THE CORPORATION OF THE TOWNSHIP OF JOLY

BY-LAW NUMBER G-2024-001

Being a by-law respecting construction, demolition, change of use, conditional permits and inspections

WHEREAS Section 7 of the Building Code Act, 1992, S.O. 1992, Chapter 23, as amended, empowers Council to pass certain by-laws respecting construction, demolition, change of use, conditional permits and inspections of same,

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF JOLY ENACTS AS FOLLOWS:

1. SHORT TITLE

This by-law may be cited as the "Building By-law"

2. DEFINITIONS

2.1 In this By-law,

2.1.1 "Act" means the Building Code Act 1992, as amended, including amendments thereto.

2.1.2 "As Constructed Plans" means as constructed plans as defined in the building code.

2.1.3 "Building" means a building as defined in Section 1(1) of the Act.

2.1.4 "Building Area" means the greatest horizontal area of a building within the outside surface of the exterior walls.

2.1.5 "Building Code" means the regulations made under Section 34 of the Act.

2.1.6 "Chief Building Official" means the Chief Building Official appointed by the by-law of the corporation of the Township of Joly for the purposes of the enforcement of the Act.

2.1.7 "Construct" means construct as defined in Section 1(1) of the Act.

2.1.8 "Construction Revision" means revised drawings required as a result of inspection revealing construction that has not been carried out in accordance with the permit drawings.

2.1.9 "Corporation" means the Corporation of the Township of Joly.

2.1.10 "Demolish" means demolish as defined in Section 1(1) of the Act.

2.1.11 "Farm Building" means a farm building as defined in the Building Code.

2.1.12 "Building Inspector" means an inspector appointed by by-law of the corporation of the Township of Joly for the purposes of the enforcement of the Act.

2.1.13 "Owner" means the registered owner of the property and includes a lessee, mortgagee in possession, and the authorized agent in lawful control of the property.

2.1.14 "Permit" means written permission or written authorization from the Chief Building Official to perform work regulated by this by-law and the Act.

2.1.15 "Permit Holder" means the owner whom a permit has been issued or where a permit has been transferred, the new owner to whom the permit has been transferred.

2.1.16 "Plumbing" means plumbing as defined in Section 1(1) of the Act.

2.1.17 "Re-inspection" means an inspection that is required due to the work subject to inspection not being completed at the time of the original request for inspection.

2.1.18 "Word – term not defined" meaning any word or term not defined in this By-law, that is defined in the Act or Building Code shall have the meaning ascribed to it in the Act or the Building Code.

3. CLASSES OF PERMITS

Classes of permits with respect to the construction, demolition and change of use of buildings and permit fees shall be as set out in Schedules A and B to By-Law G-2024-001, as amended.

4. REQUIREMENTS FOR APPLICATIONS

4.1 THE APPLICATION

To obtain a permit, the owner or an authorized agent by the owner shall file an application in writing by completing a prescribed form available at the municipal office or at the office of the Chief Building official or from the Building Code website www.obc.mah.gov.on.ca.

4.2 Where application is made for a building permit under Subsection 8(1) of the Act, the application shall:

4.2.1 Identify and describe in detail the work and the occupancy to be covered by the permit for which application is made.

4.2.2 Describe the land on which the work is to be done, by a description that will readily identify and locate the building lot.

4.2.3 Include a minimum of two sets of complete plans and specifications for the work to be covered by the permit and show the occupancy of all parts of the building.

4.2.4 State the valuation of the proposed work including materials and labour and be accompanied by the required fee.

4.2.5 State the names, addresses and telephone numbers of the owner and of the architect or engineer, where applicable, or other designer or contractor.

4.2.6 Be accompanied by a written acknowledgement 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 and,

4.2.7 Be assigned by the owner or his or her authorized agent who shall certify the truth of the contents of the application.

4.3 Where application is made for a demolition permit under Subsection 8(1) of the Act, the application shall,

4.3.1 Contain the information required by clauses 4.1 to 4.2 and

4.3.2 May be required to be accompanied by satisfactory proof that arrangements have been made with the proper authorities for the cutting off and plugging of all water, sewer, electric, telephone or other utilities and services.

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

4.4.1 Contain the information required by clauses 4.2. to 4.2.7,

4.4.2 Contain such other information, plans and specifications concerning the complete project as the Chief Building Official may require,

4.4.3 State the reasons why the applicant believes that unreasonable delays in construction would occur if a conditional permit is not granted.

4.4.4 State the necessary approvals, which must be obtained in respect of the proposed building and the time line in which such approvals will be obtained.

4.4.5 State the time line in which plans and specifications of the complete building will be filed with the Chief Building Official.

4.4.6 Review and sign a Conditional Permit Agreement as prescribed by the Chief Building Official.

4.5 Where application is made for a transfer of a permit under clause 7(h) of the Act because of change of ownership of the property, the owner shall file the following information,

4.5.1 The form prescribed by the Chief Building Official.

4.5.2 The names and addresses of the former and new owner.

4.5.3 The date that the property was transferred; and

4.5.4 The confirmation of the continuation of or the particulars of any change in the arrangements for general review of the construction in accordance with Section 2.3., Design and General Review, of the Building Code.

4.6 CHANGE IN USE PERMITS

4.6.1 Every applicant for a change of use permit issued under Subsection 10(1) of the Act shall be submitted to the Chief Building Official and shall,

4.6.2 Describe the building in which the occupancy is to be changed, by a description that will readily identify and locate the building.

4.6.3 Identify and describe in detail the current and proposed occupancies of the building or part of a building for which the application is made,

4.6.4 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, identified required fire resistance ratings and load bearing capacities,

4.6.5 Be accompanied by the required fees,

4.6.6 State the name, address and telephone number of the owner, and

4.6.7 Be signed by the owner or his or her authorized agent who shall certify the truth of the contents of the application.

4.7 PLANS AND INSPECTIONS

4.7.1 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.

4.7.2 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 is not to be made without his or her written authorization.

4.7.3 Each application shall, unless otherwise specified by the Chief Building Official, be accompanied by two complete sets of plans and specifications required under this by-law.

4.7.4 Plans shall be drawn to scale on paper, cloth or other durable material shall be legible and without limiting the generality of the foregoing, shall include such works as set out in Schedule "C" to this by-law, unless otherwise specified by the Chief Building Official

4.7.5 Site plans shall be accurately drawn to scale, and when required by the Chief Building Official to demonstrate compliance with the Act, the Building Code or other applicable law, a copy of a survey prepared by an Ontario Land Surveyor shall be submitted. Site plans shall show:

4.7.5.1.1 Lot size and the dimensions of the property lines and setbacks to any existing or proposed buildings,

4.7.5.2 Existing and finished ground levels or grades,

4.7.5.2.1 Existing right-of-ways, easements and municipal services were applicable.

4.7.6 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.

5. PAYMENT OF FEES

Fees for a required permit shall be as set out in Schedule "B" to By-law G-2024-001 and are due and payable upon submission of an application for a permit.

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, 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, provided that where application is made for a conditional permit, fees shall be paid for the complete project.

The Chief Building Official may place a valuation on the cost of the proposed work for the purposes of establishing the permit fee, and where disputed the applicant shall pay the fee under protest and, within six (6) months of completion of the project, shall submit an audited statement of the actual costs and where the audited costs are determined to be less than the valuation, the Chief Building Official shall issue a refund.

6. PERMIT MAINTENANCE FEES

6.1 Where the Chief Building Official confirms that a Building Permit(s) remain open after two (2) years, the municipality shall send to current property owner, an invoice for the Permit Maintenance Fee as set out in Schedule "B" of this by-lay;

6.2 Annual invoicing shall continue until such time as the permit(s) is revoked, closed or cancelled.

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 "D" attached to and forming part of this by-law.

8. PRESCRIBED NOTICES AND INSPECTIONS

8.1 The owner or an authorized agent shall notify the Chief building Official at least two (2) business days which does not include the day the notice was given to each stage of construction for which notice in advance is required under the Building Code. In addition to prescribed notice contained in 1.2.5.1. Div C of the Building Code, notice of any solid fueled appliance rough-in 1.3.5.2.(1)(c) is also required.
Notice of completion is also required in accordance with subsection 11(2) of the Building Code Act.

8.2 Notice may be given in one of the following ways:

1. **Phone message at (705) 384-9444 Ext. 1 or 2**
2. **Fax at (705) 384-9445**
3. **In person at the Joint Building Committee Office in Strong Township**

9. EQUIVALENTS

ALTERNATIVE SOLUTIONS

The person proposing an alternative solution shall provide the documentation required by Section 2.1 Div C of the Ontario Building Code.

10. AS CONSTRUCTED PLANS

a. The Chief Building Official may require that a set of plans of a building or any class of building as constructed be filed with the Chief Building Official on completion of construction under such conditions as may be prescribed in the Building Code.

11. THE PENALTY CLAUSE

a. Under Clause 36(1) of the Act, contravention of a by-law passed under the Act constitutes an offence, and subsections 36(3)-(5) of the Act provides penalties for this offence.

12. REPEAL CLAUSE

a. By-Law # 2013-06 of the Corporation of the Township of Joly is hearby repealed, effective May 14, 2024.

13. DATE AND EFFECT

a. This Building By-Law will come into effect on 14th Day of May, 2024.

SCHEDULES ATTACHED

Schedules attached hereto are:

Schedule A – Classes of Permits
Schedule B – Permit Fees
Schedule C – Application requirements
Schedule D – Refund of fees
Schedule E Transfer Permit Application

READ A FIRST & SECOND TIME THIS 14th DAY OF MAY.

READ A THIRD TIME AND FINNALLY PASSED THIS 14TH DAY OF MAY.

ORIGINAL COPY SIGNED
Brian McCabe, Mayor

ORIGINAL COPY SIGNED
Jennifer Martin, Municipal Administrator

SCHEDULE "A" – CLASSES OF PERMITS

1.	Building Permits	To be for the purpose of allowing the construction of a building, includes erection, installation, extension or material alteration or repair of a building and includes the installation of a building unit moved from elsewhere.
2.	Demolition Permit	For the demolition of all or part of a building.
3.	Conditional Permit	Pertains to construction only and may be issued only in accordance with Section 8.(3) of the Building Code Act.
4.	Stage of Construction	For the purpose of allowing the commencement of construction of a building or part thereof and completion to a certain stage as permitted by such Permit and includes but is not limited to solid fuel burning appliances, heating, ventilation systems and air conditioning systems, or any part thereof.
5.	Designated Structure	To be for the purpose of constructing a Permit designated structure as defined in the Ontario Building Code.
6.	Transfer Permit	To be issued to a new owner where ownership changes occur during or prior to the closing of any previously issued permit.
7.	Occupancy Permit	To allow occupancy of an unfinished building in accordance with the Building Code.
8.	Change of Use Permit	To comply with the requirements of Part 10 of the Building Code.

SCHEDULE "B" – PERMIT FEE SCHEDULE

Cost Guidelines

$100.00	+ $15.00 per Thousand
$100.00	Change of Use Permit – Inspection fee only with no Building Permit Issued
$100.00	Transfer Permit
$100.00	+ $15.00 per thousand of project value for Conditional Permit
$100.00	Searching of records (Building and Zoning compliance letters)
$100.00	Re-inspection fee
$100.00	Pre-site inspection fee

$50.00	Per page for review of revised plans or plans submitted with application and no permit issued
$50.00	Letter of compliance on issued orders
$200.00	Application fee for Alternative Solution Design
,000.00	minimum fee for any major alteration to a dwelling

Permit Maintenance Fee (applied two years after permit issuance if still open)

$300.00 (per year)	Annual Fee - Commercial
$250.00 (per year)	Annual Fee - Dwellings and additions
$200.00 (per year)	Annual Fee – Accessory structures

BUILDING WITHOUT A PERMIT – CONSTRUCTION STARTED WITHOUT OBTAINING A PERMIT FEES ARE DOUBLED

CONSTRUCTION COST GUIDELINES – cost per square foot of floor area

Residential Unit:	
Single Storey House	$200.00 minimum per square foot
Two Storey House (1st floor)	$200.00 minimum per square foot
Each Additional Storey	$100.00 minimum per square foot
Attached Garage	$55.00 minimum per square foot
Cottage / Recreational Dwelling:	
Dwelling with Basement	$200.00 minimum per square foot
Dwelling on Piers / Frost Wall	$175.00 minimum per square foot
Dwellings on Slab	$175.00 minimum per square foot
ch Additional Storey	$100.00 minimum per square foot
Garage / Farm Buildings:	
Garage / Shed on Slab	$40.00 minimum per square foot
Garage / Shed no floor	$30.00 minimum per square foot
Barns / Outbuildings located on Assessed Farm Lands	$25.00 minimum per square foot
Commercial – Industrial:	
Based on cost price……or	$95.00 minimum per square foot
Renovations:	Based on cost price estimates
Decks / Porches / Additions:	$50.00 minimum per square foot or based on cost price estimates
Demolition Permits:	$5.00 minimum per square foot

The cost construction guidelines are only a guideline. The Chief Building Official may place a valuation on the cost of the proposed work as per section 5. of this building by-law.

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permit is required for re-shingling a roof.

permit is required for a shed intended for storage purposes only and is ancillary (accessory) to a principal building on the lot provided that,

1. It is not more than 15 square meters (161 square feet).
2. It is not more than one storey in building height.
3. It is not attached to a building or any other structure, and
4. It does not contain any plumbing.

To obtain a Building Permit, it is necessary to first apply and receive the following:

1. A septic permit for a class 4 Sewage system from the North Bay Mattawa Conservation Authority in all areas not serviced by Municipal Sewers and for Buildings that require plumbing facilities.
2. An Entrance Permit or Culvert Permit from the Municipality if necessary.
3. An Entrance Permit or Building Permit from the Ministry of Transportation if the property fronts onto a Provincial Highway or Secondary Highway or is within 1000 feet of a highway Intersection or is in the Vicinity of the New 4 Laning of Highway #11.
4. A legal Survey may be required if the survey stakes are not clearly visible to the Chief Building Official.

SCHEDULE "C" – REQUIRED PERMIT DRAWINGS

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

Note: The above-mentioned list of drawings should be used as a guide when preparing drawings for submission for a building permit, for a project designed under Part Nine of the Ontario Building Code that does not require professional design. Any project that requires design by an Architect and/ or a Professional Engineer (Part Three Buildings, such an assembly, institutional or large buildings over 600 square metres and multiple dwellings), will require more comprehensive drawings to illustrate compliance with the Ontario Building Code.

The Chief Building Official may specify that not all of the above-mentioned plans are required to accompany all applications for permits. Check with the Chief Building Official for those required.

SCHEDULE "D" – REFUNDS

	Status of Permit Application	Percentage of Fee Eligible for Refund
1.	Application filed, No processing of review of plans submitted	75% maximum
2.	Application filed, Plans reviewed and permit issued	50% maximum

NOTE:

1. **No refunds after any building inspections are carried out.**
2. **No refund shall be less than $50.00 by the Township of Joly.**
3. **No refund will be given when application for refund is not made within twelve (12) months of the issuance of permits.**
4. **No refund of the "costs" portion of any permit will be made.**

SCHEDULE "E"

APPLICATION TO TRANSFER A BUILDING PERMIT

Building Permit No._____

Original Applicant Name_____

Address_____

Permit Transferred To:

_____
(Name)

_____
(Address)

Phone No. (Home)_____ Work No._____

I, the undersigned, understand that the transfer of a Permit shall not be deemed to be a waiver of any of the provisions of any by-laws or requirements under the Building Code Act, or Regulations made thereunder, notwithstanding anything included in or omitted from the plans or other materials filed in support of or in connection with the Building Permit.

I acknowledge that in the event that the permit is transferred, any changes to plans or specifications filed for the Building Permit, is prohibited, unless first authorized by the Chief Building Official, and such changes could result in an Order to Comply, and/or a charge being preferred and a summons issued by the Provincial Court.

I acknowledge that in the event that the Chief Building Official seeks to enforce the provisions of the Building Code, its Regulations, or this by-law, with respect to the work to be done pursuant to the permit, I shall be responsible for compliance.

_____ _____
Date Signature (Original Applicant)

_____ _____
Date Signature (Current Owner)

_____ _____
Date Chief Building Official