

THE CORPORATION OF THE TOWN OF PERTH

BY-LAW NO. 4717

A By-law to regulate the Construction and erection of buildings and other structures

1. Recitals:

- 1.1. Section 7 of the **Building Code Act**, 1992, S.O. 1992, Chapter 23, as amended, empowers **Council** to pass certain **By-laws** respecting **Construction**, demolition and change of use **Permits** and inspections;
- 1.2. Section 3.(1) of the **Building Code Act**, 1992, S.O. 1992, Chapter 23, as amended empowers **Council** to be responsible for the enforcement of the **Act** in the Town, excepted where otherwise provided by this **Act**, 2002;
- 1.3. From time to time the **Chief Building Official** and Inspectors for the **Corporation** of the Town of Perth have been appointed by **By-law** pursuant to Section 3.(2) of the **Building Code Act**, 1992, S.O. 1992, Chapter 23, as amended;
- 1.4. The Committee of the Whole reviewed Report 2018-COW-4.9 and concurs with the staff recommendation;
- 1.5. **Council** for 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:

2. INTERPRETATION

2.1. Definitions:

Wherever a word is used in this **By-law** with its first letter capitalized and bolded, the term is being used as it is defined in this Section 2.1. Where any word appears in ordinary case, its regularly applied meaning in the English language is intended.

- 2.1.1. “**Act**” means the **Building Code Act**, S.O. 1992, Chapter 23, including amendments thereto.
- 2.1.2. “**Administrative Fee**” means a monetary penalty for starting to **Construct** a structure prior to acquiring a **Permit**.
- 2.1.3. “**Applicable Law**” means applicable law as defined in Division A Section 1.4.1.3. of the **Building Code**.
- 2.1.4. “**Applicant**” means the person making application for issuance of a **Permit** under 8.(1) of the **Act**.
- 2.1.5. “**Architect**” means holder of a license, a certificate or practice, or temporary license under the Architects **Act** as defined in the **Building Code**, also includes **Architects**.
- 2.1.6. “**As Constructed Plans**” means as constructed plans as defined in the **Building Code**.
- 2.1.7. “**Authorized Agent**” means the **Applicant** submitting the application on behalf of the **Owner**.

- 2.1.8. **“Building”** means a **Building** as defined in Section 1(1) of the **Act**.
- 2.1.9. **“Building Code”** means the regulations made under Section 34 of the **Act**, also known as the **“Ontario Building Code”**.
- 2.1.10. **“Building Official”** means a Deputy Chief Building Official, Building Inspectors and Plans Intake Clerks.
- 2.1.11. **“By-law”** means this **By-law** also known as the **Building By-law**.
- 2.1.12. **“Chief Building Official”** means the **Chief Building Official** appointed by **By-law** of the **Corporation** of the Town of Perth for the purposes of the enforcement of the **Act**.
- 2.1.13. **“Construct”** means to do anything in the erection, installation, extension or material alteration or repair of a **Building**, and includes the installation of a **Building** unit fabricated or moved from elsewhere and **“Construction”** has a corresponding meaning.
- 2.1.14. **“Corporation”** means the **Corporation** of the Town of Perth.
- 2.1.15. **“Council”** means the elected municipal **Council** of the **Town**.
- 2.1.16. **“Demolish”** means to do anything in the removal of a **Building** or any material part thereof and **“Demolition”** has a corresponding meaning.
- 2.1.17. **“Designer”** means a competent person with the qualifications and insurance set forth as per Div. C – Part 3 of the most current version of the Ontario **Building Code**.
- 2.1.18. **“Director”** means the **Director** of Development & Protective Services.
- 2.1.19. **“Fees”** means the listing of all fees in Schedule "B" of the Fees and Charges By-law.
- 2.1.20. **“Fixture”** means a “fixture” as defined in Division A, Section 1.4.1.2. of the **Building Code**.
- 2.1.21. **“Material Alteration”** means the substitution, changing, or altering of materials used in **Buildings**, such as insulation, structural components, heating systems, plumbing, sewage systems and other **Building** components described and regulated under the **Ontario Building Code**.
- 2.1.22. **“Town”** means the **Corporation** of the Town of Perth.
- 2.1.23. **“Occupancy”** means the use or intended use of a **Building** or part of a **Building** for the shelter or support of persons, animals or property.
- 2.1.24. **“Owner”** any person, firm or **Corporation** having control over any portion of the **Building** or property under consideration and includes the persons in the **Building** or property.
- 2.1.25. **“Permit”** means permission or authorization, in writing, from the **Chief Building Official** to perform work regulated by this **By-law** and the **Act** and, in the case of an **Occupancy Permit**, to occupy any **Building** or part thereof.

- 2.1.26. “**Plumbing**” means plumbing as defined in Section 1.(1) of the **Act**.
- 2.1.27. “**Professional Engineer**” means a person who holds a license or a temporary license in the Province of Ontario under the Professional Engineers **Act**.
- 2.1.28. “**Value of Work**” means the value of the proposed work including value of land, work, labour, equipment, materials, and design services.
- 2.1.29. “**Work**” means anything in the **Construction** or demolition or change of use or plumbing work for a **Building**, which is regulated by the **Act**, and “**Project**” has a corresponding meaning.

2.2. **Terms not defined**

Terms not defined in this **By-law** shall have the meaning ascribed to them in the **Act** or **Building Code**.

2.3. **Legislation, By-laws**

Each reference to Provincial legislation in this **By-law**, is printed in Italic Font and, unless otherwise specified, is a reference to the Revised Statutes of Ontario, 1990 edition, and, in every case, includes all applicable amendments to the legislation, including successor legislation. Each reference to another **By-law** in this **By-law**, unless otherwise specified, is a reference to a **By-law** of the **Corporation**, and, in every case, includes all applicable amendments to this **By-law**, including successor **By-laws**.

2.4. **Construing this By-law**

The caption, article and section names and numbers appearing in this **By-law** are for convenience of reference only and have no effect on its interpretation. This **By-law** is to be read with all changes of gender or number required by the context. The words “**include**”, “**includes**”, “**including**” and “**included**” are not to be interpreted as restricting or modifying the words or phrases which precede them.

2.5. **Severability**

If a court or tribunal of competent jurisdiction declares any portion of this **By-law** to be illegal or unenforceable, that portion of this **By-law** will be considered to be severed from the balance of the **By-law**, which will continue to operate in full force.

3. **ADMINISTRATION OF THIS BY-LAW**

3.1. **Administration**

Unless otherwise indicated, the administration of this **By-law** is assigned to the **Chief Building Official**, who may delegate the performance of his or her functions under this **By-law** from time to time as occasion requires to another **Building Official** as required.

3.2. **Application**

Applications for all **Licenses** under the provisions of this **By-law**:

4. **SCOPE**

- 4.1. This **By-law** shall apply to all property in the **Town**.

5. PERMIT APPLICATION AND ISSUANCE

5.1. Permit Applications

The **Owner** or **Authorized Agent** shall file an application in writing for any class of **Permit** to the **Chief Building Official**, by completing the prescribed Provincial and Municipal forms in their entirety and supplying all information on the **Application** as deemed by the **Chief Building Official**.

5.2. Detail in Application for All Permits

Every **Building Permit** application submitted to the **Chief Building Official** shall contain the following items:

- 5.2.1 Identify and describe in detail the **Work**, use and **Occupancy** to be covered by the **Permit** which the application is being made;
- 5.2.2 identify and describe in detail the existing uses and the proposed use(s) for which the premises are intended;
- 5.2.3 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 **Work** covered by the **Permit** is to occur (eg. civic address, legal description and lot measurements);
- 5.2.4 be accompanied by the applicable fees as described in the most current **Fees Schedule**;
- 5.2.5 state the name, address, telephone number, facsimile and email of the **Owner**, **Architect**, **Authorized Agent**, **Professional Engineer**, **Builder** and **Designer** that are retained to perform **Work** on the project;
- 5.2.6 in circumstances where section 1.2 of Division C Part 1 of the **Building Code** applies, be accompanied by a "Commitment to General Review by **Architects of Engineers**" form as set out in Schedule "C" of this **By-law**;
- 5.2.7 include, where applicable, the registration number of the builder or vendor as provided for in the Ontario New Home Warranties Act (Tarion);
- 5.2.8 state the estimated **Value of Work** as determined by the requirements in the in the definition;
- 5.2.9 be signed by the **Applicant**;
- 5.2.10 include any documents establishing compliance to **Applicable Law** as set out in article 1.4.1.3 of Division A Part 1 of the **Building Code**; and
- 5.2.11 make a determination of the completeness of the application submitting all required documentation to demonstrate compliance.

5.3. Detail in Application for Demolition Permits

In addition to the requirements of Section 5.2 of this **By-law**, every application for a **Demolition Permit** under Subsection 8.(1) of the **Act**, may at the discretion of the **Chief Building Official** require:

- 5.3.1 documentation that arrangements have been made with the proper authorities for the cutting off and plugging of all water, sewer, gas, electric, telephone or other utilities and services;
- 5.3.2 that the **Applicant** is meeting all requirements of the Ontario Health And Safety Act;
- 5.3.3 that the **Applicant** fence the **Demolition** site to the satisfaction of the **Chief Building Official** as described in Section 10 of this **By-law**;
- 5.3.4 that in circumstances where section 1.2 of Division C - Part 1 of the **Building Code** applies, be accompanied by a "Commitment to General Review by **Architects** of Engineers" form as set out in Schedule "C" of this **By-law**;
- 5.3.5 that the **Applicant** clearly indicate methods of removal and disposal of materials that are in compliance with applicable laws; and
- 5.3.6 indicate the date by which **Demolition** and disposal will be completed.

5.4. Detail in Application for a Renewable Energy Permit

Where a **Building Permit** is Submitted for Renewable Energy Approvals. A **Permit** is required for the following;

- 5.4.1 a structure supporting a wind turbine having a name plate capacity of more then 3kW (smaller turbines do not require a **Building Permit**);
- 5.4.2 a **Building**-mounted solar collector have a face area equal to or greater than 5.0 m²; and
- 5.4.3 **Applicant** must also meet the standards of Ontario Reg. 359/09.

5.5. Detail in Application for Conditional Building Permits

In addition to the requirements of Section 5.2 of this **By-law**, every Conditional **Building Permit Application** must contain:

- 5.5.1 a written statement from the **Applicant** explaining the reasons why the **Applicant** believes that unreasonable delays in **Construction** would occur if a Conditional **Permit** is not granted;
- 5.5.2 a written acknowledgement from the **Applicant** of the necessary approvals which must be obtained in respect of the proposed **Construction** and the time period in which such approvals are proposed to be obtained by the **Applicant**; and,
- 5.5.3 a written agreement, in the form provided by the **Chief Building Official**, executed by the **Applicant**, the **Owner** and all other persons that the **Chief Building Official** considers appropriate for the purposes set out in clause 8.-(3)(c) of the **Act**.

5.6. In addition to the requirements of Section 5.2 of this **By-law**, every **Plumbing Permit** shall:

- 5.6.1 include plans showing the location of all drain, waste, and vents of proposed **Plumbing** if required by the **Chief Building Official**;
- 5.6.2 plumbing **Permit** may only be granted to a licensed plumbing contractor, or their **Authorized Agent** or a owner of a single family dwelling who undertakes the plumbing work on the premises in which

he or she resides; and

5.6.3 as an exception no **Permit** is required for the repairing of a valve or faucet fixture, repairing a leak or clearing of a stoppage, or the replacement of a hot water tank.

5.7. Delegation to Chief Building Official

The **Chief Building Official** is authorized to execute the written agreement referred to in Section 5.5.3 of this **By-law** on behalf of the **Corporation** where;

5.7.1 the **Applicant** has complied with Section 5.5; and

5.7.2 the **Chief Building Official** is satisfied that the compliance required under Section 8 of the **Act** has been achieved.

5.8. Contents of Agreement

The **Chief Building Official** may require financial securities to be provided to the **Corporation** as a condition for issuance of the Conditional **Building Permit**.

5.9. Registration of Agreement

Where deemed necessary by the **Chief Building Official**, the agreement referred to in section 5.5.3 of this **By-law** may be registered on title to the lands upon which is located or will be located the **Building** (or part of a **Building**) for which the application for **Permit** has been made. All registration costs are the responsibility of the **Owner** of the property in which the **Work** will be taking place.

5.10. No Implied Future Permits

The **Chief Building Official** shall not, by reason of the issuance of a Conditional **Permit** or partial **Permit** be under any obligation to grant any further **Permits**.

5.11. Material Changes after Permit Issued

Should a **Permit** holder wish to make any material change to any plan, specification, document or other information on the basis of which the **Permit** was issued, the **Permit** holder must file an **Application** for revision to the **Permit**. The provisions of Section 5 of this **By-law** apply to the **Application** for revision as if the **Application** was entirely new.

5.12. Incomplete Applications

All **Permit Applications** must contain the information required pursuant to this Article. In addition, an **Application** is considered to be incomplete where the **Chief Building Official** determines within two (2) working days that the proposed **Work** or change of use will not comply with the **Act**, the **Building Code**, or any other **Applicable law**. The **Chief Building Official** may refuse an **Application** if anything required by this Section or Section 5 is omitted or submitted in an incomplete or unsatisfactory state at the time of **Application**. A written statement of reasons for the refusal will be provided to the **Applicant**.

5.13. Abandoned Applications

An application for a **Permit** is considered to have been abandoned by the **Applicant** where:

- 5.13.1 the application is incomplete and remains incomplete six (6) months after it was submitted;
- 5.13.2 the application is complete, a **Permit** is available to be issued; and
- 5.13.3 six (6) or more months have elapsed from the date upon which the **Corporation** made notification of the **Permit** availability to the **Applicant**.

5.14. Transfer of Permits

Where a property, which is the subject matter of a **Permit**, is sold the new **Owner** may obtain transfer of the **Permit** into his or her name only upon completing a **Permit Application** and paying the administrative transfer fee prescribed in the most current Fees **By-law**. The new **Owner** shall then be the **Permit** holder for the purposes of this **By-law**, the **Act** and the **Building Code**.

5.15. Revocation of Permits

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

5.16. Permit Renewals

Permits may be renewed by paying the administrative renewal fee prescribed in the most current Fees **By-law** after initial **Permit** period has lapsed. No renewed **Permit** shall not be extended for a period of longer than one (1) year for every renewal period after the initial period.

6. PLANS AND SPECIFICATIONS

6.1. Submissions

Every **Applicant** shall submit two (2) sets of 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**, the **Building Code**, including but not limited to plans as listed on Schedule "A" and any other **Applicable Law**.

6.2. Site Plans

Site plans shall be referenced to an up-to-date survey when available and, when required to demonstrate compliance with the **Act**, the **Building Code** or other **Applicable Law**. A copy of the survey shall be submitted to the **Chief Building Official**. Site plans shall show the following items:

- 6.2.1 Lot size, dimensions of the property, setbacks to property lines for any existing or proposed **Buildings**. All drawings are to be drawn to scale with scale clearly identified;
- 6.2.2 The dimensions and location of any other existing **Building(s)** on the property;
- 6.2.3 Existing right-of-ways, easements and municipal services;
- 6.2.4 Location of all driveways; and
- 6.2.5 Location of all hydro wires above ground or below ground.

6.3. Grading plans

Grading Plans shall be referenced to an up-to-date survey when available and,

when required to demonstrate compliance with the **Act**, the **Building Code** or other **Applicable Law**. A copy of the survey shall be submitted to the **Chief Building Official**. All grading plans shall include the following:

- 6.3.1 Accurate geodetic survey elevations when possible;
- 6.3.2 a permanent bench mark for reference;
- 6.3.3 footing elevations, where step footings indicate elevations of all steps, elevations of footings on frost walls;
- 6.3.4 top of foundation wall where step foundations show all elevations;
- 6.3.5 average grade around foundation and spot elevations;
- 6.3.6 garage floor, basement floor, 1st and 2nd floor elevations, peak roof elevation, sump hole elevation and elevations of **Building** heights where height of **Buildings** are critical;
- 6.3.7 driveway, walkways, decks, retaining walls, walkout elevations, parking yards, turnarounds;
- 6.3.8 slopes of yards, driveways, terracing or berming; and
- 6.3.9 swales, grade elevations, outlet elevations and inlet elevations.

6.4. Essential Information

In lieu of separate specifications, the **Chief Building Official** may allow the essential information to be shown on the plans, but in no case shall such terms as "in accordance with the **Act**", "legal", or similar terms be used as substitutes for specific information.

6.5. Wellhead Protection Areas and Intake Protection Zones

Lot grade and drainage plans must be a part of the **Building Permit application** where a septic system is proposed in an area where it would be a significant drinking water threat (Wellhead Protection Areas (WHPAs) and Intake Protection Zones (IPZs) with a vulnerability score of 10 only). Carefully following a lot grade and drainage plan will ensure that the septic system footprint/envelope is as approved, and proper drainage will be maintained at the site, which will help to protect ground and surface water. Two copies of a site plan will be required to be completed by a Professional Engineer (P.Eng) registered in the Province of Ontario and shall include the following:

- 6.5.1 Title block (**Owner/Applicant**, address/legal description of property, firm preparing the drawing, scale, date of submission, revision date)
- 6.5.2 north arrow, legend, geodetic benchmarks used;
- 6.5.3 property lines, roads, existing surface features;
- 6.5.4 existing grades referenced to a permanent benchmark;
- 6.5.5 existing swales, ditches, watercourses, etc. with elevations and arrows indicating the surface drainage direction;
- 6.5.6 proposed location of **Buildings**, septic tanks and outline of tile beds (septic system footprint/envelope referred to above);
- 6.5.7 proposed final grades referenced to a permanent benchmark;

- 6.5.8 final drainage patterns with elevations and arrows indicating the drainage direction, including direction of drainage on proposed paved, graveled and grassed areas; and
- 6.5.9 final features that impact drainage such as retaining walls, culverts, roof downspout locations.

6.6. Legibility

All plans submitted must be legible and drawn to scale upon paper or other suitable and durable material or electronic media approved by the **Corporation**.

6.7. "As Constructed" Drawings

On completion of the **Construction** of a **Building**, or part of a **Building**, the **Chief Building Official** may require a set of "as **Constructed**" plans, including a plan of survey showing the location and confirming the elevation of the **Building**.

6.8. Corporation Property

Plans and specifications furnished according to this **By-law** or otherwise required by the **Act** become the property of the **Corporation** and shall be disposed of or retained in accordance with relevant legislation.

6.9. Alternative Solutions

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 alternative solution, the following documentation shall be provided to the **Chief Building Official**:

- 6.9.1 The solution must identify an applicable objective, functional statement and acceptable solutions;
- 6.9.2 describe a basis for past performance, established tests of the solutions or other evaluation of the solution;
- 6.9.3 shall be in a report format;
- 6.9.4 may only be prepared by a **BCIN Designer**, an **Architect**, a **Professional Engineer** (Structural or Mechanical); and
- 6.9.5 at no time is the **Chief Building Official** obligated to accept any Alternative Solution as per the **Act**.

7. FEES AND REFUNDS

7.1 Payment Required

Fees for the required **Permit** shall be the **Fees** in in the most current Fees and Charges By-law. The **Applicant** shall pay these **Fees** at the time of **application**. No **Permit** shall be issued until the **Fees** have been paid in full. **Administrative Fees** imposed after issuance of a **Permit** are due at the time the service is requested or required.

7.2 Changing Permit Fees

The **Corporation**, prior to passing a **By-law** under clause 7 (c) of the **Act** to introduce or change a fee imposed for application for a **Permit** or for the issuance of a **Permit**, shall in accordance with the **Act** do the following:

- 7.2.1 Hold at least one public meeting at which any person who attends has an opportunity to make representations with respect to the matter;
- 7.2.2 ensure that a minimum of 21 days notice of the public meeting is given to every person and organization that has, within five days before the day of the meeting, requested such notice; and
- 7.2.3 ensure that the notice include an estimate of the costs for administering and enforcing the **Act**, the amount of the **Fees** or any change to the existing **Fees** and the rational for imposing or changing the **Fees**.

7.3 Refunds

In the case of withdrawal, abandonment of an **Application**, or the refusal or revocation of a **Permit**, upon written request, the **Chief Building Official** shall determine the amount of fees, if any, that may be refunded, in accordance with Schedule "B" to this **By-law**.

7.4 Where Refunds Not Available

No refund of any portion of the **Permit** fee paid shall be made in the following circumstances:

- 7.4.1 Where the calculation in accordance with Section 7.3 of this **By-law** yields a payment of less than fifty dollars (\$50.00);
- 7.4.2 where a **Permit** was revoked (except where the revocation is due to an error by the **Corporation**); and
- 7.4.3 in circumstances where the **application** has been deemed to have been abandoned in accordance with Section 5.13 of this **By-law**, and the **Applicant** has not contacted the **Corporation** for a period of longer than twelve (12) months.

7.5 Building Without a Permit

Where an owner commences with **Construction, Demolition, Building, or Material Alteration** prior to the issuance of the required **Building Permit**, the **Owner** may be required to pay an **Administrative Fee** in the amount set forth in the current Fees and Charges By-law.

8. NOTICE REQUIREMENTS FOR INSPECTIONS

8.1 Inspections as per 1.3.5. Div. C Part 1 of the Ontario Building Code

The **Permit** holder or **Authorized Agent** shall notify the **Chief Building Official** of readiness for inspection at least two (2) business days in advance of each stage of **Construction** for which notice in advance is mandatory under article 1.3.5.1., Div. C. Part 1 of the **Building Code**. After the mandatory notice has been given, an inspector shall undertake a site inspection not later than two days after the notice is given.

8.2 Occupancy Inspection

The **Permit** holder or **Authorized Agent** shall notify the **Chief Building Official** of completion as prescribed by Section 11 of the **Act** or where occupancy is required prior to completion, shall notify the **Chief Building Official** of readiness for inspection to ensure that the requirements of Section 11 of the **Act** and subsection 1.3.5.1, Division C Part 1 of the **Building Code** are complied with.

8.3 Notice

A notice pursuant to this section is not effective until written or oral notice is actually received by the **Chief Building Official** or his designate.

8.4 Additional Notices

As authorized under Div. C - Part 1 – 1.3.5.2 of the **Ontario Building Code**, the **Permit** holder or **Authorized Agent** shall notify the **Chief Building Official** or his designate of the following additional inspections:

8.4.1 Completion of a Public Pool or Spa

9. PRESCRIBED FORMS

9.9. All Forms

The forms prescribed for use as applications for **Permits**, for orders and for inspection reports shall be as set out in Schedule "C" to this **By-law**.

10. CONSTRUCTION AND DEMOLITION FENCING

10.1. Fencing Requirements

Where in the opinion of the **Chief Building Official**, if a **Construction** or demolition site presents a hazard to the public, the **Chief Building Official** may under clauses 7(1) and 7(2) of the **Act**, require the erection of such fencing as he or she deems necessary to abate the hazard.

10.2. Fence Height

The height of the fence shall be a minimum of 1.2 meters (4 feet) to be measured from the highest adjacent grade.

10.3. Fencing Construction

Every fence required under this **By-law** shall be located on the perimeter of the site as determined by the **Chief Building Official** as follows:

10.3.1 If of chain link **Construction**, the chain link shall be fastened to a minimum 1½ inch inside diameter metal bar which is securely fastened to metal posts at not more than 3.0 meter (10 feet) on centre and embedded into the ground to provide rigid support;

10.3.2 If of wood **Construction**, the exterior face shall be minimum ½ inch exterior grade plywood or OSB or equivalent material that shall not facilitate climbing. The facing shall be supported by a minimum 4x4 inch posts embedded in the ground at a minimum 2.4 meters on centre to provide rigid support;

10.3.3 If the fence is snow fencing or plastic mesh type, the fencing should be securely fastened to steel t-bar posts at 3.0 meters on centre and embedded in the ground to provide a rigid support; and

10.3.4 Other materials or methods may be substituted provided in the opinion of the **Chief Building Official** there is a equivalent degree of safety.

10.4. Fencing Openings

The fence may provide openings to accommodate access to the site, provided

these openings are closing off when work at the site has ended for the day.

11. CODE OF CONDUCT

- 11.1.** The **Chief Building Official** and **Inspectors** shall be required to conform to the Town's Code of Conduct **By-law** in accordance with Section 7.1 (1) of the **Act**.

12. ALLEGED BREACH OF CONDUCT IF UNRESOLVED AND DISPUTE RESOLUTION OF NON TECHNICAL NATURE

12.1. Procedure

Where it is the opinion of persons that a breach of conduct or non-technical disputes may have occurred, the following procedure shall be followed:

- 12.1.1 A letter shall be delivered to the **Director**, in confidence;
- 12.1.2 the letter shall clearly explain the perceived violation of conduct, the date the violation occurred and who was affected;
- 12.1.3 the **Director** upon receiving this notice will, depending on the nature of the violation, discuss the matter with the perceived offender and obtain a written submission from the accused as to the details;
- 12.1.4 the **Director** shall arrange a meeting between the parties to attempt to resolve the issue. If unresolved, or the severity of the accusation warrants action, review the matter with the Chief Administrative Officer, who will render his/her opinion on the matter within seven days; and
- 12.1.5 If the issue has not been resolved the applicant may appeal the Chief Administrative Officers opinion on the matter to Council, who will render a final decision on the matter within thirty days.

13. APPOINTMENTS AND CONTRACT AGREEMENTS

- 13.1.** Staff and principal authorities shall be appointed by a **By-law** for specific duties based on qualifications and registration as set out in the **Ontario Building Code**. Appropriate appointments be registered with Ministry of Municipal Affairs and Housing.

14. DISPUTE RESOLUTIONS, REVIEWS & APPEALS (Section 24 of the Act)

14.1. Outline

Section 24(1) of the **Act** outlines areas of dispute.

14.2. Procedure

Where a dispute occurs, all parties shall attempt to resolve the issue in an amicable manner and should follow these steps:

- 14.2.1 Issues of process and of a non-technical nature shall follow the similar process outlined in Section 11.1 of this **By-law**.
- 14.2.2 issues of a technical nature or of direct interpretation of the **Building Code Act** or the **Building Code** shall be made through an application to the Building Code Commission for a hearing in accordance with Section 24(1) of the **Act**.
- 14.2.3 the decision of the Building Code Commission is final.

**Town of Perth
By-law No. 4719**

**SCHEDULE "B"
REFUNDS**

1. Eighty percent (80%) if application is filed and no processing or review functions have been performed;
2. Seventy percent (70%) if administrative and zoning functions only have been performed;
3. Forty-five percent (45%) if administrative, zoning, and plan examination functions have been performed;
4. Thirty-five percent (35%) if the **Permit** has been issued and no field inspections have been performed subsequent to **Permit** issuance; and,
5. Five percent (5%) shall additionally be deducted for each field inspection that has been performed after the **Permit** has been issued.

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SCHEDULE "C"
PRESCRIBED FORMS

- | | |
|--------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Form 1 | Application for a Permit to Construct or Demolish , incorporates Application for Conditional Permit , and Application for Change of Use |
| Form 2 | Schedule 1 Form |
| Form 3 | Commitment To General Reviews By Architect and Engineers |
| Form 4 | Order Requiring Tests and Samples under Section 18(1) of the Building Code Act, 1992 |
| Form 5 | Order to uncover under Section 13(6) of the Building Code Act, 1992 |
| Form 6 | Order Not to Cover or Enclose under Section 13(1) of the Building Code Act, 1992 |
| Form 7 | Order to Comply under Section 12(2) of the Building Code Act, 1992 |
| Form 8 | Stop Work Order under Section 14(1) of the Building Code Act, 1992 |

- 14.3. This **By-law** may be enforced by the **Chief Building Official** or a **Building Official**.
- 14.4. No person shall interfere with the **Chief Building Official** or a **Building Official** engaged in the enforcement of this **By-law**.
- 14.5. Where the provisions of any other By-laws are inconsistent with the provisions of this **By-law**, the provisions of this **By-law** shall prevail.

15. PENALTY

- 15.1. Any person who contravenes any provision of this **By-law** is guilty of an offence as provided for in Section 36 of the **Act**. Any person who contravenes any provision of this **By-law** is guilty of an offence and, upon conviction, is liable to the penalties provided for in the *Provincial Offences Act, R.S.O. 1990, c. P. 33*.

16. SCHEDULES

- 16.1. Attached to and forming part of this **By-law**, is the following Schedules:

Schedule "A" – Working Drawings and Plans Required for **Permit**
Schedule "B" – Refunds
Schedule "C" – Prescribed Forms

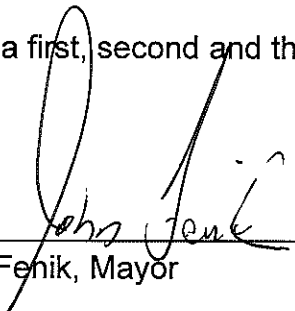
17. SHORT TITLE

- 17.1. This **By-law** may be cited as the "**Building By-law**".

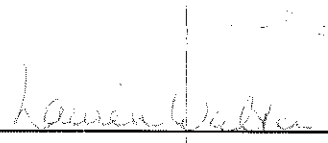
18. EFFECTIVE DATE

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

Read a first, second and third time and finally passed this the 20th day of March, 2018.



John Fenik, Mayor



Lauren Walton, Clerk

(Seal)

**Town of Perth
By-law No. 4719**

**SCHEDULE "A"
WORKING DRAWINGS AND PLANS REQUIRED FOR PERMIT**

Unless otherwise noted, two sets of the following plans must be submitted

- 1) Site Plan
- 2) Floor Plans
- 3) Foundation Plans
- 4) Framing Plans
- 5) Roof Plans
- 6) Reflected Ceiling Plans
- 7) Sections and Details
- 8) Building Elevations
- 9) Electrical Drawings
- 10) Heating, Ventilation and Air Conditioning Drawings
- 11) Heat Loss and Gain Calculations
- 12) Plumbing drawings
- 13) Fire Alarm and Sprinkler Plan.

Note: The **Chief Building Official** may specify that not all the above-mentioned plans be required to accompany an application for a **Permit**.