

Corporation of the Township of

Algonquin Highlands

By-Law 2020-23

BEING A BY-LAW RESPECTING CONSTRUCTION,
DEMOLITION, CHANGE OF USE PERMITS AND INSPECTIONS.

WHEREAS Section 7 (1) of the Building Code Act 1992, S.O., 1992, Chapter 23, as amended authorizes a municipal council to pass by-laws concerning the issuance of permits, permit fees and related matters;

NOW THEREFORE the Council of the Corporation of the Township of Algonquin Highlands hereby enacts as follows:

1. SHORT TITLE

This by-law may be cited as the "Building Permit By-Law".

2. DEFINITIONS AND WORD USAGE

In this By-Law:

- (1) (a) "ACT" means the Building Code Act, 1992, S.O., 1992, Chapter 23 as amended.
 - (b) "APPLICABLE LAW" means applicable law as defined in the Building Code.
 - (c) "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.
 - (d) "AS CONSTRUCTED PLANS" means construction and specifications that show the building and the location of the building on the property as the building has been constructed.
 - (e) "BCIN" means Building Code Identification Number issued by the Ministry of Municipal Affairs and Housing.
 - (f) "BUILDING" means the building as defined under Section 1(1) of the Act.
 - (g) "BUILDING CODE" means the regulations made under Section 34 of the Act.
 - (h) "CHIEF BUILDING OFFICIAL" means the Chief Building Official appointed by By-law by the Council of the Corporation of the Township of Algonquin Highlands under Section 3(2) of the Act.
 - (i) "CORPORATION" means The Township of Algonquin Highlands.
 - (j) "MINISTER" means the Minister of Municipal Affairs and Housing.
 - (k) "OWNER" means the registered owner of the land and includes a lessee, a mortgagee in possession, and the person in charge of the property.
 - (l) "PERMIT" means permission or authorization given in writing by the Chief Building Official to perform work, to change the use of a building or part thereof, or to occupy a building or part thereof, as regulated by the Act and the Building Code.
 - (m) "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.
 - (n) "PLUMBING" means plumbing as defined in Section 1(1) of the Act.
 - (o) Sewage System means a sewage system as defined in Division A, Part 1, Subsection 1.4.1.2 of the Building Code.
- (2) Terms not defined in this By-Law shall have the meaning ascribed to them in the Act or Building Code.

3. CLASSES OF PERMITS

- (1) For the purposes of the Act and the Building Code, there shall be five classes of Permits as set forth below:

- (a) Building Permit, respecting the complete construction of a building or part of a building;
- (b) Conditional Building Permit, respecting the construction of a building subject to conditions imposed pursuant to subsection 8(3) of the Act;
- (c) Demolition Permit, respecting the demolition of a building or part of a building;
- (d) Change of Use Permit, respecting a change in use of a building or part of a building which results in an increase in hazard as determined under the Building Code.
- (e) Building Permit, respecting the installation of new and replacement Sewage System.

4. PERMIT APPLICATIONS

- (1) To obtain a permit, an applicant shall file an application in writing on forms prescribed by the Minister and available at the offices of the Municipality or from the building code website www.obc.mah.gov.ca or at the Municipality of Algonquin Highlands website www.algonquinhighlands.ca or from the Chief Building Official and shall supply any other information relating to the application as required by the Chief Building Official.
- (2) Every complete building permit application shall:
 - (a) Identify and describe in detail the work, use and occupancy to be covered by the permit for which the application is made;
 - (b) Identify and describe in detail the existing use(s) and the proposed use(s) for which the premises are intended;
 - (c) Describe the land on which the work is to be done, by a description that will readily identify and locate the site on which the building or demolition is to occur;
 - (d) Be accompanied by complete plans and specifications as described in the bylaw, and in accordance with schedule "C";
 - (e) Be accompanied by the required fees as calculated in accordance with Schedule "A" of the current Fees By-law
 - (f) State the names, addresses and telephone numbers of the owner, applicant, architect, engineer or other designer and the constructor or person hired to carry out the construction or demolition as the case may be;
 - (g) When Division "C" Section 1.2.2.1 of the Building Code applies, be accompanied by a signed acknowledgement of the owner on a form prescribed by the Chief Building Official that an Architect or Professional Engineer or both have been retained to carry out the general review of the construction or demolition of the building;
 - (h) When Division "C" Section 1.2.2.1. of the Building Code applies, be accompanied by a signed statement of the Architect or Professional Engineer, or both, and on a form prescribed by the Chief Building Official undertaking to provide general review of the construction or demolition of the building;
 - (i) Include where applicable, the registration number of the builder or vendor as provided in the in the Ontario New Home Warranties Act;
 - (j) State estimated valuation of the proposed work including consulting fees, material and labour and;
 - (k) Be signed by the applicant who shall certify as to the truth of the contents of the application;
 - (l) Include, where applicable, the BCIN of the designer or firm on every document associated with the application;
 - (m) Provide, where applicable, evidence of the insurance required by the Act, or registration with the Ministry of Municipal Affairs and Housing; and
 - (n) Be accompanied by acceptable proof of corporate identity and property ownership, unless such proof is determined by the Chief Building Official to be unnecessary.

Demolition Permits:

- (3) In addition to the requirements of Subsection (2) above, every demolition permit application shall;
 - (a) When Division "C" Section 1.2.2.1 of the Building Code applies, be accompanied by structural design characteristics of the building and the method and time schedule of the demolition; and
 - (b) Be accompanied by satisfactory proof that arrangements have been made by the proper authorities for the termination and capping of all water, sewer, gas electric, telephone or other utilities and services.

Partial Building Permits:

- (4) In addition to the requirements of Subsection (2) above, every construction permit application for part of a building shall;
 - (a) Include an application for the entire project, and include plans and specifications covering the part of the work for which more expeditious approval is required, together with such information pertaining to the remainder of the work as may be required by the Chief Building Official.

Conditional Building Permits:

- (5) In addition to the requirements of Subsection (2), every conditional permit application for the construction of a building shall;
 - (a) State the reasons why the applicant believes that unreasonable delays in construction would occur if a conditional permit is not granted; and
 - (b) State necessary approvals which must be obtained in respect of the proposed building and the time in which the approvals will be obtained.

Change of Use Permits:

- (6) In addition to the applicable requirements of Subsection (2) above, every change in use permit application shall;
 - (a) Describe the building or part thereof in which the occupancy is to be changed and;
 - (b) Include plans and specifications which show the current and proposed occupancy of all parts of the building and which contain sufficient information to determine if the change in use will comply with the pertinent requirements of the Building Code such as floor plans, details of wall, floor and roof assemblies identifying the required minimum fire resistance rating and load bearing capacities.

Sewage System Permit:

- (7) Every application for a new or replacement Sewage System Permit shall contain the following completed municipal forms:
 - (a) Application for a sewage system permit;
 - (b) Proposed sewage system design;
 - (c) Calculation sheet;
 - (d) Schedule 2 sewage system installer information.

Permit Issuance:

- (8) The Chief Building Official may, where conditions in Subsection (4) above have been fulfilled, issue a permit for part of a building subject to compliance with the Act, the Building Code and any other applicable legislation.
- (9) The Chief Building Official may, where conditions in Subsection 8.(3) to 8.(5) of the Act and Subsection (5) above have been fulfilled, issue a conditional permit for a building subject to compliance with the Act, the Building Code and any other applicable law.
- (10) The Chief Building Official shall not, by reason of the issuance of a permit or permits for a part or parts of the building issued under Subsections (4) and (5) be under any obligation to grant any further permit or permits therefore.

Abandoned Applications:

- (11) Where an application for a permit remains incomplete or inactive for six months after it is made, the application may be deemed by the Chief Building Official to have been abandoned and notice thereof shall be given to the applicant.

Equivalents:

- (12) 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 8(12) of the Act is requested, the following information shall be provided;
- (a) Description of the proposed material, system or building design for which authorization under section 8(12) of the Act is requested;
 - (b) Any applicable provisions of the Building Code; and
 - (c) Evidence that the proposed material, system or building design will provide the level of performance required by the Building Code.

5. PLANS AND SPECIFICATIONS

- (1) Every applicant shall furnish:
- (a) Sufficient plans, specifications, documents and other information to enable the Chief Building Official to determine whether the proposed work conforms to the Act, the Building Code and any other applicable law;
 - (b) A site plan referenced to a current plan of survey certified by a registered Ontario Land Surveyor of which a copy shall be retained by the municipality, unless this requirement is waived by the Chief Building Official who may be able to determine without a certified survey plan that the proposed work will conform to the Act, the Building Code and any other applicable law.
- (2) A site plan shall include the following:
- (a) Lot size and dimensions of the property;
 - (b) Setbacks from any existing or proposed buildings, property lines, roads, watercourse (as defined in current zoning by-law), hydro or telephone lines, easements or rights of way;
 - (c) Existing and finished ground levels or grades.
- (3) Plans submitted shall be legible and be drawn to scale upon paper or other suitable and durable material.
- (4) The Chief Building Official shall determine the number of plans, specifications, documents and other information required to be furnished with an application for a permit having regard for the requirements of the Act, regulation or by-law respecting the examination or circulation of the application.
- (5) Plans and specifications furnished according to this by-law or otherwise required by the Act become the property of the municipality and will be disposed of or retained in accordance with relevant legislation.
- (6) A site plan for a septic system must also include the following:
- (a) The location and setbacks of the septic tank, leaching bed and any pump chamber;
 - (b) The loading area and 15m mantle;
 - (c) The location of wells and water supply including adjacent properties
 - (d) All other setbacks as per tables 8.2.1.5., 8.2.1.6.A., 8.2.1.6.B. and 8.2.1.6.C. of the Building Code.
- (7) The Chief Building Official may require that a set of as constructed plans be filed with the Corporation upon the completion of the construction.

6. FEES

- (1) The Chief Building Official shall determine the required fees calculated in accordance with Schedule "A" of the current Fees By-law for the work proposed and the applicant shall pay such fees. No permit shall be issued until the fees have been paid in full.

(2) Administrative Fees shall be charged in accordance with Schedule "A".

Refunds:

(3) Upon written request, the Chief Building Official shall determine the amount of the fees, if any, that may be refunded in accordance with Schedule "B" in the case of:

- (a) Withdrawal of application;
- (b) Abandonment of application;
- (c) Refusal to issue permit;
- (d) Request for revocation of permit pursuant to Clause 8(10)(e) of the Act.

7. PERMIT REVOCATION, DEFERRAL OR REVOCATION AND TRANSFER

Revocation of Permit:

(1) Prior to revoking a permit under Clauses 8 (10) (b) and (c) of the Act, the Chief Building Official shall give written notice of intention to revoke to the permit holder at his last known address and, if on the expiration of thirty (30) days from the date of such notice, the ground for revocation continues to exist, the permit may be revoked without further notice and all submitted plans and other information may be disposed of.

Deferral of Revocation:

(2) (a) On receipt of a notice of intention to revoke a permit, a permit holder may request in writing within thirty (30) days from the date thereof that the Chief Building Official defer the revocation of such permit.

(b) A request for deferral shall set out the reasons why the permit should not be revoked and the date by which the work will be commenced or resumed.

(c) Having considered the circumstances of the request and having determined that there have been no changes to the Act and the Building Code and any other applicable law which would have prevented the issuance of the original permit, the Chief Building Official may allow a deferral to a prescribed date and shall notify the permit holder.

(d) A request for deferral of revocation is subject to a fee in accordance with Schedule "A".

Transfer of Permit:

(3) (a) Permits are transferable only upon the new owner completing a permit application to the requirements of Section 4 above.

(b) A fee, as prescribed in Schedule "A" shall be payable on a transfer of permit by the owner who shall thenceforth be the permit holder for the purposes of the Act and the Building Code.

8. NOTIFICATIONS

(1) Notices for inspections respecting the stages of construction required by the Building Code shall be given by the Permit Holder to the Chief Building Official at least two (2) business days in advance of each stage of construction as specified in Division "C" section 1.3.5.1 and 1.3.5.2 of the Building Code.

(2) A notice pursuant to this section is not effective until written or oral notice is received by the Chief Building Official.

9. REGISTERED CODE AGENCIES

(1) The Chief Building Official is authorized to enter into and sign contracts for service agreements with Registered Code Agencies and appoint them to perform specified functions from time to time in order to maintain the time periods for Permits prescribed in subsection Division "C" section 1.3.1. of the Ontario Building Code.

(2) The Registered Code Agency may be appointed to perform one or more of the specified functions described in section 15.15 of the Act.

10. CONTRAVENTION OF BY-LAW OFFENCE

(1) Every person who contravenes any provision of this By-law is guilty of an offence and on conviction is liable to a fine as provided in Section 36 of the Act, as amended.

11. SEVERABILITY

- (1) Should any section, subsection, clause or provision of the 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.
- (2) That By-law 2019-01 is hereby repealed.
- (3) This By-law shall take force and effect immediately upon passage.

READ A FIRST, Second and Third time, and finally passed this 20th day of February, 2020.

Seal

Mayor Carol Moffatt

Clerk Dawn Newhook

**THE TOWNSHIP OF ALGONQUIN HIGHLANDS
SCHEDULE "A"
TO BY-LAW 2019-1**

ADMINISTRATIVE FEES:

- (1) Where an order to comply is issued under the Act with respect to construction and demolition commenced prior to issuance of Permit, the Permit fee prescribed in Schedule "A" of the current Fees By-law shall be increased to cover additional administrative costs by the greater of \$200.00 or twice the cost of the building permit fee.
- (2) Where a stop work order is issued under the Act with respect to construction and demolition commenced prior to issuance of Permit, the Permit fee prescribed in Schedule "A" of the current Fees By-law shall be increased to cover additional administrative costs by the greater of \$200.00 or twice the cost of the building permit fee.
- (3) With respect to partial Permits the fee shall be the normal fee for the proposed construction plus an administration fee of 10% of that fee. The minimum administration fee of \$100.00 and a maximum of \$500.00 shall apply to partial Permits.
- (4) With respect to conditional Permits the fee shall be the normal fee for the proposed construction plus an administration fee of 10% of that fee. The minimum administration fee of \$100.00 and a maximum of \$1,000.00 shall apply to Conditional Permits.

TOWNSHIP OF ALGONQUIN HIGHLANDS
SCHEDULE "B"
TO BY-LAW 2019-1

REFUNDS

1. The fees that may be refunded shall be a percentage of the fees payable under this by-law as follows:
 - (i) 80% if administrative functions only have been performed;
 - (ii) 70% if administrative and zoning functions only have been performed;
 - (iii) 40% if administrative, zoning and plan examination functions have been performed;
 - (iv) 30% if the permit has been issued and no field inspections have been performed subsequent to permit issuance;
 - (v) 5% shall additionally be deducted for each field inspection that has not been performed after the permit has been issued.

2. Notwithstanding Section 1 above, no refund shall be made of an amount less than \$ 25.00.

**TOWNSHIP OF ALGONQUIN HIGHLANDS
SCHEDULE "C"
TO BY-LAW 2019-1**

PLANS & SPECIFICATIONS

LIST OF PLANS WORKING DRAWINGS AND SPECIFICATIONS TO ACCOMPANY APPLICATIONS FOR BUILDING PERMITS.

- 1) The Site Plan (a current survey maybe required)
- 2) Floor Plans
- 3) Foundation Plans
- 4) Framing Plans
- 5) Roof Plans
- 6) Cross Sections and Details
- 7) Building Elevations
- 8) Plumbing Drawings
- 9) Heating, Ventilation and Air Conditioning
- 10) Wood Burning Appliances and Chimneys
- 11) Engineered Product Specifications
- 12) Energy Efficiency Design Summary

NOTE: The Chief Building Official may specify that not all the above mentioned plans are required to accompany an application for a permit and may require additional information.