

The Corporation of the Municipality of Trent Hills

By-law No. 2024-077

**A By-law to provide for the administration and enforcement of the Building Code Act and with respect to the establishment and requirement of the payment of fees for information and services in The Corporation of the Municipality of Trent Hills
And to Repeal By-law Nos. 2001-37, 2002-13 and 2009-29
(Building By-law)**

Whereas Section 3.(1) of the Building Code Act, S.O. 1992, c.23, as amended, provides that the council of each municipality is responsible for the enforcement of the Building Code Act, 1992, as amended, in the municipality;

And Whereas Section 7 of the Building Code Act, S.O. 1992, c.23, as amended, empowers council to pass By-laws respecting permits for construction, demolition, occupancy, change of use, on-site sewage system, plumbing systems, and conditional permits and respecting inspections and the charging of permit fees and other related matters;

And Whereas Section 7 of the Building Code Act, S.O. 1992, c.23, as amended, empowers council to pass By-laws to establish an On-site Sewage System Maintenance Inspection Program and the charging of service fees for the recovery of costs associated with the administration of said program;

Now Therefore the Council of the Municipality of Trent Hills hereby enacts as follows:

Part 1: Citation

- 1.01 This By-law may be cited as the “Building By-law”.
- 1.02 All references made within this By-law shall be found within this By-law unless otherwise noted.

Part 2: Definitions

- 2.01 “Act” means the Building Code Act, S.O. 1992, c. 23, as amended.
- 2.02 “Alternative Solution” means a substitute for an acceptable solution as set out in Parts 3 to 12 of Division B of the Building Code.
- 2.03 “Applicable Law” means the list of applicable laws as prescribed by the Building Code.
- 2.04 “Applicant” means the Owner of a building or property who applies for a Permit or any Authorized Agent to apply for a Permit on the Owner’s behalf or any person or corporation empowered by statute to cause the construction or demolition of a building or buildings and anyone acting under the authority of that person or corporation.

- 2.05 “Authorized Agent” means a person who has been authorized in writing to act on the Owner’s behalf for matters relating to an application for a Permit.
- 2.06 “As Constructed Plans” means construction plans and specifications that show the Building and the location of the Building on the property as the Building has been constructed.
- 2.07 “Building” means a building as defined in the Building Code Act.
- 2.08 “Building Code” means regulations made under Section 34 of the Act and any amendments thereto.
- 2.09 “Chief Building Official” means the Chief Building Official, or their designate, appointed by By-law of The Corporation of the Municipality of Trent Hills for the purposes of enforcement of the Building Code Act.
- 2.10 “Corporation” means The Corporation of the Municipality of Trent Hills.
- 2.11 “Form” means the applicable provincial or municipal prescribed document.
- 2.12 “Inspector” means an Inspect appointed under the Building Code Act.
- 2.13 “Owner” means the registered owner of the land or property for which a Permit application is submitted, a Permit has been issued or that contains an on-site Sewage System for the purposes of the Maintenance Inspection Program and includes the registered owner, a lessee and mortgagee in possession.
- 2.14 “Permit” means permission or authorization, in writing, by the Chief Building Official to perform Work or to occupy a Building or part thereof, as regulated by the Act and the Building Code.
- 2.15 “Permit Holder” means the Owner to whom the Permit has been issued or, where the Permit has been transferred, the transferee, and shall be the person who assumes the primary responsibility for compliance with the Act and the Building Code.
- 2.16 “Plumbing System” means as described by the Ontario Building Code.
- 2.17 “Registered Code Agency” means a person that has the qualifications and meets the requirements described in Section 15.11(4) of the Act.
- 2.18 “Sewage System” means as described by the Ontario Building Code.
- 2.19 “Work” means the construction or demolition of a Building or part thereof and includes a change of use as regulated by the Building Code.

Any words or phrases used in this By-law which are defined in the Building Code shall be deemed to have an equivalent meaning in the context in which they are used.

Part 3: Classes of Permits

The classes of Permits with respect to construction, demolition, change of use and occupancy are described as follows:

- 3.01 “Construction Permit” is a Permit required under Section 8. (1) of the Act for the construction of Buildings and parts of Buildings.
- 3.02 “Demolition Permit” is a Permit required under Section 8. (1) of the Act for the removal of a Building.
- 3.03 “Conditional Permit” is a Permit authorized under Section 8. (3) of the Act for the construction of Buildings or parts of Buildings that may be issued at the sole discretion of the Chief Building Official.
- 3.04 “Change of Use Permit” is a Permit required under Section 10. (1) of the Act where a change in use of a Building or part of a Building would result in an increase in hazard as determined under Division C, of the Building Code where no construction is proposed.
- 3.05 “Occupancy Permit” is a Permit required to occupy a Building or part of a Building in accordance with the requirements of Division C, of the Building Code.

Part 4: Application for Permits

- 4.01 To obtain a Permit, the Owner or an Authorized Agent shall submit the applicable prescribed Permit Application Form to the Chief Building Official.
- 4.02 All Forms prescribed by the Building Code and the Chief Building Official are available at the Province of Ontario, the office of the Chief Building Official or the Corporation’s website.
- 4.03 Where an application is made for a Construction Permit under Section 8.(1) of the Act, the application shall:
 - a) Include a completed Permit Application Form as prescribed by the Building Code;
 - b) Be accompanied by the plans and specifications prescribed by this By-law and any associated information or approvals required to demonstrate compliance with any Applicable Law;
 - c) Identify and describe the Work and use to be covered by the Permit for which application is made;
 - d) Be accompanied by all fees as specified in the current Fees and Charges By-law;

- e) State the names, addresses, telephone numbers, fax numbers and email addresses of the Owner, Applicant, architect, professional engineer, designer, contractor, installer or constructor, where applicable;
- f) Be accompanied by a completed Commitment to General Reviews Form as prescribed by the Chief Building Official when the Architects Act, as amended, and/or the Professional Engineers Act, as amended, requires the designer be an architect and/or a professional engineer; and
- g) Include completed Forms as deemed required and prescribed by the Chief Building Official.

4.04 Where an application is made for a Demolition Permit under Section 8.(1) of the Act, the application shall:

- a) Include a completed Permit Application Form as prescribed by the Building Code;
- b) Be accompanied by the plans and specifications prescribed by this By-law and any associated information or approvals required to demonstrate compliance with any Applicable Law;
- c) Be accompanied by all fees as specified in the current Fees and Charges By-law;
- d) State the names, addresses, telephone numbers, fax numbers and email addresses of the Owner and of the Architect, professional engineer, designer, contractor or constructor, where applicable;
- e) Be accompanied by a completed Commitment to General Reviews Form as prescribed by the Chief Building Official when the Building Code requires a professional engineer to undertake the general review of the demolition; and
- f) Be accompanied by proof satisfactory to the Chief Building Official that arrangements have been made with the proper authorities, where applicable, for the disconnection and capping of all water, sewer, gas, electric, telephone or other utilities and services on a Form prescribed by the Chief Building Official.

- 4.05 Where application is accepted at the discretion of the Chief Building Official for a Conditional Permit under Section 8.(3) of the Act, the application shall:
- a) Be preceded by an application for a Construction Permit set out in this By-law and filed with the Chief Building Official;
 - b) Be accompanied by the plans and specifications prescribed by this By-law and any associated information or approvals required to demonstrate compliance with any Applicable Law;
 - c) Include a completed Conditional Permit Application Form as prescribed by the Chief Building Official;
 - d) State, in writing, to the Chief Building Official the reasons why the Applicant believes that unreasonable delays in construction would occur if a Conditional Permit is not granted;
 - e) State the necessary approvals which must be obtained in respect of the proposed Building and the date or time by which such approvals will be obtained;
 - f) Be accompanied by a Conditional Permit Agreement Form, authorized by Clause 8.(3)(c) of the Act, which must be signed by the Owner or an Authorized Agent who has the authority to bind the Owner;
 - g) In the event that the conditions have not been satisfied beyond the date that is prescribed in a Conditional Permit Agreement, the agreement shall be considered as expired, all Work shall stop and a request for an extension shall be made by the Permit Holder;
 - h) Be accompanied by a security deposit under the terms of the Conditional Permit Agreement; and
 - i) In addition to fees for the Construction Permit application, be accompanied by the Conditional Permit fees that are set out in the current Fees and Charges By-law.
- 4.06 Consideration of an application for Conditional Permit is at the sole discretion of the Chief Building Official and, if considered, shall not be construed to authorize construction beyond the scope for which conditional approval is given or that a Construction Permit will necessarily be issued.
- 4.07 Where application is made for a Change of Use Permit issued under Section 10.(1) of the Act, the application shall:
- a) Include a completed Permit Application Form as prescribed by the Chief Building Official;

- b) Be accompanied by the plans and specifications prescribed by this By-law and any associated information or approvals required to demonstrate compliance with the Building Code and any Applicable Law;
- c) Describe the Building in which the occupancy is to be changed by a description that will readily identify and locate the Building;
- d) Identify and describe in detail the current and proposed occupancies of the Building or part of a Building for which the application is made;
- e) Include plans and specifications which show the current and proposed occupancy of all parts of the Building and which contain enough information to establish compliance with the requirements of the Building Code, including, but not limited to, floor plans, details of wall, ceiling and roof assemblies identifying required fire resistance ratings and load bearing capacities and details of the existing on-site Sewage System, if any;
- f) Be accompanied by a report from a qualified person as prescribed by the Building Code confirming that the change of use will not result in an increase in hazard;
- g) Be accompanied by all fees as specified in the current Fees and Charges By-law; and
- h) State the name, address, telephone number, fax number and email address of the Owner.

4.08 To obtain an Occupancy Permit as required by Division C, Section 1.3.3. of the Building Code, the Owner or Authorized Agent shall:

- a) Notify the Chief Building Official of the of completion of construction required to permit the occupancy of a Building;
- b) Describe the part of the Building for which occupancy is requested;
- c) Submit plans showing portion(s) of the floor area(s) to be occupied complete with location(s) of temporary exits as applicable;
- d) Submit all general review reports where the Building Code requires the construction to be reviewed by an architect and/or a professional engineer; and
- e) Submit a bacteria indicator test report where the Building utilizes an on-site private water system.

4.09 A Building shall not be occupied, permitted to be occupied or commissioned into service without the written authorization from the Chief Building Official.

Part 5: Plans and Specifications-General

- 5.01 Sufficient information shall be submitted with each application for a Permit to enable the Chief Building Official to determine whether the proposed construction, demolition or change of use will conform to the Act, the Building Code, this By-law and any other Applicable Law.
- 5.02 Each application for a Construction, Demolition, Change of Use Permit or Conditional Permit shall be accompanied by one (1) complete set of the plans and specifications.
- 5.03 Plans shall be drawn to a suitable and legible scale (minimum 1:75 or 3/16"=1'-0") on paper or other durable medium approved by the Chief Building Official and shall include information as specified by the Chief Building Official.
- 5.04 At the discretion of the Chief Building Official, submission of digital drawings, designs and specifications may be considered where:
 - a) The file is formatted to print on not greater than tabloid (11x17) size paper to retain the original scale of the document; and
 - b) The format of the digital file is suitable to the Corporation.

Part 6: Incomplete Application

- 6.01 Except as provided in Section 7.02 of this By-law, a Permit application that does not meet the applicable requirements of Section 4 of this By-law shall be denied without further review.
- 6.02 Where the Chief Building Official determines that a Permit application is incomplete, the Chief Building Official may accept the application if the Applicant acknowledges that the application is incomplete.
- 6.03 Where an Applicant declares or acknowledges that a Permit application is incomplete, the Chief Building Official shall not be bound by the timelines prescribed by the Building Code within which a Permit must be issued or refused.
- 6.04 The Applicant shall be notified, in writing, where a review by the Chief Building Official or Inspector has determined information is missing or non-compliant with any provisions of the Act, Building Code or this By-law.
- 6.05 Where it is determined that the Applicant has not made satisfactory progress to submit the required information within 30 days of being notified by the Chief Building Official or Inspector, written notice thereof shall be given to the Applicant.
- 6.06 If an incomplete application is deemed to be abandoned as determined by the Chief Building Official, a new application must be submitted as set out in Part 4 for all proposed Work.

Part 7: Withdrawing a Permit Application

- 7.01 A Permit Holder may request, in writing, that an application for Permit be withdrawn prior to issuance of a Permit.
- 7.02 All plans, specifications and documents submitted in support of an application for Permit shall remain the property of the Corporation.

Part 8: Revocation of Permit

- 8.01 Prior to revoking a Permit under Section 8.(10) of the Act, the Chief Building Official may serve a notice to the last known address to the Permit Holder, and, following a 30 day period from the date of service, may revoke the Permit without further notice.
- 8.02 The Chief Building Official may consider a written request by the Permit Holder to defer revocation of a Permit if the request:
 - a) Is received by the Chief Building Official prior to the end of the 30 day period described in Section 8.01; and
 - b) States the reasons why the Permit should not be revoked and the date by which meaningful and substantial Work will resume.
- 8.03 The Chief Building Official, having regard to any material changes to the Act, Building Code or other Applicable Law, may allow a deferral of revocation of a Permit.
- 8.04 Subject to Section 25 of the Act, the Chief Building Official is under no obligation to defer revocation of a Permit.

Part 9: Revisions

- 9.01 Where the design or scope of Work authorized by an issued Permit changes, the Owner shall submit sufficiently detailed and revised plans and specifications, as set out in Part 5 of this By-law, that describe the proposed Work prior to carrying out the proposed Work.
- 9.02 Sufficient material changes to the design or scope of Work may constitute the need for a new Permit application as determined by the Chief Building Official.
- 9.03 A revision to a Permit application, or an issued Permit shall be accompanied by all fees as specified in the current Fees and Charges By-law.

Part 10: Transfer of Permit

10.01 An issued Permit may be transferred to a new Owner by the Chief Building Official where the new Owner provides:

- a) A completed Transfer of Permit Form prescribed by the Chief Building Official;
- b) A written statement agreeing to comply with all statutes, regulations, Applicable Laws and conditions of approval upon which the Permit was issued;
- c) A written statement from the designer authorizing the continued use of all drawings, specifications and documents associated with the issued Permit;
- d) A completed Commitment to General Reviews Form as prescribed by the Chief Building Official when the Building Code requires the Work be reviewed by an architect or a professional engineer; and
- e) Payment of fees for transfer of Permit as specified in the current Fees and Charges By-law.

Part 11: As Constructed Plans and Documents

11.01 On completion of the construction, the Chief Building Official may require:

- a) A set of As Constructed Plans be filed with the Chief Building Official; and/or
- b) A plan of survey showing the location of the Building or Buildings.

11.02 As set out in Section 18 of the Act, an Inspector may require information, including plans, specifications, reports or documents, from any person in order to confirm compliance with any Building Code and/or Applicable Law requirement.

Part 12: Alternative Solutions

12.01 The Chief Building Official may authorize the use of an Alternative Solution where a designer provides, for each Alternative Solution that is proposed:

- a) A completed Alternative Solution Application Form as prescribed by the Chief Building Official;
- b) A description of the proposed material, system or Building design for which authorization as an Alternative Solution is requested;
- c) A description of the applicable objectives, functional statements and acceptable solutions as set out in the Building Code;

d) Supporting documentation, past performance or tests described in Division C, Section 2.1. of the Building Code or other evaluation demonstrating that the proposed material, system or Building design will provide the level of performance required by Division A, Article 1.2.1.1. of the Building Code; and

e) The fees as specified in the current Fees and Charges By-law.

12.02 Where an Alternative Solution has been authorized, the Chief Building Official may impose conditions and/or limitations.

12.03 Alternative solutions authorized by the Chief Building Official shall be applicable only to the location as described in the application and are not transferrable to any other Permit.

Part 13: Fees

13.01 Fees shall be as specified in the current Fees and Charges By-law and are due and payable by the Applicant prior of issuance of Permit, in addition to any development charges, levies and fees that are deemed to be Applicable Law.

13.02 Where fees are due as a result of revisions after a Permit has been issued, no inspections associated with the said revisions shall be passed until:

a) The revisions are approved by the Chief Building Official or Inspector; and

b) Additional fees have been paid in full, if applicable.

13.03 Where Work occurs prior to the issuance of a Permit, an additional surcharge, as specified in the current Fees and Charges By-law, shall be payable by the Applicant.

13.04 The Permit fees as specified in the current Fees and Charges By-law presume a single submission of complete plans and specifications and a single inspection of each prescribed stage of construction as set out in the Building Code and this By-law. Additional service fees as specified in the current Fees and Charges By-law shall be invoiced when additional resources to review additional drawings and/or to re-inspect Work are consumed.

Part 14: Refunds

14.01 In the case of a cancelled Permit or withdrawn, inactive or abandoned Permit application, the Chief Building Official shall determine the amount of paid fees that may be refunded to the Applicant as specified in the current Fees and Charges By-law

14.02 The percentage of fees to be refunded as determined in Section 14.01 shall not include the additional surcharge as specified in Section 13.03.

- 14.03 Any authorized refund shall be returned to the person identified on the receipt.
- 14.04 A written request for refund of the Residential Building Permit Deposit (new builds) can made to the Chief Building Official by the person identified on the receipt provided all construction is complete, inspected and approved by the Chief Building Official.
- 14.05 A deposit that has been paid for an application for Demolition Permit shall be refunded to the person identified on the receipt where inspections confirm the following within 6 months of issuance of the Permit:
- a) The demolition of the Building is complete;
 - b) All general review letters, where required, have been received by the Chief Building Official;
 - c) All demolition material and debris has been removed from the property;
 - d) Capped water and sewer services have been inspected and approved.
 - e) Property left in graded and safe condition as determined by Chief Building Official.
- 14.06 No refund shall be made as specified in the current Fees and Charges By-law.

Part 15: Recovery of Fees

- 15.01 In addition to every other remedy available by law, fees that are due and unpaid may be added to the tax roll of the property of the Owner and may be collected in like manner as municipal taxes.

Part 16: Fee Adjustments

- 16.01 The Fees and Charges By-law is reviewed regularly and all fee adjustments are included, as required.

Part 17: Notices and Inspections

- 17.01 The Permit Holder or an Authorized Agent shall notify the Chief Building Official of readiness to inspect the required stages of construction as prescribed by Division C, Sentence 1.3.5.1.(2) of the Building Code.

17.02 In addition to Section 18.1 of the Building Code Act, the Permit Holder or an Authorized Agent shall notify the Chief Building Official of readiness to inspect the following stages of construction as prescribed by Division C, of the Building Code:

- a) Commencement of construction of the Building;
- b) Substantial completion of all aspects of below grade construction as determined by the Chief Building Official.
- c) Substantial completion of structural framing for each storey, if the Building is a type of Building that is within the scope of parts of the Building Code other than Division B, Part 9;
- d) Substantial completion of all requirements of all aspects of environmental separations as determined by the Chief Building Official.
- e) 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;
 - iv. On-Site Sewage System
 - v. Plumbing System
- f) Substantial completion of plumbing, mechanical, heating, ventilating, air-conditioning and air-contaminant extraction equipment;
- g) Substantial completion of exterior cladding;
- 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 Division C, Article 1.3.3.4 of the Building Code.
- k) Final Inspection to ensure compliance with all Building Code requirements not assessed within the Occupancy Inspection.

17.03 The notice required in Sections 17.01 & 17.02 shall be:

- a) Emailed to building@trenthills.ca
- b) Online by completing a Request an Inspection Form on the Corporation's website; or
- c) In writing to the office of the Chief Building Official.

17.04 A notice pursuant to Sections 17.01 to 17.03 is not effective until the notice is received and acknowledged by the Chief Building Official.

17.05 Upon receipt of notice of readiness to inspect as set out in this Part, the Chief Building Official or an Inspector shall undertake a site inspection:

- a) No later than two (2) business days after receipt of the notice by the Chief Building Official, or
- b) Any other time mutually agreed upon by the Chief Building Official and the person to whom the Permit was issued, or a person authorized to act on their behalf.

17.06 The time period referred to in Section 17.05 shall begin on the business day following the day on which the notice is received.

17.07 The Permit Holder shall facilitate safe access for inspection of the Work.

17.08 A copy of the actual plans issued in support of a Permit shall be available on site to the inspector when requested.

17.09 Re-inspections of deficient or incomplete Work shall be subject to an additional service fees as specified in the current Fees and Charges By-law.

Part 18: Delegated Authority

18.01 Pursuant Section 8.(3)(c) of the Act, the Chief Building Official has the authority to require individuals to enter into written agreements relating to the issuance of a Conditional Permit.

18.02 The Corporation may enter into a service agreement with a Registered Code Agency to perform one or more of the functions prescribed in Section 15.15 of the Act in respect of the construction or demolition of a Building or class of Buildings.

Part 19: Fences at Construction and Demolition Sites

19.01 Where, in the opinion of the Chief Building Official, a construction or demolition site presents a hazard to the public, the Chief Building Official may require the Owner to erect such fences as the Chief Building Official deems appropriate to the circumstances to prevent unauthorized entry to the site.

19.02 In considering the hazard presented by the construction or demolition site to be fenced, the Chief Building Official shall have regard for:

- a) The proximity of the building site to other Buildings that are occupied;
- b) The proximity of the construction or demolition site too lands accessible to the public;
- c) The hazards presented by the construction or demolition activities and materials;
- d) The effectiveness of site fences; and
- e) The duration of the hazard.

19.03 Every construction/demolition fence required under this By-law shall:

- a) Create a continuous barrier to sufficiently deter unauthorized entry to the construction or demolition site to the satisfaction of the Chief Building Official or Inspector;
- b) Be erected and maintained in a nominally vertical plane and maintained in good repair; and
- c) Be a minimum of 1.8 metres (6 feet) in height.

Part 20: Offences and Penalties

20.01 Every person who contravenes any provision of this By-law is guilty of an offence and on conviction is liable to a fine as provided in Section 36 of the Act, 1992, S.O. 1992, c.23, as amended.

Part 21: Validity

21.01 In the event that any provision of this By-law is declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the remaining provisions of this By-law.

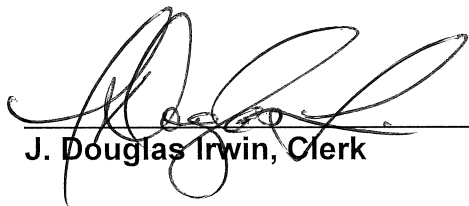
Part 22: Interpretation and Implementation

22.01 That By-law Nos. 2001-37, 2002-13 and 2009-29 are hereby repealed in their entirety.

22.02 This By-law shall come into force and take effect on the final passing thereof.

By-law read and passed this 13th day of June, 2024.



Robert Crate, Mayor

J. Douglas Irwin, Clerk