

THE CORPORATION OF THE TOWNSHIP OF SOUTH STORMONT

BY-LAW NO. 2023-033

BEING a by-law under the *Building Code Act, 1992, S.O. 1992, c. 23* respecting construction, demolition and change of use Permits and related matters.

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WHEREAS subsection 5(1) of the *Municipal Act, 2001, S.O. 2001, c. 25* provides that the powers of a municipal corporation are to be exercised by its council;

AND WHEREAS subsection 5(3) of the *Municipal Act, 2001, S.O. 2001, c. 25* provides that the powers of every council are to be exercised by by-law;

AND WHEREAS subsection 7(1) of the *Building Code Act, 1992, S.O. 1992, c. 23* empowers a municipal council to pass by-laws concerning the issuance of Permits and related matters;

AND WHEREAS the *Building Code Act, 1992, S.O. 1992, c. 23* and the *Municipal Act, 2001, S.O. 2001, c. 25* provide for delegation of authority to the Chief Building Official by the principal authority;

AND WHEREAS Council of the Corporation of the Township of South Stormont deems it to be in the public interest that the Chief Building Official has the authority to execute agreements and impose conditions or restrictions with respect to the delegation, in accordance with the Township's Delegation of Authority By-law;

AND WHEREAS subsection 398(1) of the *Municipal Act, 2001, S.O. 2001, c. 25* provides that fees and charges imposed by a Municipality on a person constitute a debt of the person to the Municipality;

AND WHEREAS subsection 398(2) of the *Municipal Act, 2001, S.O. 2001, c. 25* provides that the treasurer of a local Municipality may add fees and charges imposed by the Municipality to the tax roll for the following property in the local Municipality and collect them in the same manner as municipal taxes:

1. In the case of fees and charges for the supply of a service or thing to a property, the property to which the service was supplied.
2. In all other cases, any property for which all the Owners are responsible for paying the fees and charges.

AND WHEREAS section 446 of the *Municipal Act, 2001, S.O. 2001, c. 25* provides that if the Municipality must take remedial action and is not repaid, then its costs can be added to the tax roll.

NOW THEREFORE council of the Corporation of the Township of South Stormont enacts as follows:

1.0 SHORT TITLE

1.1 This By-Law may be cited as the "Building By-Law".

2.0 DEFINITIONS AND INTERPRETATION IN THIS BY-LAW:

- 2.1 "Act" means the *Building Code Act, 1992, S.O. 1992, c. 23*, as amended;
- 2.2 "Applicant" means the Owner of a Building or property who applies for a Permit or any person authorized in writing by the Owner to apply for a Permit on the Owner's behalf, or any person or corporation empowered by statute to cause the demolition of a Building or Buildings and anyone acting under the authority of such person or corporation;
- 2.3 "As Constructed Plans" means "As Constructed Plans", as defined in the Building Code;
- 2.4 "Architect" means a holder of a license, a certificate of practice, or a temporary license under the *Architects Act, R.S.O. 1990, c. A.26*, as defined in the Building Code;
- 2.5 "Building" means a "Building", as defined in subsection 1(1) of the Act;
- 2.6 "Building Code" means all regulations made under section 34 of the Act, including, but not limited to, *O. Reg. 332/12: Building Code*, as amended;
- 2.7 "Chief Building Official" means the Chief Building Official or their designate appointed pursuant to subsection 3(2) of the Act and by by-law of the Corporation of the Township of South Stormont for the purpose of enforcement of the Act;
- 2.8 "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 Section 4.0 and Schedule "C" of this By-Law;
- 2.9 "Construct" means to "Construct", as defined in subsection 1(1) of the Act;
- 2.10 "Demolish" means to "Demolish", as defined in subsection 1(1) of the Act;
- 2.11 "Electronic Address" means any address used for the purpose of sending or receiving documents or information by electronic means, commonly referred to as an email;
- 2.12 "Farm Building" means a "Farm Building", as defined in the Building Code;
- 2.13 "Fixture" means a Fixture, as defined in the Building Code, and for the purpose of this By-Law, a fixture shall also include: a hot water tank, a backflow preventer, an appliance and a hose bibb;
- 2.14 "Inspector" means an Inspector appointed pursuant to subsection 3(2) of the Act and by by-law of the Corporation of the Township of South Stormont;
- 2.15 "Municipality" means the Corporation of the Township of South Stormont;

- 2.16 "Owner" means the registered Owner of the land, and includes a lessee, mortgagee in possession, and the person in charge of the property;
- 2.17 "Permit" means permission or authorization given in writing by the Chief Building Official to perform specific work regulated by this By-Law, the Act, and the Building Code, or to occupy a Building or part thereof, or to change the use of a Building or part of a Building or parts thereof, as regulated by the Act and/or the Building Code;
- 2.18 "Permit Holder" means the person to whom the Permit has been issued and who assumes the primary responsibility for complying with the Act and the Building Code;
- 2.19 "Plumbing" means "Plumbing", as defined in subsection 1(1) of the Act;
- 2.20 "Professional Engineer" means a person who holds a license or a temporary license under the *Professional Engineers Act, R.S.O. 1990, c. P.28*, as defined in the Building Code;
- 2.21 "Project" means to do anything in the construction, demolition or change of use of a building of which is regulated by the Act and/or the Building Code;
- 2.22 "Work" means to do anything in the construction, demolition or change of use of a building of which is regulated by the Act and/or the Building Code;
- 2.23 Terms not defined in this By-Law shall have the meaning ascribed to them in the Act or the Building Code.
- 3.0 CLASSES OF PERMITS
- 3.1 Classes of Permits and fees required for Work are set forth in Schedule "A", appended to, and forming part of this By-Law.
- 3.2 Permits for Work, other than those referred to in this By-Law, shall be obtained from the appropriate authority having jurisdiction in accordance with the by-laws of the Municipality and any other applicable laws. Such Permits may include, but are not limited to: encroachments, land use setbacks, regulated areas, source water protection, culverts, water and sewer services, rights-of-way, street cuts and electricity.
- 4.0 REQUIREMENTS FOR PERMIT APPLICATIONS
- 4.1 To obtain a Permit, the Applicant shall file an application in writing by completing the prescribed application form available from the office of the Chief Building Official or from the Municipality's website and shall supply any other information relating to the application, as required by the Chief Building Official.
- a) Every application for a Permit shall be submitted to the Chief Building Official and shall be signed by the Applicant who shall certify the truth of the contents of the application. All Permit applications must be accompanied by sufficient information to enable the Chief Building Official to determine whether or not the proposed construction, demolition, change of use or transfer of Permit will comply with the requirements of the Act, the Building Code, this By-Law and any other applicable law.

- 4.2 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 Sentence 1.4.1.3.(1) of Division A of the Building Code, where the said agencies issue approval documents and the said law applies to the construction, demolition or change of use being proposed.
- 4.3 An application for a Permit may be refused by the Chief Building Official where it is not a complete application.
- 4.4 The Chief Building Official may, as the Chief Building Official deems appropriate, provide prescribed forms in an electronic format, and may require the electronic submission of completed Permit application forms.
- 4.5 Notwithstanding Section 4.4, completed forms generated electronically shall be accepted subject to endorsement by the Applicant in a format as determined by the Chief Building Official.
- 4.6 When filing an application, the Owner and the Applicant shall each provide an Electronic Address(es) for the purpose of receiving communications from the office of the Chief Building Official regarding the construction, demolition or change of use associated with a Permit application or issued Permit. Where an Electronic Address(es) is changed or becomes non-functional, the Owner and/or authorized agent of the Owner shall inform the Chief Building Official in writing and provide a new functioning Electronic Address(es).

#### PERMIT TO CONSTRUCT

- 4.7 Every application for a Permit to Construct a Building under subsection 8(1) of the Act shall:
  - a) 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 application is made;
  - b) Include complete plans, specifications, documents, forms, and other information prescribed in the Act, the Building Code, and Section 5.0 and Schedule "C" of this By-Law for the Work for which the application is made;
  - c) Be accompanied by acceptable proof of corporate identity and/or property ownership, unless such proof is determined by the Chief Building Official to be unnecessary; and
  - d) Submit the required fee(s) and deposit(s), as prescribed in Schedules "A" and "B" of this By-Law.

#### PERMIT TO DEMOLISH

- 4.8 Every application for a Permit to Demolish a Building under subsection 8(1) of the Act shall:
  - a) 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 application is made, and the proposed use and occupancy of that part of the Building, if any, that will remain upon completion of the demolition;
  - b) Include complete plans, specifications, documents, forms, and other information prescribed in the Act, the Building

Code, and Section 5.0 and Schedule "C" of this By-Law for the Work for which the application is made; and

- c) Submit the required fee(s) and deposit(s), as prescribed in Schedules "A" and "B" of this By-Law.

#### CONDITIONAL PERMIT

4.9 Every application for a conditional Permit for a Building under subsection 8(3) of the Act, shall, in addition to the requirements in Section 4.7 of this By-Law, include written correspondence to the Chief Building Official stating:

- a) The reason(s) why the Applicant believes that unreasonable delays in construction would occur if a conditional Permit were not granted;
- b) The necessary approval(s) which must be obtained in respect of the proposed Building and the time in which such approvals will be obtained; and
- c) Any potential difficulty, of which the Applicant is aware, in restoring the site to its original state and use if required approvals are not obtained.

4.10 Upon receiving correspondence, including the items described in Section 4.9 of this By-Law, the Chief Building Official may issue a conditional Permit if:

- a) The Applicant, and such other person as the Chief Building Official deems necessary, agrees with the Municipality, board of health, planning board, conservation authority or the Crown in Right of Ontario, in writing to do the things provided for in clause 8(3)(c) of the Act, as may be applicable, and as may be required by the Chief Building Official;
- b) The Applicant has registered any agreement pursuant to clause 8(3)(c) of the Act on title to the subject property, as may be required at the discretion of the Chief Building Official pursuant to subsection 8(5) of the Act;
- c) The Applicant has submitted the required fee(s) and deposits, as prescribed in Schedules "A" and "B" of this By-Law for the entire project; and
- d) Doing so would comply with subsection 8(3) of the Act and Article 1.3.1.5 of Division C of the Building Code.

4.11 The Chief Building Official shall not, by reason of the issuance of a conditional Permit pursuant to this By-Law, be under obligation to grant any additional Permits.

#### LIMITING DISTANCE AGREEMENTS

4.12 Every application for a limiting distance agreement for a Building under Sentences 3.2.3.1.(11), 9.10.14.2.(4) or 9.10.15.2.(4) of Division B of the Building Code shall, in addition to the requirements in Section 4.7, include written correspondence to the Chief Building Official stating:

- a) The reason(s) why the Applicant requires relief from the limiting distance requirements of the Building Code; and

b) The necessary approval(s) from any affected adjacent property owner(s) in respect of the proposed Building.

4.13 Upon receiving correspondence, including the items described in Section 4.12, above, the Chief Building Official may enter into a limiting distance agreement if:

a) The Applicant, and such other person as the Chief Building Official deems necessary, agrees with the Municipality, board of health, planning board, conservation authority or the Crown in Right of Ontario, in writing to do the things provided for in Sentences 3.2.3.1.(11), 9.10.14.2.(4) or 9.10.15.2.(4) of Division B of the Building Code, as may be applicable and as may be required by the Chief Building Official;

b) The Applicant and affected adjacent property owner(s) have agreed to register any agreement pursuant to Sentences 3.2.3.1.(11), 9.10.14.2.(4) or 9.10.15.2.(4) of Division B of the Building Code on title to the subject properties;

c) The Applicant has submitted the required fee(s) and deposits, as prescribed in Schedules "A" and "B" of this By-Law for the entire project; and

d) Doing so would comply with Sentences 3.2.3.1.(11), 9.10.14.2.(4) or 9.10.15.2.(4) of Division B of the Building Code.

4.14 The Chief Building Official shall not, by reason of entering into a limiting distance agreement pursuant to this By-Law, be under obligation to grant any additional Permits.

#### PARTIAL OCCUPANCY PERMIT FOR UNFINISHED BUILDINGS

4.15 For every application for partial occupancy of an unfinished building, as provided for in Subsection 1.3.3 of Division C of the Building Code, the applicant shall:

a) Use the prescribed application form, as may be amended from time to time, provided by the Municipality;

b) Include complete plans, specifications, documents, forms, and other information prescribed in the Act, the Building Code, and Section 5.0 and Schedule "C" of this By-Law to identify, to the satisfaction of the Chief Building Official, the portion of the Building intended to be occupied;

c) Describe the part of the Building for which partial occupancy is being requested;

d) Be required to pay additional fees, as calculated in Schedule "A" of this By-Law, prior to the issuance of the occupancy Permit.

#### AUTHORIZATION FOR EQUIVALENT MATERIAL CHANGES

4.16 Every application for authorization to make a material change to a plan, specification, calculation, document, or other information on the basis for which a Permit was issued, or which contains an equivalent material, system or Building design for which authorization under subsection 8(12) of the Act is requested, shall:

- a) Provide a description of the proposed material, system or Building design for which authorization under subsection 8(12) of the Act is requested;
- b) State any applicable provisions of the Building Code;
- c) Provide evidence that the proposed material, system or Building design will provide the level of performance required by the Building Code; and
- d) Include the additional fees, as calculated in Schedule "A" of this By-Law, that the Chief Building Official deems applicable before the authorization to make a material change is granted.

The supporting information shall, either accompany a Permit application, or be incorporated into the request for authorization to make a material change to plans and specifications. A re-examination fee will apply, as per Schedule "A" of this By-Law. Furthermore, the provision applies before or after the issuance of a Permit.

When an application is made for a minor revision to a Permit and the Chief Building Official determines that the work involved in plan review and inspection(s) is minor, such revisions may be processed without charge.

#### ALTERNATIVE SOLUTIONS

- 4.17 Every application for a Permit that contains materials, systems or Building design(s) for which authorization is required under Section 2.1. of Division C of the Building Code, shall:
- a) Be on the prescribed application form, as may be amended from time to time, provided by the Municipality;
  - b) Include supporting documentation demonstrating that the proposed materials, systems or Building designs will provide the required level of performance according to Article 1.2.1.1. of Division A of the Building Code;
  - c) Include supporting documentation and test methods in accordance with Section 2.1 of Division C of the Building Code; and
  - d) Include the required fee(s), as prescribed in Schedule "A" of this By-Law.
- 4.18 The Chief Building Official may accept or reject any proposed equivalents or may impose conditions or limitations on their use.
- 4.19 Any equivalents which are accepted under this Section shall be applicable only to the location to which the approval is granted and are not transferable to any other Permit.

#### TRANSFER OF PERMIT

- 4.20 Every application for a transfer of Permit because of a change of ownership of land, as permitted under clause 7(1)(h) of the Act, shall:
- a) Be on the prescribed application form, as may be amended from time to time, provided by the Municipality;

- b) Provide the names and addresses of the previous and new Owner(s), the date that the land ownership change occurred and a description of the Permit that is being transferred; and
- c) Include the required fee(s) and deposit(s), as prescribed in Schedules "A" and "B" of this By-Law.

4.21 Unless written instructions to the contrary have been provided by the previous Owner to the Chief Building Official, any deposit(s) and monies associated with the Permit shall be deemed to be transferable. The conditions assigned to the said deposit(s) and monies shall remain in effect and shall apply to, and be binding on the new Applicant, who shall thenceforth be the Permit holder for the purpose of the Act and Building Code, without any further notice upon issuance of the transfer of Permit.

#### INCOMPLETE APPLICATIONS

4.22 Every application is deemed to be incomplete if it does not contain the prescribed information or is not accompanied by plans, specifications and documents specified in this By-Law and Sentence 1.3.1.3.(5) of Division C of the Building Code. An incomplete application shall not be accepted by the Municipality.

4.23 Despite Section 4.22, an incomplete application may be accepted if the Applicant acknowledges the Application is incomplete by duly completing the prescribed form, as amended from time to time, provided by the Municipality, thus postponing the Application of the timelines stipulated by the Building Code until the Application is deemed complete.

#### DORMANT APPLICATIONS

4.24 Every application for a Permit shall be deemed to be dormant where:

- a) The application is incomplete according to Section 4.22 of this By-Law and remains incomplete for two (2) months following the date that the application was submitted; or
- b) Two (2) months have elapsed, and the application remains incomplete after the Applicant was notified that the proposed construction, demolition or change of use will not comply with the Building Code, the Act or will contravene any applicable law.

4.25 Every application that is deemed dormant pursuant to Section 4.24 of this By-Law shall be removed from the active roster and retained until either:

- a) The Applicant has chosen to re-activate the application; or
- b) The application is deemed to be abandoned pursuant to Section 4.26 of this By-Law.

#### ABANDONED APPLICATIONS

4.26 Every application for a Permit shall be deemed to be abandoned where;

- a) The Applicant advises the Municipality that it wishes to abandon the application;



- b) The application is incomplete according to Section 4.22 of this By-law and remains incomplete for four (4) months following the date that it was submitted; or
- c) Four (4) months have elapsed after the Applicant was notified that the proposed construction, demolition or change of use will not comply with the Building Code, the Act or will contravene any applicable law.

4.27 Where an application is deemed abandoned, notice thereof shall be given to the Applicant via their Electronic Address. All submitted plans, specifications and documents shall be disposed of or, upon written request, returned to the Applicant at the applicant's expense. The Permit will not be deemed abandoned until, where any construction has commenced without a permit having been issued, the applicant has re-instated the project site to a pre-construction state to the satisfaction of the Chief Building Official.

#### PERMIT REVOCATION

4.28 The Chief Building Official, subject to the provisions outlined in subsection 8(10) of the Act, has the authority to revoke a Permit issued under the Act.

The Chief Building Official shall:

- a) Prior to revoking a Permit, give written notice of the intention to revoke the Permit to the Permit Holder, either personally or electronically at the Permit Holder's Electronic Address shown on the application or to such other address as the Permit Holder has provided to the Municipality for that purpose; and where notice is given by Electronic Address, it shall be deemed to have been given on the day of sending; and
- b) Following the issuance of the notice described in Clause (a), consider whether to revoke the Permit immediately or after a period prescribed by the Chief Building Official, and all submitted plans, specifications documents and other information may be disposed of or, upon written request from the Permit Holder, returned to the Permit Holder at their expense.

#### DEFERRAL OF REVOCATION

4.29 The Permit Holder may, within thirty (30) days from the date of service of the notice described in Section 4.28 of this By-Law, request in writing that the Chief Building Official defer the revocation by stating reason(s) why the Permit should not be revoked.

4.30 The Chief Building Official shall consider the reasons provided and make a determination to revoke or extend the Permit. Notice of the decision of the Chief Building Official shall be provided to the Permit Holder, either personally, or by Electronic Address.

4.31 A request for deferral of revocation shall be subject to payment of a non-refundable fee, as prescribed in Schedule "A" of this By-Law.

#### RENEWAL OF PERMIT

4.32 The Chief Building Official may issue a renewal of a Permit which has expired, or of a revoked Permit, provided the required fee is

paid for such renewal and the plans and specifications are made to comply with all the requirements of the Act, the Building Code and any applicable law in effect at the time the application for a renewal of Permit is made.

- 4.33 The decision to renew a Permit is at the discretion of the Chief Building Official.
- 4.34 Every Permit that remains inactive for a period of one (1) year, shall be subject to a renewal fee, as prescribed in Schedule "A" of this By-Law.

#### RESTRICTIONS FOR TEMPORARY PERMITS

- 4.35 A Permit authorizing construction of a temporary Building, such as a tent or sales trailer, may be issued by the Chief Building Official authorizing, for a limited time not exceeding twelve (12) months, the erection and existence of a temporary Building or part thereof.
- 4.36 A Permit for a temporary Building may be extended, provided permission in writing is granted by the Chief Building Official and the Applicant pays the fee prescribed in Schedule "A" of this By-Law.

#### SEWAGE SYSTEM PERMITS

- 4.37 The administration and enforcement of Part 8 of Division B of the Building Code with respect to sewage systems remains the responsibility of the South Nation Conservation Authority. Any Applicant wishing to make an application for a sewage system Permit under these provisions shall do so by making the application with the South Nation Conservation Authority.

#### PLUMBING PERMITS

- 4.38 Every application for a Permit that includes Plumbing as part of the scope of Work, in addition to any other provisions of Sections 4.0 and 5.0 of this By-Law, shall
- a) Include complete plans, including, without limiting the generality of the foregoing, elevation drawings, specifications and documents;
  - b) Indicate the layout of the Plumbing system, including without limiting the generality of the foregoing, the distribution system, the Fixtures, the drainage system, and the venting system;
  - c) Show the layout of the storm drainage system; and
  - d) State the certification standard and trade size of the components of the systems and their appurtenances.

#### 5.0 PLANS AND SPECIFICATIONS

- 5.1 Every Applicant shall submit sufficient information with each application for a Permit to enable the Chief Building Official to determine whether or not the proposed construction, demolition, change of use or transfer of permit will comply with the requirements of the Act, the Building Code, any applicable law and any other pertinent information required by Sections 4.0 and 5.0 of this By-Law.

- 5.2 Every application shall, unless otherwise specified by the Chief Building Official, be accompanied by two (2) complete sets of plans and specifications, as described herein, as well as in Schedule "C" of this By-Law.
- 5.3 The Chief Building Official may request additional sets of plans and specifications, as deemed required.
- 5.4 Plans shall be drawn to scale and shall be legible and drawn on paper or other durable material.
- 5.5 Notwithstanding Section 5.4, The Chief Building Official may require plans and specifications, and any other required documentation, to be submitted in an electronic media format, as approved by the Chief Building Official.
- 5.6 Plans and supporting documentation shall be provided in the English language and the application shall be deemed incomplete otherwise. Any required translation shall be at the expense of the Applicant and shall be paid in addition to the application fees.
- 5.7 Unless authorized by the Chief Building Official, plans and supporting documentation shall be drawn and presented in black and white format only.
- 5.8 Plans and supporting documentation shall be drawn and presented in a minimum size of 8 ½"x11" and a maximum size of 24"x36".
- 5.9 Plans and supporting documentation shall contain, in either m<sup>2</sup> or ft<sup>2</sup>, a calculation of the actual area of Work proposed to be included as part of the Permit application.
- 5.10 When revisions are necessary, plans and supporting documentation shall contain revision dates and markings to clearly identify what revisions have been made and when they've been made.

#### SITE PLANS

- 5.11 At the discretion of the Chief Building Official, site plans shall be referenced to an up-to-date plan of survey, when required to demonstrate compliance with the Act, the Building Code or other applicable law.
- 5.12 Every site plan shall show:
  - a) Lot size and the dimensions of the property lines and setbacks to any existing or proposed Buildings, property lines, centerline of streets, septic systems, waterbodies, easements, and services;
  - b) Existing and proposed finished ground levels or grades and calculations confirming that the proposed construction meets the municipal lot grading design guidelines/policy;
  - c) Rights-of-way, easements and the location of all services;
  - d) The location of any equipment placed on or crossing the property related to any services, including the transmission of electricity, such as, but not limited to, service poles, pole support components, transformers or wires;

- e) Calculated percentage of existing and proposed lot coverage;  
and
- f) Building height(s).

#### LOT GRADING

- 5.13 Where applicable, or as determined necessary by the Chief Building Official, an application for a Permit to Construct a single-detached, semi-detached, duplex, triplex, fourplex, or rowhouse residential Building shall be accompanied by a lot grading plan, prepared by a qualified person, indicating the following:
- a) In the case of a subdivision, proposed geodetic elevations referenced on the approved grading/drainage plan; and
  - b) In the case of an in-fill lot, proposed and existing geodetic elevations shall be prepared by a Professional Engineer and be subject to approval by the Chief Building Official.
- 5.14 In addition to Section 5.9 of this By-Law, every application for a Permit to Construct a single-detached, semi-detached, duplex, triplex, fourplex, or rowhouse residential Building shall be accompanied by a detailed cross-section prepared by a qualified person and, where applicable, indicating the following geodetic elevations:
- a) Underside of footing;
  - b) Top of footing;
  - c) Proposed finished grade abutting the foundation wall; and
  - d) Top of foundation wall.
- 5.15 Pursuant to Section 5.10 of this By-Law, the geodetic elevations shall reference an approved grading/drainage plan for a subdivision. In the case of an in-fill lot, the geodetic elevations shall be subject to approval by the Chief Building Official.

#### AS CONSTRUCTED PLANS

- 5.16 On completion of the construction of a Building, the Chief Building Official may require a set of As Constructed Plans, including a plan of survey indicating the location(s) of the Building(s) on the property.
- #### 6.0 FEES
- 6.1 A fee shall be paid with every Permit application, calculated in accordance with Schedule "A" of this By-Law, and the fee shall be due and payable, in full, upon submission of the application for a Permit. These fees may be amended by council from time to time in accordance with the Act.
- 6.2 Where the amount of a fee to be paid, as part of a Permit application, is based upon the Building category, floor area and/or value of the proposed construction, the Chief Building Official shall determine the appropriate Building class, floor area and/or value, and that determination shall be final.
- 6.3 Where an application for a Permit is subject to additional user fees prescribed by the Municipality, the fees so prescribed shall be paid in addition to the fees set out in Schedule "A" of this By-Law.

## ADMINISTRATIVE PERFORMANCE DEPOSITS

- 6.4 In addition to the fees due in accordance with Section 6.1 of this By-Law, each application for a Permit shall also be subject to an administrative performance deposit, as set out in Schedule "B" of this By-Law. The administrative performance deposit shall be paid upon submission of the application for a Permit for all classes of Permits and shall be in addition to other Permit fees set out in Section 6.1 of this By-Law. Where an administrative performance deposit is due and unpaid, the Chief Building Official may refuse to issue the Permit. The administrative performance deposit may be refunded to the Permit Holder in accordance with the provisions of Schedule "B" of this By-Law.
- 6.5 The administrative performance deposit is collected by the Municipality to provide security that lot grading and all necessary inspections are completed throughout the duration of the construction and/or demolition and to ensure that the Permit file can be appropriately closed at the conclusion of the Work.
- 6.6 Where additional fees, as provided for in this By-Law, are incurred by the Applicant and/or Permit Holder through the course of the construction or demolition process, these fees may be deducted from the submitted administrative performance deposit or paid in full at each occurrence.
- 6.7 Where fees have been deducted from a submitted administrative performance deposit, the Municipality may require the Applicant, at the discretion of the Chief Building Official, to deposit further funds into the administrative performance deposit sufficient to restore the full amount of the administrative performance deposit required by Schedule "B" of this By-Law, failing which the Chief Building Official may refuse to grant further authorizations or approvals.
- 6.8 Subject to the provisions of Schedule "B" of this By-Law, upon completion and closing of the Permit file, any administrative performance deposit funds remaining will be refunded to the individual or corporation indicated on the applicable form completed at the time that the deposit was submitted. Any amount authorized by the Chief Building Official to be refunded shall be paid to the individual or corporation indicated above, unless that person directs, in writing, that it be refunded to another person.

## PLAN RE-EXAMINATION FEES

- 6.9 The initial plans examination of a complete application, as well as the preparation of the plans examination report, shall be included as a component of services provided for in the Permit fee, as identified in Schedule "A" of this By-Law.
- 6.10 In addition to the initial plans examination of a complete application, as identified in Section 6.9, a single follow-up plans examination, with respect to addressing items identified in the plans examination report, shall also be included as a component of services provided.
- 6.11 Any subsequent plans examination review beyond those identified in Sections 6.9 and 6.10, and included in the permit fee, shall be subject to a secondary plans examination fee based on a rate per hour of plans examination beyond those provided for in the cost of the Permit. This additional hourly rate shall be calculated by

the Chief Building Official, in accordance with the fee established in Schedule "A" of this By-Law.

#### FEE FOR EQUIVALENT MATERIAL CHANGES

6.12 Notwithstanding Sections 6.9 and 6.10, inclusive, where an Applicant substantially revises proposed materials, systems, specifications, or a Building design, after examination of a previous submission has already been undertaken, a re-examination fee shall apply, as prescribed in Schedule "A" of this By-Law.

#### ADDITIONAL INSPECTION FEES

6.13 The initial inspections of construction or demolition for which a Permit has been issued at each stage of construction or demolition, as well as the preparation of inspection notices, shall be included as a component of services provided for in the Permit fee, as identified in Schedule "A" of this By-Law.

6.14 Without limiting any other provision of this By-Law providing for fees, additional inspection fees, as prescribed in Schedule "A" of this By-Law, shall apply and shall be paid prior to each inspection being undertaken on any Building where:

- a) 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;
- b) Any additional inspections are required due to construction not being substantially completed as required for inspection, construction is incomplete or not in compliance with the Building Code;
- c) A permit holder has not made the drawings and documents readily available for the Inspector on site, pursuant to Section 9.7 of this By-Law;
- d) A Work site is determined to be unsafe, according to the *Occupational Health and Safety Act, R.S.O. 1990, c. O.1* or the Chief Building Official, for an Inspector to carry out their duties;
- e) A Building is occupied before the notice required under section 11 of the Act was given to the Chief Building Official; or
- f) An inspection is requested to confirm that outstanding items have been completed or corrected in respect of a deficient Permit.

#### UNPREPAREDNESS FOR SCHEDULED INSPECTION

6.15 A Permit Holder shall be subject to a fee, as prescribed in Schedule "A" of this By-Law, for each inspection which is cancelled less than twenty-four (24) hours prior to the time of the scheduled inspection or where an inspection is conducted on Work which is not substantially completed, as required for the requested inspection.

6.16 Inspections may be cancelled, and the applicable fee waived, where the inspection was cancelled due to causes outside of the control of the Permit Holder, at the discretion of the Chief Building Official.

- 6.17 The fees assessed for the instances described in Sections 6.15 and 6.16 of this By-Law shall be required to be paid in full, prior to the issuance of an occupancy Permit and/or the closing of the Permit file and the release of any applicable deposits.

#### CONSTRUCTION/DEMOLITION WITHOUT A PERMIT

- 6.18 Notwithstanding the enforcement requirements of the Act, where a Permit application has been received, and where the construction has commenced in advance of the issuance of a Permit, the Applicant shall, at the discretion of the Chief Building Official, pay the required surcharge, as prescribed in Schedule "A" of this By-Law.
- 6.19 The surcharge outlined in Section 6.18 of this By-Law shall not relieve any individual or corporate entity from complying with the Building Code, and other applicable law, or from any penalty prescribed by the Act, for commencing construction prior to obtaining a Permit.

#### RE-ACTIVATION OF A DORMANT APPLICATION

- 6.20 Where an Applicant has chosen to continue with the processing of a Permit application which has been deemed dormant and where the dormant application has not been deemed abandoned, the Applicant shall pay the prescribed fee, as set out in Schedule "A" of this By-Law.

#### CONDITIONAL PERMIT

- 6.21 Where an application has been submitted for a conditional Permit, in addition to the fee prescribed in Schedule "A" of this By-Law, the Applicant shall pay all the applicable fees prescribed in Schedule "A" of this By-Law for all the Works associated with the entire building.
- 6.22 Notwithstanding Section 6.21 of this By-Law, where there is an application submitted for an additional conditional Permit, the Applicant shall pay an additional fee for the subsequent conditional Permit, as prescribed in Schedule "A" of this By-Law.

#### OCCUPANCY PERMIT FEES

- 6.23 The initial occupancy inspection, as well as the preparation of the occupancy Permit report, shall be included as a component of services provided for in the Permit fee, as identified in Schedule "A" of this By-Law.
- 6.24 Any subsequent occupancy inspections shall be subject to a re-inspection fee, as prescribed in Schedule "A" of this By-Law.
- 6.25 Any request for partial occupancy of an unfinished Building, pursuant to Section 4.15 of this By-Law, shall be subject to a fee, as prescribed in Schedule "A" of this By-Law.

#### COMPLIANCE FEES FOR ORDERS

- 6.26 To offset additional investigative and administrative costs, a compliance fee, as prescribed in Schedule "A" of this By-Law, shall be paid for each order which is issued pursuant to sections 12, 13 14 or 18 of the Act.

- 6.27 To offset additional costs associated with the investigation, inspection, administration and rectification of any unsafe Buildings pursuant to sections 15.9 or 15.10 of the Act, a compliance fee, as prescribed in Schedule "A" of this By-Law, shall be paid where any order to remedy unsafe building or emergency order is issued pursuant to subsections 15.9(4) or 15.10(1), respectively, of the Act, and an additional compliance fee, as prescribed in Schedule "A" of this By-Law, shall be paid where any order respecting occupancy is issued, pursuant to subsection 15.9(6) of the Act.
- 6.28 The costs associated with the registration and/or discharge of any orders on property title issued pursuant to the Act will be subject to the fees prescribed in Schedule "A" of this By-Law.
- 6.29 Payment of these compliance fees does not relieve any person or corporation from complying with this By-Law, the Act, the Building Code or any applicable law.

#### INTEREST

- 6.30 Where Permit fees remain unpaid or are paid after the due date, the Applicant/Permit Holder shall be subject to a 15% per annum (1.25% per month) interest rate, pursuant to subsection 7(1) of the Act.
- 6.31 In addition to the interest charge indicated in Section 6.30 of this By-Law, the Applicant shall also be subject to any other penalties, including payment of collection costs, pursuant to subsection 7(1) of the Act.

#### ALTERNATIVE SOLUTION

- 6.32 Every application for an alternative solution under the Building Code shall be subject to a fee, as prescribed in Schedule "A" of this By-Law.

#### THIRD PARTY EVALUATIONS

- 6.33 In any situation where the Chief Building Official requires a third-party evaluation, the Applicant shall be responsible for all costs incurred by the Municipality, plus any fees and administrative charges, as prescribed in Schedule "A" of this By-Law.

#### LIMITING DISTANCE AGREEMENT

- 6.34 Every Applicant that requests a limiting distance agreement shall be subject to a fee, as prescribed in Schedule "A" of this By-Law.
- 6.35 In addition to the fee described in Section 6.34 of this By-Law, the Applicant shall be subject to any costs incurred by the Municipality for any third-party evaluation, legal fees or registration fees, plus any administrative charges, as prescribed in Schedule "A" of this By-Law.

#### PART 10 CHANGE OF USE – PERMIT FEE

- 6.36 Even though no construction is being proposed, the change of use of a Building or part of a Building which requires a review pursuant to Part 10 of the Building Code, shall be subject to the prescribed fee in Schedule "A" of this By-Law.

#### PART 11 RENOVATION – PERMIT FEE



6.37 Every application that requires a review pursuant to Part 11 of the Building Code shall be subject to the prescribed fee in Schedule "A" of this By-Law.

#### DORMANT PERMITS

6.38 A Permit is deemed to be dormant if, after the fifth year of the date of issuance, the Permit has not been closed.

6.39 Despite Section 6.38 of this By-Law, every Permit that was issued prior to April 26, 2018, and which has not been closed, is deemed to be dormant.

6.40 Every dormant Permit applied for after December 31, 2011 shall be subject to an annual maintenance fee, as prescribed in Schedule "A" of this By-Law.

6.41 For all dormant Permits applied for after December 31, 2011, unpaid maintenance fees shall be added to the municipal tax roll associated with the property on an annual basis and collected in the same manner as real property taxes.

#### PERMIT FEE INDEXING

6.42 The Building Permit construction values and administrative fees set out in Schedule "A" of this By-Law shall be adjusted without amendment to this By-Law annually on January 1 of each year, in accordance with the most recent twelve month change in Statistics Canada Quarterly, Consumer Price Index for Ontario, with the base index value being in effect as of October 31 in the prior year.

#### COLLECTION OF FEES

6.43 The Municipality may recover its costs of remedial action, if required, and/or any unpaid fees in the same manner as real property taxes, pursuant to the *Municipal Act, 2001, S.O. 2001, c. 25*.

#### 7.0 REFUNDS

7.1 The Municipality will issue a partial refund of fees paid, in an amount determined by Section 7.2 of this By-Law below, if requested by an Applicant or Permit Holder, in writing, within thirty (30) days where;

- a) An Applicant withdraws, in writing, an application for a Permit;
- b) An application is deemed to have been abandoned in accordance with Section 4.26 of this By-Law;
- c) The Chief Building Official refuses to issue a Permit for which an application has been made; or
- d) The Chief Building Official revokes a Permit after it has been issued.

7.2 The Chief Building Official shall calculate the portion of any fee paid that may be refunded and authorize the payment thereof, based upon the functions undertaken by the Municipality, as follows;

- a) Seventy-Five (75%) percent, if application is filed and no processing or review functions have been performed;
- b) Sixty (60%) percent, if administrative and zoning functions only have been performed;
- c) Forty (40%) percent, if administrative, zoning and plan examination functions have been performed;
- d) Twenty-Five (25%) percent, if the Permit has been issued and no field inspections have been performed subsequent to Permit issuance;
- e) Twenty-Five (25%) percent less an additional five (5%) percent for each field inspection that has been performed after the Permit has been issued.

7.3 Notwithstanding Section 7.2 of this By-Law, no refund shall be payable where the refund amount calculated in accordance with that Section is less than \$100.00.

7.4 Notwithstanding Section 7.2, no refund shall be payable until the site has been re-instated to a pre-construction state.

7.5 Any amount authorized by the Chief Building Official to be refunded shall be paid to the person named on the deposit receipt issued by the Municipality upon original payment of the deposit, unless that person directs, in writing, that it be refunded to another person.

#### 8.0 REGISTERED CODE AGENCIES

8.1 The Chief Building Official is authorized to negotiate and execute service agreements with a Registered Code Agency (RCA) to perform specified functions pursuant to section 4.1 of the Act, provided that the RCA meets all of the requirements of the Act.

8.2 Agreements with RCAs shall be in writing and contain all prescribed requirements to meet the Act and Building Code, including, without limiting the generality of the foregoing; those related to plan examination, inspections, issuing of orders, termination of appointments, record keeping, information sharing, and operational policies.

8.3 Fees for RCAs shall be specified in the written agreement and shall be based on a cost for service of each project, including any reduction in fees, as per section 7(3) of the Act, and the RCA shall detail the list of services in the agreement.

8.4 RCAs shall provide other necessary documents and/or services, as determined by the Chief Building Official.

#### 9.0 REQUIRED NOTICES FOR INSPECTION

9.1 The Permit Holder shall notify the Chief Building Official or an RCA, where one has been appointed, of each stage of construction for which a mandatory notice is required pursuant to Subsection 1.3.5. of Division C of the Building Code.

9.2 The Permit Holder shall notify the Chief Building Official or an RCA, where one has been appointed, requesting an occupancy Permit be issued, in accordance with Subsection 1.3.3. of Division C of the Building Code and section 11 of the Act.

- 9.3 A notice pursuant to this part of this By-Law is not effective until notice is actually received by the Chief Building Official or the RCA, where one has been appointed.
- 9.4 Notice shall be deemed to have been received when the Chief Building Official or RCA makes a written or electronic record of the request for inspection.
- 9.5 Upon receipt of proper notice, the Inspector or RCA, where one has been appointed, shall undertake a site inspection of the Building to which the notice relates, in accordance with the time periods prescribed in section 11 of the Act and Article 1.3.5.3. of Division C of the Building Code.
- 9.6 In addition to the notices prescribed in Article 1.3.5.1. of Division C of the Building Code, the Permit Holder shall give notice to the Chief Building Official, or RCA, where one has been appointed, of the readiness for inspection for the following stages of construction, where applicable:
- a) Commencement of construction of the Building;
  - b) Substantial completion of structural framing for each storey, if the Building is a type of Building that is within the scope of Division B, other than Part 9;
  - c) Commencement of construction of:
    - i) Masonry fireplaces and masonry chimneys;
    - ii) Factory-built fireplaces and allied chimneys; or
    - iii) Stoves, ranges, space heaters and add-on furnaces using solid fuels and allied chimneys;
  - d) Substantial completion of interior finishes;
  - e) Substantial completion of heating, ventilating, air-conditioning and air-contaminant extraction equipment;
  - f) Substantial completion of exterior cladding;
  - g) Substantial completion of site grading;
  - h) Completion and availability of drawings of the Building as constructed; and
  - i) Completion of a Building for which an occupancy Permit is required under Subsection 1.3.3. of Division C of the Building Code.

#### DOCUMENTS ON SITE

- 9.7 During the duration of the Work, the Permit Holder shall:
- a) Post, in a conspicuous place on the property in respect to which the Permit was issued, a copy of the Permit;
  - b) Print a colored copy of the drawings and specifications certified by the Municipality's building department to be a copy of those that formed the basis of the issuance of the permit and ensure that these documents are readily available for the Inspector on-site at all times, and

- c) Post a sign, poster or placard that is visible from the street indicating the civic address for the property in respect to which the Permit was issued.

#### 10.0 FENCES AT CONSTRUCTION AND DEMOLITION SITES

10.1 Where, in the opinion of the Chief Building Official or an Inspector, a construction or demolition site presents a hazard to the public, the Chief Building Official or Inspector may require the owner to erect such fences as the Chief Building Official or Inspector deems appropriate to the circumstances.

10.2 In considering 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:

- a) The proximity of the Building site to other occupied Buildings;
- b) The proximity of the construction or demolition to lands accessible to the public;
- c) The hazards presented by the construction or demolition activities and materials;
- d) The feasibility and effectiveness of site fences; and
- e) The duration of the hazard.

10.3 Every fence required by this Section shall:

- a) Be erected so as to fully enclose all areas of the site which present a hazard;
- b) Create a continuous barrier and be sufficient to deter unauthorized entry;
- c) Have a height not less than 1.2 metres above grade at any point, unless the Chief Building Official or Inspector determines that a greater minimum height is necessary;
- d) If constructed of plastic mesh, snow fencing or other similar materials, be securely fastened at 200 mm on centre to vertical posts not more than 2.4 metres apart, and to horizontal members or a minimum 11 gauge cable at the top and bottom; and
- e) Be maintained in a vertical plane and in good repair.

#### 11.0 ADMINISTRATION

##### FORMS

11.1 Forms prescribed for use as applications for Permits and administrative matters shall be as set out by the Chief Building Official from time to time.

##### CHIEF BUILDING OFFICIAL DISCRETION

11.2 The Chief Building Official may waive some of the requirements of Section 4.0 or Schedule "C" of this By-Law with respect to any particular application, where it is deemed appropriate. The Chief Building Official may also waive, or amend, some of the fees

and/or deposits for any particular application, where it is deemed appropriate.

#### PROPERTY OF THE CORPORATION

11.3 Plans, specifications, documents, forms and other information furnished according to this By-Law, or otherwise required by the Building Code and/or the Act, shall become the property of the Municipality and will be dealt with, including both disposal and retention, in accordance with relevant legislation and applicable municipal policies and procedures.

#### AGENCY LETTER

11.4 The Chief Building Official may sign an agency letter of approval, as required (i.e. liquor license application, etc.). The fee for such approval must be paid in full prior to issuance of the approval to the Applicant. The fee shall be in accordance with Schedule "A" of this By-Law.

#### 12.0 SEVERABILITY

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

#### 13.0 ENFORCEMENT AND PENALTIES FOR OFFENCES

13.1 Any person who contravenes any provisions of this By-Law is guilty of an offence, as provided for in section 36 of the Act.

#### COLLECTION

13.2 In addition to any penalties imposed through prosecution of an offence pursuant to this By-Law, the Municipality is entitled to use all legal means at its disposal to collect the fees applicable, pursuant to this By-Law, and to recover its costs if remedial action is taken. Any and all collection methods lawfully applicable may be relied upon, including placement of unpaid fees on the tax collector's roll for the property in question.

#### 14.0 SCHEDULES TO BY-LAW

14.1 Schedules "A", "B" and "C" to this By-Law are deemed to form part of this By-law.


#### 15.0 REPEAL

15.1 By-Law Nos. 2021-062 and 2021-073 are hereby repealed in their entirety.


#### 16.0 EFFECTIVE DATE

16.1 This By-Law shall come into force and effect on April 26, 2023.

READ AND PASSED in open Council, signed and sealed this 26<sup>th</sup> day of April, 2023.



Mayor



Clerk

SCHEDULE "A" TO BY-LAW NO. 2023-033

CLASSES OF PERMITS AND PERMIT FEES

Permit fees are based on, either a base fee plus per square foot fee, or a flat fee, as determined through the table below. The determined square footage of the building, or part of the building, that the permit has been applied for is calculated via the greater gross floor area (GFA) of the values indicated on the submitted application form or by calculation by building department staff.

Costing Category Description	Fees	
	Base/Flat Fee	Per Sq. Ft. of GFA Fee
Group A - All Assembly Occupancies		\$1.70
Group B - All Institutional Occupancies (including retirement homes)		\$1.70
1. Group C - Residential (3 units or less)		\$1.70
2. Group C - Residential (4 units or more)		\$1.40
3. Group C - Residential Finished Basement	\$100 base fee plus per sq.ft. fee	\$0.25
4. Group C - Residential Additions		\$1.40
5. Group C - Garages, Carports & Accessory Buildings	\$100 base fee plus per sq.ft. fee	\$0.50
6. Group C - Porches and Decks	\$130.00	
Fences for swimming pool enclosures/hot tubs	\$130.00	
Pools (designated as public pools, as per OBC)	\$300.00	
Group D - Unfinished Area (shell only)		\$1.12
Group D - Finished Area		\$1.40
Group E - Unfinished Area (shell only)		\$1.12
Group E - Finished Area		\$1.40
Group F - Unfinished Area (shell only)		\$0.70
Group F - Finished Area		\$0.87
Greenhouses and Fabric Covered Pre-Engineered Storage Buildings		\$0.25
Farm Buildings		\$0.40
Temporary Buildings	\$130.00	
Demolition only - 600m <sup>2</sup> or less in building area	\$130.00	
Demolition only - greater than 600m <sup>2</sup> in building area	\$500.00	
Where construction and/or demolition commenced prior to permit issuance	50% surcharge (\$209 Min. - \$5,235 Max.)	
Conditional/Partial Permit Fee	25% surcharge for each request/application (\$300 Min. - \$5,235 Max.)	
1. Change of Use Only - Farm Building	\$130	
2. Change of Use Only - Residential	\$300	
3. Change of Use Only - Non-Residential	\$300	
Renovations – Residential	\$130 base fee plus per sq.ft. fee	\$0.50
Renovations - Non-Residential	\$300 base fee plus per sq.ft. fee	\$0.50
Partial occupancy of an unfinished building	Residential: \$60 Flat Fee/per suite, Non-Residential: \$300 Flat Fee/per suite	
Re-Examination of Plans/Change in Lot	\$130/hr (1 hr min.)	

Costing Category Description	Fees	
	Base/Flat Fee	Per Sq. Ft. of GFA Fee
Dormant Application Renewal	\$130.00	
Permit Renewal	\$130.00 plus applicable re-examination plans fee	
Renewal - Administrative Process	\$130.00	
Permit Transfer/Permit Revocation Deferrals	\$130.00	
Agency Letter of Approval (Building)	\$130.00	
Preliminary Inspection/Consulation	\$130/hr (1 hr min.)	
Permit/Property File Search	\$130/hr (1 hr min.)	
Re-Inspection Fee	\$130.00	
Alternative Solution Application	\$100/hr (\$300 min.) plus third party costs, as may be required plus 25%	
Limiting Distance Agreement	\$300 per agreement plus third party costs, as may be required plus 25%	
Third Party Costs/Peer Review	Actual costs plus 25%	
Annual Maintenance Fee for Dormant Permits applied for after Dec. 31, 2011	\$250.00	
1. Order issued pursuant to sections 12, 13 or 18 of the Act (Order to Comply, Order not to Cover/Uncover, Order Requiring Tests, etc.)	\$300.00	
2. Order issued pursuant to section 14 of the Act (Stop Work Order)	\$400.00	
3. Order issued pursuant to subsection 15.9(4) of the Act (Unsafe Building)	\$300.00	
4. Order issued pursuant to subsection 15.9(6) of the Act (Prohibit Occupancy)	\$400.00	
5. Order issued pursuant to subsection 15.10(1) of the Act (Emergency Order)	\$400.00	
Registration/Discharge of Orders on Property Title	Actual costs plus 25%	

Taxes are not applicable.

#### INTERPRETATION NOTES TO SCHEDULE "A"

In addition to referring to the Building Code or the Act, in determining the fees under this By-Law, the Chief Building Official may have regard to the following explanatory notes, as may be required in the calculation of permit fees:

1. For purposes of determining permit fees, gross floor area (GFA) shall mean the total area of all floors above grade, measured between the outside surfaces of exterior walls, as well as the total finished area of all floors below grade;
2. for individual dwelling units;
3. In the case of interior alterations or renovations, area of proposed work is the actual space receiving the work (i.e. tenant space, room(s), etc.);

4. Mechanical penthouses and floors, mezzanines, lofts, habitable attic and interior balconies are to be included in all gross floor area calculations;
5. Except for interconnected floor spaces, no deduction is made for openings within gross floor areas (i.e. stairs, elevators, escalators, shafts, ducts and similar openings);
6. Unfinished basements for single-detached dwellings, semi-detached dwellings, duplexes, triplexes and rowhouses are not included in the gross floor area when calculating permit fees;
7. Corridors, lobbies, washrooms, lounges and similar areas are to be included and classified according to the major classification for the floor area on which they are located; and
8. Temporary buildings are considered to be buildings that will be erected for not more than one year



SCHEDULE "B" TO BY-LAW 2023-033

ADMINISTRATIVE INSPECTION/LOT GRADING PERFORMANCE DEPOSIT

<b>Inspection Performance Deposit - Value of Work</b>	<b>Refundable Fee</b>
<b>Residential</b>	
Value less than \$25,000.00	\$Nil
Value between \$25,000.00 and \$99,999.99	\$500.00
Value between \$100,000.00 and \$299,999.99	\$2,000.00
Value between \$300,000.00 to \$499,999.99	\$3,000.00
Value equal to or over \$500,000.00	\$5,000.00
<b>Non-Residential</b>	
Value less than \$50,000.00	\$Nil
Value between \$50,000.00 and \$299,999.99	\$2,000.00
Value between \$300,000 and \$999,999.99	\$5,000.00
Value equal to or over \$1,000,000.00	\$10,000.00
<b>Lot Grading Performance Deposit</b>	
Development without Site plan Control Agreement	\$2000.00
Development with Site plan Control Agreement	Site plan deposit to be used

INTERPRETATION NOTES TO SCHEDULE "B"

In determining the value of work under this By-Law, the Chief Building Official may have regard to the following explanatory notes, as may be required in the calculation of permit fees:

1. The value of work shall be the estimated cost of construction, as declared on the permit application form, or as determined by the Chief Building Official, whichever is higher;
2. When determining the value of work, the Chief Building Official may, at his or her discretion, use a current recognized construction cost index or consultant in determining the actual cost of construction;
3. Subject to Section 6.7 of this By-Law, once any expenses incurred by the Applicant or Permit Holder have been deducted by the Chief Building Official, any remaining funds shall be refunded in accordance with interpretation Notes 4 or 5, as the case may be;

REFUND OF ADMINISTRATIVE PERFORMANCE DEPOSITS

Inspection Deposit

4. Once a Permit has been closed, the Chief Building Official shall, after applying any applicable deductions, refund the balance of the administrative performance deposit fee in whole or in part to the Owner, in accordance with the following provisions:
  - a) One hundred per cent (100%) of the administrative performance deposit is to be refunded if the Work and all required inspections are fully completed within two (2) years of the date of issuance of the Permit;
  - b) Seventy-five per cent (75%) of the administrative performance deposit is to be refunded if the Work and all required inspections are fully completed within three (3) years of the date of issuance of the Permit;

- c) Fifty per cent (50%) of the administrative performance deposit is to be refunded if the Work and all required inspections are fully completed within four (4) years of the date of issuance of the Permit;
- d) Twenty-five per cent (25%) of the administrative performance deposit is to be refunded if the Work and all required inspections are completed within five (5) years of the date of issuance of the Permit; and
- e) No refund of the administrative performance deposit will be awarded if the Work and all required inspections are not fully completed within five (5) years of the date of the issuance of the Permit. This will not relieve the Permit Holder of obligations under any regulations of any By-Law, the Act or the Building Code. The refund of the whole or part of the administrative performance deposit shall not be deemed a waiver of any provisions of any By-Law or the Act or the Building Code. Also, the refund shall not be construed as a certification or guarantee that the Building, for which a Permit was issued, meets all the requirements of any By-Law, the Act or the Building Code.

#### Lot Grading Deposit

- 5. Once a lot grading as-built plan has been approved by the Municipality, as per the Municipality's Lot Grading Policy, the Chief Building Official shall refund the administrative performance deposit to the Owner in accordance with the following provisions:
  - a) One hundred per cent (100%) of the administrative performance deposit is to be refunded if the lot grading plan has been approved, as per the Municipality's Lot Grading Policy, within two (2) years of the date of issuance of the Permit;
  - b) Unless otherwise extended by the Chief Building Official, no refund of the administrative performance deposit will be awarded if the as-built lot grading plan has not been approved, as per the Municipality's Lot Grading Policy, within two (2) years of the date of issuance of the Permit. This will not relieve the Permit Holder of obligations under any By-Law, the Act or the Building Code.

## SCHEDULE "C" TO BY-LAW NO. 2023-033

### PLANS AND DOCUMENTS REQUIRED FOR PERMIT APPLICATIONS

- 1.0 Except as noted in Sections 2.0, 2.1 and 2.2 of this Schedule and, where applicable, every Permit application shall be accompanied by two complete hardcopies of the following drawn to scale plans, specifications and/or documents:
- 1.1 Residential: Single-Detached, Semi-Detached, Duplex, Triplex, Rowhouse:
- a) Site Plan;
  - b) Grading Plan;
  - c) Floor Plans;
  - d) Building Elevations;
  - e) Cross Sections, as required (minimum of one section through each staircase);
  - f) Air-Barrier and Vapour Barrier Location Details;
  - g) Pre-Engineered Roof Truss and Floor Joist Layouts;
  - h) HVAC design and duct layout;
  - i) Residential Mechanical Ventilation Design Summary;
  - j) Energy Efficiency Design Summary (SB-12);
  - k) Spatial Separation Calculations.
- 1.2 All Other Uses:
- a) Ontario Building Code Data Matrix (Part 3 Buildings);
  - b) Commitment to General Review (where applicable);
  - c) Site Plan and Grading Plan;
  - d) Floor Plans;
  - e) Foundation Plans;
  - f) Roof Plans;
  - g) Reflected Ceiling Plans;
  - h) Building Elevations;
  - i) Cross Sections and Assemblies;
  - j) Structural Plans;
  - k) Mechanical Plans;
  - l) Plumbing Plans, including elevation drawings of plumbing layout;
  - m) Electrical Plans;
  - n) Fire Separation Plans;
  - o) Fire Protection Plans;
  - p) Door and Window Schedules;
  - q) Energy Efficiency Design Summary (SB-10);
  - r) Required Specifications;
  - s) Spatial Separation Calculations.
- 2.0 Plans and supporting documentation shall be provided in the English language and the application shall be deemed incomplete otherwise. Any required translation shall be at the expense of the Applicant and shall be paid in addition to the application fees.
- 2.1 Unless authorized by the Chief Building Official, plans and supporting documentation shall be drawn and presented in black and white format only.
- 2.2 Plans and supporting documentation shall be drawn and presented in a minimum size of 8 ½"x11" and a maximum size of 24"x36".

**3.0 Exceptions:**

- 3.1** The Chief Building Official may waive the requirement for multiple copies or may require additional copies of plans, specifications, or documents of any or all of the required information specified in this schedule due to the scope of proposed Work.