

## THE TOWNSHIP OF ADJALA-TOSORONTIO

### BY-LAW # 2022-54

#### A BY-LAW UNDER THE BUILDING CODE ACT RESPECTING PERMITS AND RELATED MATTERS.

WHEREAS the Council of the Township of Adjala-Tosorontio deems it advisable to enact a new by-law and repeal By-law 19-27 in order to comply with Bill 124;

AND WHEREAS Section 7.1 of the Building Code Act, requires the Township of Adjala-Tosorontio to establish and enforce a code of conduct for the Chief Building Official and Inspectors;

AND WHEREAS Section 11 of the Municipal Act allows the Council of the Township of Adjala-Tosorontio to pass By-laws respecting matters within the spheres of jurisdiction, hereby repeal any By-laws provided temporary use or replacement dwelling agreements, as amended;

NOW THEREFORE, the Township of Adjala-Tosorontio hereby enacts as follows:

1. **SHORT TITLE:**

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

2. **DEFINITIONS:**

(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 the person authorized in writing by the owner to apply for a permit on the owner's behalf.
- (c) **"As Constructed Plans"** means as constructed plans as defined in the Building Code.
- (d) **"Base Model"** means plans for the basic design of a detached, semi-detached, townhouse, row-house, duplex or 'live/work' residential building that includes one elevation and no optional features
- (d) **"Building"** means a building as defined in Section 1(1) of the Act.
- (e) **"Building Code"** means the regulations made under Section 34 of the Act.
- (f) **"Certified Model"** means a unique building design for a detached or semi-detached unit that has been reviewed by the chief building official for compliance with the Building Code and is intended for construction

pursuant to a permit issued under the Act

- (f) **"Chief Building Official"** means the Chief Building Official appointed by the by-law of The Township of Adjala-Tosorontio for the purposes of enforcement of the Act.
- (g) **"Corporation"** means the Township of Adjala-Tosorontio.
- (h) **"Farm Building"** means a farm building as defined in the Building Code.
- (i) **"Inspector"** means an inspector appointed under section 3.6.1 or Section 3.6.2 of the Act.
- (j) **"Optional Feature"** means are variations to the basic design of the base model and includes additional elevations, alternate floor layouts, upgrades and other design elements that require additional review for building code compliance for the building, the HVAC system, or the plumbing.
- (k) **"Owner"** means registered owner of the land and includes a lessee, mortgagee in possession, and the person in charge of the property.
- (l) **"Permit"** means written permission or written authority from the chief building official to perform work regulated by this by-law and the Act.
- (m) **"Permit Holder"** means the person to whom the permit has been issued.
- (n) **"Plumbing"** means plumbing as defined in Section 1(1) of the Act.
- (o) **"Sewage System"** means a sewage system as defined by the Building Code.

(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:**

- (1) For the purposes of the Act and the Building Code, there shall be eight classes of permits as set forth in Schedule "A" appended to and forming part of this By-law, namely:
  - (a) building permit, respecting the complete construction of a building including farm buildings or a part of a building;
  - (b) partial building permit, respecting the partial construction of a building or part of a building;
  - (c) conditional building permit, respecting the construction of a building subject to conditions imposed pursuant to subsection 8(3) of the Act;

- (d) demolition permit, respecting the demolition of a building or part of a building;
- (e) change of use permit, respecting a change in use of a building or part of a building which results in an increase in hazard as determined under the Building Code;
- (f) on-site sewage system, respecting the exterior underground services on a property servicing one or more buildings that does not exceed 10,000L per day;
- (g) sign permit; and
- (h) plumbing permit.

**4. PERMIT APPLICATIONS:**

- (1) (a) To obtain a permit, the applicant shall file an application in writing by completing a prescribed form available from the Chief Building Official or from the Building Code website [www.obc.mah.gov.on.ca](http://www.obc.mah.gov.on.ca). Forms prescribed by the Corporation under clause 7(f) of the Act shall be as set out in Schedule "D" to this By-law. Every application for any of the permits set out in this By-law shall be submitted to the Chief Building Official.
- (b) Every type of permit application shall state the name, address, telephone number, e-mail address and facsimile number of the owner, applicant, architect, engineer or other designer, and the constructor or person hired to conduct the construction or demolition, as the case may be.
- (c) Incomplete permit applications will only be held for a maximum of 8 weeks where no progress or updates have been provided on the file. Where work has commenced on the application and fees have been paid refunds will be governed by Schedule "B" to this Bylaw.
- (d) The \$25.00 administrative fee is non-refundable. The fee does not apply to structures under 50sqm, plumbing and septic permit applications.

**Building Permits**

- (2) Every building permit application shall:
  - (a) identify and describe in detail the work, use and occupancy to be covered by the permit for which the application is made;

- (b) identify and describe in detail the existing uses and the proposed use(s) for which the premises are intended;
- (c) describe the land on which the work is to be done, by a description that will readily identify and locate the site on which the building construction or demolition is to occur;
- (d) be accompanied by plans and specifications in addition to the requirements set out in section 5;
- (e) be accompanied by the required fees in accordance with Schedule "A";
- (f) when Division C, 1.2.1 of the Building Code applies, be accompanied by a signed Letter of Undertaking from the owner on a form prescribed by the Chief Building Official that an architect or professional engineer, or both, have been retained to conduct the general review of the construction or demolition of the building;
- (g) when Division C, 1.2.1 of the Building Code applies, be accompanied by a signed statement of the architect or professional engineer retained under (g), or both, on the form prescribed by the Chief Building Official, undertaking to provide general review of the construction or demolition of the building;
- (h) include, where applicable, the registration number of the builder or vendor as provided in the Ontario New Home Warranties Plan Act;
- (i) state estimated valuation of the proposed work including consulting fees, material, and labour;
- (j) be signed by the applicant who shall certify as to the truth of the contents of the application; and
- (k) be accompanied by the applicable administration fee as per Schedule 'A' Part 'B' which applies to all new applications

### **Demolition Permits**

- (3) Where application is made for a demolition permit under subsection 8(1) of the Act, the application shall:
  - (a) Be accompanied by a site plan indicating the location and size of building to be demolished;
  - (b) be accompanied by satisfactory proof that arrangements have been made with the proper authorities for the termination and capping of all water, sewer, gas, electric, telephone or other utilities and services and that Division C, 1.2.2.3 of the Building Code has been complied with where applicable; and

- (c) Upon final inspection, be accompanied by a Form 357 filled out in its entirety.

### **Conditional Permits**

- (4) Where application is made for a conditional permit under subsection 8(3) of the Act, the application shall:
  - (a) contain such other information, plans and specifications concerning the complete project as the Chief Building Official may require;
  - (b) state the reasons why the applicant believes that unreasonable delays in construction would occur if a conditional permit is not granted;
  - (c) state the necessary approvals which must be obtained in respect of the proposed building and the time in which such approvals will be obtained;
  - (d) state the time in which plans and specifications of the complete building will be filed with the Chief Building Official;
  - (e) At the discretion of the Chief Building Official, require an agreement between the applicant and/or owner, and the municipality upon issuing a conditional permit; and
  - (f) At the discretion of the Chief Building Official, require a replacement dwelling agreement between the applicant and/or owner, and the municipality together with a deposit of \$10,000.

### **Change of Use Permits**

- (5) Every application for a change of use permit issued under subsection 10(1) of the Act shall be submitted to the Chief Building Official and shall:
  - (a) describe the building in which the occupancy is to be changed, by a description that will readily identify and locate the building;
  - (b) identify and describe in detail the current and proposed occupancies of the building or part of a building for which the application is made;
  - (c) 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, including: floor plans, detail of wall, ceiling and roof assemblies identifying required fire resistance ratings and load bearing capacities, and details of the existing "sewage system", if any;

- (d) be accompanied by the required fee; and
- (e) be signed by the owner or his or her authorized agent who shall certify the truth of the contents of the application.

**Sewage System Permits**

- (6) Every application for a sewage system permit shall be submitted to the chief building official in conformance with Section 4(1) above and shall:
  - (a) contain the information required by Section 4(2) (a) to (f) of this By-law in respect to building permits
  - (b) state the name, address, telephone number and registration number of the person installing the sewage system,
  - (c) provide a site evaluation which shall include all of the following items, unless otherwise specified by the chief building official:
    - (i) the date the evaluation was done; and
    - (ii) the name, address, telephone number and signature of the person who prepared the evaluation.
  - (d) provide a scaled drawing of the site showing:
    - (i) the design of the sewage system including plan and elevation views; and
    - (ii) the legal description, lot size, property dimensions, existing right-of-way, easements or municipal/utility corridors, and the property identification number.
  - (e) show the location of items listed in column 1 of Tables 8.2.1.5.A., 8.2.1.6.B. and 8.2.1.6.C., of the Building Code, as applicable;
  - (f) show the location of the proposed sewage system;
  - (g) show the location of any unsuitable, disturbed or compacted areas;
  - (h) show the proposed access routes for system maintenance;
  - (i) show the depth to bedrock, and/or high-water table;
  - (j) show the depth to zones of soil saturation;
  - (k) show the soil properties, including a unified soils sample;
  - (l) show the soil conditions, including the potential for flooding; and
  - (m) show the design of the sewage system including plan and elevation views.

**Equivalents**

- (7) Where an application for a permit or for authorization to make a material change to a specific 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 8 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 8(v) of the Act is requested;
  - (b) Any applicable provisions the Building Code; and
  - (c) Evidence that the proposed material, system or building design will provide the level of performance, as required by the Building Code Division C, part 2.

**Plumbing Permit**

- (8) Plumbing Permits are required for any new construction that involves plumbing works. Alterations or extensions to existing plumbing systems require a permit. Every application for a Plumbing Permit shall comply with the requirements of Section 4(2).

**Sign Permit**

- (9) Every Application for a Sign Permit shall comply with the requirements of Section 4(2).

**Building Permit**

- (10) Every Application for a Building Permit shall comply with the requirements of Section 4(2).

**5. PERMIT ISSUANCE:**

- (1) No person shall construct or demolish a building unless a permit has been issued under Section 8 of the Act.
- (2) The Chief Building Official shall issue a permit once the requirements of Section 8(2) of the Act are satisfied.

**6. REVISION TO PERMITS:**

- (1) 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 in 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.

**7. REVOCATION OF PERMITS:**

- (1) Pursuant to section 8(10) of the Act, the Chief Building Official may revoke a permit if after 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. The Chief Building Official may also revoke a permit due to additional reasons as stipulated in Section 8(10) of the Act.
- (2) Prior to revoking a permit under Section 8(10) of the Act, the Chief Building Official may serve a notice by personal service or registered mail at the last known address to the permit holder and following a 30-day period from the date of service, the Chief Building Official may revoke the permit if grounds to revoke still exist, without any further notice.
- (3) A permit holder may within 30 days from the date of service of a notice under this Part, request in writing that the Chief Building Official defer the revocation by stating reasons why the permit should not be revoked. The Chief Building Official having regard to any changes to the Act, Building Code or other applicable law may allow the one-time deferral, applicable to a period of no later than twelve (12) months from the date the permit was issued, in writing. In the event where a permit was issued as a result of an Order issued under the Building Code Act, no deferral of revocation shall be granted.
- (4) A request for deferral shall be made in writing to the Chief Building Official and shall be accompanied by the non-refundable fee set out in Schedule "A" of this By-law.



**8. MODEL HOME CERTIFICATION:**

- (1) All condominium developments, detached, semi-detached, townhouse, row-house, duplex or 'live/work' residential building located in an assumed or new subdivision are subject to Site Plan Approval and Certificate of Basic Servicing prior to the submission of any application, unless otherwise approved by the Chief Building Official. It is preferred that certified model applications are submitted prior to registration of the subdivision plan.
- (2) All models to be constructed in a plan of subdivision must be reviewed through the model certification process. A Certified Model includes a Base Model (plans for the basic design of a detached, semi-detached, townhouse, row-house, duplex or 'live/work' residential building that includes one elevation and no optional features) and all Optional Features.
- (3) The total fee for a Certified Model includes a flat rate of \$500 with each elevation or optional plan being an additional \$250.
- (4) A complete Certified Model submission includes:
  - (a) a completed a Certified Model Application attached in Schedule D (only fully and accurately completed applications will be accepted);
  - (b) payment of applicable Certified Model fees;
  - (c) 2 complete set of plans and specifications for each model including details for optional features (all elevations, options, upgrades, alternate floor layouts and special corner treatments offered for that model, walkout or lookout condition, etc.) including:
    - i. 2 copies of architectural plans on a size no larger than 11x17 (scaled and legible) all elevations stamped approved by the control architect for the subdivision;
    - ii. 2 copies of engineer's stamped truss specifications for each elevation;
    - iii. 2 copies of HVAC layout and 1 set of calculations per other floor layouts and other optional features which influence HVAC design and calculations;
    - iv. Plans must include designer qualification and/or registration BCIN as applicable in conformance with OBC Division C, Section 3.2; and
    - v. Design elements outside of the scope of the Ontario Building Code must be stamped by a professional engineer.
  - (d) A PDF copy of all plans and specifications identified in (c) shall also be included.
- (5) Building Permit Applications cannot be accepted until the plan of subdivision

is registered and shall include:

- (a) The first submission in a plan of subdivision must include a letter provided by the “owner’s” solicitor verifying the name of the registered owner of the lots for which applications are being submitted and the TARION registered “builder / vendor” company name and registration number. The owner and TARION registered builder/vendor must be accurately represented on the permit application form.
  - (b) Provide certification from the subdivision engineer of all lots and blocks in the plan of subdivision with engineered fill together with the soils engineer’s compaction report.
  - (c) Provide certification from the acoustical engineer that the builder’s plans for dwelling units shows all of the noise attenuation works required by the approved acoustical report and approved plans, including locating the air conditioning units on the sitings.
  - (d) Identify fire break lots on the subdivision plan.
  - (e) If models have not been ‘pre-certified’ a certified model submission (see above) must be submitted.
  - (f) Site plans prepared before registration must be updated to include reference to the registered plan number.
- (6) A complete building permit application for a detached, semi-detached, townhouse, row-house, duplex or ‘live/work’ residential building located in an assumed subdivision must include:
- (a) Completed building permit application forms, schedules and addenda. The description of work proposed on the application form must include the model’s name (base model and elevation) and all optional features such as other elevation, basement finish, basement rough-in and walkout condition, as examples.
  - (b) The applicable building permit fees as outlined in Schedule A and B of this bylaw. A lot grading deposit of \$3500 or as determined by the subdivision agreement will be charged on each detached, semi-detached, townhouse, row-house, duplex or ‘live/work’ residential building. The deposit will be fully refundable upon lot grading certification of each property.
  - (c) 2 copies of a site plan of the lot (siting) and the adjacent lots on three sides for each property. The site plan must be stamped by the developer’s grading consultant, the subdivision control architect and the acoustic engineer (noise consultant), where applicable, and must include the designer qualification and/or registration BCIN as

applicable. Please note a new requirement: The siting must also be stamped as reviewed by the Town's planning department. If the site plan submitted incorporates lots (sittings) for several applications all of those applications must be reviewed and issued together as a "batch".

**9. PLANS AND SPECIFICATIONS:**

- (1) Every applicant shall submit sufficient plans, specifications, documents, and other information to enable the Chief Building Official to determine whether the proposed construction, demolition, or change of use conforms to the Act, the Building Code, and any other applicable law.
- (2) Site Plans submitted shall refer to a current plan of survey certified by a registered Ontario Land Surveyor and a copy of such a 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 any other applicable law. A Site plan will include:
  - (a) lot size and dimensions of the property;
  - (b) setbacks from existing and proposed buildings, septic, wells, water courses to property boundaries and to each other;
  - (c) existing and proposed finished ground levels or grades; and
  - (d) existing rights of way, easements, and municipal services.
- (3) Plans submitted shall be legible and drawn upon paper or other suitable and durable material along with a digital copy.
- (4) The Chief Building Official shall determine the number of copies of plans, specifications, documents, and other information required to be furnished with an application for permit having regard for the requirements of any Act, regulation or by-law respecting the examination or circulation of the application.
- (5) On completion of the construction of a building, or part thereof, the Chief Building Official may require a set of as constructed plans, including a plan of survey showing the location of the building.
- (6) The Chief Building Official may refuse an application if any of the above is deemed to be incomplete or insufficient at the time of the application or during the review process
- (7) Plans and specifications furnished according to this by-law or otherwise required by the Act become the property of the municipality and will be disposed of or retained in accordance with relevant legislation.

- (8) (a) Plumbing plans are not required for a house that has no more than 2 dwelling units. Fixtures are required to be noted on construction plans.  
(b) Plumbing plans are required for any other Building or Occupancy that is not listed in (8)(a).
- (9) Where a building permit for an addition is applied for, if the square footage of the proposed addition is 50% or more the size of the original space, a revised heat loss calculation and duct layout will be required; unless otherwise determined by the Chief Building Official.
- (10) Where a new house or building is being proposed, heat loss calculations and a duct layout completed by a qualified person shall be submitted with the permit application, along with the required energy efficiency design summary form.
- (11) Where a building permit for a secondary suite within' a house is applied for, HVAC calculations and duct layouts are required at the discretion of the Chief Building Official.

**10. FEES AND REFUNDS:**

- (1) The Chief Building Official shall determine the required fees in accordance with Schedule "A" and the applicant shall pay the fees so calculated. Fees are due at the time of submission or when fees have been calculated, the applicant will be notified of any required fees due. No permit application will be considered complete or reviewed until such time as the fees are paid in full.
- (2) In the case of withdrawal, or abandonment of an application, or refusal for issuance of a permit, upon written request, the Chief Building Official shall determine the amount of fees, if any, that may be refunded, in accordance with Subsection (4) below.
- (3) There shall be no refund of permit fees where a permit has been revoked, except where the permit was issued in error, or where the applicant requests revocation no more than six months after the permit is issued. In such cases, the amount of refund shall be calculated in accordance with Subsection (4) below.
- (4) Subject to Sections 6(2) and 6(3) the fees that may be refunded shall be in accordance with Schedule "B".
- (5) Fees are subject to an increase of 2% annually unless otherwise determined.

11. **TRANSFERS:**

- (1) Permits are transferable only upon the new owner or his/her authorized agent completing a permit application and paying the administration fee prescribed in Schedule A. The new owner shall then be the permit holder for the purpose of the Act and the Building Code and any other applicable law.

12. **INSPECTION REQUIREMENTS AND NOTICE:**

- (1) The permit holder shall notify the Chief Building Official or a Registered Code Agency where one is appointed, of each stage of construction for which a mandatory notice is required under Article 1.3.5.1 -Division C of the Building Code. These inspections are listed as:
  - (a) readiness to *construct* footings;
  - (b) substantial completion of footings and *foundations* (including but not limited to ICF and wall rebar inspections) prior to commencement of backfilling;
  - (c) substantial completion of structural framing and ductwork and piping for heating and *air-conditioning* systems, if the *building* is within the scope of Part 9 of Division B;
  - (d) substantial completion of structural framing and roughing-in of heating, ventilation, *air-conditioning* and air-contaminant extraction equipment, if the *building* is not a *building* to which Clause (c) applies;
  - (e) substantial completion of insulation and *vapour barriers*;
  - (f) substantial completion of *air barrier systems*;
  - (g) substantial completion of all required *fire separations* and *closures* and all fire protection systems including standpipe, sprinkler, fire alarm and emergency lighting systems;
  - (h) substantial completion of fire access routes;
  - (i) readiness for inspection and testing of:
    - (i) *building sewers* and *building drains*;
    - (ii) *water service pipes*;
    - (iii) *fire service mains*;
    - (iv) *drainage systems* and *venting systems*;
    - (v) the *water distribution system*; and

(vi) *plumbing* fixtures and *plumbing* appliances.

NOTE: A licenced plumber can provide a certificate in place of test taking place on an underground plumbing or rough in plumbing inspection.

- (j) readiness for inspection of suction and gravity outlets, covers and suction piping serving outlets of an *outdoor pool* described in Clause 1.3.1.1.(1)(j) of Division A, a *public pool* or a *public spa*;
  - (k) substantial completion of the circulation / *recirculation system* of an *outdoor pool* described in Clause 1.3.1.1.(1)(j) of Division A, a *public pool* or *public spa* and substantial completion of the pool before it is first filled with water;
  - (l) readiness to *construct* the *sewage system*;
  - (m) substantial completion of the installation of the *sewage system* before the commencement of backfilling;
  - (n) substantial completion of installation of *plumbing* not located in a structure, before the commencement of backfilling;
  - (o) completion of *construction* and installation of components required to permit the issue of an occupancy permit under Sentence 1.3.3.1.(3) or to permit occupancy under Sentence 1.3.3.2.(1), if the *building* or part of the *building* to be occupied is not fully completed; and
  - (p) completion of *construction* and installation of components required to permit the issue of an occupancy permit under Sentence 1.3.3.4.(4) or 1.3.3.5.(3).
- (2) In addition to the inspections listed above, the permit holder shall notify the Chief Building Official or a Registered Code Agency where one is appointed, of the additional notices that may be required under section 1.3.5.2:
- (a) commencement of *construction* of the *building*;
  - (b) substantial completion of structural framing for each *storey*, if the *building* is a type of *building* that is within the scope of Division B, other than Part 9;
  - (c) commencement of *construction* of:
    - (i) masonry fireplaces and masonry *chimneys*;
    - (ii) factory-built fireplaces and allied *chimneys*; or
    - (iii) *stoves*, *ranges*, *space heaters* and add-on *furnaces* using solid fuels and allied *chimneys*;
  - (d) substantial completion of interior finishes;

- (e) substantial completion of heating, ventilating, *air-conditioning* and air-contaminant extraction equipment;
  - (f) substantial completion of exterior cladding;
  - (g) substantial completion of site grading;
  - (h) substantial completion of the pool deck and dressing rooms for a *public pool* or *public spa* and readiness for inspection of the emergency stop system for a *public pool* or *public spa*;
  - (i) completion and availability of drawings of the *building* as constructed; and
  - (j) completion of a *building* for which an occupancy permit is required under Article 1.3.3.4. or 1.3.3.5.
- (3) In addition to the notice of completion as prescribed by Section 11 of the Act, the permit holder shall provide another mandatory notice after the completion of demolition work to ensure the completion of site grading and other works.
- (4) Upon receipt of proper notice, the inspector or a Registered Code Agency, if one is appointed, shall, no later than two days as per article 1.3.5.3-Division C of the Building Code, after receipt of the notice, undertake a site inspection for notices to which articles 1.3.5.1. and 1.3.5.2. – Division C of the Building Code apply, except where the notice relates to matters described in clauses 1.3.5.1.(2)(k) or (l), the site inspection shall be conducted no later than 5 days after the receipt of notice.
- (5) A notice pursuant to this section is not effective until written or oral notice is received by the Chief Building Official, by a Building Inspector or designate.
- (6) An additional inspection fee of \$75.00 shall be charged for each additional inspection requested outside of the prescribed and mandatory listed in articles 1.3.5.1. and 1.3.5.2. – Division C of the Building Code.
- (7) An additional inspection fee of \$150.00 shall be charged for each additional inspection after two inspections have occurred per stage of inspection. Fees are required to be paid in full prior to an inspection being conducted.
- (8) A fee of \$75.00 shall be charged if the approved plans are not on site at time of inspection. Fees are required to be paid in full prior to an inspection being conducted.
- (9) A fee of \$75.00 shall be charged if the permit placard is not displayed in a prominent location visible to passersby. Fees are required to be paid in full prior to an inspection being conducted. An administrative fee of \$25.00 is required for replacement placards.

**13. LOT GRADING CERTIFICATES AND DEPOSITS:**

Where lot grading plans are required, the permit holder shall:

- (1) Prior to giving notice for final inspection, provide to the Chief Building Official, or a Registered Code Agency where one is appointed, a lot grading certificate bearing the signature and seal of a Professional Engineer, or a Landscape Architect (a member of the Ontario Association of Landscape Architects) or an Ontario Land Surveyor certifying that the grading is in conformity with the approved lot grading plan.
- (2) Provide to the Chief Building Official, or a Registered Code Agency where one is appointed, within 12 months from the date an occupancy permit has been issued, a final grading certificate:
  - (a) bearing the signature and seal of the subdivider's Professional Engineer certifying that the finished elevations and grading of the land conforms with the accepted area or subdivision grading plans and the lot grading plan; or
  - (b) where no accepted area or subdivision grading plan exists, bearing the signature and seal of a Professional Engineer, or a Landscape Architect (a member of the Ontario Association of Landscape Architects), or an Ontario Land Surveyor certifying that the finished elevations and grading of the land conforms to the lot grading plan.
- (3) Lot grading deposits are required as per Schedule "A" Part "B" or as per the established subdivision agreement if applicable, whichever is greater. Deposits will be refunded once a lot grading certificate is received from the qualified person and an inspection has been passed by the Building Department of the municipality. Where a lot grading remains incomplete and uncertified after 24 months of permit issuance or 12 months after an occupancy has been permitted, whichever is sooner, the Township may cause the fees to be expended. All fees associated with this task will be deducted from the deposit amount. Where a subdivision agreement or other deposit system is provided in another agreement or format however if the property remains uncertified after 24 month of permit issued or 12 month after occupancy, whichever is sooner, the fees may be expended in the same manner.

**14. CODE OF CONDUCT**

The Corporation shall enforce a Code of Conduct for the Chief Building Official and inspectors, as set out in Schedule "C". The code of conduct as prescribed in the Building Code Act will be strictly adhered to.



**15. SEVERABILITY:**

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 or any part thereof, other than the part so declared to be invalid.

16. **THAT** By-law 05-42, as amended and By-law 19-27 is hereby repealed. This By-law supersedes any corresponding by-laws of the Township of Adjala-Tosorontio which, through inadvertence, may not have been repealed;

17. **THAT** this By-law shall come into force and take effect on and from the date of passage hereof;

18. **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 17<sup>th</sup> day of May, 2022.



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**Floyd Pinto, Mayor**



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**Dianne Gould-Brown, Clerk**

**SCHEDULE “A” TO BY-LAW NUMBER 2022-54**  
**CLASSES OF PERMITS AND PERMIT FEES**

1. Except where a minimum flat fee is indicated for the Occupancy Classification or Type of Construction, the fee per ft<sup>2</sup> of floor area set out in Schedule “A” shall be used by the Chief Building Official in determining the permit fee.
2. For the purpose of this Schedule the occupancy classification and floor area shall be determined on the following basis;
  - a) The occupancy classification shall be established in accordance with the occupancy definitions of the Ontario Building Code and its appendices.
  - b) The floor area shall be measured to the outer face of exterior walls and to the centre line of party walls or demising walls. No deductions shall be made for openings within the floor area (e.g. stairs and stair openings, ducts, elevators, escalators). Floor area shall include all habitable areas, including mezzanines, finished attics and enclosed balconies. The following shall apply to Part B of Schedule A in determining the fee payable for a given building type:
    - Assembly Occupancies – The “Assembly Occupancies” rate shall apply to the total floor area of floors which are principally of assembly use. Other rates shall be applied to other floors based on the principal use of the total floor area.
    - Institutional Occupancies – The “Institutional Occupancies” rate shall apply to the floor areas of floors which are principally of institutional use. Other rates shall be applied to other floors based on the principal use of these areas.
    - Residential Occupancies – For detached, semi-detached and townhouses dwellings , the floor areas of unfinished basements shall not be included in the area calculations, but the fee is inclusive of these areas. For walkout basements, 50% of the basement area shall be considered as living space and fees calculated accordingly.

For other residential occupancies, the “Residential Occupancies” rate shall apply to the floor areas of floors which are principally of residential use. Other rates shall be applied to other floors based on the principal use of the total floor area.
    - Business and Personal Services Occupancies – The applicable “shell” rate shall be applied to the floor areas of a speculative structure, where

the only finished floor areas are to be the common areas (e.g. lobby, corridors, washrooms).

The “Interior Partitioning and Finishing” rate shall be applied where finished floor areas are to be provided in other than common areas. Other rates shall be applied to other floors based on the principal use of the total floor area.

- Mercantile Occupancies - The “Mercantile Occupancies” rate shall be applied to the floor areas of a speculative structure, where the only finished floor areas are to be the common areas (e.g. lobby, corridors, washrooms). The “Interior Partitioning and Finishing” rate shall be applied where finished floor areas are to be provided in other than common areas. Other rates shall be applied to other floors based on the principal use of the total floor area.
  - Industrial Occupancies – Each “Industrial Occupancies” rate includes incidental finished office space to a maximum of 10% of the total floor area. The “Interior Partitioning and Finishing” rate shall be applied where additional finished space is provided. Other rates shall be applied to other floors based on the principal use of the total floor area.
3. “Construction Value”, as used in Item 12 of Schedule ‘A’ Part ‘B’, means the value of the proposed construction as determined by the Chief Building Official, whose determination of that value shall be final.
  4. No additional fee applies for sprinklers, fire alarms, electromagnetic locks, or other mechanical systems or equipment proposed and installed at the same time as the construction they serve.
  5. Where a building permit is submitted for foundation only, there should be a minimum fee of \$224 unless otherwise stated in Schedule ‘A’ Part ‘B’
  6. A lot grading deposit for an inground pool shall be charged pursuant to Schedule ‘A’ of Fees and Charges Bylaw 2021-19 (as amended), at the discretion of the Chief Building Official
  7. A minimum fee of \$224 shall be charged for all work unless otherwise stated in this schedule.
  8. The \$25.00 administrative fee does not apply to structures under 50sqm, plumbing and septic permit applications.
  9. Where an order to comply, a stop work order or any Order under the requirements of the Building Code Act (as amended) has been issued with respect to construction and demolition where works have commenced prior to issuance of permit, the permit fee prescribed in Schedule “A” shall be doubled. Where an Inspector leaves notice on site in regards to construction and or demolition where work has commenced without the

benefit of permit, the permit fee prescribed in Schedule 'A' shall be doubled.

10. With respect to partial permits, the fee shall be the normal fee for the proposed construction.
11. With respect to conditional permits, the fee shall be the normal fee for the proposed construction.
12. With respect to transferring a permit from one permit holder to another, the fee shall be \$250.00.
13. With respect to revisions of plans already examined a fee of:
  - \$125.00 for residential plans with no more than 4 dwelling units and where not more than 1 hour of review is required. \$125.00 review fee per hour of review thereafter.
  - Minimum fee of \$500.00 for residential buildings not noted above and where no more than 4 hours of review is required. A rate of \$125.00 per hour of review required after 4 hours in addition to the minimum fee.
  - Minimum fee of \$500.00 for commercial/industrial and other occupancies where no more than 4 hours of review is required. A rate of \$125.00 per hour of review required after 4 hours in addition to the minimum fee.
14. With respect to revocation of permits, a deferral fee of \$150.00 shall be applied

**SCHEDULE 'A'**  
**FEES PAYABLE FOR SPECIFIC CLASSES OF PERMITS**

Item	Class of Permit	Fee Payable
1.	<b>Building Permit</b>	See Schedule 'A' Part 'B'
2.	<b>Partial Building Permit</b>	See Schedule 'A' (10) plus applicable administrative fees
3.	<b>Conditional Building Permit</b>	See Schedule 'A' (11) plus applicable administrative fees
		\$250 per Agreement plus any additional cost
		\$250 per Replacement Dwelling Agreement plus a \$10,000.00 deposit
4.	<b>Demolition Permit</b>	\$224.00 flat rate for residential & agricultural \$500.00 per building flat rate for commercial, industrial & institutional
5.	<b>Change of Use Permit</b>	\$224 flat rate
6.	<b>Site Servicing</b>	\$300 flat rate
7.	<b>Plumbing Permit</b>	See Schedule 'A' Part 'B'
8.	<b>Sign Permit</b>	See Schedule 'A' Part 'B' and By-Law no.10-18 as amended

**SCHEDULE 'A' Part 'B'**  
**FEES PAYABLE FOR BUILDING PERMITS**

		Per sq. ft.	Minimum Fee
Group A & B Occupancies (Assembly / Institutional Use)	New or Additions	\$1.01	\$224.00
	Renovations / Floor Layout	\$0.55	\$224.00
Group C Occupancies (Residential Use)	New or Additions	\$1.71	\$224.00
	Interior Renovations / Floor Layout Excluding Basements	\$0.55	\$224.00
	Attached Garage(s)	\$0.86	\$224.00
	Car Port Attached to House	\$0.86	\$224.00
	Accessory Buildings	\$0.86	\$224.00
	Decks/Landings/Ramps/Covered Porches	-	\$224.00
	Unfinished Basements	\$0.44	N/A
	Finished Basements	\$0.66	N/A
	Creation of New Living Space Within a Single-Family Dwelling	\$1.71	\$224.00
	Foundation Permits	N/A	\$224.00
	New Roof (structural)	\$0.55	\$224.00
Lot Grading Deposits	Accessory buildings greater than 15m <sup>2</sup> up to 50m <sup>2</sup>	N/A	\$250.00
	Accessory buildings greater than 50m <sup>2</sup>	N/A	\$1000.00
	Additions to residential	N/A	\$1000.00
	New single family dwelling, townhouses, duplexes	N/A	\$3500.00
	Residential buildings with more than 2 dwelling units – 1% of the building permit fee subject to the minimum	N/A	\$5000.00
	Industrial/commercial - 1% of the building permit fee subject to the minimum	N/A	\$5000.00
Group D & E Occupancies (Commercial/Office Use)	New or Additions	\$0.87	\$224.00
	Renovations	\$0.49	\$224.00
Group F Occupancies	Shell	\$0.85	\$224.00
	Internal Fit up	\$0.85	\$224.00
	Parking Garages	\$0.85	\$224.00
Farm Buildings	New or Addition	\$0.28	\$224.00

	Tarp / Tent Structures	\$0.15	\$224.00
Transfer Permit	To be applied where ownership changes prior to the completion of a permit	N/A	\$250.00
File Opening Fee	Administrative Fee – not applicable to structures under 50sqm, plumbing or septic permits		\$25.00

### **ADDITIONAL REQUIREMENTS AND SPECIALTY STRUCTURES**

Retaining Walls	Exceeding 1000mm in exposed height adjacent to public property, access to a building, or private property to which the public is admitted	\$224.00 plus \$1.98 per linear foot
Storage Tanks	Above or below ground	\$224.00 per tank
New Foundation other than residential	Per project	\$224.00 plus \$1.98 per linear foot
Signs (Ontario Building Code)	<ul style="list-style-type: none"> <li>a) A ground sign that exceeds 7.5m in height above adjacent ground, or</li> <li>b) A projecting sign that weighs more than 115kg, or</li> <li>c) A roof sign that has a face area of more than 10 square metres</li> </ul>	\$224.00 per sign
Signs (not listed above)	See By-Law no. 10-18	See Bylaw no. 10-18
Temporary Structures	Tents occupying an area greater than 60m <sup>2</sup>	\$224.00 each per year
	Construction and Sales Trailers	\$224.00 each per year
Exhaust Ventilation Hood	Commercial Equipment	\$224.00
Wind Turbine	Having a rated output up to 10k/w	\$350.00
	Having a rated output more than 10k/w	\$1750.00
Solar Collector	<ul style="list-style-type: none"> <li>a) Mounted on a building and has a face area greater than or equal to 5m<sup>2</sup></li> <li>b) Ground mounted solar collectors with a foundation area greater than 10m<sup>2</sup></li> </ul>	\$224.00
Communication Tower	Exceeding 16.2m above ground level	\$224.00 plus 1% of construction value

Crane Runway		\$224.00
Dish Antennae	Mounted on a building and has a face area greater than or equal to 5m <sup>2</sup>	\$224.00
Outdoor Pool (Ontario Building Code)	With a depth equal to or > 3.5m at any point or other pool with OBC requirements	\$224.00
Pool Enclosure (for pools not listed above)	As per By-Law no. 05-27 as amended	\$250.00
Pedestrian Bridge	Appurtenant to a building	\$224.00
Shipping Container that is occupying an area more than 10m <sup>2</sup> when placed on the ground. A minimum of two (2) vents are to be installed to allow for cross ventilation.	Where a shipping container is removed from a trailer and placed on the ground and used as a storage building (anchorage required)	\$224.00 each
	Where a shipping container is removed from a trailer and placed on a new foundation (anchorage required)	\$224.00 each plus applicable foundation fee
	Where two (2) or more shipping containers are placed on the ground or foundation and a roof is to be constructed over (anchorage required)	The greater of \$224.00 or \$0.86 per sq ft

### ON SITE SEWAGE (SEPTIC) AND PLUMBING SYSTEMS

New Installation		Class 4 Sewage System (per system)	\$612.00
		Class 2,3 or 5 Sewage System (per system)	\$375.00
Change of Use to Property	"Type 1" A detailed review required	Where NO alteration to existing sewage system is required	\$224.00
		Alteration to existing sewage	\$306.00
		Where a new sewage system is required	\$612.00
	"Type 2"	Simple confirmation via file records	\$50.00
Mandatory On-Site Sewage Maintenance Inspection Program (O/reg 315/10)		Administration Fee and Inspection	\$150.00
Alteration or Repair		Where no change of use is proposed	\$306.00
Plumbing Permit (To be used to ensure compliance with Part 7 of the Ontario Building Code)		Basic Fee	\$300.00
		Fixtures	\$13.00 each
		Water service connection fee	\$300.00
		Drains/Sewer connection fee	\$300.00
		Conversion from septic	\$300.00
		Private servicing sanitary line	\$300.00
		Private servicing storm drain	\$300.00
		Manhole	\$25.00 each



	Catch Basin	\$25.00 each
	Fire main/Suppression Tanks	\$224.00
	Fire Hydrant	\$25.00 each
	Backflow preventer (Commercial)	\$150.00
Septic Records	Compliance search (not applicable to residents)	\$25.00
	Compliance letter	\$150.00

**SCHEDULE B TO BY-LAW 2022-54  
REFUNDS**

**PURPOSE**

To govern the refunds of building and demolition permits.

**PERMIT APPLICATION PERCENT REFUND ELIGIBILITY**

1. Application filed, administrative function has been performed – 75%.
2. Administrative and planning functions have been performed – 60%.
3. Administrative, planning and plan review functions have been performed – 40%.
4. Permit issued, no field inspections have been performed – 30%.
5. Permit issued, minimum one field inspection has been performed – 0%.
6. Administrative fee of \$25.00 is non-refundable.

Notwithstanding the above, no refund shall be made for an amount less than \$224.00.  
Interpretation of this schedule will be at the sole discretion of the Chief Building Official.

## **SCHEDULE C TO BY-LAW 2022-54**

### **CODE OF CONDUCT CODE OF CONDUCT FOR BUILDING OFFICIALS**

#### **PURPOSE:**

The Township of Adjala-Tosorontio Building Department maintains this Code of Conduct in accordance with the provisions of the *Building Code Act*. In addition to Article 5: “Code of Conduct” in the Township’s Personnel Policy Manual, which applies to all Township staff, this Code of Conduct for Building Officials applies to the Chief Building Official and all Building Officials appointed under the *Building Code Act* in the performance of their duties under the *Building Code Act* and the Building Code.

This Code of Conduct promotes the appropriate standards of behaviour by Building Officials in the exercise of their powers and the performance of their duties. It prevents practices which may constitute an abuse of power including unethical or illegal practices and promotes appropriate standards of honesty and integrity.

#### **STATEMENT:**

Building Officials are exposed to potential conflicts of interest because of the special powers conferred on them. The Township of Adjala-Tosorontio Building Department is committed to the highest standards of professionalism, technical competence, skill, honesty, fairness, and independence. The Township’s Building Officials observe both the letter and the spirit of this Code of Conduct as it pertains to situations that arise in the performance of their duties.

#### **PROCEDURES:**

Township of Adjala-Tosorontio Building Officials always undertake to:

1. Act in the public interest, particularly regarding the safety of building works and structures;
2. Avoid situations where there may be, or where there may appear to be, a conflict between their duties to their clients, their profession, their peers, and the public at large and their personal interests;

3. Avoid any conduct that could bring the Building Officials, the Township of Adjala-Tosorontio or any of the Township's Local Municipalities into disrepute;
4. Extend professional courtesy to all;
5. Not divulge any confidential or sensitive information or material that they become privy to in the performance of their duties, except in accordance with the laws governing the *Municipal Freedom of Information and Protection of Privacy Act*. Any requests for information that is not considered public information will be referred to the Township Clerk;
6. Apply all relevant building laws, regulations, and standards strictly and without favour and independent of the influence of interested parties;
7. Comply with the provisions of the *Building Code Act*, the Building Code and any other Act, Law or By-Law that regulates or governs Building Officials or their functions;
8. Maintain their knowledge and understanding of the best current building practices, building laws and regulations by committing to a process of continuous education;
9. Perform their inspections and certifying duties impartially and in accordance with the highest professional standards; and
10. Not act beyond their level of competence or outside their area of expertise.

### **Responding to Allegations of Misconduct**

The *Building Code Act* provides that the performance of Building Officials will be measured against this Code of Conduct. In response to any allegation of a breach of this Code, the Chief Building Official shall direct an investigation and, where appropriate, recommend disciplinary action against any Building Official who fails to comply with this Code of Conduct. Where an allegation is made against the Chief Building Official, the Chief Administrative Officer will direct the investigation and make such recommendations as are reasonable.

Disciplinary action arising from violations of this Code of Conduct will be based on the severity and frequency of the violation in accordance with Township Policies, and relevant employment laws and standards.

**SCHEDULE D TO BY-LAW 2022-54**

**APPLICATIONS AND FORMS PRESCRIBED BY REGULATION UNDER THE  
BUILDING CODE ACT AND THE TOWNSHIP OF ADJALA-TOSORONTIO**

1. Application for a Permit to Construct or Demolish.
2. Application for a Permit to Construct an Onsite Sewage System (Septic).
3. Schedule One Designer Form.
4. Schedule Two Designer Form.
5. Energy Efficiency Design Summary Form (Residential).
6. Energy Efficiency Design Summary Form (Commercial).
7. Commitment to General Review.
8. Model Home Certification Form.
9. Agent Authorization Form.