

THE CORPORATION OF THE TOWN OF PERTH

BY-LAW NO. 5145

A By-law to regulate occupancy, construction, demolition, and change of use permits for buildings, designated structures, on-site sewage systems and all other related service systems within the Town of Perth

Recitals:

1. The Ontario Municipal Act, 2001, S.O. 2001, c. 25, as amended, confers broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and further states that a lower tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public, subject to the rules set out in subsection 11 (4). 2006, c. 32, Sched. A, s. 8.
2. Section 7 of the Building Code Act, 1992, S.O. 1992, c.23, as amended, authorizes municipal Councils to pass By-laws respecting construction, demolition and change of use permits, inspections and related matters including fees.
3. The Committee of the Whole reviewed Report 2024-COW-6.4, and concurs with the staff recommendations;
4. The Council of The Corporation of the Town of Perth deems it advisable to pass this By-law.

Accordingly, the Council of The Corporation of the Town of Perth enacts as follows:

PART 1. GENERAL

- 1.1 This By-law may be cited as the "Building By-law".
- 1.2 Words in the singular may include the plural and words in the plural may include the singular.
- 1.3 Specific terms include any gender and include corporations.
- 1.4 The headings and subheadings used in this By-law shall not form a part of the By-law, but shall be deemed to be inserted for convenience of reference only.
- 1.5 This By-law is to be read in conjunction with all the Statutes referred to in the preamble hereto and in the event that there is a conflict between the provisions of this By-law and the provisions of the **Act** or its regulations, then the provisions of the **Act** and its regulations, as amended, prevail.
- 1.6 This By-law shall apply to all property in the **Town** of Perth.

- 1.7 Schedule "A", "B", "C - 1", "C - 2", and "D", attached hereto shall form part of this By-law.

PART 2. DEFINITIONS

2.1 Non-defined Terms

Definitions of words and phrases used in this By-law that are not included in the list of Defined Terms shall have the meanings that are commonly assigned to them in the context in which they are used, taking into account the specialized use of terms by the various trades and professions to which the terminology applies.

2.2 Defined Terms.

In this By-law all words or phrases shall have the meaning accorded to them in the **Building Code Act** or its regulation (the **Building Code**). In addition, in this By-law, the following words and phrases shall have the following meaning;

- 2.2.1 "Act" means the **Building Code Act**, 1992, S.O.1992, c.23, as amended.
- 2.2.2 "**Applicant**" means the **Owner** of a building or property who applies for a **Permit** or any person authorized to apply for a **Permit** on the owner's behalf, or any person or corporation empowered by statute to cause the construction, demolition, or the change of use of a building or buildings and anyone Acting under the authority of such person or corporation.
- 2.2.3 "**Building Code**" means the in-effect regulations made under Section 34 of the **Act**, including all applicable amendments.
- 2.2.4 "**Chief Building Official**" means a person performing duties as described under Section 1.1(6) and 1.1(7) of the **Act** as the **Chief Building Official** appointed pursuant to Section 3.(2) of the **Act** and by By-law of the Corporation of the **Town** of Perth for the purposes for the administration and enforcement of the **Act** and this By-law.
- 2.2.5 "**Complete Application**" means an application that meets the requirements set out in the **Building Code** and Part 4 of this By-law.
- 2.2.6 "**Conditional Permit**" means a **Permit** issued under Section 8(3) of the **Act**.

- 2.2.7 **“Digital Signature, or Digital Professional Seal”** means cryptographically protected information in which the veracity of the certificate details is certified by a recognized digital signature certificate authority.
- 2.2.8 **“Inspector”** means a person performing duties as described under Section 1.1(7) of the **Act** as a Deputy Chief Building Official, Building Inspector, or Plans Reviewer appointed pursuant to Section 3.(2) of the **Act** and by By-law of the Corporation of the **Town** of Perth for the purposes for the administration and enforcement of the **Act** and this By-law.
- 2.2.9 **“Owner”** means the registered **Owner** and includes lessee, or mortgagee of a building or property, or any person or corporation empowered by statute to cause the construction, demolition, or the change of use of a building or part thereof and anyone Acting under the authority of such corporation. Where an **Owner** is obligated by this By-law to undertake actions, they do so at their own expense.
- 2.2.10 **“Partial Permit”** means a **Permit** issued by the Chief Building Official to construct, demolish or change the use of part of a building
- 2.2.11 **“Permit”** means written permission, or written 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 **Building Code**.
- 2.2.12 **“Permit Holder”** means the **Owner**, as defined by **Building Code**, to whom the **Permit** has been issued or where a **Permit** has been transferred, the new **Owner** to whom the **Permit** has been transferred.
- 2.2.13 **“Plot Plan”** means a detailed drawing(s) of proposed improvements to a given property at a defined scale Plot Plans are also known as a Site Plan.
- 2.2.14 **“Principal Building”** means the first building constructed on vacant property, or the first building that replaces a previous **Principal Building** where accessory buildings already exist and are to remain.
- 2.2.15 **“Town”** means The Corporation of the **Town** of Perth.
- 2.2.16 **“Sewage System”** means a private on-site sewage system as defined in Article 1.4.1.2 of Division A of the **Building Code**.

PART 3. PERMITS REQUIRED

- 3.1 No person shall construct, demolish, or occupy a building or cause a building to be constructed, demolished, or occupied, unless a permit, as set out in Schedule "A" of this By-law has been issued.
- 3.2 No person shall change the use of a building or cause the use of a building to be changed, unless a permit, as set out in Schedule "A" of this By-law has been issued.
- 3.3 No person shall construct or demolish a **Sewage System** or cause a **Sewage System** to be constructed or demolished, unless a permit, as set out in Schedule "A" of this By-law has been issued.

PART 4. APPLICATION REQUIREMENTS FOR ALL PERMITS

General Requirements

- 4.1 In addition to a **Permit** application submission demonstrating conformance with the conditions listed in sections 4.5 to 4.16 of this By-law are met. 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**.
- 4.2 An application for a **Permit** may be refused by the **Chief Building Official** where it is determined that the application submission does not comply with section 4.1 of this By-law.
- 4.3 The **Chief Building Official** is delegated the authority to create and/or adopt for usage, forms (other than those prescribed by the **Act** or the Code) which provide for the collection of specific information in relation to **Permit** applications which information is necessary for the administration and enforcement of the **Act** and Code. The Chief Building Official's office shall maintain a list of forms that it has issued or adopted for usage.
- 4.4 The **Chief Building Official** may, as the **Chief Building Official** deems appropriate, provide prescribed forms in electronic format and may allow for electronic submission of completed **Permit** application forms, agency approval letters, and design documents.
- 4.5 Documents submitted with, or in support of, a **Permit** application to the **Chief Building Official** shall;
 - 4.5.1 Only contain the information that is relevant to the proposed works in the application. Any document submitted that is not required by this By-Law to be submitted with an application, or that has been deemed by the **Chief Building Official** as not relevant in the review of the application, shall be deemed to not form part of the application or the **Permit** issuance.

4.5.2 Where a document or plan that specifies options or optional work, the document or plan shall clearly identify which option is being proposed in the application. Prior to the issuance of any **Permit**, the **Chief Building Official** may require the **Applicant** submit revised documents with the options not relevant to the project removed from the document submissions.

4.6 Application Forms, Plans, Specifications and other related documents submitted in accordance with this By-law or otherwise required by the **Act** become the property of the **Town** and will be disposed of, or retained in accordance with relevant legislation or by-law.

4.7 Every application for a **Permit** to change the use of, alter, construct, or demolish, all or part of a Building, **Sewage System**, or Designated Structure defined under the **Act**, shall;

4.7.1 identify and describe in detail the work to be done and where applicable indicate the existing and proposed use and occupancy of the building, or part thereof, for which the building **Permit** application is made;

4.7.2 be accompanied by the plans, specifications, documents, forms and other information prescribed in Parts 5, and 10 of this By-law; and

4.7.3 be accompanied by acceptable proof of corporate identity and property ownership, unless such proof is determined by the **Chief Building Official** to be unnecessary.

4.7.4 include payment of all applicable **Permit** fees calculated in accordance with Part 7 of this By-law, unless the **Chief Building Official** indicates otherwise, payment of all applicable fees may be collected from the **Permit Holder** upon notice by the **Town** that a **Permit** is ready for release, but prior to release of any **Permit** documents. Pursuant to the **Act**, no **Permit** is deemed issued until payment of all applicable fees have been received by the **Town**.

Additional requirements for applications for permits to Demolish

4.8 In addition to the requirements of Section 4.7 of this By-law every application for a **Permit** to demolish a building shall:

4.8.1 in the case of partial building demolitions, identify and describe in detail the proposed use and occupancy and works to that part of the building that will remain upon completion of the demolition.

Additional requirements for application for permits to Construct Part of a Building

- 4.9 In addition to the requirements of Section 4.7 of this By-law, every **Applicant** for a **Partial Permit** shall:
- 4.9.1 file a **Permit** application for the entire project;
 - 4.9.2 file, in addition to the plans, specifications, documents, forms and other information prescribed in Parts 5, and 10 of this By-law for the entire project, also include sufficient plans, specifications, other information to identify part of the work for which application for a **Partial Permit** is made.
- 4.10 The **Chief Building Official** may issue a **Partial Permit** when the **Chief Building Official** determines it is appropriate to expedite the start of construction before a **Permit** for the entire building is available and where the relevant provisions of this By-law and the **Act** are met. When determining whether to issue a **Partial Permit**, the **Chief Building Official** shall have regard for the likelihood of subsequent approvals being available in a timely fashion such that a project is not interrupted and exposed to potential damage from the elements, while awaiting subsequent approvals.

Additional Requirements for application for Conditional Permits

- 4.11 In addition to the requirements of Section 4.7 of this By-law, every application for a **Conditional Permit** shall:
- 4.11.1 include a written statement from the **Applicant** explaining why the **Applicant** believes that unreasonable delays in construction would occur if a **Conditional Permit** is not granted;
 - 4.11.2 include a written acknowledgement from the **Applicant** of the necessary approvals that must be obtained in respect of the proposed building in order for the **Permit** to be issued and the time in which such approvals will be obtained;
- 4.12 The **Chief Building Official** may, at his/her discretion, issue a **Conditional Permit** where unreasonable delays are anticipated in obtaining all necessary approvals, and where the relevant provisions of this By-law and the **Act** are met.
- 4.13 Prior to the issuance of a **Conditional Permit** the **Applicant**, and any other persons the **Chief Building Official** determines, shall enter into a written agreement with the **Town**. The **Chief Building Official** is delegated the authority to sign a **Conditional Permit** agreement on behalf of the **Town**.

Additional Requirements for applications for permits for Change of Use Permit, or for Signs requiring a Building Permit

4.14 In addition to the requirements of Section 4.7 of this By-law, every application for a **Permit** for a Change of Use or Signs regulated by the **Building Code** shall:

4.14.1 where an application is made proposing the Change of Use of all or part of a building, the applicant shall identify and describe in detail the existing and proposed use(s) and occupancy, or occupancies, of the whole building.

4.14.2 where a **Permit** is required for wall and ground signs by the **Act** the requirements for a **Town** sign permit shall be waived.

4.14.3 Notwithstanding the relief of a Town sign permit, as described in subsection 4.14.2, the technical scope and limitations contained within the current edition of the **Town** Sign By-law shall apply to the project, except where a conflict exists between the **Town** By-law and the **Building Code**, in those instance the provisions of the **Building Code** shall prevail.

No Implication of *Permit* Availability

4.15 Notwithstanding the issuance of a **Permit** under Sections 4.10 (Partial Permit) or 4.12 (Conditional Permit) of this By-law, the **Chief Building Official** shall not be deemed, implied or obliged to issue any further or additional Permits for such property.

4.16 Where construction has commenced prior to the issuance of a **Permit**, a **Permit** based on any of the above applications may be issued at the sole discretion of the **Chief Building Official**.

Abandoned *Permit* Applications or issued *Permit*, and Revoked *Permits*

4.17 An application for a **Permit**, or an issued **Permit** may be deemed to be abandoned where:

4.17.1 the application has been determined to be incomplete pursuant to Section 4.2 of this By- law and remains incomplete for a period 30 days from the date the application was determined to be incomplete; or

4.17.2 the **Applicant** has failed to obtain a copy of a **Permit** within 30 days of being notified that such **Permit** is available for issuance (including where the payment of any outstanding fees is required at the time of issuance); or

4.17.3 where a **Permit Holder** has failed to commence construction or demolition within six months of the **Permit** issuance date, or demonstrates a failure to continue construction or demolition by not obtaining prescribed inspections from the **Chief Building Official** or designate, within the time frames listed in Section 8.(10) of the

Building Code Act, 1992, S.O. 1992, c.23, as amended; and

- 4.17.4 any ***Permit*** issued may be revoked in accordance to the provisions of Section 8.(10) of the ***Building Code Act***, 1992, S.O. 1992, c.23, as amended.

Revisions of Permits

- 4.18 After the issuance of a ***Permit*** under the ***Act***, the ***Applicant*** shall give notice to the ***Chief Building Official*** in writing of any material change to a plan, specification, document or their information upon which a ***Permit*** was issued, together with the details of such change, which change shall not be made without the prior written authorization of the Chief Building Official.

Additional Requirements for application for permits for Site Service Infrastructure or Mechanical Services

- 4.19 No ***Permit*** shall be issued for site services infrastructure or mechanical works unless the ***Applicant*** has provided the Chief Building Official the name, contact information, and if applicable, the license number, of the professional firms or individuals that install the following;

- 4.19.1 A water service, sanitary treatment or sewer, storm sewers, and plumbing systems
- 4.19.2 A heating, ventilation and air conditioning (HVAC) systems
- 4.19.3 A fire alarm, or electromagnetic locking device system
- 4.19.4 A sprinkler system and other fire suppression system
- 4.19.5 Any other system, device, product or component, not identified above that is mandated, by the product approval authority, to be installed by trained installers or technicians.
- 4.19.6 A ***Sewage System***

- 4.20 Notwithstanding the requirements of section 4.19 a home owner is exempt from complying with subsections 4.19.1 and 4.19.2 provided the work undertaken is on the premises in which they reside.

Separate Permit Applications

4. 21 Where parts of the construction or demolition proposed in an application are to take place in separate phases, stages, or timeframes, the ***Chief Building Official*** may require the ***Applicant*** to submit separate applications for each phase, stage, or timeframe of the proposed project.
4. 22 Where the construction or demolition proposed in an application contains multiple freehold units or multiple civic addresses for one building, the ***Chief Building Official*** may require the ***Applicant*** to submit separate applications

for each freehold unit or civic address.

Occupancy Permit Requests

4. 23 A **Permit Holder** may only request an occupancy inspection in writing, for the purposes of obtaining an Occupancy **Permit**, at least two (2) business days before a building, or part thereof is ready for occupancy inspection, and after a minimum of two (2) business days have elapsed since the **Permit Holder** submitted to the **Chief Building Official** “close out” documents applicable to the project, such as, but not limited to;
- Substantial Completion or Occupancy letters issued by the project Professionals,
 - Commissioning and/or Test or Verification Certificates in accordance to governing Standards, or
 - Approval Reports or Certificates issued by other Governing Agencies.

PART 5. PLANS AND SPECIFICATIONS

- 5.1 As part of the application for a **Permit** and in addition to the requirements of Part 4 of this by- law, every **Applicant** shall submit to the **Chief Building Official** sufficient plans, specifications, documents, forms, as described in Schedule “B” of this By- law, and such other information as may be deemed necessary by the **Chief Building Official** to determine whether the proposed construction, demolition, or change of use conforms to the **Act**, and the **Building Code**;
- 5.2 Plans, specifications and other documents which are submitted to satisfy section 5.1 of this By-law shall:
- 5.2.1 be fully coordinated among design disciplines and intended for construction, demolition or change of use; and,
 - 5.2.2 be fully dimensioned and drawn to a suitable scale that clearly depicts the proposed construction, demolition or change of use; and,
 - 5.2.3 include a Title Block containing; project title or proposed use of building, property owner's name, municipal address of the project location, scale of drawing, drawing title, date drawing produced or revised and,
 - 5.2.4 include the designer's *contact*, qualification information, affixed with the appropriate seal embossed with the designer's signature and date of seal, as required, by applicable legislation and associated regulations; and,
 - 5.2.5 except where authorized by the **Chief Building Official**, pursuant to section 4.4, and sections 5.9 to 5.15 (electronic submission) of this By-law, be submitted on paper or other suitable and durable material; and
 - 5.2.6 contain information and English text that is clear and legible, signatures

shall be the original wet ink signature; and

5.2.7 In lieu of separate designs and specifications produced by specialized design disciplines and where designs are not otherwise regulated by legislation, essential information may be shown on drawings, however the use of generic terms such as “by others”, “as per the **Building Code**”, “in accordance with....”, etc... shall not be used; and,

5.2.7 must be clearly marked “for Building Permit” or such similar language indicating the drawing copy is meant for building permit review.

5.3 Unless waived by the **Chief Building Official**, every application for single dwelling residential projects shall be accompanied by two (2) sets of plans, specifications documents and other information required to facilitate the administration and enforcement of the **Building Code**. Where digital submission is accepted by the **Chief Building Official**, the **Applicant** shall submit one (1) set of plans on paper sized 11” x 17” and one (1) set specifications documents on paper sized 8.5” x 11” or 8.5” x 14”.

5.4 Unless waived by the **Chief Building Official**, every application for non-single dwelling residential projects shall be accompanied by three (3) sets of plans, specifications documents and other information required to facilitate the administration and enforcement of the **Building Code**. Where digital submission is accepted by the **Chief Building Official**, the **Applicant** shall submit one (1) set of plans on paper sized 11” x 17” and one (1) set specifications documents on paper sized 8.5” x 11” or 8.5” x 14”.

5.5 On completion of the construction of a building, the **Chief Building Official** may require the **Owner** to Submit a set of as-constructed plans, in accordance with sections 5.3 or 5.4 of this By-law.

5.6 Survey Required – On completion of the construction of a new **Principal Building** that is not subject to the conditions of a registered Site Plan or Plan of Subdivision Agreement, the **Chief Building Official** may require the **Owner** to submit two (2) sets of as-constructed plan of survey, prepared by a registered Ontario Land Surveyor showing the location of the building to facilitate the administration and enforcement of the **Building Code** requirements as they pertain to spatial separation, fire access routes, etc.... Where digital submission is accepted by the **Chief Building Official**, the **Owner** shall submit one (1) set of plans on paper sized 11” x 17” and one (1) set specifications documents on paper sized 8.5” x 11” or 8.5” x 14”.

5.7 Grading Plan Required – On completion of the construction of a new **Principal Building** that is not subject to the conditions of a registered Site Plan or Plan of Subdivision Agreement, the **Chief Building Official** may require the **Owner** to submit two (2) sets of as-constructed grading plan to facilitate the administration and enforcement of **Building Code** requirements as they pertain to building

height determination, fire access routes, grading drainage, barrier free design, etc.... This plan shall be accompanied by a statement certifying the grading has been constructed either, in accordance with the approved proposed grading plan, or indicating that the grading, as constructed, has been constructed in accordance with accepted engineering practices as to not adversely affect neighboring properties, and meets the intended storm water management practices of the area. Both documents shall be prepared, signed and sealed by a Professional Engineer, licensed to practice in the Province of Ontario. Where digital submission is accepted by the **Chief Building Official**, the **Owner** shall submit one (1) set of plans on paper sized 11" x 17" and one (1) set specifications documents on paper sized 8.5" x 11" or 8.5" x 14".

- 5.8 Upon the completion of construction of accessory buildings for which a building permit is required, or additions to any existing buildings, at the discretion of the **Chief Building Official**, the **Owner** may be required to submitted the documents required in Sections 5.6 and 5.7 of this By-law.

Electronic Document Requirements

- 5.9 Digital documents shall be separated into individual files for each document type, for example, application forms and schedules, construction plans from different areas of discipline, specification or regulatory authorization documents shall not be saved together. Each file shall be named and labelled accordingly to describe its contents. Individual saved documents may be saved in .ZIP folder to facilitate delivery.
- 5.10 Individual digital documents shall be provided in any combination of .PDF, .JPG, .DOCX, or .XLSX file format, shall have a document size not less than 8.5"x11" and not exceeding 36"x48", and any individual electronic file size shall not exceed 100 megabytes.
- 5.11 Where a document is a scanned copy or photographed copy, the document shall be formatted to be centered, aligned, and cropped to only display relevant information.
- 5.11 Document endorsement must be in an accepted "**Digital Signature, or Digital Professional Seal**" format.
- 5.12 The **Chief Building Official** may require digital documents to be provided by an Applicant with optical character recognition (OCR) and saved in a searchable format for Building Staff review.
- 5.13 Digital submissions may be e-mailed to the Building Clerk at buildingadmin@perth.ca or upload to a secure and recognized online file sharing system or website, with access granted to Building Staff.
- 5.14 The **Chief Building Official** may refuse a digital submission if, after consultation with the Town's IT Manager, the digital safety and security of the Town may be compromised by the submission.
- 5.15 The **Chief Building Official** may require that hard copy applications be

accompanied by the same submission in digital format that meets the standards for digital submission and digital documents as specified by this By-Law.

PART 6. AUTHORIZATION OF ALTERNATIVE SOLUTIONS

- 6.1 Where approval for an Alternative Solution under the **Building Code** is proposed in either the application for a permit, or in a material change to a plan, specification, document or other information on the basis of which a **Permit** was issued, the **Applicant** shall submit:
- 6.1.2 an application on a form prescribed by the Chief Building Official;
 - 6.1.3 supporting documentation demonstrating that the proposed Alternative Solution will provide the level of performance required by the **Building Code**; and
 - 6.1.4 payment of the required fees prescribed by Part 7 of this By-law.

PART 7. PERMIT FEES, ADMINISTRATIVE FEES, AND REFUNDS

Permit Fees, Administrative Fees.

- 7.1 The total of all fees shall be calculated utilizing the calculation methods described in Schedule "C - 1" of this By-law and the individual fees, or a combination thereof, listed in Schedule "C - 2" of this By-law that, in the opinion of the **Chief Building Official**, most closely reflect the scope and nature of the proposed project and in accordance with the provisions of this By-law. Schedule "C - 2" shall be adjusted annually on January 1st of the new year, to increase the fees based on the Consumer Price Index (CPI) of the previous year, rounded up to the next ten cents (\$0.10).
- 7.2 Where project valuation is used to calculate fees, the **Chief Building Official** may place a valuation on the cost of the proposed project and where disputed by the **Applicant**, the **Applicant** shall pay the required fee under protest and, within six months of completion of the project, shall submit an audited statement of the actual costs. Where the **Chief Building Official**, in his sole discretion, agrees that the audited costs are less than the valuation, the **Chief Building Official** may issue a partial refund that reflects the difference between the two amounts. Where the project valuation exceeds thirty-five thousand dollars, the minimum fee amount shall be waived from the overall permit fee calculated total.
- 7.3 Where the **Chief Building Official** determines that a third-party evaluation is required to assist in the determination of compliance with the **Act**, the **Building Code** and associated Regulations or Standards, the **Owner** of the subject property shall pay a non-refundable fee to the **Town** equal to all fees and disbursements incurred by the **Town** for the third party review, and all other costs associated to the use of **Town** resources used to engage and obtain a third party evaluation.
- 7.4 Where the **Chief Building Official** determines that a professional legal consultant is required to assist in the determination of; compliance with, or the enforcement

of, the **Act**, the **Building Code**, and associated Regulations or Standards, the **Owner** of the subject property shall pay a non-refundable fee to the **Town** equal to all fees and disbursements incurred by the **Town** and all other costs associated to the use of **Town** resources used to engage a legal consultant.

- 7.5 Where an **Applicant** makes application for a **Conditional Permit**, the **Applicant** shall pay a non-refundable administrative fee to the **Town** equal to all fees and disbursements incurred by the **Town** for engaging a legal consultant for the drafting and registration of **Conditional Permit** agreements.
- 7.6 The **Chief Building Official** shall not issue a discharge certificate of an order, issued under the authority of the **Act**, to the proper land registry office until the **Owner** of the subject property has paid a non-refundable fee to the **Town** equal to all fees and disbursements incurred by the **Town** to register and to discharge the order.
- 7.7 In addition to fees described in Sections 7.1 to 7.5 of this By-law, any person who commences construction, demolition, occupies, or changes the use of building or part thereof prior to the issuance of a **Permit** to construct, demolish, occupy, or change the use of a building or part thereof, in addition to any penalty imposed under the **Act** or **Building Code**, shall pay the applicable **Permit** fees listed in Schedule "C - 2" of this By-law and an additional non-refundable administrative fee equal to the value of the applicable **Permit** fees listed in Schedule "C - 2" of this By-law.
- 7.8 Where the **Chief Building Official** grants a reinstatement of a suspended or revoked **Permit**, the **Owner** shall pay a non-refundable administrative fee equaling half the value of the applicable Permit fees listed in Schedule "C - 2" of this By-law.
- 7.9 The **Chief Building Official** shall not issue a **Permit** until all fees required by this By-law have been paid in full by the **Applicant**; and,
- 7.9.1 If **Permit** issuance is refused due to non-compliance with Section 8.(2) of the **Act**, the property **Owner** shall be invoiced any outstanding fees calculated in accordance with this by-law. Payment shall be due payable from the date of the invoice.
- 7.10 Where any fees set out in this By-law remain unpaid 15 days after the due date, the amount unpaid shall be added to the tax roll and collected as taxes.

Refunds of Fees and Deposits

- 7.11 Except for revoked permits, where a project is withdrawn or abandoned by the **Owner** and upon written request by the **Owner**, the **Chief Building Official** may determine the applicable refund available, in accordance with the refund provisions of this By-law, and issue a refund to only the party that made payment to the **Town**.

Part 8. TRANSFER AND RENEWAL OF PERMITS

- 8.1 If the **Owner** of the land changes subsequent to the issuance of a **Permit** and prior to the final inspection related thereto, the **Permit** may be transferred to the new **Owner** (the transferee) of the subject lands upon the submission of an application in accordance with the requirements of Part 4 of this By-law, and where such application is accompanied by the following:
- 8.1.2 Proof of ownership of the subject lands by the transferee;
 - 8.1.3 written confirmation from the Designer, Architect and/or Professional Engineer or such other qualified person referenced in the original application that such person or firm has been retained to continue to provide the stated services in respect of the application (if such services continued to be required under the **Act** or **Building Code**) or the name, address, telephone number of the Designer, Architect and/or Professional Engineer or such other qualified person and where applicable the written confirmation of such person or firm that they have been retained in relation to the application;
 - 8.1.4 the payment of applicable fees set out in Part 7 of this By-law.
- 8.2 Upon the issuance of a transfer of **Permit** to the transferee, the transferee shall be deemed to be the **Permit Holder** and the original **Permit Holder** shall have no further rights or obligations to the **Town** under the **Permit** save and except for any obligations set out in an agreement entered into under Section 8.(3).(c) of the **Act**.
- 8.3 Whereupon the **Chief Building Official** allows an abandoned **Permit**, as determined by section 4.17.3 of this By-law, to be renewed. The **Owner** shall pay a administrative renewal fee prescribed in the list in Schedule "C - 2" of this By-law in the first month of January after 12 months' time has elapsed from the date of **Permit** issuance, or the date of the last recorded inspection, whichever is later, and each subsequent January thereafter until such time that the **Permit** file is deemed closed by the **Chief Building Official**.

Part 9. NOTICES FOR INSPECTIONS

- 9.1 The **Permit Holder** shall provide Inspection notices required by the **Building Code** and this By-law in writing, or by telephone to the **Town** using the phone number or e-mail address indicated on the **Permit** card issued.
- 9.2 Prescribed (Mandatory) Inspection notices are required to be submitted by the **Permit Holder** a minimum of;
- 9.2.1 five business days prior to the stages of construction specified therein for **Sewage Systems** in accordance with the requirements of sentence 1.3.5.(2) of Division C of the **Building Code**.
- 9.2.2 two business days prior to the stages of construction specified therein for all other prescribed inspections not listed in subclause 9.2.1 of this By-law in accordance with the requirements of sentence 1.3.5.(1) of Division C of the **Building Code**.
- 9.3 The **Permit Holder** shall notify the **Chief Building Official** of the commencement date of each stage of construction for which a notice is prescribed by the **Building Code**.
- 9.4 Notwithstanding Part 10 of this By-law, the person to whom the **Permit** has been issued shall notify the **Chief Building Official** of the date of completion of the building or demolition work no more than two days after that date.
- 9.5 In addition to the notices prescribed in Article 1.3.5.1 of Division C of the **Building Code**, where the **Chief Building Official** has notified the **Permit Holder**, in writing, of those stages of construction set out in Article 1.3.5.2 of Division C of the **Building Code** that are also applicable to the project for which the **Permit** has been issued. The **Permit Holder** shall give notice two business days prior to the readiness for inspection of those stages of construction, to the **Town** using the phone number or e-mail address indicated on the **Permit** card issued.
- 9.6 All notices for inspections as described above shall not be deemed effective until the notice is acknowledged as received by the **Chief Building Official** or designate in writing or by telephone.

PART 10. FENCING CONSTRUCTION SITES

- 10.1 Where, in the opinion of the **Chief Building Official**, a construction or demolition site presents a hazard to the public, the **Chief Building Official** may require the **Permit Holder** to erect such fencing to the standards and specifications that the **Chief Building Official** deems to be appropriate in the circumstances.
- 10.2 When determining if a construction or demolition site presents a hazard to the public and requires the erection of fencing and the type of fencing required, the **Chief Building Official** shall have regard to:

- 10.2.1 the proximity of the construction site to occupied dwellings; and,
- 10.2.2 the proximity of the construction site to lands accessible to the public, including but not limited to streets, parks and commercial and institutional activities; and,
- 10.2.3 the hazards presented by the construction activities and materials; and,
- 10.2.4 the feasibility and effectiveness of site fencing; and
- 10.2.5 the duration of the hazard.

- 10.3 When the **Chief Building Official** is of the opinion that fencing is required, the **Permit Holder** shall, prior to the commencement of any construction, demolition, or placement of materials or equipment on site, erect or cause to be erected fencing to the standards required by the **Chief Building Official** to enclose the construction or demolition site for the purposes of preventing unauthorized entry on the site. For the purposes of this section, construction or demolition site shall include the area of the proposed construction or demolition and any area where materials or equipment are stored or operated.

PART 11. QUALIFICATION AND APPOINTMENTS OF BUILDING OFFICIALS

- 11.1 The **Chief Building Official, Inspectors**, and any consultants contracted as **Inspectors** shall be appointed by By-law, as prescribed in the **Act**, for specific duties based on the qualification and registration requirements as set out in the **Act** and **Building Code**.
- 11.2 The **Chief Building Official** may delegate the performance of his or her duties from time to time as occasion requires to an appointed **Inspector** provided the duties assigned are limited to the scope of the Inspector's qualifications as registered with the Ministry.
- 11.3 The **Chief Building Official, Inspectors**, and any consultants contracted as **Inspectors** appointed by By-law shall conform to the Code of Conduct found in Schedule D of the By-law, and in accordance with Section 7.1(1) of the **Act**.

Emergency response – temporary appointment of Inspectors

- 11.4 Upon receiving notice of a declared emergency, the Chief Administrative Officer may authorize the **Chief Building Official** to appoint **Inspectors** (including the function of revoking such appointments), under section 3 of the **Building Code Act**, 1992, subject to the following conditions:
 - 11.4.1 the Chief Administrative Officer has determined the state of emergency has overwhelmed the Building Department's resources; and

11.4.2 prior to appointment, each candidate shall have the necessary legislated **Inspector** qualifications.

PART 12. OFFENCES AND PENALTIES

12.1 Any person is guilty of an offence and is subject to a penalty in accordance with Part 36 of the **Building Code Act**, 1992, S.O. 1992, c.23, as amended if the person:

12.1.1 knowingly furnishes false information in any application under the **Act**, in any certificate required to be issued or in any statement or return required to be furnished under the **Act** or the regulations;

12.1.2 fails to comply with an order, direction or other requirement made under the **Act**, or

12.1.3 contravenes the **Act**, the regulations or this By-law passed under Section 7 of the **Act**.

PART 13. SEVERABILITY

13.1 If a court of competent jurisdiction should declare any section or part of a section this By-law to be invalid such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of this By-law and it is hereby declared that the remainder of this By-law shall be valid and shall remain in force.

PART 14. REPEAL AND TRANSITION

14.1 By-law No. 5049 is hereby repealed in their entirety upon the date that this By-law comes into force.

PART 15. EFFECTIVE DATE

15.1 This By-law shall come into force and effect on the date it is passed by Council.

Read a first time, second and third time and finally passed this 16th day of April, 2024.

Judy Brown, Mayor

Susan Beckel, Clerk

Seal

SCHEDULE "A" TO BUILDING BY-LAW NO. 5145

CLASSES OF PERMITS

BUILDING PERMIT:

To comply with the requirements of section 8.(1) of the **Act**, a **Permit** issued by the **Chief Building Official** to allow all types of construction or demolition, including the following subcategories of permits listed below, as governed by the **Act** and the **Building Code**, as amended.

CONDITIONAL PERMIT:

To comply with the requirements of section 8.(3) of the **Act**, a **Permit** issued by the **Chief Building Official** to allow construction or demolition, where an application complies with section 8.(3) of the **Act**. Pursuant to section 8.(3.1) of the **Act**, the **Chief Building Official** is hereby authorized to execute the written agreement referred to in Part 4 of this By-law on behalf of the **Town** where the **Chief Building Official** is satisfied that the compliance required under section 8.(3) of the **Act** has been achieved.

DEMOLITION PERMIT:

To comply with the requirements of section 8.(1) of the **Act**, a **Permit** issued by the **Chief Building Official** to allow for the demolition of all or part of a building or structure, as governed by the **Act** and the **Building Code**, as amended.

PARTIAL PERMIT:

To comply with the requirements of section 8.(1) of the **Act** and pursuant to section 7.(1)(a) of the **Act**. When a **Permit** is applied for in accordance to the provisions of the Building By-law, where an application for a portion of a project complies with section 8.(2) of the **Act**, in order to expedite work, the **Chief Building Official** may grant approval for construction to proceed for a portion of a structure. Not to be confused with a Conditional Permit issued under section 8.(3) of the **Act**.

SEWAGE SYSTEM PERMIT

To comply with the requirements of section 8.(1) of the **Act**, a **Permit** issued by the **Chief Building Official** to allow construction of a **Sewage System** in accordance with Part 8 and other applicable sections as governed by the **Building Code** and the **Act**, as amended.

SITE SERVICING PERMIT

To comply with the requirements of section 8.(1) of the **Act**, a **Permit** issued by the **Chief Building Official** to allow construction of a private water and sewer

services to be connected to public infrastructure in accordance with Part 7 and other applicable sections as governed by the ***Building Code*** and the ***Act***, as amended.

CHANGE OF USE PERMIT:

To comply with the requirements of section 10.(1) of the ***Act***, a ***Permit*** issued by the ***Chief Building Official*** to allow the Change of Use of a Building, or part thereof where no construction is proposed in accordance with Part 10 and other applicable sections as governed by the ***Building Code*** and the ***Act***, as amended.

OCCUPANCY PERMIT:

To comply with the requirements of section 11.(1) of the ***Act***. Pertains to a Certificate of Occupancy, or a final inspection report issued by the ***Chief Building Official*** in accordance with Section 1.3 of Division C of the ***Building Code***, as amended.

SCHEDULE "B" TO BUILDING BY- LAW NO. 5145

Plans, Specifications and Documentation Requirements

General Provisions applicable to all Projects.

Plans and Specifications shall be prepared and sealed by licensed professionals as required by the Professional Engineers Act, Architects Act, and ***Building Code***.

Where a project is exempted by the legislations listed above to be designed by a professional Engineer and/or Architect. Plans and Specifications shall be prepared and appropriately labeled and signed by persons accredited with the appropriate BCIN qualifications as listed in the ***Building Code***

Where a project is exempted by the Building Code to be designed by persons accredited with the appropriate BCIN qualifications as listed in the ***Building Code***. The property ***Owner*** shall appropriately label the drawings they are taking responsibility for.

Type 1 Projects

New construction of, addition to, or alteration to the following building uses are considered Type 1 Projects;

- Single Detached homes,
- Semi-detached homes,
- Town Homes,
- Duplexes, and
- Any ancillary buildings or structures servicing the above noted uses

The following plans and specifications, as applicable to the scope of works proposed are required for Type 1 Projects;

- ***Plot Plan***, based off a recent survey, for the purposes of demonstrating zoning compliance
- Grading and Site Services Plan, sealed by a Licensed Professional Engineer
- Architectural,
- Structural,
- HVAC,
- Electrical Layout; and,
- Additional Sections, Plans, Details, or Specifications as determined by the scope of the work involved, for example, but not limited to;
 - Details sealed (by P. Eng.) for engineered manufactured products, i.e. trusses,
 - Site Design for spatial separation, exposed building face and drainage patterns,
 - Site, Profile, and Section Plans with specifications showing location of proposed or existing ***Sewage System*** and such features (buildings, wells, etc...) both on the property and neighboring properties, that govern the design and location of a ***Sewage System***.
 - Technical details of an existing ***Sewage System*** (class, size, age, etc..)
 - Site, Profile and Section Plans with specifications showing location of proposed or existing private water and sewer services and such features on the property, neighboring properties, and municipal right of ways that govern the design and location of a private water and sewer system as governed by

Part 7 of the **Building Code** and the **Act**, as amended.

- Ventilation Design Summary and Heat Loss and Gain Calculations,
- Energy Efficiency Design Summary form for Part 9 Residential Houses,
- Lighting, and smoke and carbon monoxide detectors layouts

Also see additional form requirements for all projects at the bottom of this schedule

Noting that for alterations, repairs and minor additions the **Chief Building Official** may accept less.

Type 2 Projects

New construction of, addition to, or alteration to the following buildings, or structures are considered Type 2 Projects;

- Industrial,
- Commercial,
- Institutional,
- Multi-Residential (not listed above),
- Designated Structures, as defined by the **Building Code**, and
- Any ancillary building or structures servicing the above noted uses.
- Temporary Structures regulated by the **Building Code**.

The following plans and specifications, as applicable to the scope of works proposed are required for Type 1 projects;

- **Plot Plan**, based off a recent survey, for the purposes of demonstrating zoning compliance
- Grading and Site Services Plan, sealed by a Licensed Professional Engineer
- Architectural,
- Structural,
- Mechanical,
- Electrical Layout; and,
- Additional Sections, Plans, Details, or Specifications, for example, but not limited to;
 - Fire Access route design with hydrant locations, or on site water supply,
 - Site Storm and Sanitary layouts,
 - Site, Profile and Section Plans with specifications showing location of new or existing **Sewage System** and such features (buildings, wells, etc...) both on the property and neighboring properties, that govern the design and location of a **Sewage System**.
 - Technical details of an existing **Sewage System** (class, size, age, etc..)
 - Site, Profile, and Section Plans with specifications showing location of proposed or existing private water and sewer services and such features on the property, neighboring properties, and municipal right of ways that govern the design and location of a private water and sewer system as governed by Part 7 of the **Building Code** and the **Act**, as amended.
 - Details sealed (by P. Eng.) for engineered manufactured products, i.e. trusses,
 - HVAC,
 - Energy Efficiency Design SB10 forms (Part 3 or Part 9 Non-Residential Buildings),

- Plumbing,
- Sprinklers,
- Lighting, interior and exterior,
- Emergency Lighting system, and
- Fire Alarm system

Also see additional form requirements for all projects at the bottom of this schedule

Noting that for alterations or repairs the **Chief Building Official** may accept less.

All Projects – Additional Forms and Documents (where applicable)

- Property owner's Letter of Authorization appointing an agent
- Commitment to General Review signed by all project team disciplines
- **Building Code** Data Matrix
- Geotechnical Investigation Report
- Copies of authorizations/permits from other approving agencies (Applicable Law approvals)
- Such other information as may be deemed necessary by the **Chief Building Official** to determine whether the proposed construction, demolition, or change of use conforms to the **Act**, and the **Building Code**
- On-site **Sewage System** supporting documentation for new, repair or replacement, or a change of use or property development
 1. Statement of Design form
 2. Designs and Specifications of new system
 3. Lab Report classifying the soils for the purposes of determining percolation time in accordance with the Unified Soils Classification System
 4. A Site Evaluation Report which shall include all of the following items:
 - include the date the evaluation was done;
 - include name, address, telephone number and signature of the person who prepared the evaluation;
 - include a scaled map of the site showing:
 - the legal description, lot size, property dimensions, existing rights-of-way, easements or municipal / utility corridors;
 - the location of items listed in Part 8 of the Ontario Building Code;
 - the location of the proposed **sewage system**;
 - the location of any unsuitable, disturbed or compacted areas;
 - proposed access routes for system maintenance;
 - depth to bedrock;
 - depth to zones of soil saturation;
 - soil properties, including soil permeability, and
 - soil conditions, including the potential for flooding.

This required information is in addition to any information specified in Parts 4 and 5 of By-law No. 5049.

SCHEDULE "C - 1" TO BY- LAW NO. 5145

FEE CALCULATION AND REFUND PROVISIONS OF PERMIT AND ADMINISTRATIVE FEES

General Fee Calculations Provision

- (1) The total sum of all applicable fees and charges listed in Schedule "C - 2" of this By-law that, in the opinion of the **Chief Building Official**, most closely reflects the scope and nature of a proposed project, shall be used to determine the total of **Permit** fees to be collected.
- (2) The following method establishing the total gross area shall be used;
 - a) Each floor area, shall be measured between the outside surfaces of exterior walls, or between the outside surfaces of exterior walls and the centre line of Firewalls or Party Walls. For structures like Mezzanines, Decks/Porches, and Loading Docks the area shall be measured between the platform edge to platform edge, or between the platform edge to an abutting wall face. The summation of these calculations shall be considered the total gross floor area. No deductions shall be made for openings within a Floor, i.e. stairwells, elevator shafts, service shafts (ducts, etc.).
 - b) In the case of canopy roof structures, similar to carports, the area measured shall be measured between the roof fascia edge to roof fascia edge, or between the roof fascia edge to an abutting wall face. No deductions shall be made for service penetrations, such as chimneys, and design features such as skylights, etc...
 - c) A horizontal plane may be projected over sloping and stepped areas of floors, or canopy roof structures to determine gross area in lieu of actual surface area.
 - d) In the case of interior finishes, alterations or renovations, gross area of proposed work is the actual space receiving the work, e.g. tenant suite.
 - e) In addition to the above, where multiple building occupancy uses are shown on the permit drawings. The gross floor area of each different occupancy use shall be calculated separately so that the corresponding fee listed in Schedule "C - 2" of this By-law can be applied; and,
 - i. ancillary floor areas such as, storage rooms or closets, washrooms, mechanical spaces, etc... shall be included in the overall floor area of the occupancy use to which they primarily serve, are located in, or accessed from; and,

- ii. In the case of shared floor areas, such as corridors, foyers, vestibules, etc. that service two or more occupancy uses, the total gross area of the shared floor area shall be added to the total gross floor area of the occupancy use with the greatest fee value listed in Schedule "C - 2" of this By-law; and,
 - iii. In the case of common element floor areas, such as, basements, mechanical rooms, etc. that service two or more occupancy uses, the total gross area of the common floor area shall be added to the total gross floor area of the occupancy use with the greatest fee value listed in Schedule "C - 2" of this By-law.
- (3) In the case of renovations, internal demolitions required to facilitate, and are a part of the renovation project shall be exempt from fees. Where a demolition **Permit** is required in advance of the renovations for the purposes of site condition investigation, the permit fee for the subsequent **Permit** issued for renovation shall be adjusted as to reflect a reduction of the fee to a value equal to the fees collected at the issuance of the demolition **Permit**.

Fee Refund Provisions

- (1) Refunds of fees collected under the authority of this By-law, shall be provided in accordance with sentences (2), and (3) listed below, where;
- a) Building **Permits** have been issued, but no construction has commenced,
 - b) Building **Permits** have not been revoked,
 - c) Building **Permit** Applications have not expired,
 - d) Requests for refunds must be submitted to the **Chief Building Official** in writing who will determine the amount of fees, if any, that may be refunded.
- (2) The amount of fees refundable shall be calculated based on the total of fees collected under the authority of this By-law, as follows:
- a) 75 percent of all fees, except for non-refundable administrative fees and other enforcement costs, are refundable if **Applicant** cancels application prior to release of **Permit** for issuance;
 - b) 50 percent of all fees, except for non-refundable administrative fees and other enforcement costs, are refundable if the **Applicant** cancels the **Permit** after **Chief Building Official** has released the **Permit** for issuance;
 - c) Refunds will be further reduced by 10% for each inspection performed after permit issuance until 100% is achieved. Then no further refund is available.

SCHEDULE “C - 2” TO BY- LAW NO. 5145

TABLE OF FEES

2025 Building Permit Fees- Effective February 18, 2025

Table 1 – Project Minimum – Fees (per application)		
Residential project	Detached Garage	\$ 590.00
	Creation of a new dwelling unit	\$ 590.00
	New Basement Install	\$ 590.00
	Carport	\$ 590.00
	Foundation Repair (Structural)	\$ 265.00
	Deck, verandah, landing	\$ 265.00
	Foundation Repair (Non Structural)	\$ 265.00
All Construction project	Addition to a building	\$ 590.00
	Minimum Fee for projects not listed above	\$ 265.00
Table 2 - New Construction and Additions - Area Fees (area fee = \$/Ft²)		
Group A	Civic Performing Arts, Galleries, Museums	\$ 3.10
	Civic Centers, Community Centers, Recreation Centers, Libraries, Arenas, Courthouses, Places of Worship, Universities, Colleges, Lecture Halls	\$ 2.65
	High Schools, Technical Schools, Movie Theatres, Restaurants.	\$ 2.65
	Elementary Schools, Day Care.	\$ 2.65
Group B	Acute Care Hospitals, Laboratories.	\$ 3.60
	Penitentiaries, Detention Facilities.	\$ 2.65
	Nursing Homes, Long Term Care Residences.	\$ 2.65
	Group Homes, Custodial Residences.	\$ 2.65
Group C	Single Detached, Semi Detached, Apartment Buildings, Condos, Hotels, Inns, Assisted Living, Senior’s Residences.	\$ 2.50
	Row Townhouses/Stack Townhouse, Motels.	\$ 1.95
	Residential Garages (detached and attached).	\$ 1.60
	Decks, Porches, Veranda’s.	\$ 1.05
	Finished Basement area for new build.	\$ 0.90
	Unfinished Basement area for new build	\$ 0.55
Group D/E	Medical Centers, Clinics, Civic Administration, Police Stations, Banks, Indoor Malls.	\$ 2.65
	Offices, Restaurants. Office Building Shell. Strip Plazas, Stores, Supermarkets, Exhibition Halls, Retail Outlets, Car Dealerships.	\$ 2.65
Group F	Fire Stations, Gas Stations, Car Wash, Vehicle Maintenance & Admin.	\$ 2.65
	Heavy, Specialized Industrial and Utilities (Breweries, Distilleries etc.).	\$ 2.65

Group F	Light Industrial, Warehouses, Service Floors, Mezzanines, Underground Parking Garages.	\$ 2.65
	Storage Structures, Enclosed Shelters, Above Ground Parking Garages.	\$ 2.65
Table 3 - Renovations – Fees (fee type varies)		
Group C	New Apartment Units. (area fee = \$/Ft ²)	\$ 2.50
	Residential Additions. (area fee = \$/Ft ²)	\$ 2.50
Renovation of All Buildings	All renovations to existing spaces in Group A, B, C, D, E, F Occupancies (fee=% of project value)	3.90%
Table 4 - Service Systems and Conditional Permit – Fees (fee type varies)		
Service System	New HVAC install (per unit)	\$ 325.00
Service System	Plumbing Fee (per fixture)	\$ 24.00
Conditional Permit	Conditional Permit – All Development Charges collected at the time of permit issuance. (per application)	\$ 540.00
Table 5 - Admin and Project Specific Minimum Total - Fees (fee type varies)		
Project /Documentation	Alternative Solution Request Reviews. (per report submitted)	\$ 265.00
	Revision of Permit (per revision)	\$ 265.00
	Extra inspections or after re-inspection. (per inspection)	\$ 150.00
	Letter of Conformance to other Agency (per letter)	\$ 140.00
	Building Compliance Report (FILE SEARCH REQUESTS) Plus \$0.25 per 8 1/2X11 photo copies (per request and per property or suite)	\$ 140.00
	Transfer of Permit (per request)	\$ 140.00
Project Specific Minimum	New Building ≤ than 300m ² gross floor area (GFA)	\$ 1,215.00
	New Building between 301m ² to 599m ² of GFA	\$ 2,429.90
	New Building > than 600m ² of GFA	\$ 3,644.80

SCHEDULE “D” TO BY-LAW NO. 5145

CODE OF CONDUCT FOR BUILDING OFFICIALS

Preamble

The Code of Conduct applies to the **Chief Building Official** and **Inspectors** appointed under the **Building Code Act** in the exercise of a power or the performance of a duty under the **Building Code Act** or the **Building Code**. The purpose of the Code is to promote appropriate standards of behavior and enforcement actions to ensure building officials apply standards of honesty and integrity, and to prevent practices constituting an abuse of power including unethical or illegal practices.

Standard of Conduct

Building Officials undertake to:

1. Always act in the public interest, particularly with regard to the safety of building works and structures.
2. Not to act where there may reasonably appear to be a conflict between their duties to their employer, their profession, their peers and the public at large and their personal interests.
3. Apply all relevant building by-laws, codes and standards appropriately and without favour.
4. Perform their inspections and plan examination duties impartially and in accordance with the highest professional standards.
5. At all times abide by the highest moral and ethical standards and avoiding any conduct, which could bring or tend to bring Building Officials into disrepute.
6. Comply with the provisions of the **Building Code Act**, the **Ontario Building Code** and other Acts or Laws that regulate or govern Building Officials or their functions.
7. Not to act beyond their personal level of competence, of **Building Code**, the qualifications they have attained, or outside their area of expertise.
8. Maintain current accreditation to act as an Ontario Building Official.
9. Maintain their knowledge and understanding of the best current building practices, the building laws and Codes relevant to their inspection and plan examination function.
10. Extend professional courtesy to all.
11. To abide by a code of conduct applicable to all Town of Perth employees.

Breaches of the Code of Conduct

The **Building Code Act** provides that the performance of Building Officials will be measured against this code of conduct. Contradictions of this Code of Conduct are a serious matter and will be dealt with as such, in an expeditious and fair manner. The

Chief Building Official will review allegations made against an **Inspector** and the Chief Administrative Officer will review any allegations against the **Chief Building Official**.

All complaints concerning an alleged breach of this Code shall be submitted in writing to the **Chief Building Official** or the Chief Administrative Officer as appropriate.

If a complaint is substantiated, the **Chief Building Official** in the case of complaints against **Inspectors**, or the Chief Administrative Officer in the case of a complaint against the **Chief Building Official**, will determine the corrective action and / or disciplinary action arising from violation(s) of this Code of Conduct. Any action taken as a result of a confirmed breach of this Code will be based on the severity and / or frequency of the violation in accordance with relevant employment standards and may include, but is not limited to the following:

- an apology;
- counseling;
- education and training;
- warning;
- suspension / leave without pay;
- demotion;
- transfer;
- dismissal.