

The Corporation of the Town of Ajax

By-law Number 48-2023

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 39-2021 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:

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

2.1.2. **“applicant”** means the owner of a building or property on which the proposed construction or demolition is to take place, or the authorized agent of the owner, who applies for a permit, 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. For the purposes of this By-law the applicant is the registered user of the electronic submission;

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

2.1.4. **“building code”** means the regulation made under Section 34 of the Act;

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

2.1.6. **“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;

2.1.7. **“complete application”** means an application that meets the requirements set out in Division C, Article 1.3.1.3. of the building code where the Chief Building Official is required to make a decision within a prescribed time period, and further that meets the requirements set out in, Part 5 and Schedule B of this By-law;

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

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

2.1.10. **“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;

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

- 2.1.12. **“demolish”** means demolish as defined in Subsection 1(1) of the Act;
- 2.1.13. **“electronic submission”** means the filing of an application under the Act or this By-law, including all required forms, documents and drawings, submitted through an online application procedure approved by the Chief Building Official;
- 2.1.14. **“holiday”** means any day in which the Town hall offices of the Corporation is not open for the transaction of business with the public;
- 2.1.15. **“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 three dwelling units; including additions and alterations;
- 2.1.16. **“minor permit”** includes building permit applications for work of a minor technical nature, such as demolitions, plumbing, decks, accessory buildings, etc.;
- 2.1.17. **“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 dwelling units;
- 2.1.18. **“Municipal Price Index”** is a measure of inflation, determined annually by the Treasurer, based on the costs to the Corporation related to goods and services for developing and maintaining municipal infrastructure, public safety, and regulatory and legislative requirements (i.e. labour, utilities, asphalt, salt, fuel, insurance, etc);
- 2.1.19. **“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;
- 2.1.20. **“partial occupancy permit”** means an occupancy permit for the partial occupancy of a building prior to its completion as set out in Division C, Subsection 1.3.3. of the building code;
- 2.1.21. **“partial permit”** means a permit issued by the Chief Building Official to construct part of a building;
- 2.1.22. **“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;
- 2.1.23. **“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;
- 2.1.24. **“pre-application review”** means the review of forms, documents and drawings which precedes the acceptance of a permit application to determine if it qualifies for an electronic submission for a permit;
- 2.1.25. **“Registered Code Agency”** means a registered code agency as defined in Subsection 1(1) of the Act;
- 2.1.26. **“revised submission”** means additional information filed with the Chief Building Official which depicts one or more changes to the approved design of a building or part of a building for which a permit has already been issued and for which approval by the Chief Building Official is required;
- 2.1.27. **“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;

2.1.28. **“Site Inspection Clearance Certificate”** means a certificate issued by an Ontario Licensed Exterminator that the entire exterior site for a Site Servicing Permit or the entire interior/exterior site for a Demolition Permit has been inspected and is free of any infestation of any rodents and other vermin that may cause negative impacts to the surrounding community.

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. Classes of Permits

4.1. Classes of permits and the permit fees therefore, shall be set out in Schedule “A” to this By-law.

5. Requirements for Permit Applications

5.1. General Requirements

5.1.1. Every permit application, and application for an alternative solution must meet the requirements of this Section and Part 7 and shall:

5.1.1.1. be made by an applicant;

5.1.1.2. be made 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;

5.1.1.3. be accompanied by the required fees calculated in accordance with Schedule “A”, and

5.1.1.4. unless otherwise determined by the Chief Building Official, be in the form of an electronic submission filed by the applicant;

5.1.2. 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.

5.1.3. An application for a permit may be refused by the Chief Building Official where it is not a complete application.

5.1.4. 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.

5.1.5. Notwithstanding Subsection 5.1.4, completed forms generated electronically shall be accepted subject to the endorsement by the applicant.

5.1.6. When filing an application, the owner and the applicant shall provide an electronic address(es) for the purpose of receiving communications from the Chief Building Official regarding the work or proposal associated with a permit application or issued permit. The owner or authorized agent of the owner shall inform the Chief Building Official

immediately in writing when the electronic address(es) provided changes or becomes nonfunctional.

5.2. Applications for Permits to Construct

Every application for a permit to construct a building shall:

- 5.2.1. identify and describe in detail the work to be done and the existing, proposed use, and occupancy of the building, or part thereof, for which the building permit application is made;
- 5.2.2. be accompanied by the plans, specifications, documents, forms, and other information prescribed in Part 6 and Schedule “B” of this By-law; and
- 5.2.3. be accompanied by acceptable proof of corporate identity and property ownership unless such proof is determined by the Chief Building Official to be unnecessary.

5.3. Applications for Permits to Demolish

Every application for a permit to demolish a building shall:

- 5.3.1. 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 of the demolition;
- 5.3.2. be accompanied by the plans, specifications, documents, forms, and other information prescribed in Part 6 and Schedule “B” of this By-law; and,
- 5.3.3. 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.

5.4. Applications for Permits for a Stage of Construction (Partial Permit)

In addition to the requirements of Section 5.2, every application for a partial permit shall:

- 5.4.1. require a permit application for the entire project; and,
- 5.4.2. 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.
- 5.4.3. 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.
 - 5.4.3.1. 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.

- 5.4.4. 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.

5.5. Applications for Conditional Permits

- 5.5.1. An application for a conditional permit cannot be filed until the plans review for the scope of work for which the conditional permit is being requested is complete. In addition to the requirements of Section 5.2, every application for a conditional permit shall be accompanied by,
- 5.5.1.1. 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;
 - 5.5.1.2. 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
 - 5.5.1.3. 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.
- 5.5.2. Pursuant to Clause 8(3.1) of the Act, the Chief Building Official is delegated the power to enter into conditional building permit agreements and to execute the conditional building permit agreement referred to in Article 5.5.1.3. on behalf of the Corporation. 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.

5.6. Applications for Permits for Change of Use

Every application for a permit for a change of use shall;

- 5.6.1. 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
- 5.6.2. be accompanied by the plans, specifications, documents, forms, and other information prescribed in Part 6 and Schedule "B" of this By-law.

5.7. Application for Permits for Site Servicing

Every application for a permit for site servicing shall;

- 5.7.1. be accompanied by the plans, specifications, documents, forms, and other information prescribed in Part 6 and Schedule "B" of this By-law.

5.8. Application for Permits for Signs

Every application for a permit for signs shall;

- 5.8.1. be accompanied by the plans, specifications, documents, forms, and other information prescribed in Part 6 and Schedule "B" of this By-law.

5.9. Abandoned Electronic Submissions and Permit Applications

- 5.9.1. Where an electronic submission has not been completed within 20 business days of creation, the electronic submission may be deemed by the Chief Building Official to have been abandoned.

- 5.9.2. Where an application for a permit was accepted and the estimated permit fees are unpaid for three months after the applicant was advised in writing of the estimated permit fees, that application may be deemed by the Chief Building Official to have been abandoned and written notice of the cancellation thereof shall be given to the applicant.
- 5.9.3. Where an application for a permit remains incomplete and inactive for six months after the applicant has been advised in writing of all the reasons for refusal, the application may be deemed by the Chief Building Official to have been abandoned and written notice of the cancellation thereof shall be given to the applicant.

5.10. Incomplete Permit Applications

- 5.10.1. An application shall be deemed not to be a complete according to the building code where any of the applicable requirements of Part 5 to this By-law have not been complied with.
- 5.10.2. Except as provided in Section 8.3., an application deemed to be incomplete shall not be accepted by the Chief Building Official.
- 5.10.3. 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.
- 5.10.4. 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 "A" may be applied to the re-examination of documents required to be submitted by the applicant.

6. Requirements for Plans and Specifications

- 6.1. As part of the application for a permit and in addition to the requirements of Part 5 of this By-law, every applicant shall submit to the Chief Building Official the following:
 - 6.1.1. 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.
 - 6.1.2. Where a site plan is required to satisfy Subsection 6.1.1, the site plan should reference a current plan of survey certified by a registered Ontario Land Surveyor and shall include:
 - 6.1.2.1. lot size and dimensions of the property;
 - 6.1.2.2. setbacks from existing and proposed buildings to property boundaries and to each other;
 - 6.1.2.3. existing and finished ground levels or grades;
 - 6.1.2.4. existing rights of way, easements, and municipal services; and
 - 6.1.2.5. a copy of a current plan of survey unless the Chief Building Official waives this requirement.

- 6.1.3. Plans, specifications, and other documents submitted by an applicant shall:
 - 6.1.3.1. be fully coordinated among design disciplines and intended for construction, demolition or change of use;
 - 6.1.3.2. be fully dimensioned and drawn to a suitable scale that clearly depicts the proposed construction, demolition or change of use;
 - 6.1.3.3. be in the form of an electronic submission; and
 - 6.1.3.4. contain information and text that is clear and legible.
- 6.2. Upon issuance of the building permit, the owner or authorized agent of the owner shall ensure that a hard copy of the permit card and approved permit plans are available on site at all times. Hard copies of the approved plans are required to be printed in colour, to the appropriate drawing scale, and be legible.
- 6.3. 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.
- 6.4. 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.
- 6.5. 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.

7. Authorization of Alternative Solutions

- 7.1. 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:
 - 7.1.1. an application on a form prescribed by the Chief Building Official;
 - 7.1.2. supporting documentation demonstrating that the proposed alternative solution will provide the level of performance required by the building code; and
 - 7.1.3. payment of the required fee prescribed by Schedule "A"
- 7.2. 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.
- 7.3. 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

8. Fees and Refunds

8.1. General

- 8.1.1. The Chief Building Official or their designate shall determine the required application fees in accordance with Schedule "A" to this By-law. All fees shall be paid in full at the time of acceptance of the permit application.
- 8.1.2. The Chief Building Official shall not issue a permit until the fees required by this By-law have been paid in full by the applicant.
- 8.1.3. 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 their designate, shall determine the amount of the fee and that determination shall be final.
- 8.1.4. In the case of withdrawal or abandonment of an application, or refusal or revocation of a permit, and upon written request by the applicant, the Chief Building Official may refund any unearned fees which shall be calculated in accordance with Schedule "A" to this By-law.
- 8.1.5. Fees shall be increased each year effective on the first day of January of each year by the percentage equal to the Municipal Price Index. Flat rate fees shall be rounded to the nearest dollar amount, increments of half dollar and greater shall be rounded up. All other fees shall be rounded to the nearest cent.

8.2. Re-Examination Fee and Alternative Solution Fee

- 8.2.1. 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.
- 8.2.2. 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.
- 8.2.3. 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.

8.3. Additional Inspection Fee

An additional inspection fee as set out in Schedule "A" to this By-law shall apply and shall be paid prior to each subsequent inspection being undertaken on any building, where,

- 8.3.1. Any of the prescribed notice requirements under the building code or the additional notices required under this By-law have not been complied with by a permit holder;
- 8.3.2. More than two inspections for the same stage of construction are required due to the construction being incomplete or not in compliance with the building code;
- 8.3.3. Where an inspector determines that work for which an inspection has been requested is not sufficiently complete to allow proper inspection,

or drawings in accordance with Section 6.3 of this By-law have not been provided.

- 8.3.4. A building is occupied prior to the notice under Section 11 of the Act was given to the Chief Building Official.

8.4. Partial Occupancy Fee

Partial Occupancy of unfinished buildings issued under Division C, Part 1, Subsection 1.3.3 of the building code will be charged a fee as set out in Schedule "A" to this By-law, and,

- 8.4.1. The Chief Building Official may impose conditions on a partial occupancy permit;
- 8.4.2. The Chief Building Official may revoke a partial occupancy permit if the permit holder fails to comply with the conditions imposed by the Chief Building Official;
- 8.4.3. The Chief Building Official may revoke a partial occupancy permit if the owner fails to comply with any permit relating to the building.

8.5. Permit Surcharge

- 8.5.1. 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.
- 8.5.2. Payment of these fees does not relieve any person or corporation from complying with the Act, the building code, or any applicable law.

8.6. Order on Title

Where an Order issued under the Act is registered on the title to the property, an additional fee as set out in Schedule "A" to this By-law shall apply for the registration of the Order on title, and for the discharge of an Order from title.

9. Revision 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. The 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. Upon change in ownership, permit applications and permits must be transferred to the new owner (the "transferee") with the approval of the Chief Building Official.
- 10.2. Every application for the transfer of a permit shall,
- 10.2.0. include a written statement from the current permit holder authorizing the transfer of the permit to the transferee;

- 10.2.1. include proof of ownership of the land by the transferee satisfactory to the Chief Building Official;
 - 10.2.2. 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;
 - 10.2.3. state the name, address, and telephone number of the proposed transferee;
 - 10.2.4. 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;
 - 10.2.5. 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;
 - 10.2.6. be accompanied by the appropriate fee in accordance with Schedule "A"; and,
 - 10.2.7. 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 Corporation for that purpose.
- 11.2. Following the issuance of the notice described in Section 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 described in Section 11.1 shall be given either personally, by e-mail 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. Notices for Inspections

- 12.1. Inspection notices required by the building code and this By-law shall be made using the Corporation's online permit inspection request system or by telephone.
- 12.2. 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.

12.3. 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.

12.4. Notwithstanding Section 13 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.

12.5. 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:

12.5.0. commencement of construction of the building

12.5.1. commencement of construction of:

12.5.1.1. masonry fireplaces and masonry chimneys,

12.5.1.2. factory-built fireplaces and allied chimneys, or

12.5.1.3. stoves, ranges, space heaters and add-on furnaces using solid fuels and allied chimneys,

12.5.2. substantial completion of interior finishes, and

12.5.3. substantial completion of exterior cladding.

13. Registered Code Agencies

13.1. 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.

13.2. A Registered Code Agency may be appointed to perform one or more of the specified functions described in Section 15.15 of the Act.

14. Spatial Separations Agreements

14.1. The Chief Building Official is delegated the power to enter into spatial separation agreements, as set out in Division B, Sentences 9.10.15.2.(4) and (5), and Sentences 3.2.3.1.(8) and (9) of the building code with the owners of the properties on which the limiting distance is measured, and execute such agreements on behalf of the Corporation.

14.2. An additional fee as set out in Schedule "A" to this By-law shall apply for the review and approval of spatial separation agreements, in addition to the associated legal costs to the Corporation for the preparation and registration of the agreement on the title of the properties.

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 or inspector deems to be appropriate to the circumstances.

15.2. When determining the hazard presented by the construction or demolition site, the necessity for fences, and the height and characteristics of such fences, the Chief Building Official or inspector shall have regard for,

15.2.1. the proximity of the site to occupied dwellings;

15.2.2. the proximity of the 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 or demolition activities and materials;

15.2.4. the feasibility and effectiveness of site fencing; and

15.2.5. the duration of the hazard.

15.3. When the Chief Building Official is of the opinion that fencing is required, the permit holder shall, prior to the commencement of any construction or demolition, erect or cause to be erected fencing to the following standards:

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

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

15.3.3. have a height not less than 1.8 metres above the grade at any point, unless the Chief Building Official or inspector determines that a greater minimum height is necessary;

15.3.4. the fence shall be constructed of materials that provide a measure of performance and safety satisfactory to the Chief Building Official;

15.3.5. be maintained in a vertical plane and in good repair; and

15.3.6. be located entirely within the subject property lines unless otherwise authorized.

15.4. For the purposes of this Section, a 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. All schedules shall be and 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 39-2021 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 39-2021 shall remain in force and effect for the purpose of that application.

19.3. Applications that are not complete applications as defined in this By-law, shall be subject to the within By-law irrespective of the date the initial application was made.

20. Effective Date

20.1. This By-law shall come into force on the first day of October 2023.

Read a first and second time this
eighteenth day of September,
2023.

Read a third time and passed this
eighteenth of September, 2023.

Shaun Collier, Mayor

Clerk

Schedule "A" To By-law Number 48-2023

Classes Of Permits, Fees and Refunds

January 1, 2025

1. Administrative Fees

- 1.1. The fee for the pre-application review of applications shall be \$42. This fee is non-refundable and a credit for this fee will be applied to the total building permit fee.
- 1.2. Once a permit application has been accepted, the non-refundable fee to transfer the application to a new permit applicant or permit holder or to change the project address is \$42.
- 1.3. Where a permit is issued and remains incomplete 24 months after the date of permit issuance, a non-refundable permit maintenance fee equal to the minimum fee in accordance with Section 2 of this Schedule, will be charged yearly.

2. Minimum Fee

- 2.1. Except where a flat fee applies, the minimum permit fee for any minor permit application in Sections A, and B of Table 2 shall be \$141.
- 2.2. Except where a flat fee applies, the minimum permit fee for any moderate permit application in Sections A, and B of Table 2 shall be \$317.
- 2.3. Except where a flat fee applies, the minimum permit fee for any major permit application in Sections A, and B of Table 2 shall be \$529.

3. Calculation of Permit Fees

- 3.1. Permit fees shall be calculated on the basis of:
 - 3.1.1. the flat rate where indicated in the Tables of this Schedule;
 - 3.1.2. 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
 - 3.1.3. where a fee is not listed in Table 2, the permit fee shall be calculated on the basis of 1.5% of the estimated construction value, or as determined by the Chief Building Official or their designate.
- 3.2. Except for classes of permits subject to flat rates, fees shall be based on the appropriate measure of the floor area of the project.
- 3.3. 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:
 - 3.3.1. the area contained within a single rectangle encompassing all of the proposed work, or
 - 3.3.2. the actual area of the tenant space.
- 3.4. 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.

- 3.5. When measuring floor area, no deduction shall be allowed for floor openings required for facilities such as stairs, elevators, escalators, shafts and ducts. Interconnected floor spaces and atriums above their lowest level may be deducted from measured floor area.
- 3.6. Where incorporated with an application for a class of dwelling described in Item A4 of Table 2, no additional fee is required for decks less than 4.5m², fireplaces, unfinished basements, attached garages, heating or plumbing systems.
- 3.7. 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.
- 3.8. 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 2 to the floor area measured for each individual occupancy and taking the sum of the fees calculated for each occupancy.
- 3.9. As deemed necessary by the Chief Building Official, where an independent third party is engaged to provide review of a document or drawing submitted with a permit application, alternative solution proposal, perform an inspection, or partial occupancy permit, the Corporation may require that all or part of the associated costs be fully paid by the applicant.
- 3.10. Notwithstanding anything to the contrary in this By-law, construction or alteration of all buildings and structures on lands owned by the Corporation, and is funded, in part or in whole, by the Corporation shall not be subject to permit fees.

4. Calculation of Refunds

- 4.1. Pursuant to Subsection 8.1.4 of this By-law, refunds shall be calculated as follows:
$$\text{Refund} = [\text{total permit fees payable} \times \% \text{ functions undertaken}]$$
- 4.2. The permit fee refund payable shall be proportionate to the functions undertaken by the Corporation in accordance with the following:
 - 4.2.1. 80% if administrative functions only have been performed;
 - 4.2.2. 70% if administrative functions and internal department review (ie. zoning, site plan control, grading, etc.) have been performed;
 - 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,
 - 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.
- 4.3. Notwithstanding the foregoing, no refund is available:
 - 4.3.1. where a flat fee is charged;
 - 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;
 - 4.3.3. where a permit is revoked, except where a permit is issued in error, or the applicant requests revocation no more than twelve months after the permit is issued, or;

4.3.4. applications or permits where construction or demolition has commenced.

- 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.
- 4.5. Pursuant to Part 13 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.

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

January 1, 2025

Classes of Permits and Permit Fees			
Item	Class of Permit	By-law Reference	Fee Payable
1.	Building Permit	5.2 Schedule A -Part 2.	See Schedule “A” - Table 2 Minimum fee payable: Minor Permits - \$141 Moderate Permits - \$317 Major Permits - \$529
2.	Demolition Permit	5.3	\$0.25 per square metre of floor area
3.	Permit for a Stage of Construction (Partial Building Permit)	5.4	An amount equal to 10% of the building permit fee for each phase of construction. Minimum fee in accordance with Item 1 of this table Maximum fee is \$529 Partial permit fees are non-refundable.
4.	Conditional Building Permit	5.5	An amount equal to 10% of the building permit fee. Minimum fee in accordance with Item 1 of this table Maximum fee is \$1058 Conditional permit fees are non-refundable.
5.	Change of Use Permit (No construction proposed)	5.6	\$317 flat fee
6.	Site Servicing Permit	5.7	An amount equal to 1.60% of the estimated construction value of the servicing
7.	Signs Permit (regulated by the building code)	5.8	\$264 per sign
8.	Occupancy Permit for an Unfinished Building	8.4	\$529 flat fee
Administrative and other Permit Fees			
Item	Fee Type	By-law Reference	Fee Payable
9.	Resubmission of application previously found to be incomplete.	5.10	25% of permit fee
10.	Revision <u>to</u> application or permit	8.2	\$159 per hour The minimum fee for the review shall be the minimum fee in accordance with Item 1 of this table
11.	Alternative Solution Examination Fee	8.2	\$159 per hour (minimum 1 hour for houses, and 4 hours for other buildings). Alternative Solution fees are nonrefundable.
12.	Inspection Fee - Additional	8.3	\$159 per inspection
13.	Permit Surcharge	8.5	The greater of: a) Surcharge of 25% of the permit fee when construction has begun and a permit application has been received;

			b) Surcharge of 50% of permit fee when construction has begun and no permit application has been received, or c) Minimum fee in accordance with Item 1 of this table
14.	Registration and/or Discharge of an Order on/from Title	8.6	\$317 flat fee (each)
15.	Transfer of Permit	10	\$141 flat fee
16.	Spatial Separation Agreements	14	\$317 flat fee

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

January 1, 2025

Item	Occupancy Classification and Work Description	Multiplier	Flat Fee
Section A: Construction of new buildings, additions to existing buildings, including mezzanines			
A1	Group A - Assembly	Shell Only ⁽¹⁾	\$8.69
A2	Group A	Complete Building (partitioned, finished, mezzanine)	\$17.41
A3	Group B – Institutional	All Types	\$15.80
A4	Group C – Residential	Detached, Semi-Detached, Duplex, Triplex, Townhouse	\$13.70
A5		Multiple Unit Buildings (<5 Storeys)	\$10.98
A6		Multiple Unit Buildings (≥ 5 Storeys)	\$8.23
		Motel, Hotel	\$13.70
A7	Group D Business and – Personal Services	Shell Only ⁽¹⁾	\$8.69
A8		Complete Building (partitioned, finished, mezzanine)	\$14.80
A9	Group E – Mercantile	Shell Only ⁽¹⁾	\$8.69
A10		Complete Building (partitioned, finished, mezzanine)	\$13.74
A11	Group F – Industrial	Shell Only ⁽¹⁾	\$5.99
A12		Complete Building (partitioned, finished, mezzanine)	\$7.95
A13		Unserviced Storage Building	\$4.65
A14		Parking Garage	\$3.70
A15		Farm Building	\$3.70
A16	All Occupancies	Service Floors	\$4.23
Section B: Alteration, Repair and Other Structures			
B1	Group A – Assembly		\$8.46
B2	Group B – Institutional		\$6.66
B3	Group C – Residential	Accessory Dwelling Unit	\$9.32
B4		Retrofit Accessory Apartment	\$141
B5		All other Residential Occupancies	\$6.90
B6	Group D Business and – Personal Services		\$7.50
B7	Group E – Mercantile		\$5.43
B8	Group F – Industrial		\$4.40
B9		Accessory Utility Building (garden shed, gazebo)	\$141
B10		Below Grade Entrance	\$317
B11		Detached or Semi-detached Carport/Garage ⁽²⁾	\$208
B12		Deck/Platform/Porch (unenclosed)	\$141
B13		Foundation/Unfinished Basement	\$4.23
B14		Tent/Air Supported Structure	\$4.23
B15		Retaining Wall (per metre of length or part thereof)	\$11.63 \$823 min.
B16		Single, Detached Portable Classroom	\$529
B17		Temporary Building or Tent ^(b)	\$529
B18		Temporary Sales Structure	\$529
Section C: Miscellaneous			
C1	Residential Service Connections	Service Connection (per lot)	\$141

C2	Solar Panels	Serving Individual Dwellings		\$141
C3		Serving all other Buildings		\$459
C4		Balcony Guard Replacement/Repair (per metre of length)	\$1.59	
C5		Electromagnetic Locking Device (each)		\$211/ea \$823 max.
C6		Fireplace/Woodstove		\$141
C7		Parking Structure Repair	\$1.06	
	Column 1	2	3	4

Notes:

1. A shell building is defined as consisting of the foundation, structural framing system, exterior envelope, and roughed-in 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 48-2023

Documents and Drawings Required for a Complete Application

Row	Class of Permit	Documents and Drawings Required
1	All Permits	<p>Documents</p> <ul style="list-style-type: none"> a. Building Permit Application Form* (not required for electronic submissions) b. Applicable Law Checklist* c. Permit Applicant Authorization Form*
2	<p>Permit to Construct Housing</p> <p>New Buildings; Detached Houses; Semi-Detached Houses; Duplex/Triplex, Townhouses</p> <ul style="list-style-type: none"> • New Buildings • Additions • Alterations • Accessory Buildings or Structures 	<p>Documents</p> <ul style="list-style-type: none"> a. Approval documents required by an applicable law b. Tarrion ‘Declaration of Applicant for Building Permit’ c. Heat loss/heat gain/duct calculations (per dwelling unit) d. Residential Mechanical Ventilation Summary* <p>Drawings</p> <ul 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)
3	<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> <ul 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> <ul 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</p> <p>Residential apartment buildings</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. Subsurface investigation report d. Heat loss/heat gain/duct calculations e. Energy Efficiency Certification Form*

	<p>Mixed use buildings Other residential buildings not described in Row 1(a)</p>	<p>Drawings</p> <ol style="list-style-type: none"> Site Plan Site Servicing / Site Grading Plan Architectural Drawings Structural Drawings HVAC Drawings Plumbing Drawings Electrical Drawings Fire Protection System Drawings 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> <ol style="list-style-type: none"> Approval documents required by an applicable law Commitment to General Reviews by Architects and Engineers* Heat loss/heat gain/duct calculations <p>Drawings</p> <ol style="list-style-type: none"> Site Plan Key Plan Architectural Drawings Structural Drawings HVAC Drawings Plumbing Drawings Electrical Drawings Fire Protection System Drawings 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> <ol style="list-style-type: none"> Approval documents required by an applicable law Documents from rows 1(a) to 2(b) or other documents which are applicable to the scope of work proposed and required by the Chief Building Official to determine compliance with the building code and other applicable law. Site Inspection Clearance Certificate (Site Servicing only) <p>Drawings</p> <ol style="list-style-type: none"> Drawings from rows 1(a) to 2(b) which are applicable to the scope of work proposed and required by the Chief Building Official to determine compliance with the building code and other applicable law.
4	<p>Permit for Change of Use</p>	<p>Documents</p> <ol style="list-style-type: none"> Approval documents required by an applicable law Commitment to General Reviews by Architects and Engineers* <p>Drawings</p> <ol style="list-style-type: none"> Site Plan Key Plan Architectural Drawings HVAC Drawings

5	Permit to Demolish	<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. Site Inspection Clearance Certificate <p>Drawings</p> <ul style="list-style-type: none"> a. Site Plan b. Demolition Plan (where required)
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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 48-2023

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

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.