

THE CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS

BY-LAW NO. 2021 - 125

BEING A BY-LAW RESPECTING CONSTRUCTION, DEMOLITION, CHANGE OF USE, CONDITIONAL PERMITS, SEWAGE SYSTEMS AND INSPECTIONS AND TO REPEAL BY-LAW 2013-037

WHEREAS Section 7 of the Building Code Act, 1992, s.o. 1992 c.23 as amended, empowers Council to pass certain by-laws respecting construction, demolition, change of use, conditional permits, sewage systems and inspections.

AND WHEREAS Section 23.1 of the *Municipal Act* authorizes the municipality to delegate its

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS ENACTS AS FOLLOWS:

1. SHORT TITLE

- 1.1. This By-law may be cited as the "Building By-law"

2. DEFINITIONS

For the purpose of this By-law:

- 2.1. In this By-law,
- 2.2. "**Act**" the Building Code Act, 1992, as amended, including amendments thereto;
- 2.3. "**As Constructed Plans**" as constructed plans as defined in the Building Code;
- 2.4. "**Builder**": a person or persons that cause a building to be erected or demolished;
- 2.5. "**Building**" a building as defined in Section 1.(1) of the Act.
- 2.6. "**Building Area**" the greatest horizontal area of a building within the outside surface of the exterior walls;
- 2.7. "**Building Code**" the Regulations made under Section 34 of the Act;
- 2.8. "**Building Official**" the Building Official(s) appointed by the By-law of the Corporation of the Township of Lake of Bays for the purpose of enforcement of the Act;
- 2.9. "**Chief Building Official**" the Chief Building Official appointed by the By-law of the Corporation of the Township of Lake of Bays for the purpose of enforcement of the Act;
- 2.10. "**Completion**" permit means a permit that is obtained to complete a project that has had a portion of the project constructed without benefit of a permit. The permit fee for this class of permit includes the cost of any enforcement required to obtain compliance;
- 2.11. "**Corporation**" the Corporation of the Township of Lake of Bays;
- 2.12. "**Farm Building**" a farm building as defined in the Building Code;
- 2.13. "**Permit**" written permission or written authorization from the Chief Building Official to perform work regulated by this By-law and the Act;
- 2.14. "**Plumbing**" plumbing as defined in Section 1.(1) of the Act;

- 2.15. **"Property Owner:** a person, persons, company or corporation that is the register owner of land;
- 2.16. **"Remedy Unsafe Permit"** a permit that has become necessary due to a building being determined to be unsafe by the Chief Building Official. The permit fee for this class of permit includes the cost of any enforcement required to obtain compliance;
- 2.17. **"Sewage System"** a sewage system as defined in the Building Code; and
- 2.18. **"Special Inspection"** an inspection that is requested and carried out not in connection with a permit, at the discretion of the Chief Building Official. This also includes

3. CLASSES OF PERMITS

- 3.1. Classes of permits with respect to the construction, demolition and change of use of buildings and permit fees shall be as set out in Townships User Fee By-Law, as amended.

4. REQUIREMENTS FOR APPLICATIONS

4.1. The Application

To obtain a permit, the owner or an agent authorized by the owner shall file an application in writing by completing a prescribed form available at the office of the Chief Building Official, on the Township's web site or through other electronic formats which are deemed to be acceptable by the Chief Building Official.

- a) Where application is made for a building permit under Subsection 8.(1) of the Act, the application shall:
 - i. Identify and describe in detail the work and the occupancy to be covered by the permit for which application is made;
 - ii. Describe the land on which the work is to be done, by a description that will readily identify and locate the building lot;
 - iii. 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;
 - iv. State the valuation of the proposed work including materials and labour and be accompanied by the required fee;
 - v. State the names, addresses and telephone numbers of the owner and of the architect or engineer, where applicable, or other designer or contractor.
 - vi. 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

- vii. Be signed by the owner or his or her authorized agent who shall certify the truth of the contents of the application.
- b) Where application is made for a demolition permit under Subsection 8.(1) of the Act, the application shall:
 - i. Contain the information required by clauses 4.1.a) i. to 4.1.a) vii; and
 - ii. 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.
- c) Where application is made for a conditional permit under Subsection 8.(3) of the Act, the application shall:
 - i. Contain the information required by clauses 4.1.a) i. to 4.1.a) vii;
 - ii. Contain such other information, plans and specifications concerning the complete project as the Chief Building Official may require.
 - iii. State the reasons why the applicant believes that unreasonable delays in construction would occur if a conditional permit is not granted.
 - iv. State the necessary approvals, which must be obtained in respect of the proposed building and the time in which such approvals will be obtained.
 - v. State the time in which plans and specifications of the complete building will be filed with the Chief Building Official.
- d) Every application for a change of use permit issues under Subsection 10.(1) of the Act shall be submitted to the Chief Building Official and shall:
 - i. Describe the building in which the occupancy is to be changed, by a description that will readily identify and locate the building.
 - ii. Identify and describe in detail the current and proposed occupancies of the building or part of a building for which the application is made.
 - iii. 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 capabilities.
 - iv. Be accompanied by the required fee.
 - v. State the name, address and telephone number of the owner.

- vi. Be signed by the owner or his or her authorized agent who shall certify the truth of the contents of the application.
- e) Every application for a sewage system permit shall be submitted to the Chief Building Official and contain the following information:
 - i. The information required by sections 4.1.a) i. to 4.1. a) vii.
 - ii. The name address, telephone number and license number of the person installing the sewage system.
 - iii. Where the person named in Section 4.1.e) ii above requires a license under the Act and the Building Code, the number and date of issuance of the license, and the name of the qualified person supervising the work to be done under the sewage system permit.
 - iv. A site evaluation which shall include all of the following items, unless otherwise specified by the Chief Building Official:
 - 1) the date the evaluation was done;
 - 2) name, address, telephone number and signature of the person who prepared the evaluation;
 - 3) a scaled map of the site showing:
 - the legal description, lot size, property dimensions, existing rights-of-way, easements of municipal/utility corridors,
 - the location of any existing or proposed buildings,
 - the location of the proposed sewage system including number of runs,
 - the location of any unsuitable, disturbed or compacted areas,
 - proposed access routes for system maintenance.
 - 4) depth of bedrock;
 - 5) depth to zones of soil saturation;
 - 6) soil properties, including soil permeability;soil conditions, including the potential for flooding
 - f) The person proposing an alternative solution shall provide the documents required by Div. C section 2.1 of the Building Code.

4.2. Alternative Solution

- a) The person proposing an alternative solution shall provide the documents required by Div. C section 2.1 of the Building Code

4.3. Plans and specifications

- a) 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 to the Act, the Building Code and any other applicable law.
 - i. 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 shall not be made without the written authorization of the Chief Building Official.

- ii. Each application shall, unless otherwise specified by the Chief Building Official, be accompanied by two complete sets of plans and specifications as required under this by-law.
- iii. 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 working drawings as set out in Schedule "B" to this by-law, unless otherwise specified by the Chief Building Official.
- iv. 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:
 - 1) Lot Size and the dimensions of the property lines and setbacks to any existing or proposed buildings;
 - 2) Existing and finished ground levels or grades;
 - 3) Existing rights-of-way, easements and municipal services; and
 - 4) 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.

4.4. Fire Access Route Consideration

- a) The Design of all required fire access routes shall be completed by the qualified designer of the project. All fire access routes shall be designed in conformance with part 3 of the Ontario Building code (including part 9 building) unless an exemption is noted below. The following is a general outline of the requirements for access route, however all projects are subject to the municipalities approval. Additional requirements may be required based on an individual project bases.
 - i. The design of a fire access route for residential buildings shall be in accordance with part 3, if the project consists of more than 3 dwelling units or the route of travel from the road way to the building exceeding 400' in length. Sprinklers may be considered as an alternative solution when Part 3 access routes requirements cannot be met.
 - ii. The fire access route for Part 9 buildings that are serviced shall be provided to a building face in accordance with Part 3. An access opening in accordance with part 9 can be used as the principal entryway when designing the fire access route. Location of existing and new fire hydrants and water supply must conform to NFPA 1142 standards.

- iii. The fire access route for Part 9 Buildings located in the rural areas shall be to a building face with an access opening in accordance with part 3. Part 3 water supply requirements maybe omitted, unless multi-residential units are incorporated into the design. Water availability from neighboring properties can be used provided that legal access is presented to the town
- 4.5. The Director is responsible for administering the provisions of this By-law, including but not limited to prescribing the format and content of any forms or other documents required under this By-law.
- 4.6. The Director may cancel an Administrative Penalty or any administrative fee that has been added to an Administrative Penalty or both:
 - a) if the Administrative Penalty or administration fee or both were imposed as the result of an error made by the Township; or
 - b) in the case of a contravention with respect to the parking, standing or stopping of a vehicle:
 - i. if the person's licence plate or the vehicle had been stolen at the time of the contravention; or
 - ii. at the request of an owner or occupant of the private property where the contravention took place.
- 4.7. Any time limit under this By-law that would otherwise expire on a day on which the Township's administrative buildings are not open for business is extended to the next day on which the Township's administrative building are open for business.
- 4.8. Schedules attached to this By-law shall form part of this By-law.
- 4.9. If a court of competent jurisdiction declares any provision of this By-law invalid, it is the intention of Council that the remainder of the By-law shall continue to be in force.

5. PAYMENT OF FEES

- 5.1. Fees for a required permit shall be as set out in Townships User Fee By-Law, and are due and payable upon submission of an application for a permit.
- 5.2. 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, the cost of valuation of the proposed work shall mean the total value of all work regulated by the permit, including the cost of all material, labour, equipment, overhead, professional and related services, provided that where application is made for a conditional permit, fees shall be paid for the complete project.
- 5.3. 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 required 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 value is determined to be less than the valuation, the Chief Building Official shall issue a refund.

5.4. Refunds

- a) 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. Application for refund must be made within 6 months of the date of permit application in order to be eligible for a refund of any permit fee.

6. NOTICE OF REQUIREMENTS FOR INSPECTIONS

- 6.1. The owner or an authorized agent shall notify the Chief Building Official at least two (2) business days prior to each stage of construction for which notice in advance is required under the Building code. In addition to the prescribed notice contained in 2.4.5.1 of the Building code, notice of any solid fueled fired appliance rough in and notice of the final inspection detailed in clauses 2.4.5.2.(1)(c) and 2.4.5.2.(1)(i) is also required.

a) Notice may be given in one of the following ways:

- i. Email, buildinginspections@lakeofbays.on.ca ;
- ii. Phone message at (705) 635 - 2272 ext. 1228; or
- iii. In person at the Building Department Counter

7. AS CONSTRUCTED PLANS

- 7.1. 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.

8. ENFORCEMENT (Offences)

8.1. No person shall:

- a) Construct a building without a permit contrary to subsection 8(1) of the Act;
- b) Cause construction of building without a permit contrary to subsection 8(1) of the Act;
- c) Demolish a building without a permit contrary to subsection 8(1) of the Act;
- d) Cause demolition of a building without a permit contrary to subsection 8(1) of the Act;
- e) Change plans without authorization contrary to subsection 8(12) of the Act;
- f) Construct a building not in accordance with plans contrary to subsection 8(13) of the Act;
- g) Change the use of a building without a permit contrary to subsection 10(1) of the Act;
- h) Occupy a building newly erected without notice or inspection contrary to section 11 of the Act;

- i) Obstruct or remove a posted order without authorization contrary to section 20 of the Act;
- j) Furnish false information on an application for a permit contrary to clause 36(1)(a) of the Act;
- k) Commence demolition before a building has been vacated contrary to Div. C sentence 1.3.3.4.(1) of the Building Code;
- l) Fail to post a permit on the construction site contrary to Div. C article 1.3.2.1 of the Building Code;
- m) Fail to post a permit on the demolition site contrary to Div. C article 1.3.2.1 of the Building Code;
- n) Occupy an unfinished building without a permit contrary to Div. C sentence 1.3.3.1.(1) of the Building Code; and
- o) Fail to provide notification of construction phase contrary to Div. C sentence 1.3.5.1 (1) of the Building Code.

8.02 No Person Shall Fail to Comply With

- a) An order to comply made by an inspector under subsection 12(2) of the Act;
- b) An order not to cover made by an inspector under subsection 13(1) of the Act;
- c) An order to uncover made by an inspector under section 13(6) of the Act;
- d) A stop work order made by the Chief Building Official under subsection 14(1) of the Act
- e) An order to remedy an unsafe building made by an inspector under subsection 15.9(4) of the Act;
- f) An order prohibiting use or occupancy of an unsafe building made by the Chief Building Official under subsection 15.9(6) of the Act; and
- g) An order to repair a dangerous building made by the Chief Building Official under subsection 15.10(1) of the Act

8.03 Penalties

- a) Every person who contravenes any provision of this by-law or the Act or is party to such contravention is guilty of an offence and conviction is liable to a fine, in accordance with section 36 of the Act with respect to offences arising from section 8.01 and 8.02 of this by-law; or otherwise as provided for in the provincial Offences Act R.S.O. 1990, c P33.;
- b) Every person who hinders or obstructs a person lawfully carrying out the enforcement of this by-law is guilty of an offence;
- c) In addition to the penalties prescribed in section 8.01 and 8.02 of this by-law, the Chief Building Official may apply under subsection 36(1) and or 38(1) of the Act for additional penalties; and

- d) Every person who contravenes any provision of this by-law or the Act or is party to such contravention is guilty of an offence and is liable to an administrative monetary penalty as per section 434.1 of the Municipal Act, 2001, S.O. 2001, c.25 as amended ("Municipal Act 2001"), administrative monetary penalties as set out in the AMPS By-law;

9. REPEAL OF BY-LAWS

- 9.1. By-law 2013-037, of the Corporation of the Township of Lake of Bays is hereby repealed.

10. SEVERABILITY

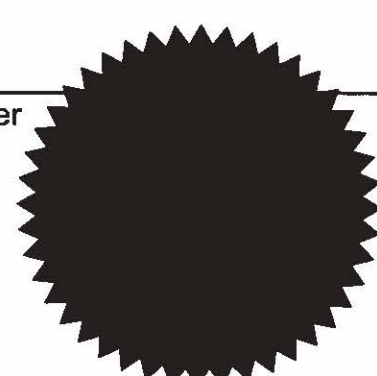
- 10.1. If a Court of competent jurisdiction should declare any section or part of a section of this By-law to be invalid, it shall not be construed as having persuaded or influenced Council to pass the remainder of the by-law and it is hereby declared that the remainder of the by-law shall be valid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

11. SCHEDULES

- 11.1. The following schedules attached hereto form part of this By-law:

- | | |
|-----------------|--|
| a) Schedule 'A' | Refunds |
| b) Schedule 'B' | List of plans or working drawings to accompany application for permits |

READ a FIRST, SECOND and THIRD time and passed this 7th day of December 2021.

 _____ Mayor – Terry Glover		 _____ Clerk – Carrie Sykes
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SCHEDULE “A”

**TO BY-LAW NUMBER 2021 – 125
REFUNDS**

<u>Status of Permit Application</u>		<u>Percentage of Fee Eligible for Refund</u>
1.	Application withdrawn in writing, no processing of review of plans submitted	95% maximum
2.	Application withdrawn in writing plans reviewed and prior to permit issuance	75% maximum
3.	Application withdrawn in writing or revoked, prior to construction, after the permit has been issued	50% maximum
4.	Application withdrawn in writing or revoked, six (6) months after permit has been issued	0%

NOTE:

No refunds after any building inspections are carried out.

**No refund shall result in the retention by the Township of Lake of Bays of
an amount less than \$50.00.**

SCHEDULE "B"

TO BY-LAW NUMBER 2021-125

**LIST OF PLANS OR WORKING DRAWINGS
TO ACCOMPANY APPLICATIONS FOR PERMITS**

The Site Plan
Floor Plans
Foundation Plans
Framing Plans'
Roof Plans
Sections & Details
Building Elevations
Electrical Drawings
Heating, Ventilation, Air Conditioning Drawings with Heat Gain Loss
Calculations
Plumbing Drawings
Sewage System Design and Plans (including cross section)

Note:

**The Chief Building Official may specify that not all
the above-mentioned plans are required to accompany
an application for permit.**