



Planning and Protection Committee Action Report for March 20, 2018, in the Council Chambers, following Community Issues Committee

PRESENT: Mayor Antonakos, Deputy Mayor Flynn, Councillor Black, Councillor Redmond, Councillor Trimble, Councillor Fritz

Staff: Diane Smithson, CAO, Duncan Rogers, Clerk, Stacey Blair, Deputy Clerk, Brian Gass, CBO

- 1) DISCLOSURE OF PECUNIARY/CONFLICT OF INTEREST
- 2) REGISTRATION OF PUBLIC WISHING TO SPEAK
- 3) PLEASE TURN OFF ALL CELL PHONES AND PAGERS
- 4) APPROVAL OF ADDENDUM(S)

COMMUNICATION 129129

Received from Joanna Bowes, Manager of Development Services
Addressed to Planning and Protection Committee
Date March 20, 2018
Topic Removal of One Foot Reserves, Phase 2, Meadow Ridge Subdivision for Pegasus

SUMMARY

Pegasus Development Corporation/Olympia Homes has requested the removal of one-foot reserves for Block 265 and Block 266 on Plan 27M-81. The removal of one-foot reserves will allow for the opening of Phase 2 in order for building permits to be issued. A map of the reserves to be removed is found below:



COMMENT

Pegasus Development Corporation/Olympia Homes have completed the majority of the requirements for Phase 1 and the Town currently holds sufficient securities to allow for the opening of Phase 2.

COMMITTEE DECISION

That staff forward a By-law to Council for the approval of the removal of one-foot reserves for Block 265 and 266 on Plan 27M-81 for Meadow Ridge Subdivision.

CARRIED – BY-LAW PREPARED

COMMUNICATION 129130

Received from	Brian Gass, Chief Building Official
Addressed to	Planning and Protection Committee
Date	March 20, 2018
Topic	Amendments to Building By-law 28-2016

SUMMARY

With the passage of any new by-law, as the document begins to get used on a daily basis, anomalies between intent and function arise. For approximately the past year, the CBO has compiled a list of matters that have arisen and which require further review. The purpose of this report is to provide a brief overview of some “housekeeping” amendments to the Building By-law proposed by staff which are included in the attached draft by-law.

COMMENT

The first two proposed amendments (found in clauses 2.3 and 3.1 of the By-law respectively) are minor wording changes to bring the language found in the Building By-law in line with the language found in both the Building Code Act and the Building Code.

The third proposed amendment is the insertion of a new Part 12 to the by-law, which will provide the Chief Administrative Officer the temporary authority, upon a declaration of an emergency event, i.e. a tornado, to appoint building inspectors from other jurisdictions to assist the Building Department in the review and inspection of damaged structures and buildings.

The fourth proposed amendment is to renumber several existing Parts of the By-law as a result of the insertion of a new Part 12.

129130 Continued

The last proposed amendment is a rewrite of the current Schedule “D” – Vacant Lot Development Requirements within the Building By-law to remove the requirement of a two-phased building permit system for new homes. The Town’s existing Builders’ Security Program will now be relied upon to ensure all lot developers are required to submit certification and survey documents to the Public Works and Planning Departments.

COMMITTEE DECISION

THAT Council repeal By-Law 28-2016 and;

THAT Council pass a new Building By-Law incorporating the recommended updates.

CARRIED – BY-LAW PREPARED



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for March 20, 2018, in the Council Chambers,
following Community Issues Committee

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STAFF RECOMMENDATION

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THAT Council pass a new Building By-Law incorporating the recommended updates.

COMMITTEE DECISION

BY-LAW XX-2018

BEING A BY-LAW TO REGULATE CONSTRUCTION, DEMOLITION, AND CHANGE OF USE PERMITS FOR BUILDINGS, STRUCTURES, AND ALL OTHER RELATED SERVICES WITHIN THE TOWN OF CARLETON PLACE AND TO REPEAL BY-LAW 28-2016, AS AMENDED

BUILDING BY-LAW

WHEREAS pursuant to Section 9 of the Municipal Act, 2001 S.O. 2001, chapter 25 a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS pursuant to Section 10(2)6 AND Section 11(2)6 of the Municipal Act, 2001 S.O grants authority to local municipalities to adopt By-laws or portions thereof concerning the health, safety and well-being of persons;

AND WHEREAS pursuant to Section 8. (1) of the Municipal Act, 2001 S.O. 2001, chapter 25 the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate to enhance the municipality's ability to respond to municipal issues;

AND 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 related matters including fees;

AND WHEREAS notice was given and a Public meeting held on June 7, 2016 in accordance with the Building Code Act, 1992, S.O.1992, c.23, as amended in relation to proposed amendments to the Building By-law 48-2007, as amended with respect to building related fees;

AND WHEREAS the Council of The Corporation of the Town of Carleton Place deems it necessary and desirable to repeal By-laws 28-2016 as amended 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 Carleton Place enacts as follows:

PART 1. GENERAL

- 1.1 This By-law may be cited as the "Building By-law".
- 1.2 Words in the singular may include the plural and words in the plural may include the singular.

- 1.3 Specific terms include both sexes and include corporations.
- 1.4 The headings and subheadings used in this By-law shall not form a part of the By-law, but shall be deemed to be inserted for convenience of reference only.
- 1.5 This By-law is to be read in conjunction with all the Statutes referred to in the preamble hereto and in the event that there is a conflict between the provisions of this By-law and the provisions of the Act or its regulations, then the provisions of the Act and its regulations as amended prevail.
- 1.6 Schedule "A", "B", "C", and "D" attached hereto shall form part of this By-law.

PART 2. DEFINITIONS

- 2.1 Non-defined terms.

In this By-law, all words or phrases shall have the meaning accorded to them in the Building Code Act or its regulation (the Building Code).

- 2.2 "Act" means the Building Code Act, 1992, S.O.1992, c.23, as amended.
- 2.3 "Applicant" means the owner, **as defined by the Building Code**, who applies for a permit or any person authorized to apply for a permit on the owner's behalf, or any person or corporation empowered by statute to cause the construction or demolition of a building or buildings and anyone acting under the authority of such person or corporation.
- 2.4 "Building Code" means the regulations made under Section 34 of the Act.
- 2.5 "Chief Building Official" means the Chief Building Official appointed pursuant to Section 3(2) of the Act and by By-law of the Corporation of the Town of Carleton Place for the purposes for the enforcement of the Act.
- 2.6 "Complete application" means an application that meets the requirements set out in the building code for applications, Part 4 of this By-law where the Chief Building Official is required to make a decision within a prescribed time.
- 2.7 "Conditional Permit" means a permit issued under Section 8(3) of the Act.
- 2.8 "Partial Permit" means a permit issued by the Chief Building Official to construct part of a building

- 2.9 "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.
- 2.10 "Permit Holder" means the owner, as defined by Building Code, to whom the permit has been issued or where a permit has been transferred, the new owner to whom the permit has been transferred.
- 2.11 "Plot plan" means a detailed drawing(s) of proposed improvements to a given property at a defined scale, plot plans are also known as a site plans.
- 2.12 "Revised submission" means additional information filed with the Chief Building Official which depicts one or more changes to the proposed or as-constructed 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.
- 2.13 "Supplementary submission" means a resubmission of additional information in relation to building permit application documents previously filed and reviewed, that requires additional review to determine Building Code compliance.
- 2.14 "Town" means The Corporation of the Town of Carleton Place.

PART 3. CLASSES OF PERMITS

- 3.1 Classes of Permits required **to be obtained by a person** prior to for the construction, demolition, change of use, **or** occupancy of a building shall be set out in Schedule "A" to this By-law.

PART 4. REQUIREMENTS FOR PERMIT APPLICATIONS

General Requirements

- 4.1 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.
- 4.2 An application for a Permit may be refused by the Chief Building Official where it is not a complete application.

- 4.3 The Chief Building Official is delegated the authority to create and/or adopt for usage, forms (other than those prescribed by the Act or the Code) which provide for the collection of specific information in relation to permit applications which information is necessary for the administration and enforcement of the Act and Code. This delegated authority is subject to the following conditions:
- 4.3.1 The Chief Building Official's office shall maintain a list of forms that it has issued or adopted for usage.
- 4.4 The Chief Building Official may, as the Chief Building Official deems appropriate provide prescribed forms in electronic format and may allow for electronic submission of completed permit application forms.
- 4.5 Notwithstanding Section 4.4 of this By-law, completed forms generated electronically shall be accepted subject to the endorsement by the applicant.
- 4.6 Applications submitted in accordance with this By-law or otherwise required by the Act become the property of the Town and will be disposed of or retained in accordance with relevant legislation or by-law.

Applications for Permits to Construct,

- 4.7 Every application for a Permit to construct a building shall;
- 4.7.1 identify and describe in detail the work to be done and the existing and proposed use and occupancy of the building, or part thereof, for which the building permit application is made;
- 4.7.2 be accompanied by the plans, specifications, documents, forms and other information prescribed in Parts 5 and 11 of this By-law; and
- 4.7.3 be accompanied by acceptable proof of corporate identity and property ownership, unless such proof is determined by the Chief Building Official to be unnecessary.

Applications for Permits to Demolish

- 4.8 Every application for a Permit to demolish a building shall:
- 4.8.1 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;

- 4.8.2 be accompanied by the plans, specifications, documents, forms and other information prescribed in Part 5 of this By-law; and
- 4.8.3 be accompanied by acceptable proof of corporate identity and property ownership, unless such proof is determined by the Chief Building Official to be unnecessary.

Application for Permits to Construct Part of a Building

- 4.9 In addition to the requirements of Section 4.7 of this By-law, every application for a Partial Permit shall:
 - 4.9.1 require a permit application for the entire project;
 - 4.9.2 in addition to the plans, specifications, documents, forms and other information prescribed in Parts 5 and 11 of this By-law for the entire project, also include specifications, documents, forms and other information covering that part of the work for which application for a partial permit is made, as may be required by the Chief Building Official; and,
 - 4.9.3 include payment of all applicable permit fees, notwithstanding that the issuance of a partial permit may only grant permission to part of a building or structure, for the entire proposed project calculated in accordance with Part 7 of this By-law.
- 4.10 The Chief Building Official may issue a Partial Permit when the Chief Building Official determines it is appropriate to expedite substantial construction before a Permit for the entire building is available and where the relevant provisions of this By-law and the Act are met.
 - 4.10.1 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.

Application for Conditional Permits

- 4.11 In addition to the requirements of Section 4.7 of this By-law, every application for a Conditional Permit shall:
 - 4.11.1 include a written statement from the applicant explaining why the applicant believes that unreasonable delays in construction would occur if a Conditional Permit is not granted;

- 4.11.2 include a written acknowledgement from the applicant of the necessary approvals that 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;
- 4.11.3 be accompanied by the plans, specifications, documents, forms and other information prescribed in Parts 5 and 11 of this By-law; and,
- 4.11.4 include payment of permit fees, notwithstanding that the issuance of a Conditional Permit may only grant permission to part of a building or structure, for the entire proposed project calculated in accordance with Part 7 of this By-law.

Conditional Permit Issuance: Discretionary

- 4.12 The Chief Building Official may, at his discretion, issue a Conditional Permit where unreasonable delays are anticipated in obtaining all necessary approvals, and where the relevant provisions of this By-law and the Act are met.
- 4.13 Prior to the issuance of a Conditional Permit the applicant, and any other persons the Chief Building Official determines, shall enter into a written agreement with the Town.

Applications for Permits for Change of Use

- 4.14 Every application for a Permit for a change of use shall:
 - 4.14.1 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;
 - 4.14.2 be accompanied by the plans, specifications, documents, forms and other information prescribed in Part 5 of this By-law; and,
 - 4.14.3 include payment of all required fees and deposits prescribed by Part 7 of this By-law.

No Implication of Permit Availability

- 4.15 Notwithstanding the issuance of a Permit under Sections 4.10 (Partial) or 4.11 (Conditional) of this By-law, the Chief Building Official shall not be deemed, implied or obliged to issue any further or additional Permits for such property.

- 4.16 Where construction has commenced prior to the issuance of a Permit, a Permit based on any of the above applications may be issued at the sole discretion of the Chief Building Official.

Abandoned Permit and Permit Applications

- 4.17 An application for a Permit may be deemed to be abandoned by the applicant where:
- 4.17.1 the application has been determined to be incomplete pursuant to Section 4.2 of this By- law and remains incomplete for a period 90 days from the date the application was determined to be incomplete; or
 - 4.17.2 the applicant has failed to obtain a copy of a Permit within 90 days of being notified that such permit is available for issuance (including where the payment of any outstanding fees is required at the time of issuance).
 - 4.17.3 any Permit issued may be revoked in accordance to the provisions of Section 8.(10) of the Building Code Act, 1992, S.O. 1992, c.23, as amended.

Revisions of Permits

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

PART 5. PLANS AND SPECIFICATIONS

- 5.1 As part of the application for a Permit and in addition to the requirements of Part 4 of this by- law, every applicant shall submit to the Chief Building Official the following:
- 5.1.1 sufficient plans, specifications, documents, forms, as described in Schedule "B" of this By- law, 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, and the Building Code;

- 5.2 Plans, specifications and other documents which are submitted to satisfy Section 5.1 of this By-law shall:
- 5.2.1 be fully coordinated among design disciplines and intended for construction, demolition or change of use;
 - 5.2.2 be fully dimensioned and drawn to a suitable scale that clearly depicts the proposed construction, demolition or change of use;
 - 5.2.3 include a Title Block containing; project title or proposed use of building, owner's name, municipal address of the project location, scale of drawing, drawing title, date drawing produced and,
 - 5.2.4 include the designer's contact, qualification information, affixed with the appropriate seal embossed with the designer's signature and date of seal, as required, by applicable legislation and associated regulations.
 - 5.2.5 be submitted on paper or other suitable and durable material; and
 - 5.2.6 contain information and text that is clear and legible.
- 5.3 Unless waived by the Chief Building Official, every application shall be accompanied by three (3) sets of plans, specifications, forms, documents and other information required to facilitate the administration and enforcement of the Building Code.
- 5.4 On completion of the construction of a building, the Chief Building Official may require the applicant to submit a set of as-constructed plans, including a plan of survey showing the location of a building.
- 5.5 Plans and specifications submitted in accordance with this By-law or otherwise required by the Act become the property of the Town and will be disposed of or retained in accordance with relevant legislation or by-law.

PART 6. AUTHORIZATION OF ALTERNATIVE SOLUTIONS

- 6.1 Where approval for an Alternative Solution under the Building Code is proposed in either the application for a permit, or in a material change to a plan, specification, document or other information on the basis of which a permit was issued, the applicant shall submit:
- 6.1.2 an application on a form prescribed by the Chief Building Official;

6.1.3 supporting documentation demonstrating that the proposed Alternative Solution will provide the level of performance required by the Building Code; and

6.1.4 payment of the required fees prescribed by Part 7 of this By-law.

PART 7. PERMIT FEES, ADMINISTRATIVE FEES, AND REFUNDS

Permit Fees, Administrative Fees.

7.1 The Chief Building Official shall determine the required permit fees in accordance with this Part of the By-law and Schedule "C" to this By-law, and;

7.1.1 despite the above the Chief Building Official may place a valuation on the cost of the proposed project as contained in Schedule "C" 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. Where the Chief Building Official, in his sole discretion, agrees that the audited costs are less than the valuation, the Chief Building Official may issue a partial refund that reflects the difference between the two amounts.

7.2 Where the Chief Building Official determines that a third party evaluation is required to assist in the determination of compliance with the Building Code and associated Regulations or Standards. Any person that permits the construction, demolition or changes the use of a building or part thereof shall pay a nonrefundable fee to the Town equal to all fees and disbursements incurred by the Town for the third party review, and all other costs associated to the use of Town resources used to engage and obtain a third party evaluation;

7.3 In addition to applicable permit fees, where;

7.3.1 an applicant makes supplementary submissions and revised submissions, the applicant shall pay a administrative fee which shall be calculated in accordance with Schedule "C";

7.3.2 an applicant makes application for a Alternative Solution Review, as prescribed by the Building Code, the applicant shall pay a nonrefundable administrative fee to the Town accordance with Schedule "C", and a nonrefundable fee to the Town equal to all fees and disbursements incurred by the Town for the third party review, and all other costs associated to the use of Town resources used to engage and obtain a third party evaluation;

- 7.3.3 an applicant makes application for a Conditional Permit, the applicant shall pay a nonrefundable administrative fee to the Town equal to all fees and disbursements incurred by the Town for the drafting and registration of conditional permit agreements;
- 7.3.4 any person who commences construction, demolition or changes the use of a building or part thereof prior to the issuance of a permit to construct, demolish or change the use of a building or part thereof, in addition to any penalty imposed under the Act or Building Code, shall pay a non-refundable administrative fee as set out in Schedule "C";
- 7.4 The fees set out in Schedule "C" of this By-law, shall be adjusted annually on and effective the 1st of February based upon the previous year's 3rd quarter Statistics Canada Non-Residential Cost Index: Ottawa. Where such index indicates negative growth, the fees shall remain at the level established for the prior year, in all situations no amendment to the By-law shall be required to give effect to the fee changes.
- 7.5 The Chief Building Official shall not issue a Permit until all fees required by this By-law have been paid in full by the applicant; and,
- 7.5.1 If Permit issuance is refused due to non-compliance with Section 8.(2) of the Act, the property owner shall be invoiced any outstanding fees calculated in accordance with Part 7 of this by-law. Payment shall be due payable from the date of the invoice.
- 7.6 Where any fees set out in this By-law remain unpaid after the due date, the amount unpaid shall be added to the tax roll and collected as taxes.

Refunds of Fees and Deposits

- 7.7 In the case of withdrawal or abandonment of an application, or refusal Permit issuance, and upon written request by the applicant, the Chief Building Official may refund any unearned fees to the party that made payment, which shall be calculated in accordance with this By-law. In no case shall any fees collected in accordance with Subsections 7.3.2, and 7.3.3, or 7.3.4 of this By-law be refundable.

8. TRANSFER OF PERMITS

- 8.1 If the owner of the land changes subsequent to the issuance of a permit and prior to the final inspection related thereto, the Permit may be transferred to the new owner (the transferee) of the subject lands upon the submission of an application in accordance with the requirements of Part 4 of this By-law, and where such application is accompanied by the following:

- 8.1.2 Proof of ownership of the subject lands by the transferee;
 - 8.1.3 written confirmation from the Designer, Architect and/or Professional Engineer or such other qualified person referenced in the original application that such person or firm has been retained to continue to provide the stated services in respect of the application (if such services continued to be required under the Act/Code) or the name, address, telephone number of the Designer, Architect and/or Professional Engineer or such other qualified person and where applicable the written confirmation of such person or firm that they have be retained in relation to the application;
 - 8.1.4 the payment of applicable fees set out in Part 7 of this By-law.
- 8.2 Upon the issuance of a transfer of 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 to the Town under the Permit save and except for any obligations set out in an agreement entered into under Section 8.(3).(c) of the Act.

9. NOTICES FOR INSPECTIONS

- 9.1 Inspection notices required by the Building Code and this By-law shall be made in writing or by telephone.
- 9.2 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.
- 9.3 The person to whom the Permit has been issued shall notify the Chief Building Official of each stage of construction for which a notice is prescribed by the Building Code.
- 9.4 Notwithstanding Part 10 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.
- 9.5 In addition to the notices prescribed in Article 1.3.5.1 of Division C of the Building Code, and where the Chief Building Official has notified the Permit Holder, in writing, of those stages of construction set out in Article 1.3.5.2 of Division C of the Building Code that are also applicable to the project for which the Permit has been issued, shall give notice to the Chief Building Official of the readiness for inspection of those stages of construction.

- 9.6 All notices for inspections as described above shall not be deemed effective until the notice is acknowledged as received by the Chief Building Official in writing or by telephone.

PART 10. FENCING CONSTRUCTION SITES

- 10.1 Where, in the opinion of the Chief Building Official, a construction or demolition site presents a hazard to the public, the Chief Building Official may require the Permit Holder to erect such fencing to the standards and specifications that the Chief Building Official deems to be appropriate in the circumstances.
- 10.2 When determining if a construction or demolition site presents a hazard to the public and requires the erection of fencing and the type of fencing required, the Chief Building Official shall have regard to:
- 10.2.1 the proximity of the construction site to occupied dwellings;
 - 10.2.2 the proximity of the construction site to lands accessible to the public, including but not limited to streets, parks and commercial and institutional activities;
 - 10.2.3 the hazards presented by the construction activities and materials;
 - 10.2.4 the feasibility and effectiveness of site fencing; and
 - 10.2.5 the duration of the hazard.
- 10.3 When the Chief Building Official is of the opinion that fencing is required, the Permit Holder shall, prior to the commencement of any construction, demolition, or placement of materials or equipment on site, erect or cause to be erected fencing to the standards required by the Chief Building Official to enclose the construction or demolition site for the purposes of preventing unauthorized entry on the site. For the purposes of this section, 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.

PART 11. VACANT LOT DEVELOPMENT REQUIREMENTS

- 11.1 Pursuant to Section 10(2)6 and Section 11(2)6 of the Municipal Act, 2001 S.O., notwithstanding development requirements addressed otherwise in another Statute, Regulation or Standards, the Vacant Lot Development Requirements found in Schedule "D" of this By-law shall apply to the first proposed building to be constructed on any vacant lot.

PART 12. EMERGENCY RESPONSE – TEMPORARY APPOINTMENT OF INSPECTORS

12.1 Upon receiving notice of a declared emergency, the Chief Administrative Officer may authorize the Chief Building Official to appoint Inspectors (including the function of revoking such appointments), under section 3 of the Building Code Act, 1992, subject to the following conditions:

12.1.1 the Chief Administrative Officer has determined the state of emergency has overwhelmed the Building Department's resources; and

12.1.2 prior to appointment, each candidate shall have the necessary legislated Inspector qualifications.

PART 13. OFFENCES AND PENALTIES

13.1 Any person is guilty of an offence and is subject to a penalty in accordance with Part 36 of the Building Code Act, 1992, S.O. 1992, c.23, as amended if the person:

13.1.1 knowingly furnishes false information in any application under the Act, in any certificate required to be issued or in any statement or return required to be furnished under the Act or the regulations;

13.1.2 fails to comply with an order, direction or other requirement made under the Act; or

13.1.3 contravenes the Act, the regulations or this By-law passed under Section 7 of the Act.

PART 14. SEVERABILITY

14.1 If a court of competent jurisdiction should declare any section or part of a section this By-law to be invalid such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of this By-law and it is hereby declared that the remainder of this By-law shall be valid and shall remain in force.

PART 15. REPEAL AND TRANSITION

15.1 By-law **Number 28-2016 as amended** is hereby repealed in its entirety upon the passing of this By-law.

15.2 Notwithstanding Sections 14.1 and 15.1 of this By-law, for any complete permit applications received prior to the effective date of this By-law, the provisions of By-law Number **28-2016**, as amended shall apply to those applications.

16. EFFECTIVE DATE

16.1 This By-law shall come into force and take effect **XXX**

By-law read a first time, second time, third time and finally passed this **xxxxx** day of **xxxxxxxxx 2018**

Louis Antonakos, Mayor

D.H. Rogers, Clerk

SCHEDULE "A" OF BUILDING BY-LAW XXX

CLASSES OF PERMITS

BUILDING PERMIT:

To be for the purpose of allowing all types of construction governed by the Act and the Building Code.

CHANGE OF USE PERMIT:

To comply with the requirements of Part10. (1) of the Act.

CONDITIONAL PERMIT:

Pertains to construction only and may be issued only in accordance with Part 8 (3) of the Act. The Chief Building Official is hereby authorized to execute the written agreement referred to in Part 4 of this By-law on behalf of the Town where the Chief Building Official is satisfied that the compliance required under Part8 of the Act has been achieved.

DEMOLITION PERMIT:

To be used for the demolition of all or part of a building or structure.

PARTIAL PERMIT:

When a permit is applied for in accordance to the provisions of the Building By-law, in order to expedite work, the Chief Building Official may grant approval for construction to proceed for a portion of a structure.

OCCUPANCY PERMIT:

Pertains to a Certificate of Occupancy, or a final inspection report issued by the Chief Building Official in accordance with Section 1.3 of Division C of the Building Code, as amended.

SCHEDULE "B" OF BUILDING BY-LAW XXX

Plans, Specifications and Documentation Requirements

Type 1 Projects

The following buildings are considered Type 1 Projects;

- Single Detached homes,
- Semi-detached homes,
- Town Homes,
- Duplexes, and
- any ancillary buildings constructed on these properties;

The following plans and specifications, as applicable to the scope of works proposed are required for Type 1 projects;

- Survey or Plot Plan,
- Architectural,
- Structural,
- HVAC,
- Electrical Layout,
- Site services; and,
- Additional Sections, Plans, Details, or Specifications as determined by the scope of the work involved, for example;
 - Details sealed (by P. Eng.) for engineered manufactured products, i.e. trusses,
 - Site Design for spatial separation, exposed building face and drainage patterns
 - Ventilation Design Summary and Heat Loss and Gain Calculations
 - Energy Efficiency Design Summary form for Part 9 Residential Houses
 - Lighting and smoke and carbon monoxide detectors layouts

Noting that for alterations or repairs the Chief Building Official may accept less.

Type 2 Projects

The following buildings, or structures are considered Type 2 Projects;

- Industrial,
- Commercial,
- Institutional,
- Multi-Residential (not listed above),
- Designated Structures, as defined by the Building Code, and
- Any Ancillary Building, Structures, or Temporary Structures regulated by the Building Code.

Plans and Specifications, as applicable to the scope of works proposed for all type 2 projects,

- Survey or Plot Plan,
- Architectural,
- Structural,
- Mechanical,
- Electrical Layout,
- Site services; and,
- Additional Sections, Plans, Details, or Specifications, for example;
 - Fire Access route design with hydrant locations, or on site water supply,
 - Site Storm and Sanitary layouts,
 - Details sealed (by P. Eng.) for engineered manufactured products, i.e. trusses,
 - HVAC,
 - Energy Efficiency Design SB10 forms (Part 3 or Part 9 Non-Residential Buildings),
 - Plumbing,
 - Sprinklers,
 - Lighting, interior and exterior,
 - Emergency Lighting system, and
 - Fire Alarm system

Noting that for alterations or repairs the Chief Building Official may accept less.

Additional Forms and Documents (where applicable)

- Property Owner's Letter of Authorization appointing an agent,
- Commitment to General Review signed by all project team disciplines
- Building Code Data Matrix
- Geotechnical Investigation Report
- Copies of authorizations/permits from other approving agencies (Applicable Law approvals)
- 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, and the Building Code

This required information is in addition to any information specified in Parts 4, 5 and 11 of By-law **xxxx**

Schedule "C" to By-law XX

PERMIT AND ADMINISTRATIVE FEES, AND REFUND PROVISIONS

Fee Calculations

Permit Fees shall be calculated in accordance to the following chart;

Permit Type	Construction Type	Permit Fee
Building - Commercial / Industrial / Institutional	New construction	2.08% of valuation for first \$500,000 and 1.04% of valuation thereafter
	Additions, Renovations, Alterations or Repairs (not mentioned elsewhere)	2.08% of valuation for first \$500,000 and 1.04% of valuation thereafter; and, - \$10.40 per plumbing fixture
Building - Residential All	New Construction	\$12.50 per m ² of gross floor area; and, - \$10.40 per plumbing fixture; and, - \$207.90 - if unfinished basement has plumbing rough-in; and, - \$103.90 per garage bay <i>(up to 15m² for garage size)</i>
	Addition	2.08% of valuation for first \$500,000 and 1.04% of valuation thereafter; and, - \$10.40 per plumbing fixture; and, - \$207.90 - if unfinished basement has plumbing rough-in; and, - \$103.90 per Garage bay <i>(up to 15m² for garage size)</i>
	Renovation, Alterations, or Repairs (not mentioned elsewhere)	2.08% of valuation for first \$500,000 and 1.04% of valuation thereafter; and, - \$10.40 per plumbing fixture

Permit Type	Construction Type	Permit Fee
Building - Residential to Single Dwellings	Accessory Buildings, Deck and Porches	2.08% of valuation
	Private Pools Enclosures	SEE POOL BY-LAW
	Solid Fuel Burning (Wood stoves etc...)	\$103.90
Demolition	Basic Demolition	\$103.90
	Demolition requiring Engineers Review (sub-section 1.2.3.2 Div. C of OBC)	See Fees listed under conditional permits; and, - security fee deposit at CBO's discretion
Conditional		\$519.70; and, - all applicable DP and building permit fees and Development Charges shall be collected at issuance of first permit; and, - security fee deposit at CBO's discretion; and, - all Legal or third party consultant fees incurred by Town
Partial Permit	Applicable only to where the Applicant requests a Partial Permit	\$103.90; and, - all applicable DP and building permit fees and Development Charges shall be collected at issuance of first permit

Permit Type	Construction Type	Permit Fee
Change of Use	no construction proposed or required per Building Code	\$103.90
	Where plans review of above stated application determines construction is required per Building Code	Apply all applicable project fess listed in this Schedule
Administrative Function		Administrative Fees
Revision to Permit or Request to Review Alternative Solution Proposal		\$311.90; and, - all Legal or third party consultant fees incurred by Town
Re-inspections under valid permit	Any outstanding fees shall be paid in full to the Town prior to the issuance of a Certificate of Occupancy or a final Inspection report	\$103.90 per re-inspection.

Permit Type	Construction Type	Permit Fee
Investigations of	Construction of New Buildings and Structures, commencing prior to the issuance of a Building Permit	<p>\$103.90 per site inspection to review status of non-compliance; and,</p> <ul style="list-style-type: none"> - all Legal or third party consultant fees incurred by Town to achieve compliance with the Code or Act; and, - prior to the issuance of any Order issued pursuant to the Building Code Act. The value of the normal permit fee shall be multiplied by 0.5 to determine the administrative fee portion of the total fee; or, - after the issuance of any Order issued pursuant to the Building Code Act. The value of the normal permit fee amount shall be doubled (maximum \$15,589.60).
Investigation of	Demolitions, renovations/repairs, additions, or change use	<p>\$103.90 per site inspection to review status of non-compliance; and,</p> <ul style="list-style-type: none"> - all Legal or third party consultant fees incurred by Town to achieve compliance with the Code or Act; and, - prior to the issuance of any Order issued pursuant to the Building Code Act. The value of the normal permit fee shall applied; or, - after the issuance of any Order issued pursuant to the Building Code Act. The value of the normal permit fee amount shall be doubled (maximum \$15,589.60).

Permit Type	Construction Type	Permit Fee
Agency Letter of Approval		\$207.90
Building Compliance Report		\$31.20 for each building information and planning information report
Transfer/Renewal of Permit		\$103.90

Alternative Fee Calculations

Structures that are of an unusual shape, or where projects are unique in nature, and where the application fees set out in this Schedule is not possible, or would be impractical, the Chief Building Official, at his discretion, may determine the value of the Permit Fee. The Chief Building Official may utilize some, all, or a combination thereof, of the following criteria to determine the Permit Fee:

- Inspection and revision review fees listed in this Schedule may be used to calculate a Permit Fee based upon an estimation of staff time that may spent on the file.
- Apply a fee, or combination of fees listed this schedule that in the judgment of the Chief Building Official, most closely reflects the proposed project.

Minimum Fees

Notwithstanding the above, the minimum applicable fee for any permit application shall be collected in accordance to the following chart;

Minimum Fees	
<ul style="list-style-type: none"> • Any project not listed elsewhere in this chart • Renovations • Accessory building or deck to single dwelling • Solid Fuel Appliance (Wood-stove) • Change of Use – no construction • Demolition 	\$103.90
<ul style="list-style-type: none"> • Addition to building • Creation of a new suite or unit 	\$519.70
<ul style="list-style-type: none"> • New Building – less than 300m² of gross floor area (not listed elsewhere) 	\$1039.30
<ul style="list-style-type: none"> • New Building – greater than 300m² of gross floor area (not listed elsewhere) 	\$2078.60
<ul style="list-style-type: none"> • New Building – greater than 600m² of gross floor area (not listed elsewhere) 	\$5196.50

Determination of Floor Area

The following method establishing the total floor area shall be used;

- Each floor area, shall be measured between the outside surfaces of exterior walls, or between the outside surfaces of exterior walls and the centre line of Firewalls or Party Walls. For structures like, Mezzanines, Decks/Porches, and Loading Docks the area shall be measured between the platform edge to platform edge, or between the platform edge to an abutting wall face. The summation of these calculations shall be considered the total gross floor area.
- A residential basement or a crawlspace contained in whole below grade, and with no interior finishes installed, or where no Use is proposed shall not be calculated as part of the total gross floor area.
- Notwithstanding the above, all walkout basements in dwellings shall have half of their total floor area calculated to the total gross floor area.
- No deductions shall be made for openings within a Floor, i.e. stairwells, elevator shafts, service shafts (ducts. etc.). A horizontal plane may be projected over sloping and stepped Floors to determine Floor area in lieu of actual surface area.

REFUND OF PERMIT FEES

General Provisions

- (1) Refunds of fees collected under the authority of this Schedule, shall be provided in accordance with other provisions of this Part, where the;
 - Building Permits have been issued, but no construction has commenced,
 - Building Permits have not been revoked,
 - Building Permit Applications have not expired,
- (2) Requests for refunds must be submitted to the Chief Building Official in writing who will determine the amount of Fees, if any, that may be refunded.
- (3) Except as provided in sentence (3), the amount of fees refundable shall be calculated based on the total of fees collected under the authority of this Schedule and provisions listed in Part 7 of Building By-law XXX, as follows:
 - 75 percent refundable if applicant cancels application prior to release of permit for issuance;
 - 50 percent refundable if Chief Building Official has released the permit for issuance;
- (3) Notwithstanding sentence (2), no refund shall be made of an amount less than \$103.90

SCHEDULE “D” to Bylaw XXX

VACANT LOT DEVELOPMENT REQUIREMENTS

1. Additional Documents applicable to new building construction on vacant lots

1.1 To ensure that the first building constructed on a vacant lot meets the Town’s development standards, specifically for location of the building on the lot, the grading of the site, and the connection to the municipal storm sewer system, the Town requires the submission of the following documents:

1.1.1 **At time of Building Permit application**, in addition to other applicable approvals, permits and payment of all fees regulated by either Federal or Provincial Statute, Regulation or Standard, or a Municipal By-law, the owner, or applicant, shall also submit:

- (a) a Location Survey, prepared by an Ontario Land Surveyor and approved by the Director of Planning; and,
- (b) a Site Lot Grading Plan, prepared by an Ontario Land Surveyor or a qualified Professional Engineer, and approved the by Director of Public Works; and,
- (c) a **sump pump connection design** approved by the Director of Public Works; and,
- (d) a refundable deposit of \$5,000.00, to ensure completion of grading, associated site, **and survey works** on the subject property to the satisfaction of the Town.

1.1.2 Upon completion of the footing and foundation system of the new building, the owner shall submit to the Director of Public Works an Underside of Footing Certificate issued by the Owner’s Professional Engineer or Ontario Land Surveyor.

1.1.3 Prior to occupancy of the new building, the Owner shall submit to the Director of Planning an “as built” Location Survey, prepared by an Ontario Land Surveyor.