



The Corporation of the Township of Adjala-Tosorontio

By-law 07-23 (Consolidated – as amended)

BUILDING BY-LAW

**A by-law to regulate construction,
demolition, plumbing, septic, change of use
permits, inspections and fees**

Consolidation		
Amendment No. 1	By-law 13-11	May 6, 2013

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<p>OFFICE CONSOLIDATION Current to Amendment No. 1 By-law 13-11, May 6, 2013</p>

THE CORPORATION OF THE TOWNSHIP OF ADJALA-TOSORONTIO

BY-LAW 07-23

A BY-LAW TO REGULATE CONSTRUCTION, DEMOLITION, PLUMBING, SEPTIC, CHANGE OF USE PERMITS, INSPECTIONS AND FEES
Building By-law

WHEREAS Section 7 of the Ontario Building Code Act, S. O. 1992, Chapter 23, provides authority for the Council of a Municipality to enact By-laws respecting construction, demolition, change of use permits, inspections, transfer of permits, and the setting and refunding of fees;

NOW THEREFORE the Council of the Corporation of the Township of Adjala-Tosorontio enacts as follows:

TITLE

This By-law shall be cited as "Building By-law".

1. DEFINITIONS

1.1 In this By-law the following definitions shall apply:

"Act" shall mean the *Building Code Act, 1992, S.O. 1992, c.23* as amended;

"Applicant" shall mean the owner of a property who applies for a permit or any person authorized by the owner in writing to apply for a permit on the owner's behalf, or any person or Corporation empowered by statute to cause the construction or demolition of a building or buildings and anyone acting under the authority of such person or Corporation;

"Building" shall mean a building as defined in Section 1(1) of the Act;

"Building Code" shall mean the regulations made under section 34 of the Act;

"Chief Building Official" shall mean the Chief Building Official appointed by By-law by the Corporation of the Township of Adjala-Tosorontio for the purpose of enforcement of the Act;

"Construct" shall mean to do anything in the erection, installation, extension or material alteration or repair of a building and includes the installation of a building unit fabricated or moved from elsewhere and "construction" has a corresponding meaning;

"Demolish" shall mean to do anything in the removal of a building or any material part thereof and "demolition" has a corresponding meaning;

"Inspector" shall mean an Inspector appointed by By-law by the Township Adjala-Tosorontio for the purpose of enforcement of the Act;

“Owner” shall mean the registered owner of the property and includes a lessee, mortgage in possession, and the authorized agent in lawful control of the property;

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

“Plumbing” shall mean a drainage system, a venting system, and a water system or parts thereof;

“Registered Code Agency” shall mean a person or entity that has the qualifications and meets the requirements described in subsection 15.11(4) of the Act, as defined in subsection 1(1) of the Act;

“Secondary Water Source” shall mean a well or sand point used strictly for lawn/garden watering where municipal water supply is present.

“Sewage System” shall mean a sewage system as defined in Article 1.4.1.2. Division A of the Ontario Building Code;

“Township” shall mean The Corporation of the Township of Adjala-Tosorontio;

- 1.2 Any word or term not defined in this By-law, that is defined in the Act or Ontario Building Code shall have the meaning as described to it in the Act or the Ontario Building Code;

2. ADMINISTRATION

- 2.1 **Construction Permit Required** - No person shall construct, change the use of, or demolish or cause to be constructed, change use of, or demolished, a building in the Township, or install a Secondary Water Source where a municipal water supply is present unless a permit has been issued by the Chief Building Official.
- 2.2 **Permit Voiding** - In accordance with the provisions of Section 8, Subsection 10 of the Building Code Act and subject to Section 25 of the Building Code Act, a construction permit shall expire and become void where;
- 2.2.1 It was issued on false or mistaken information;
- 2.2.2 Six months after its issuance, the construction or demolition in respect of which it was issued has not, in the opinion of the Chief Building Official, been seriously commenced;
- 2.2.3 The construction or demolition of the building is, in the opinion of the Chief Building Official substantially suspended or discontinued for a period of more than one year;
- 2.2.4 The permit was issued in error;

- 2.2.5 The holder of the permit requests, in writing, that it be revoked, or;
- 2.2.6 If a term of Conditional Permit agreement under 8(3)(c) of the Act has not been complied with;
- 2.3 **Transfer of Permit** - Where application is made for a transfer of permit because of a change of ownership of the land, the application shall contain:
- 2.3.1 The names and addresses of the previous and new landowner;
- 2.3.2 The date that the land ownership change took place;
- 2.3.3 Description of the permit that is being transferred; and
- 2.3.4 Fee contained in Schedule "A";
- 2.4 **Notice of Revision** - A *Notice of Revision Application* shall be submitted for all revisions to submitted plans and application once a building permit has been issued, and such application shall contain:
- 2.4.1 Completed *Application for Revision to Permit* form;
- 2.4.2 Revised plans detailing the revision; and
- 2.4.3 Fee contained in Schedule "B";
- 2.5 **Permit Placard** - Every construction permit holder shall, prior to commencement of any works, post conspicuously, near the road, the work site, the permit placard that is issued with the permit and shall be responsible for the maintaining of the placard in a legible condition until the work allowed by the permit is complete;

3. CLASSES OF PERMITS

- 3.1 **Building Permit** – This Permit is generally used for all construction and contains one or more of the following:
- 3.1.1 a) **Addition** – any structure built onto an existing structure including, but not limited to, porches, verandas, sunrooms, attached garages, any living space;
- b) **Agricultural** – farm buildings of low human occupancy;
- c) **Alteration/Renovation**– including, but not limited to, converting non-habitable space into habitable, adding bedrooms, finishing basements, replacing windows with larger windows, and any structural work;
- d) **Ancillary Building** – including, but not limited to, detached garages, sheds, gazebos, pool houses;
- e) **Deck** – where the difference in elevation to any adjacent surfaces exceeds 600mm;

- f) **Demolition** – as per demolition definition;
 - g) **Designated Structure** – as per *Ontario Building Code* subsection 2.1.2;
 - h) **Heating, Ventilation and Air Conditioning (HVAC)** – installation, upgrading, replacement, alteration of HVAC system;
 - i) **New Construction** – includes any new Group A, B, C, D, E, or F, Occupancies;
 - j) **Plumbing**
 - I) installation, alteration, addition, replacement of any plumbing component,
 - II) installation of a secondary water source on a property serviced by municipal water supply. The installation of such a private water supply on property serviced by municipal water supply is only permitted where there is no possible cross contamination to the municipal water supply and used strictly for lawn/garden watering as established by the water purveyor or,
 - III) connection of a foundation drain, subsoil drainage pipe, or roof leader to a sanitary drainage system. This connection is only permitted through specific authorization by the Township.
 - k) **Sewage System** – installation, alteration, addition of sewage systems;
 - l) **Sign** – signs as per *Ontario Building Code* section 3.14;
 - m) **Tent** – all tents, as per *Ontario Building Code* section 3.13;
 - n) **Wood Burning Appliance** – wood stoves, fireplaces and chimneys;
- 3.1.2 **Change of Use Permit** – Even when no construction is proposed, no person shall change the use of a building or part of a building or permit the use of a building to be changed where a change of use permit is required unless a permit has been issued by the Chief Building Official;
- 3.1.3 **Conditional Permit** – Even though all requirements have not been met to obtain a Building Permit, the Chief Building Official may issue a conditional Permit for any stage of construction provided the following is complete and submitted:
- a) Required applicable law approvals including Township Planning Department approval;
 - b) Verification from owner or Builder indicating why unreasonable delays in construction would occur if a conditional permit is not granted; and

- c) All payment received as required in Schedule “A” and “B”.

3.1.4 **Occupancy Permit (Partial or Fully Completed)** – No person shall occupy or use a building or part thereof that is newly erected or installed or permit it to be occupied until one of the following are met:

- a) The building has been inspected for occupancy and an occupancy permit has been issued;
- b) 10 days have elapsed after written notice of the date of completion is served on the Chief Building Official; or
- c) If a registered code agency has been appointed for the building, a final certificate that contains the prescribed information has been issued;

4. APPLICATION FOR PERMIT

4.1 To obtain a permit, the owner or authorized agent of the owner shall file an application in writing by completing the provincial prescribed form, “Application for a Permit to Construct or Demolish”, available at the Township, the Township website, or from the Ministry of Municipal Affairs and Housing website www.obc.mah.gov.on.ca;

4.2 Except as otherwise permitted by the Chief Building Official, every application shall contain the following;

- 4.2.1 a) Project information indicating project value and describing the land on which the work is to be done by a description that will readily identify and locate the building lot; including the registered title of the land and the municipal address;
- b) Names, addresses and telephone numbers of the Applicant, owner(s), and builder;
- c) Purpose of application;
- d) Signed and dated by the Applicant who shall certify the truth of the contents of the application;
- e) Where Applicant is other than owner, the applicant shall provide a letter signed by the owner authorizing the Applicant to act on behalf of the owner;
- f) Be accompanied with a “Schedule 1: Designer Information” form completed by each designer who will be providing design activities for which qualifications and/or registration is required by section 3.2 Division C of the Ontario Building Code;
- g) Be accompanied with other documents establishing compliance with applicable law;

4.2.2 Be accompanied by complete plans and specifications complying with Section 5 and that are satisfactory for the

Chief Building Official to determine compliance to the Building Code;

- 4.2.3 Be accompanied by the required application deposit, in accordance with the application deposit requirements of Schedule "A";

5. PLANS SPECIFICATIONS AND INFORMATION

- 5.1 Sufficient information shall be submitted with each application for a permit to enable the Chief Building Official to determine whether or not the proposed work will conform with the Ontario Building Code Act, the Regulations there under, and any other applicable law;
- 5.2 Plans shall be drawn to scale upon paper and be legible. Scales for plans and drawings shall be clearly marked;
- 5.3 Plans, specifications and information accompanying the application shall be submitted in duplicate unless the scope of work includes a septic system whereby an additional set of floor plans shall be submitted;
- 5.4 Unless otherwise permitted by the Chief Building Official, site plans shall be reference to a current plan of survey, certified by a registered Ontario Land Surveyor, and a copy of such survey shall be submitted and site plans drawn to scale and shall indicate:
- 5.4.1 a) Location of proposed building by dimensions from property lines;
- b) The dimension and location of every existing building on the property, including swimming pools;
- c) Existing and proposed ground levels or grades;
- d) Grade around dwellings to have a minimum slope to direct surface water away from the building, and shall be swaled so that water will not adversely affect adjacent properties;
- e) The location of any wells, ponds, rivers, creeks, or any body of water, and/or sewage systems located on or within 50 metres of the property;
- f) Any other information as required by any agreements;

6. FEES

- 6.1 The prescribed application deposit shall be paid upon submission of permit application as provided in Schedule "A";
- 6.1.1. The application deposit shall be retained by the Township and shall be refunded upon completion and inspection of construction including completion of exterior final and grading. Said application deposit shall be forfeited if Final Inspection is not completed within 2 years from the date of the last inspection, or if the Owner permits occupancy of building prior to an Occupancy Permit being issued by the Chief Building Official where required;

- 6.2 The Chief Building Official shall determine the required fees for the work proposed calculated in accordance with Schedule "A" and/or "B" of this By-law and the applicant shall pay such fees prior to issuance of the permit;
- 6.3 Where a person is found to have commenced construction or demolition of a building without the required permit, an additional fee (Special Inspection Fee) shall be paid, along with the required fee in addition to any set fine or fine which may be imposed by a Court of Law;
- 6.4 Any person who requires an extra inspection for any reason is subject to an Extra Inspection Fee as described in Schedule "B";

7. REFUND OF FEES

- 7.1 Construction permit holders shall be eligible for a refund in accordance with provisions set out below:
 - 7.1.1 The work in respect of which a permit was issued is not commenced and the permit holder applies for a refund within 6 months from date of permit issue;
 - 7.1.2 The work in respect of which a permit was issued is commenced and then ceased and the permit holder applies for a refund within 6 months from date of last recorded inspection;
- 7.2 The fees that may be refunded shall be a percentage of the fees paid as follows:
 - 7.2.1 95 percent if administrative functions only have been performed;
 - 7.2.2 90 percent if administrative and planning functions have been performed;
 - 7.2.3 80 percent if administrative, planning and plan examination functions have been performed;
 - 7.2.4 75 percent if the permit has been issued, less \$50.00 for each site inspection made by an Inspector;
- 7.3 There shall be no refund of any construction permit fee where:
 - 7.3.1 A construction permit has become void, under Section 2 of this By-law and a refund had not been requested within the time frames noted under Section 7.1 of the By-law;
- 7.4 Despite any of the foregoing provisions, in no case shall the amount of the fees to be retained by the Township be less than the minimum permit fee;
- 7.5 Refunds are payable to the current property owner only, unless written direction from the current property owner indicating otherwise, is received by the Chief Building Official before the refund is issued;

8. NOTICES TO CHIEF BUILDING OFFICIAL

- 8.1 Subject to Subsection 1.3.5 Division C of the Ontario Building Code, the person to whom a permit has been issued or his agent, shall notify the Chief Building Official, or the registered code agency if one is appointed, of the following stages of construction;
- 8.1.1 Commencement of construction and /or investigative inspection, (site, water table, soils, slope, etc.);
 - 8.1.2 The readiness to construct the footings;
 - 8.1.3 The completion of foundation walls, including parging, damp-proofing, weeping tile, and stone coverage around weeping tile, as well as stone for basement area;
 - 8.1.4 The substantial completion of structural framing, ductwork and piping for heating and air-conditioning systems, plumbing rough-in including tests on building sewer and building drains, water service pipes, drainage systems and venting systems, water distribution system and fire service mains for most buildings not described in section 8.1.5 of this By-law;
 - 8.1.5 The substantial completion of structural framing and rough-in of heating, ventilation, air-conditioning systems where the building is of assembly, care or detention, or high hazard occupancy, or where the building exceeds 600 m² in building area or exceeds 3 storeys in building height;
 - 8.1.6 Substantial completion of insulation, vapor barriers and air barriers;
 - 8.1.7 Substantial completion of all required fire separations and closures and all fire protection systems including standpipe, sprinkler, fire alarm, and emergency lighting systems;
 - 8.1.8 Substantial completion of fire access routes;
 - 8.1.9 Readiness to construct the sewage system;

Substantial completion of the installation of the sewage system before the commencement of backfilling;
 - 8.1.10 Substantial completion of plumbing not located in a structure before the commencement of backfilling;
 - 8.1.11 Completion of construction and installation of components required to permit the issue of an occupancy permit under Sentence 1.3.5.1(n) Division C of the Ontario Building Code, or to permit occupancy under Subsection 1.3.3 Division C if the building or part of the building to be occupied is not fully completed;
 - 8.1.12 Substantial completion of exterior cladding and site grading;
- 8.2 Where an inspection of a stage of construction is made pursuant to notification and it is found at the time of inspection

that the construction is incomplete or otherwise does not meet the requirements of the Building Code or this By-law, the owner must pay a re-inspection fee prior to any further inspections or occupancy, said fee as described by Schedule “B”;

- 8.3 Where inspection of a construction stage is found to be incomplete or in non-compliance after two inspections, or where an inspection is specifically requested and scheduled at a time other than normal Department working hours or any other ‘special’ inspection requested, the fee shall be in accordance with Schedule “B”;

9. REGISTERED CODE AGENCIES

- 9.1 The Chief Building Official is authorized to enter into and sign contracts for service agreements with Registered Code Agencies and appoint them to perform specified functions from time to time in order to maintain the time periods for permits prescribed in Article 1.3.1.3 Division C of the Ontario Building Code;
- 9.2 The Registered Code Agency may be appointed to perform one or more of the specified functions described in section 15.15 of the Act;

10. BY-LAW DECLARATIONS

- 10.1 The granting of any permit, or the acceptance of the drawing or any specifications, or any inspections made by the Township shall not, in any way relieve the owner of such building, or the person responsible for the provision of service, labour or materials to the building from the full and sole responsibility for carrying out the work or having the work carried out in accordance with the requirements of this By-law, the Ontario Building Code Act and the regulations made there under and any other applicable legislation;
- 10.2 The granting of any permit, acceptance of any drawings, specifications, or inspections made by the Inspector shall not in any way, be deemed as a waiver by the Township, or compliance with any other applicable By-law of the Township or any other legislation;

11. VIOLATION AND PENALTY

- 11.1 **THAT** any person who contravenes any provision of this By-law and any director or officer of a Corporation who concurs in such contravention is guilty of an offence and on conviction is liable to a fine as provided for in s.36 of the Act;

12. SEVERABILITY

- 12.1 **THAT** should any section, subsection, clause, paragraph or provision of this By-law be declared by a Court of competent jurisdiction as ultra vires or illegal for any reason, the remaining parts shall nevertheless remain valid and binding and shall be read as if the offending section or part had been struck out;

12.2 **THAT** should the provisions of this By-law be found to conflict with the provisions of any other By-law of the Township the provisions of this By-law shall prevail;

13. **THAT** By-law 05-52 is hereby repealed;
14. **THAT** this By-law shall come into force and take effect on and from the date of passage hereof;
15. **THAT**, notwithstanding anything contrary to the rules of procedure, this By-law be introduced and read a first and second time and be considered read a third time and finally passed this 5th day of November, 2007.

MAYOR TOM WALSH

Office Consolidation

CLERK BARBARA KANE

Schedule "A"
to
By-Law No 07-23

APPLICATION FEE

CLASSIFICATION	DESCRIPTION	APPLICATION DEPOSIT
New Construction	Group A, B, C, D, E, F Occupancies	\$555
Ancillary Buildings and Additions	All Buildings subsidiary to the main building or Additions to existing buildings	\$222
Min Application Deposit	All Construction other than that indicated above	\$111

(By-law No.13-11)**PERMIT FEES**

CLASSIFICATION	DESCRIPTION	FEE PER SQUARE FOOT
GROUP A & B Assembly, Care, Detention Occupancy	New Construction / Addition	\$.67
	Heating /Ventilation system	\$.11
	Plumbing	\$11/fixture
	Foundation without Basement	\$.06
	Basement or other Unfinished Space	\$.31
GROUP C Residential Occupancy	New Construction / Addition	\$.67
	Heating /Ventilation system (finished floor area only)	\$.11
	Plumbing	\$11/fixture
	Foundation without Basement	\$.06
	Basement or other Unfinished Space	\$.31
	Creation of Apartment in Dwelling	\$.59
GROUP D & E Mercantile, Business Occupancy	New Construction / Addition	\$.59
	Heating /Ventilation system	\$.11
	Plumbing	\$11/fixture
	Foundation without Basement	\$.06
	Basement or other Unfinished Space	\$.31
GROUP F Industrial Occupancy	New Construction / Addition	\$.59
	Heating /Ventilation system	\$.11
	Plumbing	\$11/fixture
	Foundation without Basement	\$.06
	Basement or other Unfinished Space	\$.31
AGRICULTURAL	New Construction / Addition (other than riding arenas)	\$.17
	Riding Arena	\$.36
	Heating /Ventilation system	\$.11
	Foundation without Basement	\$.06

(By-law No. 13-11)

Schedule "B"
to
By-law No 07-23

ADDITIONAL AND OTHER RELATED FEES

CLASSIFICTION	DESCRIPTION	FEE
Minimum Permit Fee	Minimum Fee for any Permit unless otherwise stipulated on Schedule "A"	\$ 83.00
Conditional Permit Fee	Where a Conditional Permit is issued	\$167.00
Designated Structure	As per Section 3.1.1 (g)	*Construction Value
Renovation / Alteration	As per Section 3.1.1 (c)	*Construction Value
Ancillary Buildings / Deck, unheated porch or veranda	As per Section 3.1.1.(d) & (e)	\$.36 per ft ²
Portable Buildings	School Portables/ Sales Office/ Etc.,	\$ 89.00
Solid Fuel Burning Appliance	Woodstove/Fireplace/ Etc.,	\$111.00
Plumbing	Per Fixture or Appliance	\$ 11.00
Change of Use Permit	As per Section 3.1.2.	\$ 83.00
Demolition Permit	As per Section 3.1.1 (f)	\$ 83.00
Re-Inspection	Re-Inspection of the same deficiency more than twice or fail to cancel inspection if not ready for Inspection	\$ 67.00
Site Visit	Special visit request by applicant	\$ 56.00
Notice of Change	Changes proposed to construction after Permit has been issued	\$ 44.00 Plus app. Permit Fees
Permit Extension	Permit Extended (if permitted by CBO)	\$ 83.00
Transfer of Permit	Ownership Change for active Permits	\$ 22.00
Construction Commenced without a Permit	Special Inspection Fees / Administration Fees	Double Permit Fee
Remediate Order to Comply; Stop Work Order; Order to Uncover	Special Inspection Fees / Administration Fees	\$167.00 Plus applicable Permit Fees
Remediate Order to Remedy Unsafe Building; Order Respecting Occupancy; or Emergency Order	Special Inspection Fees / Administration Fees / Legal Fees	\$555.00 Plus applicable Permit Fees
*Construction Value Construction Cost of Project	\$83 for the 1 st \$1000 of Construction Value, plus \$6 per \$1000 on remaining construction value or part thereof.	

(By-law No. 13-11)**SEPTIC SYSTEM FEES**

DESCRIPTION	FEE
New or Replacement Sewage System (Includes Site Evaluation)	\$416.00
Conversion or Addition to Sewage System	\$ 83.00
Site Evaluation for a Sewage System	\$ 83.00

(By-law No. 13-11)