5.1(l) or (m) of the *Building Code*, an *inspector* shall, not later than five days after receipt of the notice, undertake a site inspection of the sewage system to which the notice relates. The time periods referred to above shall begin on the day following the day on which the notice is given and shall not include Saturdays, holidays and all other days when the offices of the *Town* are not open for the transaction of business with the public. When undertaking an inspection required above the *inspector* may consider reports concerning whether the building or a part of the building complies with the *Act* or the *Building Code*.

Stages of Construction

1. The person to whom a permit is issued shall notify the chief building official of the readiness for inspection at the following stages of construction:
 - (a) commencement of construction of the *building*,
 - (b) readiness to *construct* footings,
 - (c) substantial completion of footings and *foundations* prior to commencement of backfilling,
 - (d) substantial completion of structural framing and ductwork and piping for heating and *air-conditioning* systems, if the *building* is within the scope of Part 9 of Division B of the *Building Code*,
 - (e) substantial completion of structural framing and roughing-in of heating, ventilation, *air-conditioning* and air-contaminant extraction equipment, if the *building* is not a *building* to which Clause (d) applies,
 - (f) substantial completion of insulation and *vapour barriers*,
 - (g) substantial completion of *air barrier systems*,
 - (h) substantial completion of all required *fire separations* and *closures* and all fire protection systems including standpipe, sprinkler, fire alarm and emergency lighting systems,
 - (i) substantial completion of fire access routes,
 - (j) readiness for inspection and testing of,
 - (i) *building sewers*,
 - (ii) *building drains*,
 - (iii) *water service pipes*,
 - (iv) *fire service mains*,
 - (v) *drainage systems* and *venting systems*,
 - (vi) the *water distribution system*, and
 - (vii) *plumbing* fixtures and *plumbing* appliances,
 - (k) readiness for inspection of suction and gravity outlets, covers and suction piping serving outlets of an *outdoor pool* described in Clause 1.3.1.1.(1)(j) of Division A of the *Building Code*, a *public pool* or a *public spa*,
 - (l) substantial completion of the circulation / *recirculation system* of an *outdoor pool* described in Clause 1.3.1.1.(1)(j) of Division A of the *Building Code*, a *public pool* or *public spa* and substantial completion of the pool before it is first filled with water,
 - (m) substantial completion of the pool deck and dressing rooms for a *public pool* or *public spa* and readiness for inspection of the emergency stop system for a *public pool* or *public spa*,
 - (n) readiness to *construct* the *sewage system*,
 - (o) substantial completion of the installation of the *sewage system* before the commencement of backfilling,
 - (p) substantial completion of the *sewage system*
 - (q) substantial completion of installation of *plumbing* not located in a structure, before the commencement of backfilling,
 - (r) completion of *construction* and installation of components required to permit the issue of an occupancy permit under Sentence 1.3.3.1.(3) of Division C of the *Building Code* or to

permit occupancy under Sentence 1.3.3.2.(1) of Division C of the *Building Code*, if the *building* or part of the *building* to be occupied is not fully completed, and

- (s) completion of *construction* and installation of components required to permit the issue of an occupancy permit under Sentence 1.3.3.4.(4) or 1.3.3.5.(3) of Division C of the *Building Code*.
- (t) completion of the *building*.

2. Words and terms in italics in Schedule E have the same meaning as those defined in the *Building Code* and Section 2 of this By-law.