

THE CORPORATION OF THE TOWNSHIP OF ASSIGINACK

By-Law # 2021-04

Building By-Law

Being a By-law of the Township of Assiginack respecting construction, demolition and change of use permits, inspections and fees.

WHEREAS pursuant to the Building Code Act, as amended, the Lieutenant Governor in Council has established a Building Code which is in force throughout Ontario to regulate all construction, demolitions, extensions, material alterations and changes of use with respect to buildings, for which the Council of the Township of Assiginack has appointed a Chief Building Official and such inspectors for the proper administration of the said Building Code.

AND WHEREAS Section 7 of the Building Code Act, 1992, S.O. 1992, Chapter 23 authorizes a municipal council to pass certain by-laws respecting construction, demolition, change of use permits, inspection and for charging certain fees;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF ASSIGINACK HEREBY ENACTS AS FOLLOWS:

1. Short Title: This By-law may be cited as “the Building By-law”.

2. Definitions

(2.1) In this By-law,

- a) **“Act”** means the Building Code Act, 1992, including amendments thereto.
- b) **“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(s) and anyone acting under the authority of such person or corporation.
- c) **“Architect”** means a holder of a license, a certificate of practice, or a temporary license under the Architect’s Act as defined in the Building Code.
- d) **“As constructed plans”** means as constructed plans as defined in the Building Code.
- e) **“Building(s)”** means a building as defined in Section 1(1) of the Act.
- f) **“Building Code”** means the regulations made under Section 34 of the Act.
- g) **“Building sewer”** means that part of drainage piping outside a building or other structure that connects a building drain to a main sewer or, where the place of disposal of the sewage is on the property, to the place of disposal on the property, and that commences at a point one metre (3.28 feet) from the outer face of the wall of the building or other structure and terminates at the property line or place of disposal on the property.
- h) **“Chief Building Official”** means the Chief Building Official appointed by Council under Section 3 of the Act.
- i) **“Construct”** means to do anything as it pertains to the erection, installation, extension or material alteration or repair of a building and include the installation of a building unit fabricated or moved from elsewhere.
- j) **“Corporation”** means the Corporation of the Township of Assiginack.
- k) **“Council”** means the Council of the Township of Assiginack
- l) **“Demolition”** means to do anything as it pertains to the removal of a building or any material part thereof.

- m) **“Dwelling Unit”** means a suite operated as a house keeping unit, used or intended to be used as a domicile by one or more persons and usually containing a cooking, eating, living, sleeping and sanitary facilities.
- n) **“Farm Building”** means a farm building as defined in the Building Code.
- o) **“Fixture”** means a receptacle or equipment that receives water, liquids or sanitary sewage and discharges water, liquids or sanitary sewage directly into drainage piping.
- p) **“Municipality”** means the Corporation of the Township of Assiginack.
- q) **“Owner”** means the registered owner of the land and includes a lessee, mortgagee in possession and the person in charge of the property.
- r) **“Permit”** means written permission or written authorization from the Chief Building Official to perform work regulated by this By-law and the Act, and the Building Code or to occupy a building or part thereof prior to its completion.
- s) **“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.
- t) **“Prescribed Value”** means, as determined by the Chief Building Official, the value of construction for the proposed building or designated structure including the total value of all work, labour, equipment, overhead, services and materials in respect of its construction and all professional and related services.
- u) **“Professional Engineer”** means a person who holds a license or temporary license under the Professional Engineer’s Act, as defined in the Building Code.
- v) **“Plumbing”** means plumbing as defined in Section 1(1) of the Act.
- w) **“Sewage System”** means a sewage system as defined in Section 1(1) of the Act.
- x) **“Shipping Container”** means a building when it is no longer used for the shipping of freight, is placed on a property either temporarily or permanently, is used for storage, or is used for any shelter or occupancy.
- y) **“Substantially Complete”** means when the construction is sufficiently completed in general conformance with the approved plans so that the building can be occupied for the use of which it was intended.
- z) **“Truck Trailer Unit”** means a building when it is no longer used for the shipping of freight, is placed on a property either temporarily or permanently, is used for storage, or is used for any shelter or occupancy.

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

3. Classes of Permits

Classes of permits required for construction, demolition and change of use, or occupancy of a partially complete building as set forth in Schedule “A” attached hereto and forming part of this By-law.

4. Permit Applications & Administrative Procedures

- a) To obtain a permit, an applicant shall file an application in writing by completing the forms(s) prescribed and available from the Chief Building Official, on the Building Code website www.obc.mah.gov.on.ca or the Municipal website www.assiginack.ca. Forms prescribed by the Corporation under clause 7(1)(f) of the Act shall be set out in Schedule “C” of this By-Law.

- b) Fees as described in this by-law are set forth in a Schedule “A” for the work to be covered by the permit.

(4.1) Building & Demolition Permits

Where an application is made for a building or demolition permit under subsection 8(1) of the Act, the applicant shall:

- a) Use the provincial application form, “Application for a Permit to Construct or Demolish”; and
- b) Include complete plans and specifications, documents and other information as required by Article 2.4.1.1 B of the Building Code as summarized in Schedule “B” of this bylaw and,

(4.2) Conditional Permits

Where application is made for a conditional permit under subsection 8(3) of the Act, the application shall:

- a) Use the provincial application form, “Application for a Permit to Construct or Demolish”; and
- b) Include complete plans, specifications, documents and other information as required by Article 2.4.1.1 B of the Building Code,
- c) Fees as described in this by-law set forth in a Schedule “A” for the work to be covered by the permit.
- d) State the reasons why the applicant believes that unreasonable delays in construction would occur if a conditional permit is not granted
- e) State the necessary approvals which must be obtained in respect of the proposed building and the time in which such approvals will be obtained
- f) State the time in which the plans and specifications of the complete building will be filed with the Chief Building Official
- g) Require the owner and such other persons as the Chief Building Official determines to enter into an agreement with the municipality.
- h) Where the conditions in subsection 4.0 and 4.1 have been fulfilled and where all necessary approvals which must be obtained in respect of the proposed building or project have obtained, in Chief Building Official may, in a case where he or she deems it proper, issue a building permit for a part of the building or project.
- i) Where a building permit is issued for part of a building or project, this issuance shall not be construed to authorize construction beyond the plans for which approval was given or to obligate the Chief Building Official to grant any further permit or permits.

(4.3) Change of Use Permits

Where application is made for a change of use permit under subsection 10(1) of the Act, the application shall:

- a) Contain the information and other requirements provided in subsection 4.1
- b) Include plans and specifications which show the current and proposed occupancy of all parts of the building, and which contain sufficient information to establish compliance with the requirements of the Building Code Act including: floor plans, details of wall, ceiling, floor or roof assemblies identifying required fire resistance ratings and load bearing capacities.

(4.4) Occupancy

Where application is made to occupy an unfinished building, the application shall:

- a. Indicate the total number of units proposed for occupancy
- b. Indicate the total floor area proposed for occupancy

- c. Be accompanied by confirmation from the following authorities that the building is appropriate for occupancy:
 - i. the applicable Hydro authority
 - ii. the applicable Fire Department
 - iii. if the building is not connected to the municipal sewer, the Public Health Sudbury and Districts
 - iv. the municipality's public works department
 - v. if the building is subject to site plan control, the municipality's site plan control department
 - d. Include the final plumbing certificate
 - e. Where the building(s) was designed by an architect, engineer, or both, the opinion in writing of the architect or engineer that the work in the partially completed portion conforms to the Building Code.
 - f. An occupancy permit does not replace, constitute or guarantee a final permit.
- (4.5) Where the conditions in subsection 4.4 have been fulfilled, the Chief Building Official may, in a case where he or she deems it proper, in accordance with Section 2.4.3 of the Building Code, issue a permit to occupy a partially completed building.
- (4.6) Where application is made for a permit to erect a tent, air-supported structure or temporary structure, the application shall:
- a) Contain the information and other requirements provided in subsection 4.0 through 4.1
 - b) Include plans and specifications that contain sufficient information to establish compliance with the requirements of Section 3.1.6. of the Building Code, including floor plans and a site plan
- (4.7) Where compliance with all of the requirements for a permit application is unnecessary or unreasonable, the Chief Building Official may, in cases where he or she deems appropriate, authorize deletion of one or more of the requirements provided the intent and purpose of this By-law is maintained.
- (4.8) Where an application for a permit remains incomplete or inactive or one year after it is made, the application may be deemed by the Chief Building Official to have been abandoned and notice thereof shall be given to the applicant.

5. Plans and Specifications

(5.1) Plans

Every applicant shall furnish sufficient plans, specifications, documents and other information with each application for a permit to enable the Chief Building Official to determine whether the proposed construction, demolition, change of use or occupancy conforms to the Act, the Building Code, municipal By-laws and any other applicable law. The minimum number of plans to be submitted is two (2) sets. The Chief Building Official shall further determine the number of plans, specifications documents and other information required to be furnished with an application for a permit having regard for the requirements of any Act, regulation or By-law respecting the examination or circulation of the application. The plans submitted shall be legible and drawn to scale on paper, cloth or other suitable and durable material. If required by the Chief Building Official, the applicant shall provide working drawings as set out in Schedule "B" attached hereto and forming part of this By-law or as otherwise specified by the Chief Building Official.

(5.2) Site plans

The site plans submitted shall be referenced to a current survey certified by a registered Ontario Land Surveyor and a copy of the survey shall be filed with the Municipality unless this requirement is waived because the Chief Building Official is able, without having a current plan of survey, to determine whether the proposed work conforms to the Act, the Building Code, and all other applicable law. Site plans shall show:

- i. lot size and dimensions of the property
 - ii. setbacks from existing and proposed buildings to the property boundaries and to each other
 - iii. existing and finished ground levels or grades
 - iv. existing rights-of-way, easements and municipal services
 - v. existing and proposed entrances and exits
 - vi. the location and dimensions of required parking areas
 - vii. culverts drainage patterns and watercourses
 - viii. existing and proposed utility plants above grade, including poles and anchors
 - ix. the legal description of the property, and if available, the municipal address
- (5.3) On completion of the construction of a building, the Chief Building Official may require that a set of as constructed plans of the building or any class of buildings, including a plan of survey showing its location, be provided.
- (5.4) The Chief Building Official may refuse an application if any of the above is deemed to be incomplete or insufficient at the time of application
- (5.5) Plans, specification, and other documents provided in accordance with this By-law or otherwise required by the Act become the property of the municipality.

6. Equivalents

- (1) Where an application for a permit or for authorization to make a material change to a plan, specification, document or other information on the basis of which a permit was issued, contains an equivalent material, system or building design for which authorization under Section 9 of the Act is requested, the following information shall be provided:
- a) a description of the proposed material, system or building design for which authorization under section 9 of the Act is requested
 - b) any applicable provisions of the Building Code
 - c) evidence that the proposed material, system or building design will provide the level of performance required by the Building Code.

7. Revision to Permit

After the issuance of a permit under the Act, notice of any material change to a plan, specification, document or other information on the basis of which the permit was issued, must be given the writing to the Chief Building Official together with the details of such change which is not to be made without his or her written authorization.

8. Transfer of Permit

If the registered owner of the land to which the permit applies changes, the permit is transferable to only upon the new owner completing a permit application, to the requirements of Section 4. The new owner shall then be the permit holder for the purpose of the Act and the Building Code and assume all responsibilities for compliance with the permit documents.

9. Refunds

- (1) In the case of withdrawal or abandonment of an application, or the refusal or revocation of a permit, and upon written request by the permit holder, the Chief Building Official shall determine the amount of paid permit fees that may be refunded to the permit holder, if any, in accordance with Schedule "A" attached hereto and forming part of this By-law and the decision of the Chief Building Official is final.
- (2) No refund shall be made after a period ending one (1) year after the final inspection of a building, whichever occurs first.
- (3) No refund shall be made if the calculated refund for any individual permit is less than the prescribed Administration Fee noted in Schedule "A" of this By-law.

- (4) Except as provided above, there shall be no refund of permit fees where a permit has been revoked or transferred.

10. Revocation

The Chief Building Official may revoke a permit issued under the authority and subject to the provisions outlined in subsection 8(10) the Act.

11. Notice Requirements

- (1) Notices of readiness for inspection are required by Section 2.4.5. of the Building Code shall be given by the permit holder to the Chief Building Official for all mandatory inspections at least three (3) business days in advance of the stages of construction specified therein.
- (2) A notice pursuant to this section is not effective until written or oral notice is actually received by the Chief Building Official, by a Building Inspector or designate.

12. Payment of Fees

- 1) Fees for a required permit shall be as set out in Schedule “A” and are due and payable upon submission of an application for a permit. Where an application is made for a conditional or partial permit, fees shall be paid for the complete project.
- 2) No permit shall be issued nor any inspection or inquiry requests be processed until the fees therefor have been paid in full.
- 3) Where the fees payable in respect of an application for a building or demolition permit issued under subsection 8(1) of the Act or a conditional permit under subsection 8(30) of the Act are based on the cost of valuation of the proposed work, the cost of valuation of the proposed work shall be as defined in this By-Law.
- 4) Where fees payable in respect of an application for a change of use permit issued under subsection 10(1) of the Act are based on floor area, floor area shall mean the total floor area of all story levels subject to the change of use.
- 5) The Chief Building Official may place a valuation on the cost of the proposed work for the purposes of establishing the permit fee, and where disputed by the applicant, the applicant shall pay the required fee under protest and, within six months of completion of the project, shall submit an audited statement of the actual costs satisfactory to the Chief Building Official and where the audited costs are determined to be less than the valuation, the Chief Building Official shall issue the appropriate refund
- 6) Works carried out under the authority of the municipality are hereby exempted from payment of fees imposed in this section

13. As Constructed Plans

The Chief Building Official may require a waiver of inspection from the architect or engineer and or a set of plans of a building or buildings as constructed, in any permit class category, to be filed with the Chief Building Official upon the completion of construction under such conditions as may be prescribed in the Building Code.

14. Code of Conduct

The Code of Conduct required under section 7.1-(1) of the Act shall be the “Employee Code of Conduct” which governs the conduct of all employees of the Corporation.

15. Offence/Penalty

- (1) Every person who contravenes any provision of this By-law is guilty of an offence

(2) Every person who is convicted of an offence is liable for a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c.P.33.

16. Validity

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

17. Date of Effect

That this By-law shall come into force and take effect on this 4th day of May, 2021.

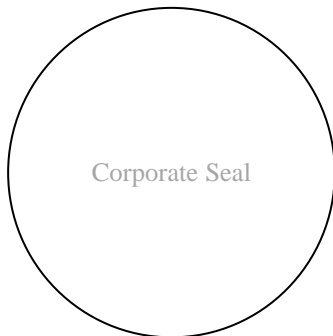
18. Repeal

That any prior By-law relating to the content in this By-law be repealed.

19. Schedule “A”, Schedule “B” and Schedule “C” are attached and form part of this By-law.

AS READ a FIRST and SECOND time this 4th of May, 2021.

AND AS READ a THIRD and FINAL time and considered passed, in open Council, this 4th of May, 2021.



David Ham, MAYOR

Alton Hobbs, CAO/DEPUTY CLERK

SCHEDULE “A” to By-Law No. 2021-04

CLASSES OF PERMITS, PERMIT FEES AND REFUNDS

Fees are all based on the estimated dollar value of construction for the purposes of determining a building permit fee, however, is not less than the minimum as indicated. Construction Value is determined by incorporating the cost of the valuation of the proposed work including but not limited to the value of material, labour and equipment.

The Chief Building Official may, for any of the following, where there is a dispute, calculate the estimated value of construction at his discretion, based on written estimates provided by a contractor or engineer as requested.

An additional non-refundable Administration Fee of \$50.00 shall apply to all classes of Building Permit Applications.

<u>Class of Permit</u>	<u>Valuation Cost/ft²</u>	<u>Permit Fee</u>
New Construction (a. Main)	\$200.00	\$12.00 per 1,000 (min. \$1200)
New Construction (b. 2 nd Storey)	\$150.00	\$12.00 per 1,000 (additional)
New Construction (c. Basement)	\$100.00	\$12.00 per 1,000 (additional)
Additions & Structural Renovations	\$200.00	\$12.00 per 1,000 (minimum \$300)
Interior Renovations	\$100.00	\$12.00 per 1,000 (minimum \$300)
Demolition/Moving Permit	n/a	\$100.00 per structure
Accessory Building	\$100.00	\$12.00 per 1,000 (minimum \$300)
Temporary Structures	CBO identified	\$100.00 minimum per structure
Change of Use	CBO identified	\$12.00 per 1,000 (minimum \$300)

Other Fees:

Building Permit Renewals	\$100.00 administrative fee
Letter of Compliance/ Removal of Order to comply	\$100.00 administrative fee per occurrence
Failure to establish Permit(s)	Double the initial required Permit Fee(s)

Refunds:

If an application has been submitted; all applicable fees paid; building permit has been issued **AND** the project has **not** commenced; permit fees may be refunded as follows:

<u>Level of Completion</u>	<u>Rate of refund</u>
a) Administrative functions only	100% *
b) Administrative & Zoning functions only	70% *
c) Administrative, Zoning & plans examination	40% *
d) Permit released & no field inspections completed	30% *

*Any and all administration fees outlined are non-refundable and are not included in this calculation nor are they subject to refundable rates.

SCHEDULE “B” to By-Law No. 2021-04

LIST OF PLANS OR WORKING DRAWINGS

The following is a list of plans or working documents that are required to accompany all applications for permit,

AND THAT two (2) copies of each be supplied:

1. The Site Plan
2. Floor Plans
3. Foundation Plans
4. Framing Plans
5. Roof Plans
6. Reflected Ceiling Plans
7. Sections and Details
8. Building Elevations
9. Electrical Drawings
10. Heating, Ventilation & Air Conditioning Drawings
11. Plumbing Drawings
12. Fire Alarm and Sprinkler Plan

NOTES:

*The Chief Building Official may specify that not all the above-mentioned plans are required to accompany an application for permit on a case-by-case basis.

*That these may be supplied digitally to the Chief Building Official where that possibility exists.

SCHEDULE “C” to By-law 2021-04 respecting

Compliance Forms Used

All forms are based on current legislation and are found on the Provincial website at <https://www.ontario.ca/page/regulatory-roles-construction-and-renovations> under sample compliance forms for inspectors. All forms are pursuant to subsections and clauses as noted below.

- Form 1 - Application for a Permit to Construct or Demolish
- Form 2 - Application for Change of Use Permit
- Form 3 - Order Requiring Tests and Samples [Clause 18(1)(f)]
- Form 4 - Change of Use Permit
- Form 5 - Stop Work Order [Subsection 14(1)]
- Form 6 - Order to Uncover [Subsection 13(6)]
- Form 7 - Order to Not Cover or Enclose [Subsection 12(2) EN]
- Form 8 - Order to Comply [Subsection 15.10]

NOTE: all forms are subject to change and update as legislation and as this by-law requires.