



THE CORPORATION OF THE TOWN OF KIRKLAND LAKE

BY-LAW NUMBER 22-060

**BEING A BY-LAW UNDER THE BUILDING CODE ACT, RESPECTING
CONSTRUCTION, DEMOLITION, PLUMBING, CHANGE OF USE PERMITS AND
INSPECTIONS**

WHEREAS Section 7(1) of the *Building Code Act*, 1992, S.O. 1992, c.23, as amended, authorizes Council to pass certain by-laws respecting construction, demolition, plumbing and change of use permits, inspections and related matters;

**NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CORPORATION
OF THE TOWN OF KIRKLAND LAKE ENACTS AS FOLLOWS:**

BY-LAW TABLE OF CONTENTS

Part 1 – General Provisions	
Section 1.1: Short Title	2
Section 1.2: Scope	2
Section 1.3: Enforcement	2
Section 1.4: Conflicts with other By-laws	2
Part 2 – Definitions	2-4
Part 3 – Classes of Permits	
Section 3.1: Administration	4
Section 3.2: Permits Issued Under the Building Code Act	4
Section 3.3: Permits Issued Under Municipal by-laws	4
Part 4 – Requirements for Applications	
Section 4.1: Submitting an Application	4
Section 4.2: Alternative Solution	5
Section 4.3: Plans and Specifications	6
Part 5 – Permit Fees	
Section 5.1: Complete Application	6
Section 5.2: Value of Proposed Work	6
Section 5.3: Construction Commencing without Permit Approval	6
Section 5.4: Refunds	6
Part 6 – Permit Administration	
Section 6.1: Permit Retention	7
Section 6.2: Historical Permits	7
Section 6.3: Transfer of Permits	7
Section 6.4: Abandoned Permit Applications	7
Section 6.5: Cancelled Permits	7

Part 7 – Inspections

Section 7.1: Notice 8

Section 7.2: Representative on Site 8

Part 8 – Enactment

Section 8.1: By-law Coming into Force..... 8

Schedule A – Refunds 9

PART 1 – GENERAL PROVISIONS

- 1.1 Short Title**
- 1.1.1. This By-law shall be cited as the “Building By-law”.
- 1.2 Adoption of the Ontario Building Code**
- 1.2.1. The Ontario Building Code is hereby adopted and shall apply to all buildings, structures, plumbing or matters in the Town of Kirkland Lake as regulated by the provisions of the Ontario Building Code.
- 1.3 Scope**
- 1.3.1. The provisions of this By-law shall apply to all property within the geographic limits of the Town, except where otherwise provided.
- 1.4 Conflicts with Other By-laws**
- 1.4.1. Where provisions of the By-law conflict with a provision of another By-law in force in the Town, the provisions that establish the higher standard in terms of protecting the health, safety and welfare of the general public and the environmental well-being of the municipality, shall prevail to the extent of the conflict.

PART 2 – DEFINITIONS

Definitions of words and phrases used in this By-law that are not included in the list of definitions in this Part shall have the meanings which are commonly assigned to them in the context in which they are used in this By-law.

The words and phrases defined in this section have the following meaning for the purposes of this By-law:

- 2.1 Act**
- Shall mean the *Building Code Act*, 1992, S.O. 1992, c.23, as amended.
- 2.2 Applicable Law**
- Shall mean the laws applicable to permit approvals as defined in Division A, 1.4.1.3. of the Building Code.
- 2.3 Applicant**

Shall mean the owner of a building or property who applies for a permit or any person authorized by the owner to apply for a permit on the owners' behalf, or any person or corporation empowered by statute to cause the demolition of a building or buildings and anyone acting under the authority of such person or corporation.

2.4 Architect

Shall mean an architect as defined in Division A, Article 1.4.1.2 of the Building Code.

2.5 As Constructed Plans

Shall mean as constructed plans as defined in Division A, Article 1.4.1.2 of the Building Code.

2.6 Building

Shall mean a building as defined in Section 1 (1) of the Act.

2.7 Building Code

Shall mean the regulations made under Section 34 of the Act.

2.8 Chief Building Official

Shall mean the Chief Building Official appointed by Council under section 3 of the Act for the purpose of enforcement of the Act.

2.9 Designer

Shall mean the person responsible for the design.

2.10 Farm Building

Shall mean a farm building as defined in Division A, Article 1.4.1.2 of the Building Code.

2.11 Inspector

Shall mean an inspector appointed under section 3 of the Act.

2.12 Permit

Shall mean written permission or written authorization from the Chief Building Official to perform work regulated by this by-law and the Act.

2.13 Permit Holder

Shall mean the owner to whom a permit has been issued or, where a permit has been transferred, the new owner to whom the permit has been transferred.

2.14 Professional Engineer

Shall mean a professional engineer as defined in Division A, Article 1.4.1.2 of the Building Code.

2.15 Town

Shall mean The Corporation of The Town of Kirkland Lake.

2.16 Valuation of Proposed Work

Shall mean completed value of all construction or work related to the building, including all finishes, roofing, electrical, plumbing, drains, heating, air-conditioning, fire extinguishing systems, elevators and any other equipment and all materials, overhead, professional and related services, current monetary worth of all contributed labour and an evaluation of work by own forces.

PART 3 – CLASSES OF PERMITS

3.1 Administration

3.1.1. In all cases, the issuance of permits is based on criteria set out in section 8 of the Building Code Act, 1992, S.O. 1992 c.25 as amended, or the governing By-law within the Municipality.

3.2 Permits Issued under the Building Code Act

3.2.1. Building permit

3.2.2. Demolition permit

3.2.3. Change of use permit

3.2.4. Occupancy permit

3.3. Permits Issued under Municipal By-laws

3.3.1. Fence permit

3.3.2. Pool permit

3.3.3. Sign permit

PART 4 – REQUIREMENTS FOR APPLICATIONS

4.1 Submitting an Application

4.1.1. To obtain a permit, the owner or an agent authorized in writing by the owner shall file an application in writing by completing a prescribed form available at the office of the Chief Building Official.

4.1.2. Every application for a building permit under subsection 8(1) of the Act, shall contain the following information unless otherwise permitted by the Chief Building Official:

4.1.2.a. the details of the work and occupancy to be covered by the permit for which application is made. The Chief Building Official or their designate reserves the right to request the information in the form of a building matrix;

4.1.2.b. the address of the land on which the work is to be done, or a description that will readily identify and locate the building lot;

4.1.2.c. the complete plans and specifications as described in Part 5 of this By-law for the work to be covered by the permit;

- 4.1.2.d. the use(s) and proposed use(s) for which the premises are intended and for all parts of the building;
 - 4.1.2.e. the estimated value of proposed work and the area of proposed work;
 - 4.1.2.f. the names, addresses and contact information of the owner, architect, engineer, or designer, where applicable, or builder;
 - 4.1.2.g. a commitment to review by a qualified professional, if required by the Ontario Building Code;
 - 4.1.2.h. the signature of the applicant certifying the truthful nature of the contents of the application.
- 4.1.3. Every application for a demolition permit under subsection 8(1) of the Act, shall contain the following information unless otherwise permitted by the Chief Building Official:
- 4.1.3.a. the application information required by subsection 4.1.2. of this By-law;
 - 4.1.3.b. when required by Ontario Building Code, retain a professional engineer to undertake a general review of the project during demolition. The retained professional shall include any and all necessary structural design characteristics of the building and the method and time of the demolition;
 - 4.1.3.c. when requested, satisfactory proof that arrangements have been made with the proper authorities for the cutting off and plugging of all water, sewer, gas, electric, telephone, or other utilities and services.
- 4.1.4. Every application for a change of use permit under subsection 10(1) of the Act shall contain the following information unless otherwise permitted by the Chief Building Official:
- 4.1.4.a. the application information required by subsection 4.1.2. of this By-law;
 - 4.1.4.b. a description of the building, or part thereof, in which the occupancy is proposed to be changed;
 - 4.1.4.c. a description of the current and proposed occupancies of the building, or part thereof, proposed to be changed. Detail the occupancy change with a building matrix;
 - 4.1.4.d. 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 Ontario Building Code.

4.2 Alternative Solution

- 4.2.1. Where an applicant for a permit proposes an alternative solution to achieve compliance with the Ontario Building Code, the applicant shall submit supporting documentation in support of their alternative solution.

4.3 Plans and Specifications

- 4.3.1. 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 Ontario Building Code, and any other applicable law.
- 4.3.2. Plans shall be drawn to scale, and shall be legible.
- 4.3.3. A site plan shall show:
 - 4.3.3.a. the lot size and dimensions of property lines and setbacks to any existing or proposed buildings;
 - 4.3.3.b. existing right-of-ways, easements, or municipal services.

PART 5 – PERMIT FEES

5.1 Complete Application

- 5.1.1. An application for permit is not considered completed as per the Act until permit fees are paid. Therefore fees are due and payable upon submission of an application for a permit. All permit fees shall be as set out in the Town of Kirkland Lake User Fee By-law, as amended.

5.2 Value of Proposed Work

- 5.2.1. Where the permit fees are dependent on the estimated value of proposed work, the estimated value of proposed work shall mean the total cost of all material, labour, equipment, overhead and professional and related services.
- 5.2.2. Where the estimated value of the proposed work is in dispute, the Chief Building Official may place a valuation on the proposed work for the purpose of establishing the permit fee. The applicant shall pay the required fee under protest and, within six months of the completion of the project, shall submitted an audited statement of the actual costs. Where the audited costs are determined to be less than the estimated value of proposed work, the Chief Building Official shall issue a refund appropriate to the difference in permit fee value.

5.3 Construction Commencing without Permit Approval

- 5.3.1. The Chief Building Official has the discretion to impose a penalty for any class of permit if construction has commenced prior to the issuance of a permit.
- 5.3.2. The penalty referenced in 5.3.1. shall be in keeping with the Town's User Fee By-law as amended.

5.4 Refunds

- 5.4.1. Permits which have been declared abandoned, suspended, discontinued, or cancelled may be subject to a refund in accordance to Schedule "A" of this By-law.

- 5.4.2. 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 the paid permit fees that may be refunded to the applicant, if any, in accordance with Schedule “A” of this By-law.

PART 6 – PERMIT ADMINISTRATION

6.1 Permit Retention

- 6.1.1. The Town shall endeavor to maintain a copy, electronic or otherwise, of all issued permits and associated documents.
- 6.1.2. The Town shall endeavor to maintain a record, electronic or otherwise, of all inspection reports relating to issued permits.
- 6.1.3. All retained information relating to permits shall be organized and retained in a system deemed sufficient by the Chief Building Official.

6.2 Historical Permits

- 6.2.1. Permits issued prior more than five (5) years prior to the passing of this By-law shall be deemed closed unless otherwise shown to be ongoing.

6.3 Transfer of Permits

- 6.3.1. If the owner of the land changes after a permit has been issued, the permit may be transferred to the new owner (the “transferee”) of the lands where an application is filed with the Town in writing, and shall include the following information:
 - 6.3.1.a. proof of ownership of the lands by the transferee satisfactory to the Chief Building Official.
 - 6.3.1.b. confirmation that the work to be done and the existing and proposed use and occupancy of the building or part thereof, for which the application for the transfer of the permit is made, is the same as that identified and described in the application of the permit.
 - 6.3.1.c. the contact information, and address of the transferee.

6.4 Abandoned Permit Applications

- 6.4.1. An application for a permit shall be deemed to have been abandoned by the applicant where the application is incomplete, and remains incomplete for a period greater than twelve months.
- 6.4.2. Where a permit is deemed abandoned, a new permit must be applied for before conducting the proposed work.

6.5 Cancelled Permits

- 6.5.1. Permits which have been cancelled will require the owner to submit a new application with permit fees prior to obtaining a new permit to start or restart work.

PART 7 – INSPECTIONS

7.1 Notice

7.1.1. The owner or their authorized agent shall notify the Chief Building Official a minimum of two (2) business days prior to each state of construction requiring inspection under Ontario Building Code Division C Subsection 1.3.5.

7.2 Representative on Site

7.2.1. The owner or a representative of the owner shall be on site when required by the Chief Building Official for an inspection.

PART 8 – ENACTMENT

8.1 By-law Coming Into Force

8.1.1. This By-law shall come into force and effect upon the date of passing.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 16th DAY OF AUGUST, 2022.

Pat Kiely, Mayor

Jennifer Montreuil, Municipal Clerk

SCHEDULE ‘A’ TO BY-LAW 22-060

REFUNDS

All revoked or cancelled permits are subject to a minimum non-refundable administration fee of \$200.00. Any refunds will be based on the original amount paid less the administration fee. The remaining amount will be refunded as per this Schedule.

Status	Refund Percentage
Complete application filed	80%
Complete application reviewed	60%
Permit Issued	40%
(Additional deduction per inspection performed of 10%)	
Failing to commence construction within 6 months	0%
Suspended or discontinued construction for a 12-month period	0%