

THE CORPORATION OF THE TOWNSHIP OF ADDINGTON HIGHLANDS

BY-LAW NO. 0709/2020

BEING A BY-LAW RESPECTING CONSTRUCTION, DEMOLITION, AND CHANGE OF
USE PERMITS, INSPECTIONS AND A CODE OF CONDUCT AND TO REPEAL BY-LAW
NO. 0482/2017

WHEREAS Section 7 of the Building Code Act, 1992 empowers Council to pass certain By-laws respecting construction, demolition, change of use permits and inspections.

AND WHEREAS Section 7.1(1) of the Building Code Act, S.O. 1992, Chapter 23, as amended requires Council to establish and enforce a Code of Conduct for the Chief Building Official and Inspectors;

NOW THEREFORE the Corporation of the Township of Addington Highlands enacts as follows:

Section 1. – Citation

1. This By-law may be cited as the Township of Addington Highlands Building By-law.

Section 2. – Definitions

In This By-law,

- 2.1 “Act” means the Building Code Act, 1992, including amendments thereto.
- 2.2 “As constructed plans” means as constructed plans as defined in the Building Code.
- 2.3 “Building” means a building as defined in Section 1 (1) of the Act.
- 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 by the By-Law of the Corporation of the Township of Addington Highlands for the purposes of enforcement of the Act.
- 2.6 “Corporation” means the Corporation of the Township of Addington Highlands.
- 2.7 “Farm Building” means a farm building as defined in the Building Code.
- 2.8 “Permit” means written permission or written authorization from the Chief Building Official to perform work regulated by this By-Law and the Act.
- 2.9 “Plumbing” means plumbing as defined in Section 1 (1) of the Act.
- 2.10 “Sewage System” means a sewage system as defined in section 1 (1) of the Act.

Section 3. - Classes of Permits

- 3.1 Classes of permits with respect to the construction and demolition of buildings and structures and change of use of buildings and structures and change of use of buildings within the meaning of the Act and regulations shall be as set out in Schedule “A” to this By-law.
- 3.2 Where a permit is issued for part of a building or project, this shall not be construed to authorize construction beyond the plans for which approval was given nor that approval will necessarily be granted for the entire building or project.
- 3.3 Revision to Permit – After the issuance of a permit under the Act, notice of any material change to a plan, specification, document or other information on the basis of which the permit was issued, must be given 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.

- 3.4 Conditional Permit. This permit may be issued at the discretion of the Chief Building Official to authorize any stage of construction, even though all the requirements under subsection 8 (2) of the Act have not been met (i.e., compliance with other applicable law). The requirements of clauses 8 (3) (a), (b) and (c) of the Act must, however, be complied with, before a conditional permit may be issued.

Section 4. - Requirements for Applications

Every application for a permit shall be submitted to the Chief Building Official or duly appointed designate, and contain the following information:

- 4.1 Where application is made for a building permit under Subsection 8 (1) of the Act, the application shall:
- (a) Identify and describe in detail the work and occupancy to be covered by the permit for which the application is made,
 - (b) Describe the land on which the work is to be done, by a description that will readily identify and locate the building lot,
 - (c) Include complete plans and specifications as described in this By-law for the work to be covered by the permit and show the occupancy of all parts of the building,
 - (d) State the valuation of the proposed work including materials and labour and be accompanied by the required fee,
 - (e) State the names, addresses and telephone numbers of the owner, architect or engineer, where applicable, or other designer or constructor,
 - (f) Be accompanied by a written acknowledgment of the owner that he has retained an architect or professional engineer to carry out the field review of the construction where required by the Building Code,
 - (g) Be signed by the owner or his/her authorized agent who shall certify the truth of the contents of the application,
 - (h) In accordance with the Ontario Building Code, building permits shall be valid for a period of twelve months following the date of issue thereof and shall be renewed on expiration by payment of the prescribed fee.
 - (i) Notwithstanding subsection (h) provided that active construction by the permit holder has commenced and continued beyond the time prescribed aforesaid in sub-section (h), no building permit shall require renewal at the expiration of the time prescribed so long as the said construction is carried on by the permit holder.
- 4.2 Where application is made for a demolition permit under Section 8 (1) of the Act, the application shall,
- (a) Contain the information by Clauses 1 (a) to (g)
 - (b) May be required to be accompanied by satisfactory proof that arrangements have been made with the proper authorities for cutting off and plugging of all water, sewer, electric, telephone or other utilities and services.
- 4.3 Where application is made for a conditional permit under Subsection 8 (3) of the Act, the application shall,

- (a) Contain the information by Clauses 1 (a) to (g),
 - (b) Contain such other information, plans and specifications concerning the complete project as the Chief Building Official may require,
 - (c) State the reasons why the applicant believes that unreasonable delays in construction would occur if a conditional permit is not granted,
 - (d) State the necessary approvals which must be obtained in respect of the proposed building and the time in which such approvals will be obtained, and
 - (e) State the time in which plans and specifications of the complete building will be filed with the Chief Building Official.
- 4.4 Change of Use Permits – 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, details of wall, ceiling and roof assemblies identifying required fire resistance ratings and load bearing capacities,
 - (d) State the name, address, and phone number of the owner,
 - (e) Be signed by the owner or his / her authorized agent who shall certify the truth of the contents of the application.
- 4.5 Equivalents – Where an application for a permit or for authorization to make a material change to a plan, specification, document or other information of the basis of which a permit was issued, contains equivalent material, system or building design for which authorization under Section 9 of the Act is requested, the following information shall be provided:
- (a) A description of the proposed material, system or building design for which authorization under Section 9 of the Act is requested,
 - (b) Any applicable provisions of the Building Code,
 - (c) Evidence that the proposed material, system or building design will provide the level of performance required by the Building code.

Section 5. - Plans and Specifications

- 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 construction, demolition or change of use will conform with the Act, the Building Code and any other applicable law.
- 5.2 Each application shall, unless otherwise specified by the Chief Building Official, be accompanied by two complete sets of the plans and specifications required under this By-law.

- 5.3 Plans shall be drawn to scale on substantial material or in electronic format or other durable material approved by the Chief Building Official, shall be legible and, without limiting the generality of the foregoing, shall include such working drawings as set out in Schedule "B" to this By-law unless otherwise specified by the Chief Building Official.
- 5.4 Site Plans shall be referenced to an up-to-date survey and, when required to demonstrate compliance with the Act, the Building Code or other applicable law, a copy of the survey shall be submitted to the Chief Building Official.
- 5.5 Site Plans shall show:
- (a) Lot size and dimensions of property lines and set-backs to any existing or proposed buildings,
 - (b) Existing and finished ground levels or grades, and,
 - (c) Existing rights-of-way, easements and municipal services.
- 5.6 Verification by an Ontario Land Surveyor of by-law compliance may be required before proceeding past foundation state, if required by the Chief Building Official on reasonable grounds.

Section 6. – Payment of Fees

- 6.1 Fees for a required permit shall be as set out in Schedule "A" to this By-law which was in effect at the time application became complete and are due and payable upon issuance of a permit.
- 6.2 Where the fees payable in respect of an application for a construction or demolition permit issued under Subsection 8 (1) of the Act or a conditional permit under Subsection 8 (3) of the Act are based on the cost of valuation of the proposed work shall mean the total cost of all work regulated by the permit including the cost of all material, labour, equipment, overhead and professional and related services.
- 6.2.1 Where the fees payable in respect of an application for a construction or demolition permit issued under Subsection 8 (1) of the Act or a conditional permit issued under Subsection 8(3) of the Act are based on a floor area, floor area shall mean the total floor space of all story's above grade (or below grade for an underground home) measured as the horizontal area between exterior walls of the building.
- 6.3 Provided that where application is made for a conditional permit, fees shall be paid for the complete project.
- 6.4 Where fees payable in respect of an application for a change of use permit issued under Subsection 10(1) of the Act are based on floor area, floor area shall mean a total floor space of all story's subject to the change of use.

Section 7. – Refunds

- 7.1 In the case of withdrawal of an application or the abandonment of all or a portion of the work or the non-commencement of any project, the Chief Building Official shall determine the amount of paid permit fees that may be refunded to the applicant, if any, in accordance with Schedule "A" attached to and forming part of this By-law.

Section 8. – Notice Requirements for Inspections – Section 7 (e)

- 8.1 The owner or an authorized agent shall notify the Chief Building Official at least forty-eight hours (excluding statutory holidays and week-ends) prior to each stage of construction for which notice in advance is required under the Building Code.

Section 9. – Prescribing Forms

- 9.1 The forms set out in Schedule “C” attached to and forming part of this By-law are prescribed for the purposes of this By-law.

Section 10. - Annual Report and Reserve Fund

- 10.1 The Treasurer is hereby directed to prepare an Annual Report which shall enumerate the direct and indirect costs of delivering building services related to the administration and enforcement of the Building Code Act for the previous fiscal year (12 month period). The said report shall also set out the amount of the reserve fund at the end of the previous fiscal year. The Annual Report shall be submitted to Council no later than three months after the end of the previous fiscal year.
- 10.2 For the purposes of the By-law, the fiscal year of the municipality shall be prescribed by the Municipal Act.
- 10.3 A reserve fund is hereby established for the purposes of setting aside surplus revenues from building permit fees. The reserve fund shall be used exclusively for the operation of the building department of the Corporation for any subsequent fiscal year or fiscal years. The Treasurer is hereby directed to maintain all records related to the reserve fund.

Section 11. -Transfer of Permits

- 11.1 The transfer of a permit shall be permitted when there is a change of ownership of the lands affected by the permit provided that the new owner informs the Chief Building Official in writing that he/she has assumed responsibility for engaging the services of any contractor, design professional or other service required to complete work authorized under a permit or permits.

Section 12. - Code of Conduct.

- 12.1 The Code of conduct as required under Section 7.1 of the Act is set out in Schedule “D” of this by-law.

Section 13. - Severability

- 13.1 Should any Section or part of a Section of this By-law or schedules hereto be declared by a court of competent jurisdiction to be invalid, the same shall not affect the provisions of this By-law as a whole or any part other than the part declared to be invalid.

Section 14. - Other By-Laws, Licenses Permits and Regulations

- 14.1 Nothing in the By-law shall exempt any person from complying with the requirements of any other By-law in force within the limits of the corporation, or from applying for obtaining any permit, license, permission, authority or approval required by this or any other By-law or regulation of the corporation or any other law in force from time to time.

Section 15. - As Constructed Plans

- 15.1 The Chief Building Official or appointed designate may require that a set of plans of a building or project or any class of buildings be filed with the Chief Building Official or appointed designate upon completion of construction under such conditions as may be prescribed in the Building Code.

Section 16. - Conflict

- 16.1 In the event of a conflict between this by-law and any amendments thereto, and any general or special By-law, legislation or regulation, the most restrictive legislation, regulation or other By-law shall prevail.

Section 17. Penalty

- 17.1 Every person or corporation who contravenes any provision of this By-law is guilty of an offence and upon conviction under the provisions of the Provincial Offences Act, is liable to a fine and/or other penalty imposed under Section 36 of the Act.

Section 18. - Repeal

- 18.1 Any By-laws or amendments thereto passed under Section 7 of the Act, or its predecessor, are hereby repealed, including By-law 0482/2017.

Section 19. - Date and Effect

- 19.1 This By-Law shall take effect upon final passage by the Council of the Corporation of the Township of Addington Highlands

Passed pursuant to three readings thereof on December 15, 2020


Henry Hogg, Reeve


Christine Reed, Clerk

SCHEDULE "A"
TO BY-LAW NO. 0709/2020

TABLE TO BE USED TO DETERMINE ESTIMATED COSTS & BUILDING PERMIT FEE

CLASS OF PERMIT

- A. RESIDENTIAL BUILDINGS/SEASONAL DWELLINGS, APARTMENTS AND ADDITIONS:
(INCLUDING COTTAGES & HUNTING CAMPS)
- \$1.00 PER SQUARE FOOT PER FLOOR
\$0.80 PER SQUARE FOOT OF BASEMENT AREA
- B. FARM/COMMERCIAL/ INDUSTRIAL:
- \$0.60 PER SQUARE FOOT PER FLOOR
- C. GARAGES, DECKS, PORCHES, ACCESSORY AND DETACHED BUILDINGS:
- \$0.50 PER SQUARE FOOT PER FLOOR
- D. RENOVATIONS:
- \$150.00 + 2% CONSTRUCTION VALUE
- (2% of value, based on \$50.00 per square foot for value or builders value whichever is higher "on all projects")
- E. SWIMMING POOLS:
- \$150.00
- (Private or Public – in-ground only)
- F. OCCUPANCY PERMIT:
- \$150.00
- G. MINIMUM BUILDING PERMIT FEE:
- \$150.00
- H. CHANGE OF USE PERMIT:
- \$200.00
- (Where no construction is carried out)
- Every application for a change of use permit issued under the Act shall contain sufficient information to enable the Chief Building Official to determine if it will conform to the Act, the Building Code and any other applicable law.
- I. PLUMBING PERMITS:
- \$100.00 PLUS \$10.00 PER FIXTURE

J. ON-SITE SEWAGE SYSTEMS:

\$950 CLASS 2 SEWAGE SYSTEM (GREYWATER PIT)
\$950 CLASS 3 SEWAGE SYSTEM (CESSPOOL)
\$950 CLASS 4 SEWAGE SYSTEM (LEACHING BED)
\$950 CLASS 5 SEWAGE SYSTEM (HOLDING TANK)
\$750 SEPTIC INSTALLATION ONLY
\$500 PERFORMANCE REVIEW FOR RENOVATIONS OR BUILDING ADDITIONS
\$150 RECORD SEARCH
\$150 SEWAGE SYSTEM SEARCH (if you are applying for a review of performance, this search is included in that fee)

K. REQUESTED INSPECTIONS OR RE-INSPECTION FEE (work not completed for inspection):

\$100.00

L. BUILDING PERMIT RENEWAL:

\$150.00

M. DEMOLITION PERMIT

\$200.00

N. WOOD BURNING STOVES & CHIMNEY INSTALLATION

\$150.00

O. SOLAR PANELS (ROOF MOUNTS ONLY)

\$100.00 + \$10.00 PER \$1,000 OF VALUE OR ANY PART THEREOF

P. COMMUNICATION TOWERS, WIND TURBINES, WALLS, ETC.

\$100.00 + 2% OF VALUE

Q. CONSTRUCTION STARTED WITHOUT PERMIT:

\$400.00

R. ADMINISTRATION FEE (REVIEW APPLICATION FOR COMPLETION)

\$150.00

S. REFUNDABLE DEPOSIT (ON NEW RESIDENTIAL PROJECT OVER \$50,000 IN VALUE)

\$350.00

T. DEPARTMENT LETTERS:

\$25.00

U. REFUNDS:

Status of Permit Application	Percentage of Fee Eligible for refund
1. Application filed. No processing or review of Plans submitted	90%
2. Application filed. Plans reviewed, initial Inspection conducted And permit issued	70% less \$35.00 per any Additional required inspections
3. Permits valued \$50.00 or less	0%

SCHEDULE "B"

Schedule "B" to By-law No. 0709/2020

Respecting List of plans or working drawings to accompany applications for permits

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

NOTE: The Chief Building Official *may* specify that not all of the above mentioned

Plans are required to accompany an application for a permit.

SCHEDULE "C"

Schedule "C" to By-law No. 0709/2020

Respecting Forms

The following forms constitute the forms used by the Corporation of the Township of Addington Highlands in the administration of the Building Code Act:

Form 1	Application Form
Form 2	Building Permit
Form 3	Change of Use Permit
Form 4	Inspection Report

SCHEDULE "D"

Schedule "D" to By-law No. 0709/2020

CODE OF CONDUCT FOR THE CHIEF BUILDING OFFICIAL AND INSPECTORS

1. Purpose

- (a) To promote appropriate standards of behavior and enforcement actions by the Chief Building Official and Inspectors in the exercise of a power or the performance of a duty under the Act or the Building Code.
- (b) To prevent practices, which may constitute an abuse of power, including unethical or illegal practices, by the Chief Building Official and Inspectors in the exercise of a power or the performance of a duty under the Act or the Building Code.
- (c) To promote appropriate standards of honesty and integrity in the exercise of a power or the performance of a duty under the Act or the Building Code by the Chief Building Official and Inspectors.

2. Scope

This policy applies to the Chief Building Official and all appointed Inspectors.

The Code of Conduct must provide for its enforcement and include policies or guidelines to be used when responding to allegations that the Code of Conduct has been breached and disciplinary actions that may be taken if the Code of Conduct is breached.

3. Contents

Conduct

- a) Always act in the public interest, particularly with regard to the safety and accessibility aspects of Building works and structures.
- b) Apply all relevant Building laws, codes and standards in an impartial, consistent, fair and professional manner, independent of any external influence and without regard to any personal interests.
- c) Maintain required legislated qualifications, discharging all duties in accordance with recognized areas of competency.
- d) Extend professional courtesy to all.

Breaches of the Code of Conduct

The Chief Building Official will review any allegations of breaches of this Code of Conduct made against Inspectors. Where the allegations are against the Chief Building Official, senior management of the municipality will review the allegations.

Disciplinary action arising from violations of this Code of Conduct is the responsibility of the municipal employer and will be based on the severity and frequency of the violation in accordance with relevant employment standards.