

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

Schedule "A" to By-law No. 2021-073, Schedule "A" to By-law No. 2021-062

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 - \$104.00) calculated from the table below, whichever is greater.

Construction values and fees have been adjusted for 2022 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	\$111.88 per square foot
2	Institutional (OBC Group B) Value Calculations ~ Ground Floor ~ All Other Floors	\$169.09 per square foot \$100.65 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)	\$118.46 per square foot \$78.99 per square foot \$39.49 per square foot \$46.08 per square foot \$39.49 per square foot \$15.80 per square foot \$39.49 per square foot \$ 104 Flat Fee \$26.34 per square foot \$64.50 per square foot \$78.99 per square foot \$39.49 per square foot
4	Office and Personal Services (OBC Group D) Value Calculations ~ Unfinished Area (Shell Only) ~ Finished Area	\$105.43 per square foot \$120.96 per square foot
5	Mercantile (OBC Group E) Value Calculations ~ Unfinished Area (Shell Only) ~ Finished Area	\$77.65 per square foot \$107.25 per square foot
6	Industrial (OBC Group F) Value Calculations ~ Unfinished Area (Shell Only) ~ Finished Area	\$60.57 per square foot \$90.83 per square foot
7	Farm Buildings Value Calculation ~ Greenhouse and Fabric Covered Pre-Engineered Farm Storage Building ~ Farm Buildings	\$19.76 per square foot \$39.49 per square foot
8	~ Temporary Buildings ~ Change of Use	\$104.00 \$429.00

	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	\$104.00 \$811.00
	Administrative	
10	Building Permit where construction started without a Building Permit being issued.	50% surcharge (\$209.00 Minimum - \$5,235.00 Maximum)
11	Alternative Solution Application	\$ 104/hour, \$523 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 (\$ 261.00 Minimum – \$ 5,235.00 Maximum)
13	Permit Applications pursuant to OBC Part 10 – Change of Use	\$209 – Part 9 Building \$1,047 – 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: \$ 52 Flat Fee / Per unit Non-Residential: \$ 209 Flat Fee / per suite
16	Re-Inspection Fee	\$ 104 / hour (1 hour Minimum)
17	Preliminary Inspection / Consultation	\$ 104 Flat Fee per Inspection/Meeting / 1 hour
18	Re-Examination of Plans & Specs. (Design, Material Changes, etc.)	\$ 104 / hour
19	Re-Examination of plans (Change in Lot)	\$ 209 Flat Fee
20	Dormant Application Renewal	\$ 104 Flat Fee
21	Permit Renewal as Section 4.34	25% of the total permit fee or The flat fee (\$ 104.00 Minimum -\$2,094.00 Maximum)
22	Permit Transfer / Revocation Deferrals	\$ 104 Flat Fee
23	Agency Letter of Approval (Building)	\$ 104 Flat Fee (Includes 1 Inspection + \$104/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	\$ 104 / hour
27	Limiting Distance Agreement	\$ 261 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	\$ 157 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)	\$ 209 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)	\$ 314 Flat Fee / Order
35	Registration and Discharge of Orders on 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.