

THE CORPORATION OF THE TOWNSHIP OF MUSKOKA LAKES

BY-LAW NUMBER 2025-137

As amended by By-law 2026-003

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

WHEREAS Section 7 of the Building Code Act, 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 the Council of each municipality is responsible for the enforcement of this Act in the municipality;

AND WHEREAS Section 391 of the Municipal Act S.O. 2001, c.25 as amended, a municipality may pass by-laws imposing fees or charges for services of activities provided or done by or on behalf of it;

AND WHEREAS Sections 8, 9, & 10 of the Municipal Act S.O., 2001 c.25 as amended gives broad authority to the Municipality to enable them to govern their affairs as they consider appropriate and to enhance their ability to respond to municipal issues.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF MUSKOKA LAKES ENACTS AS FOLLOWS:

1. SHORT TITLE

1.1 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.

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

2.1.3 "Building Area" means the greatest horizontal area of a building within the outside surface of the exterior walls, or within the outside of exterior walls occupied by the building and the centre line of firewalls within the building.

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

2.1.5 "Chief Building Official" or CBO means the Chief Building Official appointed by a by-law of the Corporation of the Township of Muskoka Lakes for the purposes of enforcement of the Act.

2.1.6 "Conditional Permit" means a permit as identified by section 8(3) of the Building Code Act and all applicable agreements.

2.1.7 "Corporation" means the Corporation of the Township of Muskoka Lakes.

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

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

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

2.1.11 "Sewage system" means a sewage system as defined in the Building Code.

2.1.12 "Special Inspection" means an inspection that is requested and carried out not in connection with a permit, at the discretion of the chief Building Official or inspections requested on permits that are more than four (4) years old.

3. CLASSES OF PERMITS

3.1 Classes of permits with respect to the construction, demolition, change of use of buildings, and conditional permits and permit fees shall be as set out in Schedule "H" to the Corporation of the Township of Muskoka Lakes Municipal Fees & Charges By-law, as amended.

3.2 The Council hereby delegates authority to the CBO to create and use additional classes of permits if the necessity for such additional classes becomes apparent.

3.3 The Council hereby authorizes the CBO to issue a single permit which authorizes work in one or more classes, at the sole discretion of the CBO.

4. REQUIREMENTS FOR APPLICATIONS

4.1 The Application

4.1.1 To obtain a permit, the owner or an agent authorized by the owner, shall file with the Chief Building Official an application in writing by completing the appropriate form as prescribed by the Province of Ontario.

4.2 Building, Conditional and Demolition Permits

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

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

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

4.2.1.3 Include a complete set of plans and specifications for the work to be covered by the permit and show the occupancy of all parts of the building,

4.2.1.4 State the valuation of the proposed work including materials and labour and be accompanied by the required fee,

4.2.1.5 State the names, addresses and telephone numbers of the owner and of the architect or engineer, where applicable, or other designers or contractors,

4.2.1.6 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

- 4.2.1.7 Be signed by the owner or his or her authorized agent who shall certify the truth of the contents of the application.
- 4.2.1.8 Be accompanied by fees in the amount of the building permit fee determined in accordance with the Municipal Fees and Charges By-law by the Chief Building Official.
- 4.2.1.9 Where applications to redevelop Legal Non-Complying buildings and structures are submitted they shall be accompanied by documentation prepared by an Ontario Land Surveyor in the form of a survey and Surveyor's Real Property Report evidencing the complete extent of the Legal Non-Complying building and structures.
- 4.2.2 Where application is made for a demolition permit under Subsection 8(1) of the Act, the application shall,
 - 4.2.2.1 Contain the information required by clauses 4.2.1.1 to 4.2.1.9; and
 - 4.2.2.2 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, communications or other utilities and services.
- 4.2.3 Where application is made for a conditional permit under Subsection 8(3) of the Act, the application shall:
 - 4.2.3.1 Contain the information required by clauses 4.2.1.1 to 4.2.1.9,
 - 4.2.3.2 Demonstrate compliance with by-laws passed under sections 34 and 38 of the Planning Act and with such other applicable law as set out in the Building Code in respect of the proposed building or construction.
 - 4.2.3.3 Contain such other information, plans and specifications concerning the complete project as the Chief Building Official may require,
 - 4.2.3.4 State the reasons why the applicant believes that unreasonable delays in construction would occur if a conditional permit is not granted,
 - 4.2.3.5 Provide in writing that the applicant is committed to entering into an agreement as described in clause 8(3)(c) of the Act, including submission of a monetary security as described in the Act.
 - 4.2.3.6 State the necessary approvals which must be obtained in respect of the proposed building and the time in which such approvals will be obtained,
 - 4.2.3.7 State the time in which plans and specifications of the complete building will be filed with the Chief Building Official.
 - 4.2.3.8 Prepare a Conditional Permit Agreement to be submitted for review and edit to the satisfaction of the Chief Building Official and municipal legal counsel. Execution of the agreement shall be accompanied by monetary securities in the amount determined by the CBO. The securities shall be of satisfactory value to ensure the conditions of the agreement are achieved satisfactorily, or, in the event the conditions of the agreement are not successfully achieved, sufficient value to allow the municipality to return the site to the condition prior to issuance of the conditional permit.
- 4.3 Change of Use Permits
 - 4.3.1 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,

- 4.3.1.1 Describe the building in which the occupancy is to be changed, by a description that will readily identify and locate the building,
- 4.3.1.2 Identify and describe in detail the current and proposed occupancies of the building or part of a building for which the application is made,
- 4.3.1.3 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,
- 4.3.1.4 Be accompanied by the required fee as determined in accordance with the Municipal Fees & Charges By-law as amended, Schedule H, by the Chief Building Official,
- 4.3.1.5 State the name, address and telephone number of the owner, and
- 4.3.1.6 Be signed by the owner or his or her authorized agent who shall certify the truth of the contents of the application.

4.4 Sewage Systems

- 4.4.1.1 Every application for a sewage system permit shall be submitted to the Chief Building Official and contain the following information:
- 4.4.1.2 The information required by Section 4.2.1.1 to 4.2.1.9,
- 4.4.1.3 The name, address, telephone number and license number of the person installing the sewage system,
- 4.4.1.4 Where the person named in Section 4.4.1.2 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,
- 4.4.1.5 A site evaluation which shall include all of the following items, unless otherwise specified by the Chief Building Official:
 - a) the date the evaluation was done;
 - b) name, address, telephone number and signature of the person who prepared the evaluation;
 - c) 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,
 - the location of any unsuitable, disturbed or compacted areas,
 - proposed access routes for system maintenance.
 - d) depth to bedrock,
 - e) depth to zones of soil saturation,
 - f) soil properties, including soil permeability,
 - g) soil conditions, including the potential for flooding.

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 on the basis of which a permit was issued, contains an equivalent material, system or building design for which authorization under Section 9 of the Act is

requested, the following information shall be provided;

- 4.5.1 A description of the proposed material, system or building design for which authorization under Section 9 of the Act is requested;
- 4.5.2 Any applicable provisions of the Building Code; and
- 4.5.3 Evidence that the proposed material, system or building design will provide the level of performance required by the Building Code.

4.6 Plans and Specifications

- 4.6.1 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.
- 4.6.2 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 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.
- 4.6.3 Each application shall, unless otherwise specified by the Chief Building Official, be accompanied by a complete set of plans and specifications required under this by-law.
- 4.6.4 Plans shall be drawn to scale, 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.
- 4.6.5 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:
 - 4.6.5.1 Lot size and the dimensions of the property lines and setbacks to any existing or proposed buildings,
 - 4.6.5.2 Existing and finished ground levels or grades,
 - 4.6.5.3 Existing rights-of-way, easements and municipal services.
- 4.6.6 Verification of by-law compliance may be required by an Ontario Land Surveyor before proceeding past foundation stage, if required by the Chief Building Official.

5. ALTERNATIVE SOLUTIONS TO THE OBJECTIVE BASED BUILDING CODE

- 5.1 Where an application for a permit or for authorization to make a material change to a plan, specification, document or other information on the basis of which a permit was issued contains alternative solutions for materials, systems or building designs for which authorization of the Building Code Div. A, 1.2.1. is required, either of the following information shall be provided:
 - 5.1.1 A description of the proposed material, system or building design complying with the applicable acceptable solutions in Division B, as requested.
 - 5.1.2 A completed Alternative Solution Application Form as provided in Schedule C to this bylaw.
 - 5.1.3 Documentation of alternative solutions which will achieve the level of performance required by the applicable acceptable solutions in respect of the objectives and functional statements attributed to the

acceptable solutions in Supplementary Standard SA-1, Volume 2 of the Building Code.

5.1.4 Fees associated with processing of an Alternative Solution are Listed in Schedule H of the Fees and Charges Bylaw, as amended.

6. PAYMENT OF FEES

- 6.1 Fees for a required permit shall be as set out in Schedule "H" to the Corporation of the Township of Muskoka Lakes Municipal Fees By-law and are due and payable upon submission of an application for 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, 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.
- 6.3 Where an inspection is requested more than four (4) years after the date a building permit was issued, the request must be accompanied by the fee as set out in Schedule "H" to the Corporation of the Township of Muskoka Lakes Municipal Fees By-law, as amended.
- 6.4 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 costs are determined to be less than the valuation, the Chief Building Official shall issue a refund.
- 6.5 The fees as set out in Schedule "H" to the Corporation of the Township of Muskoka Lakes Municipal Fees & Charges By-law, as amended, shall be increased by 100% when construction has started prior to the issuance of a permit. A minimum surcharge of \$500.00 will be applied. Surcharge fees levied are not eligible for refund.

7. ADMINISTRATION FEES

- 7.1 As identified in the Municipal Act, 2001, S.O. 2001, c.25 as amended, Part 12, sentence 391.(3), administrative tasks not directly related to fees identified in Schedule H of the Municipal Fees & Charges By-law as amended, will be charged in accordance with Schedule A of the same bylaw.

8. REFUNDS

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

9. NOTICE OF REQUIREMENTS FOR INSPECTIONS

- 9.1 In accordance with the Building Code Act 10.2(1), Notice of Readiness for Inspection, the prescribed person (owner or authorized agent) shall notify the Chief Building Official that the construction is to be inspected.
- 9.2 In regards to both prescribed and additional notices as specified in the Building Code, the owner or an authorized agent shall notify the Chief Building Official at least two (2) business days prior to inspection of each

stage of construction for which notice 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 fuel fired appliance rough in and notice of an inspection detailed in clauses 2.4.5.2 (1)(c) and 2.4.5.2 (1)(i) is also required.

- 9.3 Notice shall include building permit number, municipal address of the project, and name and contact information of the person requesting the inspection.
- 9.4 Notice may be given in one of the following ways;
 - 1. Request for inspection through E-permitting software;
 - 2. Utilizing the online booking form on the Township website;
 - 3. By phone request to Building administrative staff at 705-765- 3156;
 - 4. in person at the Building Department Counter.
- 9.5 Subsequent to receiving notice of readiness for inspection the Chief Building Official shall cause an inspection to be made to which the request relates. Every reasonable effort will be made to schedule an inspection at the convenience of the permit holder, but the Chief Building Official maintains the right to cause an inspection to be made at any time during the two full business days following the day on which the notice was received.

10. AS CONSTRUCTED PLANS

- 10.1 The Chief Building Official may require that a set of plans of a building or any class of buildings 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. TRANSFER OF PERMITS

- 11.1 If land changes ownership after a building permit has been issued, a building permit may be transferred to the new owner for a fee as set out in Schedule "H" to the Corporation of the Township of Muskoka Lakes Municipal Fees By-law. When a building permit is transferred, the new owner assumes all responsibility and may be required to provide additional information and, if necessary proof, of engagement of a design professional. Changes made to plans submitted for the original building permit may require payment of an additional fee.

12. GENERAL PROVISIONS & SEVERABILITY

- 12.1 If any provision, or part of a provision, of this by-law is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in part or in whole, or inoperative in particular circumstances, the balance of the by-law shall continue to be in force and effect.
- 12.2 In the event of any conflict between any provisions of this by-law and any other by-law heretofore passed prior, the provisions of this by-law shall prevail.

13. REPEAL OF BY-LAWS

- 13.1 By-law 2005-87, 2013-045 of the Corporation of the Township of Muskoka Lakes are hereby repealed.

14. EFFECTIVE DATE

- 14.1 That this by-law shall come into force and take effect January 1, 2026.

Mayor Peter Kelley

Crystal Paroschy, Clerk

SCHEDULE "A"

BY-LAW 2025-137

REFUNDS

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

- NOTE:**
- 1. No refunds after any building inspections carried out.**
 - 2. No refund shall result in the retention by the Township of Muskoka Lakes of an amount less than \$200.00.**
 - 3. No refund will be given when application for refund is not made within 12 months of the issuance of a permit.**

SCHEDULE "B"

BY-LAW 2025-137

LIST OF PLANS OR WORKING DRAWINGS
TO ACCOMPANY APPLICATIONS FOR PERMITS

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

NOTE: The Chief Building Official may specify that not all the above mentioned plans are required to accompany an application for permit or may request additional drawings if he/she deems it is necessary.

Application for Approval of an Alternative Solution

Pursuant to the Building Code Act, Section 9 and the Ontario Building Code Div A – 1.2.1.1

For use by Principal Authority			
Application number:		Building Permit number:	
Date received:			
Application submitted to: <u>Township of Muskoka Lakes, P.O. Box 129, Port Carling, ON P0B 1J0</u> (Name of municipality, upper-tier municipality, board of health or conservation authority)			
A. Project information			
Building number, street name		Unit number	Lot/con.
Municipality	Postal code	Building Type	
B. Designer Information ☐ Owner or ☐ Authorized agent of owner			
Last name		First name	
Street address		Unit number	Lot/con.
Municipality	Postal code	Province	E-mail
Telephone number	Fax		Cell number
BCIN #	Qualifications		
C. Owner Information			
Last name		First name	Corporation or partnership
Street address		Unit number	Lot/con.
Municipality	Postal code	Province	E-mail
Telephone number	Fax		Cell number
D. Description of Proposed Alternative Solution			

The personal information on this form is collected under the authority of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O.1990, M.56. S.29(1)(g), 31(b). The information will be used for the purposes of administering this project. The information collected will be protected with appropriate security safeguards. All questions or concerns with respect to the collection, storage, use or retention of the information you provide on this form may be directed to the Township Clerk, 1 Bailey Street Port Carling Ontario P0B 1J0, telephone at 705-765-3156 Ext. 211

E. Supporting Documentation

☐ Past Performance	
☐ Tests	
☐ Other Evaluations	

F. Applicable Division B Provisions

[illegible]

G. Identification of Functional Statements/ Objectives/"Areas of Performance"

[illegible]

H. Evaluation of Level of Performance

Division B Provisions	Proposed Alternative Solution

The personal information on this form is collected under the authority of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O.1990, M.56. S.29(1)(g), 31(b). The information will be used for the purposes of administering this project. The information collected will be protected with appropriate security safeguards. All questions or concerns with respect to the collection, storage, use or retention of the information you provide on this form may be directed to the Township Clerk, 1 Bailey Street Port Carling Ontario P0B 1J0, telephone at 705-765-3156 Ext. 211

I. Assumptions, Limiting or Restricting Factors**J. Reason for Proposed Alternative Solution****K. Declaration of applicant**

I _____ declare that:
(print name)

1. The information contained in this application, attached schedules, attached plans and specifications, and other attached documentation is true to the best of my knowledge.

Date

Signature of applicant

Checklist for Application for Evaluation of Alternative Solution:

1. Completed Section A, B and C of this form
2. Completed Section D- Description of Proposed Alternative Solution
3. Completed Section E- Identification of and submission of testing and background information
4. Completed Section F- Code Analysis and Identification of applicable Division B (Acceptable Solution) provisions
5. Completed Section G- Identification of applicable linked pairs of objectives and functional statements
6. Completed Section H- Evaluation of level of Performance of applicable Division B provisions and Evaluation of level of Performance of proposed alternative solution
7. Completed Section I- Identification of assumptions, limiting or restricting factors including any information concerning any special maintenance or operation requirements
8. Payment of applicable fees

The personal information on this form is collected under the authority of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O.1990, M.56. S.29(1)(g), 31(b). The information will be used for the purposes of administering this project. The information collected will be protected with appropriate security safeguards. All questions or concerns with respect to the collection, storage, use or retention of the information you provide on this form may be directed to the Township Clerk, 1 Bailey Street Port Carling Ontario P0B 1J0, telephone at 705-765-3156 Ext. 211

Reviewed By:	BCIN:	Date:
Summary of Proposal		
Additional Applicable Division B Provisions not listed by applicant		
Numeric Reference	Summary of Provision	
Evaluation		

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Conditions of Approval

Your Application and supporting documentation in support of this application for approval of an Alternative Solution has been reviewed and the application is hereby:

- ☐ Approved
- ☐ Approved subject to Attached Conditions of Approval
- ☐ Refused for the following reasons:
 - a)
 - b)

Chief Building Official Name: _____ BCIN: _____

Signature: _____

Date: _____

Where an application for the Use of an Alternative Solution has been denied by the Chief Building Official the Applicant may:

- a) Appeal the decision to the Building Code Commission under Section 24 of the Building Code Act
- b) Appeal the decision to the Superior Court of Justice under Section 25 of the Building Code Act
- c) Apply to the Minister for a binding interpretation under Section 28.1 of the Building Code Act
- d) Comply with the Acceptable Solution as outlined in Division B of the Ontario Building Code

The personal information on this form is collected under the authority of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O.1990, M.56. S.29(1)(g), 31(b). The information will be used for the purposes of administering this project. The information collected will be protected with appropriate security safeguards. All questions or concerns with respect to the collection, storage, use or retention of the information you provide on this form may be directed to the Township Clerk, 1 Bailey Street Port Carling Ontario P0B 1J0, telephone at 705-765-3156 Ext. 211