

CONSOLIDATED VERSION

This consolidation is for convenience only; for accurate reference see by-laws as adopted by Council.

BY-LAW NUMBER 96-126

OF

THE CORPORATION OF THE TOWNSHIP OF *UXBRIDGE*

**BY-LAW UNDER THE BUILDING CODE ACT,
1992 RESPECTING PERMITS AND RELATED
MATTERS**

WHEREAS Section 7 of the Building Code Act, 1992, authorizes a Municipal Council to pass by-laws concerning the issuance of permits and related matters.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF UXBRIDGE 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, as amended.
 - (b) "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.
 - (c) "Building Code" means the regulation made under the Act.
 - (d) "Chief Building Official" means the Chief Building Official appointed under Subsection 3 of the Act.
 - (e) "enclosure" means a fence, wall or other structure, including doors and gates, surrounding a privately owned outdoor swimming pool to restrict access thereto.
 - (f) "farm building" means a building as defined by The Canadian Farm Building Code 1990.
 - (g) "Gross floor area" means the total floor area of all floors above or below grade measured between the outside surfaces of exterior walls except unfinished portions of basements in residential dwellings but including attached garages and underground parking areas.
 - (h) "owner" means the registered owner of the land and includes a lessee, mortgagee in possession and/or the person in charge of the property.
 - (i) "permit" means permission or authorization given in writing by the Chief Building Official to perform work regulated by the Act and Building Code, or to occupy a building or part thereof prior to its completion.
- (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

Classes of permits required for construction, demolition or change of use are set forth in Schedule "A" appended to and forming part of this By-law.

4. PERMITS

- (1) To obtain a permit, an applicant shall file an application in writing on forms prescribed by and available from the Chief Building Official, and shall supply any other information relating to the application as required by the Chief Building Official.

- (2) Every 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 uses 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 plans and specifications as described in the By-law;
 - (e) be accompanied by the required fees as calculated in accordance with Schedule "A";
 - (f) state the name, addresses and telephone numbers of the owner, applicant, architect, engineer or other designer and the constructor or person hired to carry out the demolition, as the case may be;
 - (g) when Section 2.3 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 Section 2.3 of the Building Code applies, be accompanied by a signed statement of the architect or professional engineer, or both, 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 Ontario New Home Warranties Plan Act;
 - (j) state estimated value of the proposed work including material and labour; and
 - (k) be signed by the applicant who shall certify as to the truth of the contents of the application.
- (3) In addition to the requirements of subsection (2) above, every demolition permit application shall:
- (a) when Section 2.3 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 with the proper authorities for the termination and capping of all water, sewer, gas, electric, telephone or other utilities and services.
- (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
 - (b) include plans and specifications covering the part of the work for which more expeditious approval is desired, together with such information pertaining to the remainder of the work as may be required by the Chief Building Official.

- (5) In addition to the requirements of subsection (2) above, 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 such approvals will be obtained.
- (6) In addition to the applicable requirements of subsection (2) above, every change of 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 establish compliance with the requirements of the Building Code including, floor plans, details of wall, floor and roof assemblies identifying required fire resistance rating and load bearing capacities.
- (7) The Chief Building Official shall, where conditions in subsections (4) above have been fulfilled, issue a permit for part of a building subject to compliance with the Act, the Building Code and any applicable law.
- (8) 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 the compliance with the Act, the Building Code and any applicable law.
- (9) The Chief Building Official shall not, by reason of the issuance of a permit or permits for a part of parts of the building issued under subsections (4) and (5) hereof be under any obligation to grant any further permit or permits therefore.
- (10) 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.

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 construction, demolition, or change of use conforms to the Act and the Building Code; and
 - (b) a site plan referenced to a current plan of survey certified by a registered Ontario Land Surveyor and a copy of such a survey shall be filed with the municipality unless this requirement is waived because the Chief Building Official is able, without having a current plan of survey, to determine whether the proposed work conforms to the Act, the Building Code and any other applicable law. Site plan will include:
 - i) lot size and dimensions of property;
 - ii) setbacks from existing and proposed buildings to property boundaries and to each other;
 - iii) existing and finished ground levels or grades; and
 - iv) existing rights of way, easements and municipal services;
- (2) Plans submitted shall be legible and be drawn to scale upon paper or other suitable durable material.

- (3) The Chief Building Official shall determine the number of plans, specifications, documents and other information required to be furnished with an application for permit having regard for the requirements of any Act, regulation or By-law respecting the examination or circulation of the application.
- (4) On completion of the construction of a building, the Chief Building Official may require a set as of constructed plans, including a plan of survey showing the location of the building.
- (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. FEES

- (1) The Chief Building Official shall determine the required fees calculated in accordance with Schedule "A" of this By-law for the work proposed and the applicant shall pay such fees. No permit shall be issued until the fees therefore, have been paid in full, including all fees required by other applicable law.
- (2) Upon written request, the Chief Building Official shall determine the amount of fees, if any, that may be refunded in accordance with Schedule "A" in the case of:
 - (a) withdrawal of an application,
 - (b) abandonment of an application pursuant to Subsection 4(10) above,
 - (c) refusal to issue a permit,
 - (d) request for revocation of a permit pursuant to Clause 8(10)(e) of the Act.
- (3) Subject to subsection 7(1), there shall be no refund of permit fees where a permit has been revoked.
- (4) Where construction, demolition or change of use occurs prior to the issuance of any required permit, the permit fee prescribed in Schedule "A" shall be doubled."

7. PERMIT REVOCATION, DEFERRAL OR TRANSFER

(1) Revocation of Permit

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 grounds for revocation continue to exist, the permit may be revoked without further notice and all submitted plans and other information may be disposed of.

(2) Deferral or Revocation

- (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 the Chief Building Official to 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".

(3) Renewal of Permit

- (a) A building permit issued pursuant to Section 4(7) shall expire two (2) years from the date of issuance.
- (b) A fee, as prescribed in Schedule "A" shall be paid to renew the permit for a further two (2) year period.

(4) Transfer of Permit

- (a) Permits are transferrable only upon the new owner completing a permit application to the requirements of Section 4.
- (b) A fee, as prescribed in Schedule "A" shall be payable on a transfer of permit by the new owner who shall thenceforth be the permit holder for the purpose of the Act and the Building Code.

8. NOTIFICATIONS

- (1) Notices for inspections respecting stages of construction required by the Building Code shall be given by the permit holder to the Chief Building Official at least two business days in advance of each stage of construction specified therein.
- (2) A notice pursuant to this section is not effective until written or oral notice is received by the Chief Building Official.

9. SEVERABILITY

Should 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.

10. REPEAL

By-law No. 88-65, as amended, is hereby repealed in its entirety.

. READ a FIRST, SECOND and THIRD time and finally passed this 23rd day of September, 1996.

SCHEDULE "A" PERMIT
FEES AND REFUNDS

Classes of Permits	Permit Fees
1.	
a.i Building permit to construct residential buildings and additions and thereto	<p>\$0.45 per square foot of gross floor area of all floors and except unfinished portions of basements in residential buildings, but including attached garages and underground parking areas</p> <p>Minimum Fee of \$50.00</p>
a.ii In addition to the above a \$ 1,000.00 performance bond shall be required for each new residential dwelling unit to be constructed. Said performance bond shall be refunded (without interest) to the permit holder provided the dwelling unit(s) is completed within two (2) years of the date upon which the permit was issued.	
b. Building permit to construct Institutional and commercial buildings and additions thereto	<p>\$0.40 per square foot for institutional and \$0.45 per square foot for commercial of gross floor area of all floors including mezzanines and underground parking areas</p> <p>Minimum Fee of \$50.00</p>
c. Building permits to construct Industrial buildings and farm buildings used as riding arenas, and additions thereto	<p>\$0.35 per square foot of gross floor area of all floors including mezzanines and underground parking areas</p> <p>Minimum Fee of \$50.00</p>
d. Building permits to construct farm buildings and additions thereto (excluding dwellings and riding arenas)	<p>\$0.20 per square foot of gross floor area of all floors including lofts and mezzanines</p> <p>Minimum Fee of \$50.00 Maximum Fee of \$300.00</p>
e. Erection and removal of temporary tents	<p>\$0.10 per square foot of gross floor area</p> <p>Minimum Fee of \$50.00</p>
f. Building permits to alter or repair a building (residential, commercial)	<p>\$0.30 per square foot of affected area</p> <p>Minimum Fee of \$50.00</p>
g.i. Demolition permit to demolish a building	Flat Rate of \$75.00

g.ii In addition to the above a \$ 1,000.00 performance bond shall be required. Said bond shall be refunded (without interest) provided all demolition material is removed from the site and the site is properly graded and levelled within nine (9) months of the date of issuance of the demolition permit.

g.iii. Riding Stables 20¢ per sq. ft. to a maximum of \$2,000.00 for the first 15,000 sq. ft. and 20¢ per sq. ft. thereafter. Washroom and bleacher facilities 20¢ per sq. ft. and no maximum."

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| h. | Renewal and/or transfer of a building permit | Minimum Fee of \$50.00 |
| i. | Building permits to construct open decks, porches and detached accessory structures | \$0.20 per square foot of gross floor area of all floors and including lofts and mezzanines. Minimum fee \$50.00 |
| j. | Building permit to install solid fuel fire appliance or fireplace | Minimum Fee of \$50.00 |
| k. | Request for Deferral of Permit Revocation | Minimum Fee of \$50.00 |

2. Refund of Permit Fees

Pursuant to Subsection 6(2) of this By-law the fees that may be refunded shall be a percentage of the fees payable under this By-law, calculated as follows:

- i. 75 percent if administrative functions only have been performed
- ii. 60 percent if administrative and zoning functions only have been performed.
- iii. 45 percent if administrative and zoning and plans examination have been performed.
- iv. 35 percent if the permit has been issued and no field inspections have been performed subsequent to permit issuance.
- v. 5 percent shall additionally be deducted for each field inspection that has been performed after the permit has been issued.

3. If the calculated refund is equal to or less than the minimum fee applicable to do the work, no refund shall be made of the fees paid.

SCHEDULE "B"

THE CORPORATION OF THE TOWNSHIP OF UXBRIDGE

CODE OF CONDUCT FOR BUILDING OFFICIALS

PURPOSE:

1. To promote appropriate standards of behaviour and enforcement actions by the Chief Building Official and Inspectors in the exercise of a power or the performance of a duty under the *Building Code Act* or the building code.
2. To prevent practices, which may constitute an abuse of power, including unethical or illegal practices, by the Chief Building Official and Inspectors in the exercise of a power or the performance of a duty under the *Building Code Act* or the building code.
3. To promote appropriate standards of honesty and integrity in the exercise of a power or the performance of a duty under the *Building Code Act* or the building code by the chief building official and inspectors.

ENFORCEMENT GUIDELINES:

Compliance with this code of conduct shall constitute a condition of employment as a chief building official or inspector appointed under the *Building Code Act*. Any appointed chief building official or inspector who fails to act in accordance with the provisions of this code may be subject to disciplinary action appropriate to the seriousness of the breach. All allegations concerning a breach of this code must be made in writing.

An inspector who has reason to believe that this code of conduct has been breached shall bring the matter to the attention of the chief building official. Where the allegation concerns the actions of the chief building official, the matter shall be brought to the attention of the senior staff person to whom the chief building official reports.

Any member of the public who has reason to believe that this code of conduct has been breached may bring the matter to the attention of the chief building official. Where the allegation concerns the actions of the chief building official, the matter may be brought to the attention of the senior staff person to whom the chief building official reports.

Any chief building official or senior staff person who receives information in writing concerning a breach of this code shall investigate the matter, and where appropriate shall commence disciplinary action in accordance with the employment standards of the place of work. All communications received by a chief building official or senior staff person concerning a breach of this code shall be held in confidence. The chief building official or senior staff person shall advise Council in writing about the particulars of the alleged breach, its investigation and the final disposition of the matter upon its conclusion.

CODE OF CONDUCT

In exercising powers and performing duties under the *Building Code Act*, the Chief Building Official and inspectors shall:

- 1. Act in the public interest with respect to life safety, health, structural sufficiency and accessibility matters within the official's jurisdiction,**
2. Exercise powers in accordance with the provisions of the *Building Code Act*, the Ontario Building Code and other applicable law that governs the authorization, construction, occupancy and safety of buildings and designated structures, and the actions, duties and accreditation of Building Officials,
3. Act to identify and enforce compliance where contraventions of the *Act* or regulations are known to exist,
4. Apply all relevant building laws, regulations and standards in a consistent and fair manner, independent of any influence by interested parties and without regard to any personal interests,
- 5. Maintain current knowledge of building laws, regulations and construction practices applicable to their duties,**
6. Not accept any personal favour or benefit which may create, or may appear to create, a conflict with their duties,
7. Obtain the counsel of persons with expertise in circumstances within their jurisdiction where they do not possess sufficient skill to make an informed judgment, and
8. Act honourably, honestly, reasonably and professionally in the discharge of their duties.