

THE CORPORATION OF THE TOWNSHIP OF SOUTH STORMONT

BY-LAW NO. 2021-062

<u>BEING</u>	a by-Law under the Building Code Act, S.O. 1992, c. 23 respecting Construction, Demolition and Change of Use Permits and related matters.
<u>WHEREAS</u>	the <i>Municipal Act, 2001</i> , c. 25 s. 5 (1) provides that the powers of a municipal corporation are to be exercised by its council;
<u>AND WHEREAS</u>	the <i>Municipal Act, 2001</i> , c. 25 s. 5 (3) provides that the powers of every council are to be exercised by by-law;
<u>AND WHEREAS</u>	Section 7 of the Building Code Act, S.O. 1992, c. 23 as amended, empowers a municipal council to pass By-Laws concerning the issuance of permits and related matters; and
<u>AND WHEREAS</u>	the Building Code Act, 1992 S.O. 1992, c.23 as amended, and the Municipal Act, 2001, S.O. 2001, C. as amended provide for delegation of authority to the Chief Building Official by the Principal Authority; and
<u>AND WHEREAS</u>	Council of the Township of South Stormont deems it to be in the public interest that the Chief Building Official has the authority to execute agreements and impose conditions or restrictions with respect to the delegation in accordance with the delegated authority bylaw # 2017-073, as amended; and
<u>AND WHEREAS</u>	Subsection 398 (1) of the Municipal Act, S.O. 2001 2001, Chapter 25 as amended, provides that fees and charges imposed by a municipality on a person constitute a debt of the person to the municipality; and
<u>AND WHEREAS</u>	<p>Subsection 398(2) of the Municipal Act, S.O. 2001 2001, Chapter 25 as amended, provides that the treasurer of a local municipality may add fees and charges imposed by the municipality, to the tax roll for the following property in the local municipality and collect them in the same manner as municipal taxes:</p> <ol style="list-style-type: none">1. In the case of fees and charges for the supply of a service or thing to a property, the property to which the service was supplied.2. In all other cases, any property for which all the owners are responsible for paying the fees and charges.
<u>AND WHEREAS</u>	Section 446 of the Municipal Act, 2001 S.O. 2001 provides that if the municipality must take remedial action and is not repaid then its costs can be added to the tax roll.

NOW THEREFORE Council of the Corporation of the Township of South Stormont enacts as follows:

1.0 SHORT TITLE

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

2.0 DEFINITIONS AND INTERPRETATION in this By-Law:

- 2.1 "Act" means the Building Code Act, 1992, S.O 1992, c.23, as amended;
- 2.2 "Applicant" means the Owner of a Building or property who applies for a Permit or any person authorized in writing by the Owner to apply for a Permit on the Owner's 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;
- 2.3 "As Constructed Plans" means "As Constructed Plans" as defined in the Building Code;
- 2.4 "Architect" means a holder of a License, a certificate of practice, or a temporary license under the Architect's Act as defined in the Building Code;
- 2.5 "Building" means a "Building" as defined in Subsection 1(1) of the Act;
- 2.6 "Building Code" means all regulations made under Section 34 of the Act, including but not limited to O. Reg. 332/12 as amended from time to time;
- 2.7 "Chief Building Official" means the Chief Building Official or their designate appointed pursuant to Subsection 3(2) of the Act and by By-Law of the Corporation of the Township of South Stormont for the purpose of enforcement of the Act;
- 2.8 "Complete Application" means an application that meets the requirements set out in the Building Code for applications where the Chief Building Official is required to make a decision within a prescribed time period, and Section 4.0 and Schedule "C" of this By-Law;
- 2.9 "Construct" means to "Construct" as defined in Subsection 1(1) of the Act;
- 2.10 "Demolish" means to "Demolish" as defined in Subsection 1(1) of the Act;
- 2.11 "Electronic Address" means any address used for the purpose of sending or receiving documents or information by electronic means, commonly referred to as an email;
- 2.12 "Farm Building" means a "Farm Building" as defined in Part 1 of the Regulations made under the Act.
- 2.13 "Fixture" means a fixture as defined in Part 1 of the Regulations made under the Act and for the purpose of this By-Law, a fixture shall also include a hot water tank, a backflow preventer, an appliance and a hose bibb, etc;

- 2.14 "Inspector" means an inspector appointed pursuant to Subsection 3(2) of the Act and by By-Law of the Corporation of the Township of South Stormont;
- 2.15 "Municipality" means the Corporation of the Township of South Stormont;
- 2.16 "Owner" means the registered Owner of the land and includes a lessee, mortgagee in possession, and the person in charge of the property;
- 2.17 "Permit" means permission or authorization given in writing by the Chief Building Official to perform specific work regulated by this By-Law, the Act, and the Building Code, or to occupy a Building or part thereof, or to change the use of a Building or part of a Building or parts thereof as regulated by the Act and/or the Building Code;
- 2.18 "Permit Holder" means the person to whom the Permit has been issued and who assumes the primary responsibility for complying with the Act and the Building Code;
- 2.19 "Plumbing" means "Plumbing" as defined in Subsection 1(1) of the Act;
- 2.20 "Professional Engineer" means a person who holds a license or a temporary license under the Professional Engineer's Act, as defined in the Building Code;
- 2.21 "Project" means to do anything in the construction, demolition or change of use of a building which is regulated by the Act and/or the Building Code.
- 2.22 "Work" means to do anything in the construction, demolition or change of use of a building which is regulated by the Act and/or the Building Code.
- 2.23 Terms not defined in this By-Law shall have the meaning ascribed to them in the Act or the Building Code.

3.0 CLASSES OF PERMITS

- 3.1 Classes of Permits and fees required for Work are set forth in Schedule "A" appended to and forming part of this By-Law.
- 3.2 Permits for work other than those referred to in this By-Law shall be obtained from the appropriate authority having jurisdiction in accordance with the By-Laws of the Corporation and any other applicable laws. Such permits may include but are not limited to: encroachments, land use setbacks, regulated areas, source water protection, culverts, water and sewer services, rights-of-way, street cuts and electricity, etc.

4.0 REQUIREMENTS FOR PERMIT APPLICATIONS

- 4.1 To obtain a Permit, the Applicant, shall file an application in writing by completing the prescribed application form available from the office of the Chief Building Official, or from the Township of South Stormont website, www.southstormont.ca, and shall supply any other information relating to the application as required by the Chief Building Official.

- a) Every application for a Building Permit shall be submitted to the Chief Building Official and shall be signed by the Applicant who shall certify the truth of the contents of the application. All permit applications must be accompanied by sufficient information to enable the Chief Building Official to determine whether or not the proposed construction, demolition, change of use or transfer of permit will comply with the requirements of the Act, the Building Code, this By-Law and any other applicable law.
- 4.2 To be considered a complete application, every permit application shall be accompanied by the approval documents issued by the agencies responsible for the applicable laws listed in the Building Code, Div. A, Pt. 1, Article 1.4.1.3., where the said agencies issue approval documents and the said law applies to the construction, demolition or change of use being proposed.
- 4.3 An application for a permit may be refused by the Chief Building Official where it is not a complete application.
- 4.4 The Chief Building Official may, as the Chief Building Official deems appropriate, provide prescribed forms in an electronic format, and may require the electronic submission of completed permit application forms.
- 4.5 Notwithstanding Section 4.4, completed forms generated electronically shall be accepted subject to endorsement by the applicant in a format as determined by the Chief Building Official.
- 4.6 When filing an application, the owner and the Applicant shall each provide an Electronic Address(es) for the purpose of receiving communications from the office of the Chief Building Official regarding the construction, demolition or change of use associated with a permit application or issued permit. Where an Electronic Address(es) is changed or becomes non-functional, the owner and/or authorized agent of the owner shall inform the Chief Building Official in writing and provide a new functioning Electronic Address(es).

PERMIT TO CONSTRUCT

- 4.7 Every application for a permit to construct a building under Subsection 8(1) of the Act, the applicant shall:
- a) Identify and describe in detail the work to be done and the existing and proposed use and occupancy of the building, or part thereof, for which the building permit is made;
 - b) Include complete plans, specifications, documents, forms, and other information prescribed in the Act, the Building Code, and Section 5.0 and Schedule "C" of this By-Law for the work to be covered by the permit;
 - c) Be accompanied by acceptable proof of corporate identity and/or property ownership, unless such proof is determined by the Chief Building Official to be unnecessary; and
 - d) Submit the required fee(s) and deposit(s) as prescribed in Schedule "A" and "B" of this By-Law.

PERMIT TO DEMOLISH

4.8 Every application for a permit to demolish a building under Subsection 8(1) of the Act, shall:

- a) Identify and describe in detail the work to be done and the existing and proposed use and occupancy of the building, or part thereof, for which the application for a permit to demolish is made, and the proposed use and occupancy of that part of the building, if any, that will remain upon completion of the demolition;
- b) Include complete plans, specifications, documents, forms, and other information prescribed in the Act, the Building Code, and Section 5.0 and Schedule "C" of this By-Law for the work to be covered by the permit; and
- c) Submit the required fee(s) and deposit(s) as prescribed in Schedule "A" and "B" of this By-Law.

CONDITIONAL PERMIT

4.9 Every application for a Conditional Permit for a building under Subsection 8(3) of the Act, shall, in addition to the requirements in Section 4.7, include written correspondence to the Chief Building Official stating:

- a) The reason(s) why the applicant believes that unreasonable delays in construction would occur if a Conditional Permit were not granted;
- b) The necessary approval(s) which must be obtained in respect of the proposed building and the time in which such approvals will be obtained; and,
- c) Any potential difficulty, of which the Applicant is aware, in restoring the site to its original state and use if required approvals are not obtained.

4.10 Upon receiving correspondence including the items described in Section 4.9, above, the Chief Building Official may issue a conditional permit if:

- a) The Applicant, and such other person as the Chief Building Official deems necessary, agrees with the Corporation, board of health, planning board, conservation authority or the Crown in Right of Ontario, in writing to do the things provided for in Clause 8(3)(c) of the Act, as may be applicable and as may be required by the Chief Building Official;
- b) The Applicant has registered any agreement pursuant to Clause 8(3)(c) of the Act on title to the subject property as may be required at the discretion of the Chief Building Official pursuant to Subsection 8(5) of the Act;
- c) The Applicant has submitted the required fee(s) and deposits as prescribed in Schedule "A" and Schedule "B" of this By-Law for the entire project; and
- d) Doing so would comply with Subsection 8(3) of the Act and article 1.3.1.5 of the Building Code.

- 4.11 The Chief Building Official shall not, by reason of the issuance of a Conditional Permit pursuant to this By-Law, be under obligation to grant any additional Permits.

LIMITING DISTANCE AGREEMENTS

- 4.12 Every application for a Limiting Distance Agreement for a building under sentence 3.2.3.1.(11), 9.10.14.2 (4) or 9.10.15.2.(4) of the Building Code shall, in addition to the requirements in Section 4.7, include written correspondence to the Chief Building Official stating:

- a) The reason(s) why the applicant requires relief from the Limiting Distance requirements of the Building Code; and
- b) The necessary approval(s) from any affected adjacent property owner(s) in respect of the proposed building.

- 4.13 Upon receiving correspondence including the items described in Section 4.12, above, the Chief Building Official may enter into a Limiting Distance Agreement if:

- a) The Applicant, and such other person as the Chief Building Official deems necessary, agrees with the Corporation, board of health, planning board, conservation authority or the Crown in Right of Ontario, in writing to do the things provided for in sentence 3.2.3.1.(11), 9.10.14.2.(4) or 9.10.15.2.(4) of the Building Code, as may be applicable and as may be required by the Chief Building Official;
- b) The Applicant and affected adjacent property owner(s) have agreed to register any agreement pursuant to sentence 3.2.3.1.(11), 9.10.14.2.(4) or 9.10.15.2.(4) of the Building Code on title to the subject properties as may be required pursuant to Subsection 8(5) of the Act;
- c) The Applicant has submitted the required fee(s) and deposits as prescribed in Schedule "A" and "B" of this By-Law for the entire project; and
- d) Doing so would comply with sentence 3.2.3.1.(11), 9.10.14.2.(4) or 9.10.15.2.(4) of the Building Code;

- 4.14 The Chief Building Official shall not, by reason of entering into a Limiting Distance Agreement pursuant to this By-Law, be under obligation to grant any additional Permits.

PARTIAL OCCUPANCY PERMIT FOR UNFINISHED BUILDINGS

- 4.15 For every application for Partial Occupancy of an unfinished building as provided for in Division C Subsection 1.3.3 of the code, the applicant shall:

- a) Use the prescribed application form, as may be amended from time to time, provided by the Corporation;
- b) Include complete plans, specifications, documents, forms, and other information prescribed in the Act, the Building Code, and Section 5.0 and Schedule "C" of this By-Law to identify, to the satisfaction of the Chief Building Official, the portion of the building intended to be occupied; and
- c) Describe the part of the building for which partial occupancy is being requested.

- d) Be required to pay additional fees as calculated in Schedule "A", prior to the issuance of the Occupancy Permit.

PERMIT FOR EQUIVALENT MATERIAL CHANGES

4.16 Every application for a Permit or for authorization to make a material change to a plan, specification, calculation, document, or other information on the basis for which a Permit was issued, or which contains an equivalent material, system or building design for which authorization under Subsection 8(12) of the Act is requested, shall:

- a) Provide a description of the proposed material, system or Building design for which authorization under Subsection 8(12) of the Act is requested;
- b) State any applicable provisions of the Building Code;
- c) Provide evidence that the proposed material, system or Building design will provide the level of performance required by the Building Code; and
- d) Include the additional fees, as calculated in Schedule "A", that the Chief Building Official deems applicable before the Occupancy Permit is issued.

The supporting information shall either accompany a Permit application or be incorporated into the request for authorization to make a material change to plans and specifications. A re-examination fee will apply as per Schedule "A" of this By-Law. Furthermore, the provision applies before or after the issuance of a Building Permit.

When an application is made for a minor revision to a Permit and the Chief Building Official determines that the work involved in plans review and inspection(s) is minor, such revisions may be processed without charge.

ALTERNATIVE SOLUTIONS

4.17 Every application for a permit that contains materials, systems or building design(s) for which authorization is required under Section 2.1 of Division C of the Building Code, shall:

- a) Be on the prescribed application form, as may be amended from time to time, provided by the Corporation;
- b) Include supporting documentation demonstrating that the proposed materials, systems or building designs will provide the required level of performance according to Article 1.2.1.1. of Division A of the Building Code;
- c) Include supporting documentation and test methods in accordance with Section 2.1 of Division C of the Building Code; and
- d) Include the required fee(s) as prescribed in Schedule "A" of this By-Law.

4.18 The Chief Building Official may accept or reject any proposed equivalents or may impose conditions or limitations on their use.

4.19 Any equivalents which are accepted under this Section shall be applicable only to the location to which the approval is granted and are not transferable to any other construction permit.

4.19 Any equivalents which are accepted under this Section shall be applicable only to the location to which the approval is granted and are not transferable to any other construction permit.

TRANSFER OF PERMIT

4.20 Every application for a transfer of Permit because of a change of ownership of land, as permitted under Clause 7(1)(h) of the Act, shall:

- a) Be on the prescribed application form, as may be amended from time to time provided by the Corporation;
- b) Provide the names and addresses of the previous and new landowner, the date that the land ownership change occurred and a description of the permit that is being transferred; and
- c) Include the required fee(s) and deposit(s) as prescribed in Schedules "A" and "B" of this By-Law.

4.21 Unless written instructions to the contrary have been provided by the previous owner to the Chief Building Official, any deposit(s) and monies associated with the permit shall be deemed to be transferable. The conditions assigned to the said deposit(s) and monies shall remain in effect and shall apply to and be binding on the new applicant who shall thenceforth be the permit holder for the purpose of the Act and Building Code, without any further notice upon issuance of the transfer of Permit.

INCOMPLETE APPLICATIONS

4.22 Every application is deemed to be incomplete if it does not contain the prescribed information or is not accompanied by plans, specifications and documents specified in this By-Law and Sentence 1.3.1.3. (5) of Division C, of the Ontario Building Code, and shall not be accepted.

4.23 Despite Section 4.22, an incomplete application may be accepted if the applicant acknowledges the application is incomplete by duly completing the prescribed form, as amended from time to time, provided by the Corporation, thus postponing the application of the timelines stipulated by the Building Code until the application is deemed complete.

DORMANT APPLICATIONS

4.24 Every application for a Permit shall be deemed to be dormant where:

- a) The application is incomplete according to Section 4.22 and remains incomplete for two (2) months after it was submitted or;
- b) Two (2) months have elapsed, and the application remains incomplete after the applicant was notified that the proposed building construction, demolition or change of use will not comply with the Building Code, the Act or will contravene any other applicable law.

4.25 Every application that is deemed dormant pursuant to Section 4.24 shall be removed from the active roster and retained until either:

- a) The applicant has chosen to re-activate the application; or
- b) The application is deemed to be abandoned pursuant to Section 4.26.

ABANDONED APPLICATIONS

4.26 Every application for a Permit shall be deemed to be abandoned where;

- a) The Applicant advises the Corporation that it wishes to abandon the application;
- b) The application is incomplete according to Section 4.22 and remains incomplete for four (4) months after it was submitted; or
- c) Four (4) months have elapsed after the Applicant was notified that the proposed building construction, demolition or change of use will not comply with the Building Code or the Act or will contravene any other applicable law as defined in the Building Code.

4.27 Where an application is deemed abandoned, notice thereof shall be given to the Applicant via electronic notification. All submitted plans, specifications and documents shall be disposed of or, upon written request, returned to the Applicant at the applicant's expense. The Building Permit will not be deemed abandoned until, where any construction has commenced without a valid building permit, the applicant has re-instated the project site to a pre-construction state to the satisfaction of the Chief Building Official.

PERMIT REVOCATION

4.28 The Chief Building Official, subject to the provisions outlined in Subsection 8(10) of the Act, has the authority to revoke a Permit issued under the Act.

The Chief Building Official shall:

- a) Prior to revoking a permit, give written notice of the intention to revoke the permit to the Permit Holder either personally or electronically at the Permit Holder's Electronic Address shown on the application or to such other address as the Permit Holder has provided to the Corporation for that purpose; and where notice is given by Electronic Address, it shall be deemed to have been given on the day of sending; and
- b) Following the issuance of the notice described in Clause (a), consider whether to revoke the permit immediately or after a period prescribed by the Chief Building Official, and all submitted plans, specifications documents and other information may be disposed of or, upon written request from the permit holder, returned to the permit holder at their expense.

DEFERRAL OF REVOCATION

4.29 The Permit Holder may, within (30) days from the date of service of the notice described in Section 4.28, request in writing that the

Chief Building Official defer the revocation by stating reason(s) why the permit should not be revoked.

- 4.30 The Chief Building shall consider the reasons provided and make a determination to revoke or extend the permit. Notice of the decision of the Chief Building Official shall be provided to the permit holder either personally or by Electronic Address.
- 4.31 A request for Deferral of Revocation shall be subject to payment of a non-refundable fee as prescribed in Schedule "A" of this By-Law.

RENEWAL OF PERMIT

- 4.32 The Chief Building Official may issue a renewal of a Permit which has expired, or of a revoked Permit, provided the required fee is paid for such renewal and the plans and specifications are made to comply with all the requirements of the Act, the Building Code and any other applicable law in effect at the time the application for a renewal of Permit is made.
- 4.33 The decision to renew a Permit is at the discretion of the Chief Building Official.
- 4.34 Every permit that remains inactive for a period of one (1) year, shall be subject to a renewal fee as prescribed in Schedule "A".

RESTRICTIONS FOR TEMPORARY PERMITS

- 4.35 A Permit authorizing construction of a temporary building, such as a tent or sales trailer, may be issued by the Chief Building Official authorizing, for a limited time not exceeding twelve (12) months, the erection and existence of a temporary building or part thereof.
- 4.36 A Permit for a temporary building may be extended provided permission in writing is granted by the Chief Building Official and the Applicant pays the fee prescribed in Schedule "A".

SEWAGE SYSTEM PERMITS

- 4.37 The Administration and Enforcement Section of Division B – Part 8 of the Building Code with respect to sewage systems remains the responsibility of the South Nation Conservation Authority. Any applicant wishing to make application for a sewage system permit under these provisions shall do so by making application with the South Nation Conservation Authority.

PLUMBING PERMITS

- 4.38 Every application for a Permit that includes plumbing as part of the scope of Work, in addition to any other provisions of Sections 4.0 & 5.0 of this By-Law, shall
- a) Include complete plans, including without limiting the generality of the foregoing elevation drawings, specifications and documents;
 - b) Show the layout of the plumbing system including without limiting the generality of the foregoing the distribution system, the fixtures, the drainage system, and the venting system;
 - c) Show the layout of the storm drainage system; and

- d) State the certification standard and trade size of the components of the systems and their appurtenances.

5.0 PLANS AND SPECIFICATIONS

- 5.1 Every Applicant shall submit sufficient information with each application for a Permit to enable the Chief Building Official to determine whether or not the proposed construction, demolition, change of use or transfer of permit will comply with the requirements of the Act, the Building Code, any applicable law and any other pertinent information required by Sections 4.0 & 5.0 of this By-Law.
- 5.2 Every application shall, unless otherwise specified by the Chief Building Official, be accompanied by two (2) complete sets of plans and specifications as described herein as well as in Schedule "C" of this By-Law.
- 5.3 The Chief Building Official may request additional sets of plans and specifications as deemed required.
- 5.4 Plans shall be drawn to scale and shall be legible and drawn on paper or other durable material.
- 5.5 Plans and supporting documentation shall be provided in the English language and the application shall be deemed incomplete otherwise. Any required translation shall be at the expense of the applicant and shall be paid in addition to the application fees.
- 5.6 Notwithstanding Section 5.4, The Chief Building Official may require plans and specifications and any other required documentation to be submitted in an electronic media format as approved by the Chief Building Official.

SITE PLANS

- 5.7 At the discretion of the Chief Building Official, site plans shall be referenced to an up-to-date plan of survey, when required to demonstrate compliance with the Act, the Building Code or other applicable law.
- 5.8 Every site plan shall show:
 - a) Lot size and the dimensions of the property lines and setbacks to any existing or proposed buildings, property lines, centerline of streets, septic systems, waterbodies, easements, and services;
 - b) Existing and proposed finished ground levels or grades and calculations confirming that the proposed construction meets the municipal lot grading design guidelines/policy;
 - c) Rights of way, easements and the location of all services;
 - d) The location of any equipment placed on or crossing the property related to any services, including the transmission of electricity, such as but not limited to, service poles, pole support components, transformers or wires;
 - e) Calculated percentage of existing and proposed lot coverage.
 - f) Building height(s)

LOT GRADING

5.9 Where applicable or as determined necessary by the Chief Building Official, an application for a permit for the construction of a single detached, semi-detached, duplex, triplex, fourplex, or rowhouse residential building shall be accompanied by a lot grading plan prepared by a qualified person indicating the following:

- a) In the case of a subdivision, proposed geodetic elevations referenced on the approved grading/drainage plan; and
- b) In the case of an in-fill lot, proposed and existing geodetic elevations shall be prepared by a Professional Engineer and be subject to approval by the Chief Building Official.

5.10 In addition to Section 5.9, every application for a permit for the construction of a single detached, semi-detached, duplex, triplex, fourplex, or rowhouse residential building shall be accompanied by a detailed cross-section prepared by a qualified person and where applicable, indicating the following geodetic elevations:

- a) Underside of footing;
- b) Top of footing;
- c) Proposed finished grade abutting the foundation wall; and
- d) Top of foundation wall.

5.11 Pursuant to Section 5.10, the geodetic elevations shall reference an approved grading/drainage plan for a subdivision. In the case of an in-fill lot the geodetic elevations shall be subject to approval by the Chief Building Official.

AS CONSTRUCTED PLANS

5.12 On completion of the construction of a building, the Chief Building Official may require a set of as-constructed plans, including a plan of survey showing the location(s) of the building(s).

6.0 FEES

6.1 A fee shall be paid with every permit application, calculated in accordance with Schedule "A" and the fee shall be due and payable, in full, upon submission of the application for a permit. These fees may be amended by Council from time to time in accordance with the Act.

6.2 The minimum fee payable on any application shall be \$100.00, unless noted otherwise.

6.3 Where the amount of a fee to be paid, as part of a permit application, is based upon the building category, floor area and/or value of the proposed construction, the Chief Building Official, shall determine the appropriate building class, floor area and/or value, and that determination shall be final.

6.4 Where an application for a permit is subject to additional user fees prescribed by the Municipality, the fees so prescribed shall be paid in addition to the fees set out in Schedule "A".

ADMINISTRATIVE PERFORMANCE DEPOSIT

- 6.5 In addition to the fees due in accordance with Section 6.1 above, each application for a Permit shall also be subject to an Administrative Performance Deposit as set out in Schedule "B" of this By-Law. The administrative performance deposit shall be paid at the time of the permit application for all classes of Permits and shall be in addition to other Permit fees set out in Section 6.1. Where an Administrative Performance Deposit is due and unpaid, the Chief Building Official may refuse to issue the Permit. The Administrative Performance Deposit may be refunded to the Owner in accordance with the provisions of Schedule "B" of this By-Law.
- 6.6 The Administrative Performance Deposit is collected by the Municipality to provide security that lot grading and all necessary inspections are completed through the duration of the construction and/or demolition to ensure that the permit file can be appropriately closed at the conclusion of the Work.
- 6.7 Where additional fees as provided for in this By-Law are incurred by the Applicant and/or Permit Holder through the course of the construction or demolition process, these fees may be deducted from the submitted Administrative Performance Deposit or paid in full at each occurrence.
- 6.8 Where fees have been deducted from a submitted Administrative Performance Deposit, the Corporation may require the Applicant, at the discretion of the Chief Building Official, to deposit further funds into the Administrative Performance Deposit sufficient to restore the full amount of the Administrative Performance Deposit required by Schedule "B", failing which the Chief Building Official may refuse to grant further authorizations or approvals.
- 6.9 Subject to the provisions of Schedule "B", upon completion and closing of the Permit file, any Administrative Performance Deposit funds remaining will be refunded to the owner. Any amount authorized by the Chief Building Official to be refunded shall be paid to the person named on the deposit receipt issued by the Corporation upon original payment of the deposit, unless that person directs, in writing, that it be refunded to another person.

PLAN RE-EXAMINATION FEES

- 6.10 The initial plans examination of a complete application, as well as the preparation of the plans examination report shall be included as a component of services provided for in the permit fee as identified in Schedule "A".
- 6.11 In addition to the initial plans examination of a complete application as identified in Section 6.10, a single follow up plans examination with regard to addressing items identified in the plans examination report shall also be included as a component of service provided.
- 6.12 Any subsequent plans examination review beyond those identified in Sections 6.10 and 6.11, and included in the permit fee shall be subject to a secondary plans review fee based on a rate per hour of plans examination beyond those provided for in the cost of the permit. This additional hourly rate shall be calculated by the Chief Building Official in accordance with the fee established in Schedule "A".

FEE FOR EQUIVALENT MATERIAL CHANGES

- 6.13 Notwithstanding Sections 6.10 and 6.11, inclusive, where an applicant substantially revises proposed materials, systems, specifications, or a building design after examination of a previous submission has already been undertaken, a re-examination fee shall apply as prescribed in Schedule "A".

ADDITIONAL INSPECTION FEES

- 6.14 The initial inspections of construction or demolition for which a Permit has been issued at each stage of construction or demolition, as well as the preparation of inspection notices shall be included as a component of services provided for in the permit fee as identified in Schedule "A".
- 6.15 Without limiting any other provision of this By-law providing for fees, additional inspection fees as prescribed in Schedule "A" shall apply and shall be paid prior to each inspection being undertaken on any building where;
- a) Any of the prescribed notice requirements under the Building Code or the additional notices required under this By-Law have not been complied with by a permit holder;
 - b) Any additional inspections are required due to construction not being substantially completed as required for inspection, incomplete or not in compliance with the Building Code;
 - c) A permit holder has not made the drawings and documents readily available for the Inspector on site, pursuant to Section 9.7;
 - d) A work site is determined unsafe, according to the Occupational Health & Safety Act or the Chief Building Official, for an Inspector to carry out their duties;
 - e) A building is occupied before the notice required under Section 11 of the Act was given to the Chief Building Official as provided (See Section 6.24); and/or
 - f) An inspection is requested to confirm that outstanding items have been completed or corrected in respect of a deficient permit.

UNPREPAREDNESS FOR SCHEDULED INSPECTION

- 6.16 A Permit Holder shall be subject to a fee, as prescribed in Schedule "A" for each inspection which is cancelled less than twenty four (24) hours prior to the time of the scheduled inspection or where an inspection is conducted on work which is not substantially completed as required for the requested inspection.
- 6.17 Inspections may be cancelled and the applicable fee waived where the inspection was cancelled due to causes outside of the control of the owner, at the discretion of the Chief Building Official.
- 6.18 The fees assessed for the instances described in Sections 6.16 and 6.17 above shall be required to be paid in full prior to the issuance of an occupancy permit and/or the closing of the permit file and the release of any applicable deposits.

CONSTRUCTION / DEMOLITION WITHOUT A PERMIT

- 6.19 Notwithstanding the enforcement requirements of the Act, where a permit application has been received, and where the construction has commenced in advance of the issuance of a Permit, the Applicant shall pay the required surcharge as prescribed in Schedule "A".
- 6.20 The surcharge outlined in Section 6.19 shall not relieve any individual or corporate entity from complying with the Building Code and other applicable law or from any penalty prescribed by the Act, for commencing construction prior to obtaining a Permit.

RE-ACTIVATION OF A DORMANT APPLICATION

- 6.21 Where an Applicant has chosen to continue with the processing of a permit application deemed dormant and where the dormant application has not been abandoned, the applicant shall pay the prescribed fee as set out in Schedule "A".

CONDITIONAL PERMIT

- 6.22 Where an application has been submitted for a Conditional Permit, in addition to the fee prescribed in Schedule "A", the Applicant shall pay all the applicable fees prescribed in Schedule "A" for all the Works for the entire building.
- 6.23 Notwithstanding Section 6.22, where there is an additional application submitted for another Conditional Permit, the Applicant shall pay another fee for a Conditional Permit as prescribed in Schedule "A".

OCCUPANCY PERMIT FEES

- 6.24 The initial Occupancy Inspection, as well as the preparation of the Occupancy Permit report shall be included as a component of services provided for in the permit fee as identified in Schedule "A".
- 6.25 Any subsequent Occupancy Inspections shall be subject to a Re-Inspection Fee as prescribed in Schedule "A".
- 6.26 Any request for a Partial Occupancy of an unfinished building pursuant to Section 4.15, shall be subject to a fee as prescribed in Schedule "A".

COMPLIANCE FEES FOR ORDERS

- 6.27 To offset additional investigative and administrative costs, a compliance fee as prescribed in Schedule "A" shall be paid for each Order which is issued pursuant to Section 12, 13 or 14 of the Act.
- 6.28 To offset additional costs associated with the investigation, inspection, administration and rectification of any unsafe buildings pursuant to Section 15.9 of the Act, a compliance fee as prescribed in Schedule "A" shall be paid, where any Unsafe Building Order is issued pursuant to Subsection 15.9(4) of the Act, and an additional compliance fee as prescribed in Schedule "A" shall be paid where any Order Respecting Occupancy is issued pursuant to Subsection 15.9(6) of the Act.
- 6.29 The costs associated with the registration and/or discharged of any Orders on property title pursuant to subsection 12(6) & (7) of the Act will be subject to the fees as set out in Schedule "A".

- 6.30 Payment of these compliance fees does not relieve any person or corporation from complying with the Act, the Building Code or any applicable law.

INTEREST

- 6.31 Where Permit Fees remain unpaid or are paid after the due date, the Applicant shall be subject to a 15% per annum (1.25% per month) interest rate, pursuant to Subsection 7(1) of the Act.
- 6.32 In addition to the interest charge in Section 6.31, the Applicant shall also be subject to any other penalties including payment of collection costs, pursuant to Subsection 7(1) of the Act.

ALTERNATIVE SOLUTION

- 6.33 Every application for an Alternative Solution under the Ontario Building Code shall be subject to a fee as prescribed in Schedule "A".

THIRD PARTY EVALUATIONS

- 6.34 In any situation where the Chief Building Official requires a third-party evaluation, the Applicant shall be responsible for all costs incurred by the Corporation, plus any fees and administrative charges, prescribed in Schedule "A".

LIMITING DISTANCE AGREEMENT

- 6.35 Every Applicant that requests a Limiting Distance Agreement shall be subject to a fee as prescribed in Schedule "A".
- 6.36 In addition to the fee described in Section 6.35, the Applicant shall be subject to any costs incurred by the Municipality for any third-party evaluation, legal fees or registration fees, plus any administrative charges as prescribed in Schedule "A".

PART 10 CHANGE OF USE – PERMIT SURCHARGE

- 6.37 Even though no construction is being proposed, a change of use of a building or part of a building which requires a review pursuant to Part 10 of the Building Code, shall be subject to the prescribed surcharge in Schedule "A".

PART 11 RENOVATION – PERMIT SURCHARGE

- 6.38 Every application that requires a review pursuant to Part 11 of the Building Code, shall be subject to the prescribed surcharge in Schedule "A".

DORMANT PERMITS

- 6.39 A permit is deemed to be dormant if, after the fifth year of the date of issuance, the permit has not been closed.
- 6.40 Despite Section 6.39, every permit that was issued prior to August 11, 2016, and which has not been closed is deemed to be dormant.
- 6.41 Every dormant permit applied for after December 31, 2011 shall be subject to an annual maintenance fee as prescribed in Schedule "A".

- 6.42 For all dormant permits applied for after December 31, 2011, unpaid maintenance fees shall be added to the municipal tax roll on an annual basis and collected in the same manner as real property taxes

PERMIT FEE INDEXING

- 6.43 The Building Permit construction values and administrative fees set out in Schedule "A" attached hereto shall be adjusted without amendment to this By-Law annually on January 1 of each year, in accordance with the most recent twelve month change in Statistics Canada Quarterly, Consumer Price Index with the base index value being in effect as of October 31 in the prior year.

COLLECTION OF FEES

- 6.44 The Municipality may recover its costs of remedial action, if required, and/or any unpaid fees in the same manner as real property taxes, pursuant to the Municipal Act.

7.0 REFUNDS

- 7.1 The Corporation will issue a partial refund of fees paid, in an amount determined by Section 7.2 below, if requested by an Applicant or Permit Holder, in writing, within thirty (30) days where;
- a) An Applicant withdraws, in writing, an application for a permit;
 - b) An application is deemed to have been abandoned in accordance with Section 4.26;
 - c) The Chief Building Official refuses to issue a Permit for which an application has been made; or
 - d) The Chief Building Official revokes a Permit after it has been issued.
- 7.2 The Chief Building Official shall calculate the portion of any fee paid that may be refunded and authorize the payment thereof, based upon the functions undertaken by the Municipality, as follows;
- a) Seventy-Five (75%) percent if application is filed and no processing or review function have been performed;
 - b) Sixty (60%) percent if administrative and zoning functions only have been performed;
 - c) Forty (40%) percent if administrative, zoning and plan examination functions have been performed;
 - d) Twenty-Five (25%) percent if Permit has been issued and no field inspections have been performed subsequent to Permit issuance;
 - e) Twenty-Five (25%) percent less an additional five (5%) percent for each field inspection that has been performed after the Permit has been issued.
- 7.3 Notwithstanding Section 7.2, no refund shall be payable where the refund amount calculated in accordance with this Section is less than \$100.00.

7.4 Notwithstanding Section 7.2, no refund shall be payable until the site has been re-instated to a pre-construction state.

7.5 Any amount authorized by the Chief Building Official to be refunded shall be paid to the person named on the deposit receipt issued by the Corporation upon original payment of the deposit, unless that person directs, in writing, that it be refunded to another person.

8.0 REGISTERED CODE AGENCIES

8.1 The Chief Building Official is authorized to negotiate and execute service agreements with a Registered Code Agency (RCA) to perform specified functions pursuant to Section 4.1 of the Act provided that the Registered Code Agency meets all requirements of the Act.

8.2 Agreements for Registered Code Agencies shall be in writing and contain all prescribed requirements to meet the Act and Building Code, including without limiting the generality of the foregoing; those related to plan review facility, inspections, issuing of orders, termination of appointments, record keeping, information sharing, and operational policies.

8.3 Fees for Registered Code Agencies shall be specified in the written agreement and shall be based on a cost for service of each project including any reduction in fees as per section 7(3) of the Act, and the Registered Code Agency shall detail the list of services in the agreement.

8.4 Registered Code Agencies shall provide other necessary documents and/or services as determined by the Chief Building Official.

9.0 REQUIRED NOTICES FOR INSPECTIONS

9.1 The Permit Holder shall notify the Chief Building Official or a Registered Code Agency, where one is appointed, of each stage of construction for which a mandatory notice is required under Division C – Subsection 1.3.5. of the Building Code.

9.2 The Permit Holder shall notify the Chief Building Official or Registered Code Agency where one is appointed, requesting an occupancy Permit be issued, in accordance with Subsection 1.3.3. of Division C of the Building Code and Section 11 of the Act.

9.3 A notice pursuant to this part of this By-Law is not effective until notice is actually received by the Chief Building Official or the Registered Code Agency, where one is appointed.

9.4 Notice shall be deemed to have been received when the Chief Building Official or Registered Code Agency makes a written or electronic record of the request for inspection.

9.5 Upon receipt of proper notice, the Inspector or Registered Code Agency, where one is appointed, shall undertake a site inspection of the building to which the notice relates, in accordance with the time periods prescribed in Section 11 of the Act and Article 1.3.5.3. of Division C of the Building Code.

9.6 In addition to the notices prescribed in Article 1.3.5.1. of Division C of the Building Code, the Permit Holder shall give notice to the Chief Building Official, or Registered Code Agency, where one is

appointed, of the readiness for inspection for the following stages of construction, where applicable:

- a) Commencement of construction of the building;
- b) 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; and
- c) Re-bar placement prior to pouring of reinforced concrete;
- d) Substantial completion of interior finishes;
- e) Substantial completion of heating, ventilation, air-conditioning and air contaminant extraction equipment;
- f) Substantial completion of exterior cladding;
- g) Completion and availability of drawings of the building as constructed; and/or
- h) Completion of a building for which an occupancy permit is required under Subsection 1.3.3. of Division C of the Building Code.

DOCUMENTS ON SITE

9.7 During the duration of the Work, the Permit Holder shall:

- a) Post in a conspicuous place on the property in respect to which the Permit was issued, a copy of the Permit or a poster, or placard in lieu thereof;
- b) Print a coloured copy of the drawings and specifications referred to in the application for a permit, and leave on the property in respect to which the permit was issued (Indicated as "Site Copy") and ensure that these documents are readily available for the Inspector on-site at all times, and
- c) Post a sign, poster or placard that is visible from the street indicating the civic address for the property in respect to which the Permit was issued.

10.0 FENCES AT CONSTRUCTION AND DEMOLITION SITES

10.1 Where, in the opinion of the Chief Building Official or an Inspector, a construction or demolition site presents a hazard to the public, the Chief Building Official or Inspector may require the owner to erect such fences as the Chief Building Official or Inspector deems appropriate to the circumstances.

10.2 In considering the hazard presented by the construction or demolition site, the necessity for fences and the height and characteristics of such fences, the Chief Building Official or Inspector shall have regard for:

- a) The proximity of the building site to other occupied buildings;
- b) The proximity of the construction or demolition to lands accessible to the public;

- c) The hazards presented by the construction or demolition activities and materials;
- d) The feasibility and effectiveness of site fences; and
- e) The duration of the hazard.

10.3 Every fence required by this Section shall:

- a) Be erected so as to fully enclose all areas of the site which present a hazard;
- b) Create a continuous barrier and be sufficient to deter unauthorized entry;
- c) Have a height not less than 1.2 metres above grade at any point, unless the Chief Building Official or Inspector determines that a greater minimum height is necessary;
- d) If constructed of plastic mesh, snow fencing or other similar materials, be securely fastened at 200 mm on centre to vertical posts not more than 2.4 metres apart, and to horizontal members or a minimum 11 gauge cable at the top and bottom; and
- e) Be maintained in a vertical plane and in good repair.

11.0 ADMINISTRATION

FORMS

- 11.1 Forms prescribed for use as applications for Permits and administrative matters shall be as set out by the Chief Building Official from time to time.

CHIEF BUILDING OFFICIAL DISCRETION

- 11.2 The Chief Building Official may waive some of the requirements of Section 4.0 or Schedule "C" of this By-Law with respect to any particular application where it is deemed appropriate.

PROPERTY OF THE CORPORATION

- 11.3 Plans, specifications, documents, forms and other information furnished according to this By-Law or otherwise required by the Code and/or the Act, shall become the property of the Corporation and will be dealt with, including both disposal and retention, in accordance with relevant legislation and applicable municipal policies and procedures.

AGENCY LETTER

- 11.4 The Chief Building Official may sign an Agency Letter of Approval as required, i.e. liquor license application. The fee for such approval must be paid in full prior to issuance to the applicant. The fee shall be in accordance with Schedule "A" of this By-Law.

12.0 SEVERABILITY

- 12.1 In the event that any Section, Subsection, Clause or provision of this By-Law be declared by a Court of competent jurisdiction to be invalid, the same shall not affect the validity of this By-Law as

a whole or any part thereof, other than the part so declared to be invalid.

13.0 ENFORCEMENT AND PENALTIES OFFENCES

13.1 Any person who contravenes any provisions of this By-Law is guilty of an offence as provided for in Section 36 of the Act.

COLLECTION

13.2 In addition to any penalties imposed through prosecution of an offence pursuant to this By-Law, the Municipality is entitled to use all legal means at its disposal to collect the fees applicable pursuant to this By-Law and to recover its costs if remedial action is taken. Any and all collection methods lawfully applicable may be relied upon, including placement of unpaid fees on the tax collector's roll for the property in question.

14.0 SCHEDULES TO BY-LAW

Schedules "A", "B" and "C" to this By-Law are deemed to form part of this By-law

15.0 REPEAL

15.1 By-Law No. 2012-088 is hereby repealed in it's entirety.

16.0 EFFECTIVE DATE

16.1 This By-Law shall come into force and effect on August 11, 2021.

READ AND PASSED in open Council, signed and sealed this 11th day of August, 2021.

Mayor



Clerk



THE CORPORATION OF THE TOWNSHIP OF SOUTH STORMONT

BY-LAW NO. 2021-073

BEING

a by-law to amend By-law No. 2021-062.

WHEREAS

the *Municipal Act, 2001*, c. 25 s. 5 (1) provides that the powers of a municipal corporation are to be exercised by its council;

AND WHEREAS

the *Municipal Act, 2001*, c. 25 s. 5 (3) provides that the powers of every council shall be exercised by by-law unless the municipality is specifically authorized to do otherwise;

AND WHEREAS

Council did, on the 10th of June, 2021 pass By-law No. 2021-062, being a by-law under the Building Code Act, S.O. 1992, c. 23 respecting Construction, Demolition and Change of Use Permits and related matters;

AND WHEREAS

By-law No. 2021-062, Schedule "A" and Schedule "B" require amendments to correct specific fees.

NOW THEREFORE

Council of the Township of South Stormont hereby enacts as follows:

1. That By-law No. 2021-062 is amended by replacing Schedule "A" in its entirety, with a revised Schedule "A", being Schedule "A" attached hereto and forming part of this by-law.
2. That By-law No. 2021-062 is further amended by replacing Schedule "B" in its entirety, with a revised Schedule "B", being Schedule "B" attached hereto and forming part of this by-law.
3. That all other relevant portions of By-law No. 2021-062 shall apply.

READ AND PASSED in open Council, signed and sealed this 13th day of October, 2021.

Mayor

Clerk

Amended by
by-law 2021-
073 (Schedule
Replaced)

CLASSES OF PERMITS AND PERMIT FEES

Building permit fees are based on the determined value of construction at \$8.00 per \$1,000 of value. The determined value of construction is defined as the actual value of construction as indicated on the building permit application or the construction value (minimum fee - \$111.00) calculated from the table below, whichever is greater.

Construction
values and
fees have been
adjusted for
2023 in
accordance
with Section
6.43 of this
bylaw.

	ITEM	CONSTRUCTION VALUE/FEE
	Building Permits	
	Construction Value – Square Footage	
1	Assembly (OBC Group A) Value Calculations (includes portable classrooms, schools, etc.) ~ All Assembly Occupancies	\$119.59 per square foot
2	Institutional (OBC Group B) Value Calculations ~ Ground Floor ~ All Other Floors	\$180.75 per square foot \$107.59 per square foot
3	Residential (OBC Group C) Value Calculations ~ Ground Floor ~ Floors above Ground Floor ~ Finished Basement ~ Garage (attached) ~ Carports ~ Decks ~ Porches ~ Fence for Swimming Pool Enclosures ~ In-ground Public Pools (as required by OBC) ~ Apartment Buildings (3 apts. or more) ~ Condominiums ~ Accessory Buildings (detached garage/shed)	\$126.63 per square foot \$84.44 per square foot \$42.21 per square foot \$49.25 per square foot \$42.21 per square foot \$16.89 per square foot \$42.21 per square foot \$ 111 Flat Fee \$28.15 per square foot \$68.95 per square foot \$84.44 per square foot \$42.21 per square foot
4	Office and Personal Services (OBC Group D) Value Calculations ~ Unfinished Area (Shell Only) ~ Finished Area	\$112.70 per square foot \$129.30 per square foot
5	Mercantile (OBC Group E) Value Calculations ~ Unfinished Area (Shell Only) ~ Finished Area	\$83.00 per square foot \$114.65 per square foot
6	Industrial (OBC Group F) Value Calculations ~ Unfinished Area (Shell Only) ~ Finished Area	\$64.74 per square foot \$97.09 per square foot
7	Farm Buildings Value Calculation ~ Greenhouse and Fabric Covered Pre-Engineered Farm Storage Building ~ Farm Buildings	\$21.12 per square foot \$42.21 per square foot
8	~ Temporary Buildings ~ Change of Use	\$111.00 \$458.00

	ITEM	CONSTRUCTION VALUE/FEE
	Demolition Permits	
9	Demolition Permits ~ Less than or equal to 6460 square feet (600m ²) and 3 stories or less ~ Over 6460 square feet (600m ²) or more than 3 stories	\$111.00 \$867.00
	Administrative	
10	Building Permit where construction started without a Building Permit being issued.	50% surcharge (\$223.00 Minimum - \$5,596.00 Maximum)
11	Alternative Solution Application	\$ 111/hour, \$559 Minimum Fee per application, + any third party evaluation costs as may be required. Subject to Administrative Charges as per Schedule "A"
12	Conditional/Partial Permit Fee	25% surcharge – for each request / application (\$ 279.00 Minimum – \$ 5,596.00 Maximum)
13	Permit Applications pursuant to OBC Part 10 – Change of Use	\$223.00 – Part 9 Building \$1,119.00 – Part 3 Building
14	Permit Applications pursuant to OBC Part 11 – Renovations	\$8.00 per \$1,000 Determined Construction Value
15	Partial Occupancy of an unfinished building:	Residential: \$ 55 Flat Fee / Per unit Non-Residential: \$ 223 Flat Fee / per suite
16	Re-Inspection Fee	\$ 111 / hour (1 hour Minimum)
17	Preliminary Inspection / Consultation	\$ 111 Flat Fee per Inspection/Meeting / 1 hour
18	Re-Examination of Plans & Specs. (Design, Material Changes, etc.)	\$ 111 / hour
19	Re-Examination of plans (Change in Load)	\$ 223 Flat Fee
20	Dormant Application Renewal	\$ 111 Flat Fee
21	Permit Renewal as Section 4.34	25% of the total permit fee or The flat fee (\$ 111.00 Minimum -\$2,238.00 Maximum)
22	Permit Transfer / Revocation Deferrals	\$ 111 Flat Fee
23	Agency Letter of Approval (Building)	\$ 111 Flat Fee (Includes 1 Inspection + \$111/Inspection)

24	Third Part Costs and/or Peer Review (Engineering Fees, Studies, Reports, Plans, etc...)	At the Cost of the Applicants + 25% Administrative Cost
	ITEM	CONSTRUCTION VALUE/FEE
25	Administrative Charges	+25% as required
26	File Search, Miscellaneous Charges	\$ 111 / hour
27	Limiting Distance Agreement	\$ 279 per agreement, + plus any third party costs as may be required. Subject to Administrative Charges as per Schedule "A"
28	Annual Maintenance Fee for Dormant Permits applied for after Dec. 31, 2011	\$ 167 Flat fee / Yr.
29	Administrative Inspection Performance Deposit	As per Schedule "B"
30	Administrative Lot Grading Performance Deposit	As per Schedule "B"
31	Orders Issued pursuant to Section 12 or 13 of the Building Code Act (Order to Comply / Order not to Cover / Uncover)	\$ 223 Flat Fee / Order
32	Orders Issued pursuant to Section 14 of the Building Code Act (Stop Work Order)	\$ 314 Flat Fee / Order
33	Orders Issued pursuant to Section 15.9 of the Building Code Act (Unsafe Building)	\$ 209 Flat Fee / Order
34	Orders Issued pursuant to Section 15.9 of the Building Code Act (Prohibit Occupancy)	\$ 335 Flat Fee / Order
35	Registration and Discharge of Orders of Property Title, including legal and associated fees.	Actual costs plus a 25% administration fee

Taxes are not applicable.

The current e-commerce transaction rate will be applied to building permit fees that are less than \$350.00 and paid online through the Building Permit software on the Township website.

INTERPRETATION NOTES TO SCHEDULE "A"

In addition to referring to the Building Code or the Act, in determining the fees under this By-Law, the Chief Building Official may have regard to the following explanatory notes as may be needed in the calculation of permit fees:

1. Porches, decks and fireplaces are included in the permit fee for individual dwelling units;
2. The minimum construction values indicated in Schedule "A" are provided as a guide only and The Chief Building Official when determining the value of work may at his/her discretion use a current recognized construction cost index or consultant in determining the actual cost of construction;
3. In the case of interior alterations or renovations, area of proposed work is the actual space receiving the work (i.e. tenant space);
4. Mechanical penthouses and floors, mezzanines, lofts, habitable attic and interior balconies are to be included in all floor area calculations;
5. Except for interconnected floor spaces, no deduction is made for openings with floor areas (i.e. stairs, elevators, escalators, shafts, ducts and similar openings);
6. Unfinished basements for single family dwelling, semis, duplexes and rowhouses are not included in the floor area;
7. Corridors, lobbies, washrooms, lounges and similar areas are to be included and classified according to the major classification for the floor area on which they are located; and
8. A Temporary building is considered to be a building that will be erected for not more than one year.

ADMINISTRATIVE INSPECTION/LOT GRADING PERFORMANCE DEPOSIT

Inspection Performance Deposit - Value of Work	Refundable Fee
Residential	
Value less than \$ 25,000.00	\$ Nil
Value from \$ 25,000.00 to \$ 99,999.99	\$ 500.00
Value from \$ 100,000.00 to 299,999.99	\$ 2,000.00
Value from \$ 300,000.00 to \$ 499,999.99	\$ 3,000.00
Value equal to or over \$500,000.00	\$ 5,000.00
Non-Residential	
Value less than \$50,000.00	\$ Nil
Value from \$50,000.00 to \$ 299,999.99	\$ 2,000.00
Value from \$300,000 to \$999,999.99	\$5,000.00
Value equal to or over \$1,000,000.00	\$ 10,000.00
Lot Grading Performance Deposit	
Development without Site plan Control	\$2000.00
Development with Site plan Control Agreement	Site plan Deposit to be used

INTERPRETATION NOTES TO SCHEDULE “B”

In determining the value of work under this By-Law, the Chief Building Official may have regard to the following explanatory notes as may be needed in the calculation of permit fees:

1. The value of work shall be the estimated cost of construction as declared on the permit application form, or as calculated in accordance with Schedule “A” or as determined by the Chief Building Official, whichever is higher;
2. The minimum construction values indicated in Schedule “A” are provided as a guide only and The Chief Building Official when determining the value of work may at his/her discretion use a current recognized construction cost index or consultant in determining the actual cost of construction;
3. Subject to Section 6.7 of this By-Law, once any expenses incurred by the Applicant or Permit Holder have been deducted by the Chief Building Official, any remaining funds shall be refunded in accordance with Note 4 or 5 as the case may be;

REFUND OF ADMINISTRATIVE PERFORMANCE DEPOSITS

Inspection Deposit

4. Once a Permit has been closed, the Chief Building Official, shall after applying any applicable deductions, refund the balance of the Administrative Performance Deposit Fee in whole or in part to the Owner in accordance with the following provisions:
 - a) One hundred per cent (100%) of the Administrative Performance Deposit is to be refunded if the Work and all required inspections are fully completed within two (2) years of the date of issuance of the Permit;
 - b) Seventy-five per cent (75%) of the Administrative Performance Deposit is to be refunded if the Work and all required inspections are fully completed within three (3) years of the date of issuance of the Permit;
 - c) Fifty per cent (50%) of the Administrative Performance Deposit is to be refunded if the Work and all required inspections are fully completed within four (4) years of the date of issuance of the Permit;
 - d) Twenty-five per cent (25%) of the Administrative Performance Deposit is to be refunded if the Work and all required inspections are completed within five (5) years of the date of issuance of the Permit; and
 - e) No refund of the Administrative Performance Deposit will be awarded if the Work and all required inspections are not fully completed within five (5) years of the date of the issuance of the Permit. This will not relieve the Permit Holder of obligations under any regulations of any By-Law, the Building Code Act or regulations made there under. The refund of the whole or part of the Administrative Performance Deposit shall not be deemed a waiver of any provisions of any By-Law or requirements of the Building Code Act or regulations made there under. Also, the refund shall not be construed as a certification or guarantee that the Building for which a Permit was issued meets all the requirements of the Building Code Act or regulations made thereunder.

Lot Grading Deposit

- 5) Once a lot grading as-built plan has been approved as per the Lot Grading Policy, the Chief Building Official, shall, refund the Administrative Performance Deposit Fee to the Owner in accordance with the following provisions:
 - a) One hundred per cent (100%) of the Administrative Performance Deposit is to be refunded if the Lot Grading plan has been approved as per the Lot Grading Policy within two (2) years of the date of issuance of the Building Permit;
 - b) Unless otherwise extended by the Chief Building Official, no refund of the Administrative Performance Deposit will be awarded if the as-built lot grading has not been approved as per the Lot Grading Policy within two (2) years of the date of the issuance of the Building Permit. This will not relieve the Permit Holder of obligations under any regulations of any By-Law, the Building Code Act or regulations made there under.