

THE CORPORATION OF THE TOWN OF AJAX

BY-LAW NUMBER 31-2019

A By-law Under the *Building Code Act* Respecting Construction, Demolition, Change of Use Permits and, Inspections.

WHEREAS Section 7 of the *Building Code Act*, 1992, S.O. 1992, c.23, as amended, authorizes municipal council to pass by-laws respecting construction, demolition and change of use permits, inspections and other related matters;

AND WHEREAS the Council of the Corporation of the Town of Ajax desires to repeal By-law 92-2010 and to enact a new building by-law for the issuance of permits and related matters, including the establishment of a fee schedule;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF AJAX ENACTS AS FOLLOWS:

1. SHORT TITLE

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

2. DEFINITIONS

2.1. In this By-law:

“*Act*” means the *Building Code Act*, 1992, S.O. 1992, c.23, as amended;

“*applicant*” means the *owner* of a *building* or property who applies for a *permit* or any person authorized to apply for a *permit* on the *owner’s* behalf, or 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;

“*building*” means a building as defined in Subsection 1(1) of the *Act*;

“*Building Code*” means the regulation made under Section 34 of the *Act*;

“*business day*” means any weekday other than a *holiday*;

“*Chief Building Official*” means the Chief Building Official appointed by by-law of the *Corporation* for the purpose of enforcement of the *Act*, the *Building Code* and this By-law;

“*complete application*” means an application that meets the requirements set out in the *Building Code* for applications where the *Chief Building Official* is required to make a decision within a prescribed time period, and, Part 4 and Schedule B of the By-law;

“*conditional permit*” means a *permit* issued under Subsection 8(3) of the *Act*;

“*construct*” means construct as defined in Subsection 1(1) of the *Act*;

“*construction value*” means a value representative of the total costs for all work, services and material associated with the construction for which a permit is applied;

“*Corporation*” means The Corporation of the Town of Ajax;

“*demolish*” means demolish as defined in Subsection 1(1) of the *Act*;

“*Deputy Chief Building Official*” means the person appointed by the Council as the deputy chief building official for the purpose of enforcement of the *Act*;

“*holiday*” means any day in which the Town hall offices of the *Corporation* is not open for the transaction of business with the public;

“*major permit*” includes *building permit* applications for work of a major technical nature, such as new *buildings* of assembly, commercial, industrial, institutional and residential occupancies containing more than two dwelling units; including additions and alterations;

“*minor permit*” includes *building permit* applications for work of a minor technical nature, such as demolitions, plumbing, decks, accessory *buildings*, etc.;

“*moderate permit*” includes *building permit* applications for work of a moderate technical nature, such as new residential low rise *buildings* (i.e. detached and semi-detached dwelling units, townhouses), including additions, alterations, and accessory apartments;

“*owner*” means, in respect of the property on which the construction is to take place, the registered owner of the land and, except for *conditional permits*, may include a lessee, mortgagee in possession and the person acting as the *owner’s* authorized agent;

“*partial permit*” means a *permit* issued by the *chief building official* to *construct* part of a *building*;

“*permit*” means permission or authorization given in writing by the *Chief Building Official* to perform work, to change the use of a *building* or part thereof, or to occupy a *building* or part thereof, as regulated by the *Act* and *Building Code*;

“*permit holder*” means the *owner* to whom the *permit* was issued or where a *permit* has been transferred, the new *owner* to whom the *permit* has been transferred;

“*registered code agency*” means a registered code agency as defined in Subsection 1(1) of the *Act*;

“*retrofit accessory apartment*” means an accessory apartment existing prior to July 14, 1994, which has been inspected for compliance with Section 9.8 of the Ontario Fire Code, and a Notice of Violation issued indicating the remedial construction required.

2.2 Terms not defined in this By-law shall have the meaning ascribed to them in the *Act* or the *Building Code*.

3. CODE OF CONDUCT

3.1. The *Chief Building Official* and inspectors appointed under Section 3 of the *Act* shall be governed by the Code of Conduct as set out in Schedule “C” to this By-law, with respect to exercising powers and performing duties under the *Act*.

4. REQUIREMENTS FOR *PERMIT* APPLICATIONS

4.1. General Requirements

4.1.1. Every *permit* application must meet the requirements of this section and shall:

4.1.1.1. be made by an *applicant*;

4.1.1.2. be made in writing to the *Chief Building Official* on forms prescribed by the Province of Ontario or when no form is prescribed, on a form prescribed by the *Chief Building Official*; and

4.1.1.3. be accompanied by the required fees calculated in accordance with Schedule “A”.

4.1.2. To be considered a *complete application*, every *permit* application shall be accompanied by the approval documents issued by the agencies responsible for the applicable laws listed in the *Building Code*, where those agencies issued approval documents and the law applies to the construction or demolition being proposed.

- 4.1.3. An application for a *permit* may be refused by the *Chief Building Official* where it is not a *complete application*.
- 4.1.4. The *Chief Building Official* may, as they deem appropriate, provide prescribed forms in an electronic format and may allow for the electronic submission of completed *permit* application forms.
- 4.1.5. Notwithstanding Subsection 4.1.4, completed forms generated electronically shall be accepted subject to the endorsement by the *applicant*.

4.2. Class of Permit

Applications for *Permits to Construct*

4.2.1. Every application for a *permit to construct a building* shall:

- 4.2.1.1. identify and describe in detail the work to be done and the existing and proposed use and occupancy of the *building*, or part thereof, for which the *building permit* application is made;
- 4.2.1.2. be accompanied by the plans, specifications, documents, forms and other information prescribed in Part 4 and Schedule “B” of this By-law; and be accompanied by acceptable proof of corporate identity and property ownership, unless such proof is determined by the *Chief Building Official* to be unnecessary.

Applications for *Permits to Demolish*

4.2.2. Every application for a *permit to demolish a building* shall:

- 4.2.2.1. identify and describe in detail the work to be done and the existing use and occupancy of the *building*, or part thereof, for which the application for a *permit to demolish* is made, and the proposed use and occupancy of that part of the *building*, if any, that will remain upon completion;
- 4.2.2.2. be accompanied by the plans, specifications, documents, forms and other information prescribed in Part 4 and Schedule “B” of this By-law; and
- 4.2.2.3. be accompanied by 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.

Applications for *Permits for a Stage of Construction (Partial Permit)*

4.2.3. In addition to the requirements of Subsection 4.2.1., every application for a *partial permit* shall:

- 4.2.3.1. require a *permit* application for the entire project; and
- 4.2.3.2. be accompanied by plans, specifications, documents, forms and other information covering that part of the work for which application for a *partial permit* is made, together with such information pertaining to the remainder of the work as may be required by the *Chief Building Official*.

4.2.4. The *Chief Building Official* may issue a *partial permit* when it is determined appropriate to expedite substantial construction before a *permit* for the entire *building* is available and where the relevant provisions of this By-law and the *Act* are met.

4.2.4.1. 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.

4.2.5. 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*.

Applications for *Conditional Permits*

4.2.6. In addition to the requirements of Subsection 4.2.1., every application for a *conditional permit* shall:

4.2.6.1. include a written statement from the *applicant* explaining the reasons why the *applicant* believes that unreasonable delays in construction would occur if a *conditional permit* is not granted;

4.2.6.2. include a written acknowledgement from the *applicant* of the necessary approvals which must be obtained in respect of the proposed *building* in order for the *permit* to be issued and the time in which such approvals will be obtained; and

4.2.6.3. a written agreement, in the form provided by the *Chief Building Official*, executed by the *applicant*, the *owner* and/or such other necessary persons the *Chief Building Official* determines for the purposes set out in Clause 8(3)(c) of the *Act*. The *Chief Building Official* may, at their 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.

Applications for *Permits* for Change of Use

4.2.7. Every application for a *permit* for a change of use shall;

4.2.7.1. identify and describe in detail the existing and proposed use and occupancy of the *building*, or part thereof, for which the application for a *permit* is made; and

4.2.7.2. be accompanied by the plans, specifications, documents, forms and other information prescribed in Part 4 and Schedule "B" of this By-law.

Application for *Permits* for Site Servicing

4.2.8. Every application for a *permit* for site servicing shall;

4.2.8.1. be accompanied by the plans, specifications, documents, forms and other information prescribed in Part 4 and Schedule "B" of this By-law;

Application for *Permits* for Signs

4.2.9. Every application for a *permit* for signs shall;

4.2.9.1. be accompanied by the plans, specifications, documents, forms and other information prescribed in Part 4 and Schedule "B" of this By-law;

5. REQUIREMENTS FOR PLANS AND SPECIFICATIONS

5.1. As part of, and in addition to the requirements the application for a *permit*, every *applicant* shall submit to the *Chief Building Official* the following:

5.1.1. Sufficient plans, specifications, documents, forms and such other information as may be deemed necessary by the *Chief Building Official* to determine whether

the proposed construction, demolition, or change of use conforms to the *Act*, the *Building Code*, and any other applicable law;

5.1.2. Where a site plan is required to satisfy Subsection 5.1.1, the site plan shall reference a current plan of survey certified by a registered Ontario Land Surveyor and shall include:

- 5.1.2.1. lot size and dimensions of the property;
- 5.1.2.2. setbacks from existing and proposed *buildings* to property boundaries and to each other;
- 5.1.2.3. existing and finished ground levels or grades; and
- 5.1.2.4. existing rights of way, easements and municipal services; and
- 5.1.2.5. a copy of a current plan of survey, unless the *Chief Building Official* waives this requirement.

5.1.3. Plans, specifications and other documents submitted by an *applicant* shall:

- 5.1.3.1. be fully coordinated among design disciplines and intended for construction, demolition or change of use;
- 5.1.3.2. be fully dimensioned and drawn to a suitable scale that clearly depicts the proposed construction, demolition or change of use;
- 5.1.3.3. be submitted on paper or other suitable and durable material; and
- 5.1.3.4. contain information and text that is clear and legible.

5.2. Unless otherwise deemed necessary by the *Chief Building Official*, every application shall be accompanied by two sets of plans, specifications, forms, documents and other information required to facilitate the administration and enforcement of the *Building Code*.

5.3. On the completion of the foundation for a detached, semi-detached, triplex, or townhouse dwelling, the *Chief Building Official* may require submission of a survey prepared by an Ontario Land Surveyor indicating the location of the *building* to all property lines, and elevations of the bottom and top of the foundation wall, including the garage cut, prior to a framing inspection being undertaken.

5.4. On completion of the construction of a *building*, the *Chief Building Official* may require the *applicant* to submit a set of as constructed plans, including a plan of survey showing the location of the *building*.

5.5. Plans and specifications submitted in accordance with this By-law or otherwise required by the *Act* become the property of the *Corporation* and will be disposed of or retained in accordance with relevant legislation or by-law.

6. AUTHORIZATION OF ALTERNATIVE SOLUTIONS

6.1. Where approval for an alternative solution under the *Building Code* is proposed in either the application for a *permit*, or in a material change to a plan, specification, document or other information on the basis of which a *permit* was issued, the *applicant* shall submit:

- 6.1.1. an application on a form prescribed by the *Chief Building Official*;
- 6.1.2. supporting documentation demonstrating that the proposed alternative solution will provide the level of performance required by the *Building Code*; and
- 6.1.3. payment of the required fee prescribed by Schedule "A"

6.2. The *Chief Building Official* or *Registered Code Agency* may accept or reject any proposed alternative solutions and/or may impose conditions or limitations on their use.

- 6.3. Alternative solutions which are accepted under this part shall be applicable only to the location as described in the application, and are not transferable to any other *building permit*.

7. INCOMPLETE PERMIT APPLICATIONS

- 7.1. An application shall be deemed not to be complete according to the building code where any of the applicable requirements of Part 3 to this By-law have not been complied with.
- 7.2. Except as provided in Section 7.3. of this By-law, an application deemed to be incomplete shall not be accepted by the *Chief Building Official*.
- 7.3. The *Chief Building Official* may accept an incomplete application where the applicant acknowledges, in writing, that the application is incomplete and waives the time period prescribed in the *Building Code* within which a *permit* must be issued or refused.
- 7.4. Where an *applicant* declares that an application is complete in all respects, but the application is determined by the *Chief Building Official* to be incomplete or does not comply with the *Act*, the *Building Code*, this By-law or applicable law, an additional fee as prescribed in Schedule 'B' may be applied to the re-examination of documents required to be submitted by the *applicant*.

8. ABANDONED PERMIT APPLICATIONS

- 8.1. An application for a *permit* shall be deemed to have been abandoned by the *applicant* where;
- 8.1.1. the application is incomplete and remains incomplete six months after it was submitted;
- 8.1.2. 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 any other applicable law; or
- 8.1.3. the application is substantially complete and six months have elapsed from the date upon which an *applicant* was notified that a *permit* is available to be issued.
- 8.2. When deemed to be abandoned or withdrawn an application may be closed at the discretion of the *Chief Building Official*.

9. REVISIONS TO PERMITS

- 9.1. After the issuance of a *permit* under the *Act*, the *applicant* shall give notice to the *Chief Building Official* in writing of any change to a plan, specification, document or other information upon which a *permit* was issued, together with the details of such change, which change shall not be made without the prior written authorization of the *Chief Building Official*.
- 9.2. Application for authorization of any substantial change shall constitute a revised submission.

10. TRANSFER OF PERMITS

- 10.1. 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 land where an application is filed with the Town in writing.

10.2. Every application for the transfer of a *permit* shall,

- 10.2.1. include a written statement from the current *permit holder* authorizing the transfer of the *permit* to the transferee;
- 10.2.2. include proof of ownership of the land by the transferee satisfactory to the *Chief Building Official*;
- 10.2.3. 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 of the *permit*;
- 10.2.4. state the name, address, and telephone number of the proposed transferee;
- 10.2.5. state the name, address, and telephone number of the proposed designer, architect and/or professional engineer, and their *building* code qualifications, where they are different from those identified in the application for the *permit*, and a written confirmation from those individuals, that they have been retained to undertake general review of the construction or demolition where required under the *Building Code*;
- 10.2.6. include, where the proposed transferee is a builder as defined in the Ontario New Home Warranties Plan Act, the proposed transferee's registration number under that Act;
- 10.2.7. be accompanied by the appropriate fee in accordance with Schedule A; and,
- 10.2.8. be signed by the proposed transferee who shall certify as to the truth of the contents of the application.

10.3. Upon the issuance of transfer of a *permit* to the transferee, the transferee 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 Clause 8.(3)(c) of the Act.

11. REVOCATION

- 11.1. Prior to revoking a *permit*, the *Chief Building Official* shall give written notice of intention to revoke the *permit* to the *permit holder* to the *permit holder's* address shown on the application or to such other address as that individual has provided to the Town for that purpose.
- 11.2. Following the issuance of the notice described in 11.1, 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, returned to the *permit holder*.
- 11.3. The notice under 11.1 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.

12. FEES AND REFUND OF FEES

12.1. General

- 12.1.1. A fee is to be paid as part of a *permit* application, calculated in accordance with Schedule 'A' to this By-law and the fee shall be due and payable, in full, upon the submission of the application for a *permit*.
- 12.1.2. The minimum fee payable on any application shall be as indicated in Item 1, Table 1 of Schedule 'A' to this By-law.

12.1.3. Where the amount of a fee to be paid, as part of a *permit* application, is to be based upon the type of *building permit*, floor area and/or value of the proposed construction, the *Chief Building Official*, or a person designated by the *Chief Building Official*, shall determine the amount of the fee and that determination shall be final.

12.1.4. The *Chief Building Official* shall not issue a *permit* until fees required by this By-law have been paid in full by the *applicant*.

12.2. **Re-Examination Fee and Alternative Solution Fee**

12.2.1. In addition to the fees paid at the time of *building permit* application, where an *applicant* makes a revised submission for a proposed *building* design after examination of a previous submission has already been undertaken, a re-examination fee may apply as set out in Schedule 'A' to this By-law.

12.2.2. Where an *applicant* makes a revised submission for one or more changes to the as-constructed design of a *building* or part of a *building* for which a *permit* has already been issued, a re-examination fee may apply as set out in Schedule 'A' to this By-law.

12.2.3. Where an *applicant* submits an alternative solution to a material, system or design, an examination fee shall apply as set out in Schedule 'A' to this By-law.

12.3. **Permit Surcharge**

12.3.1. A *permit* surcharge, in addition to the regular calculated fee, shall be charged in accordance with Schedule 'A' to this By-law, to offset additional investigative and administrative costs, where any person has commenced construction, demolition or changes to the use of a *building* prior to having submitted an application for a *permit*, or before having received a *permit*, in addition to any other penalty under the *Act*, *Building Code*, or this By-law,

12.3.2. Payment of these fees does not relieve any person or corporation from complying with the *Act*, the *Building Code* or any applicable law

12.4. **Fee Refunds**

12.4.1. Upon written request by the *applicant*, or *permit holder*, the *Chief Building Official* may refund any unearned *permit* fees, where,

12.4.1.1. an *applicant* withdraws, in writing, an application for a *permit*;

12.4.1.2. an application is deemed to have been abandoned in accordance with Part 8 of this By-law;

12.4.1.3. the *Chief Building Official* refuses to issue a *permit* for which an application has been made; or,

12.4.1.4. the *Chief Building Official* revokes a *permit* after it has been issued.

12.4.2. The *permit* fee refund payable shall be proportionate to the functions undertaken by the Town in accordance with the following:

12.4.2.1. 80% if administrative functions only have been performed;

12.4.2.2. 70% if administrative functions and internal department review (ie. zoning, site plan control, grading, etc.) have been performed;

12.4.2.3. 50% if administrative functions, internal department review (ie. zoning, site plan control, grading, etc.), and all or part of the *Building Code* review have been performed; and,

12.4.2.4. 40% if all administrative functions and reviews have been completed and the *building permit* has been issued or is available to be issued.

12.4.3. No refund is available for:

- 12.4.3.1. where a flat fee is charged;
 - 12.4.3.2. where the amount calculated in accordance with Schedule 'A' to this By-law is the minimum fee, or less than the minimum fee;
 - 12.4.3.3. where a *permit* is revoked, except where a *permit* is issued in error, or the *applicant* requests revocation no more than six months after the *permit* is issued, or;
 - 12.4.3.4. applications or *permits* where construction or demolition has commenced.
- 12.4.4. Any refund shall be paid to the *permit holder*, unless that person directs the *Chief Building Official*, in writing, and prior to the release of the refund, that it be refunded to another person.
- 12.4.5. Pursuant to Part 14 of this By-law, 20% of the applicable *permit* fee paid shall be refunded where an application was made using a *Registered Code Agency* appointed under a service agreement with the *Chief Building Official*, those services are fully paid for by the *applicant* and have been completed in accordance with the *Building Code*, and the final certificate as defined by the *Act* has been submitted to the *Chief Building Official*.

13. NOTICES FOR INSPECTIONS

- 13.1. Inspection notices required by the *Building Code* and this By-law shall be made in writing, facsimile, e-mail or by telephone.
- 13.2. Inspection notices are required a minimum of two *business days* prior to the stages of construction specified therein and shall be given in accordance with the requirements of Subsection 1.3.5 of Division C of the *Building Code*.
- 13.3. The person to whom the *permit* has been issued shall notify the *Chief Building Official* or *Registered Code Agency* where one is appointed, of each stage of construction for which a notice is prescribed by the *Building Code*.
- 13.4. Notwithstanding Part 6 of this By-law, the person to whom the *permit* has been issued 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.
- 13.5. In addition to the notices prescribed in Article 1.3.5.1 of Division C of the *Building Code*, the person to whom a *permit* has been issued shall give the *Chief Building Official* notice of the readiness for inspection for the following stages of construction, where applicable:
- 13.5.1. commencement of construction of the *building*
 - 13.5.2. commencement of construction of:
 - 13.5.2.1. masonry fireplaces and masonry chimneys,
 - 13.5.2.2. factory-built fireplaces and allied chimneys, or
 - 13.5.2.3. stoves, ranges, space heaters and add-on furnaces using solid fuels and allied chimneys, and
 - 13.5.3. substantial completion of interior finishes

14. REGISTERED CODE AGENCIES

- 14.1. The *Chief Building Official* is authorized to enter into and sign contracts for service agreements with *Registered Code Agencies* and appoint them to perform specified functions from time to time in order to maintain the time periods prescribed in Article 1.3.1.3. of Division C of the *Building Code*.

14.2. A *registered code agency* may be appointed to perform one or more of the specified functions described in Section 15.15 of the *Act*.

15. FENCING OF CONSTRUCTION AND DEMOLITION SITES

15.1. Where, in the opinion of the *Chief Building Official*, a construction or demolition site presents a hazard to the public, the *Chief Building Official* may require the *permit holder* to erect such fencing to the standards and specifications that the *Chief Building Official* deems to be appropriate to the circumstance.

15.2. When determining if a construction or demolition site presents a hazard to the public and requires the erection of fencing and the type of fencing required, the *Chief Building Official* shall have regard to:

15.2.1. the proximity of the construction site to occupied dwellings;

15.2.2. the proximity of the construction site to lands accessible to the public, including but not limited to streets, parks, and commercial and institutional activities;

15.2.3. the hazards presented by the construction activities and materials;

15.2.4. the feasibility and effectiveness of site fencing; and

15.2.5. the duration of the hazard.

15.3. Every fence required by this part shall:

15.3.1. be erected so as to fully enclose all areas of the site which present a hazard;

15.3.2. create a continuous barrier and be sufficient to deter unauthorized entry;

15.3.3. if erected on a residential site between an excavation on the site and the public sidewalk or lane that is within 3.0 metres of the excavation, have a height not less than 1.2 metres above the grade outside the enclosed area;

15.3.4. if erected on any other residential site, have a height not less than 1.2 metres above the grade outside the enclosed area;

15.3.5. if erected on any other construction or demolition site, have a height not less than 1.8 metres above the grade outside the enclosed area;

15.3.6. if constructed of plastic mesh, snow fencing or other similar materials, be securely fastened at 200mm on centre to vertical posts not more than 1.8 metres apart, and to horizontal members or a minimum 11 gauge cable at the top and bottom;

15.3.7. the fence may be constructed of other materials if the fence can be shown to provide a measure of performance and safety satisfactory to the *Chief Building Official*; and

15.3.8. be maintained in a vertical plane and in good repair.

15.4. When the *Chief Building Official* is of the opinion that fencing is required, the *permit holder* shall, prior to the commencement of any construction, demolition, or placement of materials or equipment on site, erect or cause to be erected fencing to the standards required by the *Chief Building Official* to enclose the construction or demolition site for the purpose of preventing unauthorized entry on the site. For the purposes of this part; construction or demolition site shall include the area of the proposed construction or demolition and any area where materials or equipment are stored or operated.

16. OFFENCES AND PENALTIES

16.1. Any person who contravenes any provision of this By-law is guilty of an offence and is liable upon conviction to a fine as provided for in the *Act*.

17. SEVERABILITY

17.1. Should any part, 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

18. MISCELLANEOUS

18.1. Schedules "A" and "B" shall form part of this By-law.

18.2. A reference to the singular or to the masculine shall be deemed to refer to the plural or feminine as the context may require.

19. REPEAL AND TRANSITION

19.1. By-law Number 37-2018, is hereby repealed upon the date that this By-law comes into force.

19.2. Notwithstanding Sections 19.1 and 20.1 of this By-law, for any *complete application* received prior to the effective date of this by-law, the provisions of By-law Number 37-2018 shall remain in force and effect for the purpose of that application.

20. EFFECTIVE DATE

20.1. This By-law shall come into force on the 21 day of May 2019.

SCHEDULE "A" TO BY-LAW NUMBER XX-2019

1. CALCULATION OF *PERMIT* FEES

- 1.1. *Permit* fees shall be calculated using:
 - 1.1.1. the flat rate where indicated in the Tables of this Schedule;
 - 1.1.2. the product of the applicable fee multiplier in Column 3 of Table 2 of this Schedule and the related floor area or other measure specified in Column 2, or
 - 1.1.3. where a fee is not listed, a fee shall be paid in the amount of \$15 for each \$1000 or part thereof of the *construction value* prescribed by the *Chief Building Official*.
- 1.2. Except for classes of *permits* subject to flat rates, fees shall be based on the appropriate measure of the floor area of the project.
- 1.3. For any *permit* application for a class of *permit* described under Section B of Table 2, floor area used for the calculation of fees shall be the lesser of:
 - 1.3.1. the area contained within a single rectangle encompassing all of the proposed work, or
 - 1.3.2. the actual area of the tenant space.
- 1.4. When calculating fees based on floor areas, floor area is measured to the outer face of exterior walls and to the centerline of party walls or demising walls, except when calculating interior partition work. When measuring floor areas for interior partitioning, corridors, lobbies, washrooms, lounges, and other similar facilities 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 applicable partitioned rate in Table 2.
- 1.5. When measuring floor area, no deduction shall be allowed for floor openings required for facilities as stairs, elevators, escalators, shafts and ducts. Interconnected floor spaces and atriums above their lowest level may be deducted from measured floor area.
- 1.6. Where incorporated with an application for a class of dwelling described in row 4 of Table 2, no additional fee is required for decks less than 4.5m², fireplaces, unfinished basements, attached garages, heating or plumbing systems.
- 1.7. Where incorporated with an application for a class of *permit* described under Section A and B of Table 2, no additional fee shall be levied for mechanical, fire protection or green technology systems that form part of the work proposed under the application.
- 1.8. The occupancy classifications used in this By-law are based on the *Building Code* major occupancy classifications. For mixed occupancy classifications, the total payable fee shall be calculated by applying the fee multiplier for each occupancy prescribed in Table 1 to the floor area measured for each individual occupancy and taking the sum of the fees calculated for each occupancy.
- 1.9. Where an independent third party review is required, the Town 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*.
- 1.10. Where a change of use *permit* is denied, the fees paid may be credited to an alteration *permit* which incorporates the construction required to accommodate the change of use.
- 1.11. Notwithstanding anything to the contrary in this By-law, construction or alteration of all *buildings* and structures on lands owned by the *Corporation* is funded, in part or in whole, by the *Corporation* shall not be subject to *permit* fees.

Table 1 – Fees Payable for Permits
Forming Part of Schedule “A”

| Classes of Permits and Permit Fees | | | |
|---|---|--------------------------|--|
| Item | Class of Permit | By-law Reference | Fee Payable |
| 1. | <i>Building Permit</i> | 3.2.1. 11.1.2. | See Schedule 'B' - Table 2 Minimum fee payable: <i>Minor Permits</i> - \$134 <i>Moderate Permits</i> - \$134 <i>Major Permits</i> - \$300 |
| 2. | <i>Demolition Permit</i> | 3.2.2. | \$0.23 per square metre of floor area |
| 3. | <i>Permit for a Stage of Construction (Partial Building Permit)</i> | 3.2.3. | An amount equal to 10% of the <i>building permit</i> fee for each phase of construction. Minimum fee in accordance with Item 1 of this table Maximum fee is \$500 <i>Partial permit</i> fees are nonrefundable. |
| 4. | <i>Conditional Building Permit</i> | 3.2.6. | An amount equal to 10% of the <i>building permit</i> fee. Minimum fee in accordance with Item 1 of this table Maximum fee is \$1000 <i>Conditional permit</i> fees are nonrefundable. |
| 5. | <i>Change of Use Permit (No construction proposed)</i> | 3.2.7. | \$300 flat fee |
| 6. | <i>Site Servicing Permit</i> | 3.2.8. | An amount equal to 2.5% of the estimated <i>construction value</i> of the servicing |
| 7. | <i>Signs Permit (regulated by the Building Code)</i> | 3.2.9. | \$250 per sign |
| Other Permit Fees | | | |
| Item | Fee Type | By-law Reference | Fee Payable |
| 8. | Resubmission of application previously found to be incomplete. | 6. | 25% of <i>permit</i> fee |
| 9. | Revision to application or <i>permit</i> | 8. 11.2.1. 11.2.2. | \$100 per hour The minimum fee for the review shall be the minimum fee in accordance with Item 1 of this table |
| 10. | Alternative Solution Examination Fee | 5. 11.2.3 | \$500 or an amount equal to 10% of the <i>building permit</i> fee, whichever is lesser. Alternative Solution fees are nonrefundable. |
| 11. | Transfer of <i>Permit</i> | 9. | \$134 flat fee |
| 12. | <i>Permit</i> Surcharge | 11.3. | The greater of: a) Surcharge of 25% of the <i>permit</i> fee when construction has begun and a <i>permit</i> application has been received; b) Surcharge of 50% of <i>permit</i> fee when construction has begun and no <i>permit</i> application has been received, or c) \$134 flat fee |

Table 2 – Permit Types and Permit Fees
Forming Part of Schedule “A”

| Item | Occupancy Classification and Work Description | | Multiplier | Flat Fee |
|--|---|---|-----------------------|-------------------------|
| Section A: CONSTRUCTION of new buildings, additions to existing buildings, including mezzanines | | | | |
| 1 | Group A – Assembly | Shell Only ⁽¹⁾ | \$10.00 | |
| 2 | | Complete <i>Building</i> (partitioned, finished, mezzanine) | \$17.00 | |
| 3 | Group B – Institutional | All Types | \$18.00 | |
| 4 | Group C – Residential | Detached, Semi-Detached, Duplex, Triplex, Townhouse | \$13.50 | |
| 5 | | Apartment, Multiple Unit <i>Buildings</i> | \$13.50 | |
| 6 | | Motel, Hotel | \$13.50 | |
| 7 | Group D – Business and Personal Services | Shell Only ⁽¹⁾ | \$10.00 | |
| 8 | | Complete <i>Building</i> (partitioned, finished, mezzanine) | \$14.00 | |
| 9 | Group E – Mercantile | Shell Only ⁽¹⁾ | \$10.00 | |
| 10 | | Complete <i>Building</i> (partitioned, finished, mezzanine) | \$13.00 | |
| 11 | Group F – Industrial | Shell Only ⁽¹⁾ | \$7.00 | |
| 12 | | Complete <i>Building</i> (partitioned, finished, mezzanine) | \$9.00 | |
| 13 | | Unserviced Storage <i>Building</i> | \$5.00 | |
| 14 | | Parking Garage | \$4.00 | |
| 15 | | Farm <i>Building</i> | \$4.00 | |
| 16 | All Occupancies | Service Floors | \$4.00 | |
| Section B: ALTERATION, REPAIR and OTHER STRUCTURES | | | | |
| 17 | Group A – Assembly | | \$8.00 | |
| 18 | Group B – Institutional | | \$6.30 | |
| 19 | Group C – Residential | Accessory Apartment | \$8.81 | |
| 20 | | <i>Retrofit Accessory Apartment</i> | | \$134 |
| 21 | | All other Residential Occupancies | \$6.52 | |
| 22 | Group D – Business and Personal Services | | \$7.10 | |
| 23 | Group E – Mercantile | | \$5.14 | |
| 24 | Group F – Industrial | | \$4.74 | |
| 25 | | Accessory Utility <i>Building</i> (garden shed, gazebo) | | \$134 |
| 26 | | Below Grade Entrance | | \$300 |
| 27 | | Detached or Semi-detached Carport/Garage ⁽²⁾ | | \$155 |
| | | Deck/Platform/Porch (unenclosed) | | \$134 |
| | | Foundation/Unfinished Basement | \$4.00 | |
| 28 | | Permanent Tent/Air Supported Structure | \$4.00 | |
| 29 | | Retaining Wall (per metre of length or part thereof) | \$11.00 \$800 min. | |
| 30 | | Single, Detached Portable Classroom | | \$300 |
| 31 | | Temporary <i>Building</i> or Tent ⁽³⁾ | | \$300 |
| 32 | | Temporary Sales Structure | | \$500 |
| Section C: MISCELLANEOUS | | | | |
| 33 | Residential Service Connections | Service Connection (per lot) | | \$134 |
| 34 | Solar Panels | Serving Individual Dwellings | | \$134 |
| 35 | | Serving all other <i>Buildings</i> | | \$434 |
| 36 | | Balcony Guard Replacement/Repair (per metre of length) | \$1.50 | |
| 37 | | Electromagnetic Locking Device (each) | | \$200/ea. \$800 max. |
| 38 | | Fireplace/Woodstove | | \$134 |
| 39 | | Parking Structure Repair | \$1.00 | |
| | Column 1 | 2 | 3 | 4 |

Notes:

1. A shell *building* is defined as consisting of the structural foundation, framing system, and the exterior envelope and does not contain *building* services such as heating, ventilation and air conditioning (HVAC) system, fire protection system, plumbing facilities, etc.
2. Applies to *buildings* equal to or greater than 20m² in *building* area.
3. Except for temporary *buildings* on construction sites for office or sales purposes, fees for temporary *buildings*, including tents, apply to *buildings* erected for 30 days or less.

SCHEDULE "B" TO BY-LAW NUMBER XX-2019

DOCUMENTS & DRAWINGS REQUIRED FOR A COMPLETE APPLICATION

| Row | Class of Permit | Documents and Drawings Required |
|-------------|--|--|
| 1(a) | <p>Permit to Construct</p> <ul style="list-style-type: none"> • New Buildings <p>Residential</p> <ul style="list-style-type: none"> • Detached Houses • Semi-Detached Houses • Duplex/Triplex • Townhouse Blocks | <p>Documents</p> <ol style="list-style-type: none"> a. Approval documents required by an applicable law b. TARION 'Declaration of Applicant for Building Permit' c. Heat loss/heat gain/duct calculations (per dwelling unit) d. Residential Mechanical Ventilation Summary * <p>Drawings</p> <ol style="list-style-type: none"> a. Site Plan b. Site Grading Plan c. Architectural Drawings (including block floor plans for each floor, block roof plans and block elevations for townhouse blocks) d. Structural Drawings (including pre-engineered beam shop drawings) e. Roof truss / Pre-engineered floor system shop drawings (including block plans for townhouse blocks) f. HVAC Drawings (per dwelling unit) g. On-site Sewage System approval (where required) |
| 1(b) | <p>Permit to Construct</p> <ul style="list-style-type: none"> • Additions/Alterations • Accessory Buildings <p>Residential as in Row 1(a)</p> | <p>Documents</p> <ol style="list-style-type: none"> a. Approval documents required by an applicable law b. Heat loss/heat gain/duct calculations c. Residential Mechanical Ventilation Summary * <p>Drawings</p> <ol style="list-style-type: none"> a. Site Plan b. Site Grading Plan c. Architectural Drawings d. Structural Drawings (including pre-engineered beam shop drawings) e. Roof truss / Pre-engineered floor system shop drawings f. HVAC Drawings g. On-site Sewage System approval (where required) |
| 2(a) | <p>Permit to Construct</p> <ul style="list-style-type: none"> • New Buildings • Additions <p>Non-residential buildings Residential apartment buildings Mixed use buildings Other residential buildings not described in Row 1(a)</p> | <p>Documents</p> <ol style="list-style-type: none"> a. Approval documents required by an applicable law b. Commitment to General Reviews by Architects and Engineers * c. Subsurface investigation report d. Heat loss/heat gain/duct calculations e. Energy Efficiency Certification Form * <p>Drawings</p> <ol style="list-style-type: none"> a. Site Plan b. Site Servicing / Site Grading Plan c. Architectural Drawings d. Structural Drawings e. HVAC Drawings f. Plumbing Drawings g. Electrical Drawings h. Fire Protection System Drawings i. On-site Sewage System approval (where required) |

| | | |
|------|---|---|
| 2(b) | <p>Permit to Construct</p> <ul style="list-style-type: none"> • Alterations • Tenant Improvements <p>Non-residential buildings and other residential buildings not described in Row 1(a)</p> | <p>Documents</p> <ul style="list-style-type: none"> a. Approval documents required by an applicable law b. Commitment to General Reviews by Architects and Engineers * c. Heat loss/heat gain/duct calculations <p>Drawings</p> <ul style="list-style-type: none"> a. Site Plan b. Key Plan c. Architectural Drawings d. Structural Drawings e. HVAC Drawings f. Plumbing Drawings g. Electrical Drawings h. Fire Protection System Drawings i. On-site Sewage System approval (where required) |
| 3 | <p>Permit to Construct</p> <ul style="list-style-type: none"> • Tents/Air Supported Structures • Mechanical Only Permits • Plumbing Only Permits • Designated Structures • Farm Buildings • Green Energy Projects • Signs • Site Servicing • Other than rows 1, 2 and 4 | <p>Documents</p> <ul style="list-style-type: none"> a. Approval documents required by an applicable law b. Documents from rows 1(a) to 2(b) or other documents which are applicable to the scope of work proposed and required by the <i>Chief Building Official</i> to determine compliance with the <i>Building Code</i> and other applicable law. <p>Drawings</p> <ul style="list-style-type: none"> a. Drawings from rows 1(a) to 2(b) which are applicable to the scope of work proposed and required by the <i>Chief Building Official</i> to determine compliance with the <i>Building Code</i> and other applicable law. |
| 4 | <p>Permit for Change of Use</p> | <p>Documents</p> <ul style="list-style-type: none"> a. Approval documents required by an applicable law b. Commitment to General Reviews by Architects and Engineers * <p>Drawings</p> <ul style="list-style-type: none"> a. Site Plan b. Key Plan c. Architectural Drawings d. HVAC Drawings |
| 5 | <p>Permit to Demolish</p> | <p>Documents</p> <ul style="list-style-type: none"> a. Approval documents required by an applicable law b. Commitment to General Reviews by Architects and Engineers * <p>Drawings</p> <ul style="list-style-type: none"> a. Site Plan b. Demolition Plan (where required) |

Notes:

1. Documents marked with an asterisk (*) are available from the *Chief Building Official*.
2. The *Chief Building Official* may waive the requirement for any specified documents or drawings where the scope of work, applicable law or *Building Code* does not, in the opinion of the *Chief Building Official*, necessitate its submission.

SCHEDULE "C" TO BY-LAW NUMBER XX-2019

CODE OF CONDUCT FOR THE CHIEF BUILDING OFFICIAL AND INSPECTORS

1. PURPOSE OF THE CODE OF CONDUCT

- 1.1. To promote appropriate standards of behaviour and enforcement actions by the *chief building official* and inspectors in the exercise of a power or the performance of a duty under the *Act* or the *Building Code*.
- 1.2. To prevent practices which may constitute an abuse of power, including unethical or illegal practices, by the *chief building official* and inspectors in the exercise of a power or the performance of a duty under the *Act* or the *Building Code*.
- 1.3. To promote appropriate standards of honesty and integrity in the exercise of a power or the performance of a duty under the *Act* or the *Building Code* by the *chief building official* and inspectors.

2. CODE OF CONDUCT

- 2.1. In exercising powers and performing duties under the *Act*, the *chief building official* and inspectors, at all times, shall:
 - 2.1.1. Promote the safety of buildings with reference to public health, fire protection, structural sufficiency, conservation and environmental integrity, and barrier-free accessibility;
 - 2.1.2. Apply the *Act* and the *Building Code*, and all applicable laws, regulations and standards in an impartial, consistent and fair manner, independent of the influence of interested parties or members of Council, and without regard to personal interests;
 - 2.1.3. Maintain confidentiality in accordance with laws governing the freedom of information and the protection of privacy;
 - 2.1.4. Obtain the counsel of persons with expertise where the *chief building official* or inspector does not possess sufficient knowledge to make an informed judgment;
 - 2.1.5. Act honestly, reasonably and professionally in the performance of their duties;
 - 2.1.6. Act within the area of qualification obtained under the *Act* and maintain required legislated qualification;
 - 2.1.7. Keep up to date on current building practices through continuous education; and
 - 2.1.8. Comply with the provisions set out within the *Corporation* Employee Code of Conduct.

3. ENFORCEMENT GUIDELINES

- 3.1. The *Act* prescribes that the conduct of the *chief building official* and the inspectors will be measured against this Code of Conduct. Any appointed *chief building official* or inspector who fails to act in accordance with the provisions of this code may be subject to disciplinary action appropriate to the seriousness of the breach. All allegations concerning a breach of this code shall be made in writing.
- 3.2. In response to any allegation of a breach of this code, the *chief building official*, in consultation with the Manager of HR Services shall direct an investigation and where appropriate, recommend disciplinary action against any inspector who fails to comply with this code. Where allegations of a breach of this code is against the *chief building official*, the matter shall be brought to the attention of the Director of Planning and Development Services. Where allegations of a breach of this code is against a member of the Fire Service, the matter shall be brought to the attention of the Fire Chief.
- 3.3. Any *chief building official*, Director of Planning and Development Services or Fire Chief who receives a written complaint alleging a breach of this code shall investigate the matter, and where appropriate shall commence disciplinary action in accordance with the *Corporation* policies, procedures or applicable collective agreements. All

communications received by a *chief building official*, Director of Planning and Development Services or Fire Chief concerning a breach of this code shall be held in confidence. The *chief building official*, Director of Planning and Development Services or Fire Chief shall advise the Office of the Chief Administrative Officer in writing about the particulars of the alleged breach, its investigation and the final disposition of the matter upon its conclusion.

4. PUBLIC NOTICE OF THE CODE OF CONDUCT

4.1. The *Act* states that the code must be brought to the attention of the public.

4.1.1. Building Approvals will advertise the Code of Conduct on an ongoing basis via the *Corporation* website and post in a conspicuous location.