

THE CORPORATION OF THE TOWN OF PERTH

BY-LAW NO. 4891

A by-law to regulate construction, demolition, and change of use permits for buildings, structures, and all other related services within the Town of Perth

Recitals:

1. The *Ontario Municipal Act* 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 2020-CoW-13.2 and concurs with the staff recommendations;
4. 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:

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", 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 4891, 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 or demolition of a building or buildings and anyone Acting under the authority of such person or corporation.
- 2.2.3 "**Building Code**" means the regulations made under Section 34 of the **Act**.
- 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 where the **Chief Building Official** is required to make a decision within a prescribed time.
- 2.2.6 "**Conditional Permit**" means a **Permit** issued under Section 8(3) of the **Act**.
- 2.2.7 "**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 Review Clerk 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.
- 2.2.8 "**Owner**" means the **Owner** of a building or property, or any person or corporation empowered by statute to cause the construction or demolition of a building or buildings and anyone Acting under the authority of such corporation.
- 2.2.9 "**Partial Permit**" means a **Permit** issued by the Chief Building Official to construct part of a building
- 2.2.10 "**Permit**" means permission or authorization given in writing by the **Chief Building Official** to perform work, to change the use of a building or part thereof, or to occupy a building or part thereof, as regulated by the **Act** and **Building Code**.
- 2.2.11 "**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.
- 2.2.12 "**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 plans.

2.2.13 “**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.

2.2.14 “**Town**” means The Corporation of the **Town** of Perth.

PART 3. PERMITS REQUIRED

3.1 No person shall construct or demolish a building or cause a building to be constructed or demolished, 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.

PART 4. APPLICATIONS REQUIREMENTS FOR PERMIT

General Requirements

4.1 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 not a **Complete Application**.

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 Notwithstanding Section 4.4 of this By-law, completed forms generated electronically may be accepted subject to endorsement by the **Applicant**.

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 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 that 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**.

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; and,

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.

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**.

Applications for Permits for Change of Use or for Signs regulated by the Building Code

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* and *Permit* Applications

4.17 An application for a **Permit** may be deemed to be abandoned by the **Applicant** 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).

4.17.3 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.

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 systems 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. 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.

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 and,
 - 5.2.4 include the designer's *contact*, qualification information, affixed with the appropriate seal embossed with the designers 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 (electronic submission) of this By-law, be submitted on paper or other suitable and durable material; and
 - 5.2.6 contain information and text that is clear and legible; 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.
- 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**.

- 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**.
- 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.
- 5.6 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 **Owner** shall submit an as-constructed plan of survey, prepared by a registered Ontario Land Surveyor showing the location of the building.
- 5.7 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 **Owner** shall submit an as-constructed grading plan. 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.
- 5.8 On the completion of construction of accessory buildings, 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.

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" of this By-law and the individual fees, or a combination thereof, listed in Schedule B of the most current Fees and Charges By-law for the **Town** 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.
- 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.

- 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 or changes the use of building or part thereof prior to the issuance of a **Permit** to construct, demolish 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 B of the most current Fees and Charges By-law for the **Town** and an additional non-refundable administrative fee equal to the value of the applicable **Permit** fees listed in Schedule B of the most current Fees and Charges By-law for the **Town**.
- 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 B of the most current Fees and Charges By-law for the **Town**.
- 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 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**.

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 Permits may be renewed by paying the administrative renewal fee prescribed in the listed in Schedule B of the most current Fees and Charges By-law for the **Town** in the month of January after the initial period of 12 months has elapsed from the date of issuance of permit, and each subsequent January thereafter until such time that the **Permit** file is deemed closed by the **Chief Building Official**.

9. NOTICES FOR INSPECTIONS

- 9.1 Inspection notices required by the **Building Code** and this By-law shall be made in writing or by telephone, to the phone number or e-mail address indicated on the **Permit** card issued.
- 9.2 Inspection notices are required a minimum of two business days prior to the stages of construction specified therein and shall be given in accordance with the requirements of Subsection 1.3.5 of Division C of the **Building Code**.
- 9.3 The person to whom the **Permit** has been issued shall notify the **Chief Building Official** 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**, and 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, shall give notice to the **Chief Building Official** of the readiness for inspection of those stages of construction.
- 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;
 - 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;
 - 10.2.3 the hazards presented by the construction activities and materials;
 - 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 Number 4717, as amended by this By-law 4891 are hereby repealed in their entirety upon the date that this By-law comes into force.

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 22nd day of September, 2020.



John Fenik, Mayor



Patrick Silvestro, Clerk

SCHEDULE "A" OF BUILDING BY-LAW 4891

CLASSES OF PERMITS

BUILDING PERMIT:

To be for the purpose of allowing all types of construction governed by the **Act** and the **Building Code**.

CHANGE OF USE PERMIT:

To comply with the requirements of Part 10. (1) of the **Act**.

CONDITIONAL PERMIT:

Pertains to construction only and may be issued only in accordance with Part 8 (3) 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 of the **Act** has been achieved.

DEMOLITION PERMIT:

To be used for the demolition of all or part of a building or structure.

PARTIAL PERMIT:

When a **Permit** is applied for in accordance to the provisions of the Building By-law, in order to expedite work, the **Chief Building Official** may grant approval for construction to proceed for a portion of a structure.

OCCUPANCY PERMIT:

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" OF BUILDING BY- LAW 4891

Plans, Specifications and Documentation Requirements

Type 1 Projects

New construction of, addition, 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 Plan, prepared by a Professional Engineer,
- Architectural,
- Structural,
- HVAC,
- Electrical Layout,
- Site services; and,
- Additional Sections, Plans, Details, or Specifications as determined by the scope of the work involved, for example;
 - Details sealed (by P. Eng.) for engineered manufactured products, i.e. trusses,
 - Site Design for spatial separation, exposed building face and drainage patterns,
 - 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, 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**.

Plans and Specifications, as applicable to the scope of works proposed for all type 2 projects,

- **Plot Plan**, based off a recent survey, for the purposes of demonstrating zoning compliance
- Grading Plan, prepared by a Professional Engineer,
- Architectural,
- Structural,
- Mechanical,
- Electrical Layout,
- Site services; and,
- Additional Sections, Plans, Details, or Specifications, for example;
 - Fire Access route design with hydrant locations, or on site water supply,
 - Site Storm and Sanitary layouts,
 - 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**

This required information is in addition to any information specified in Parts 4 and 5 of By-law 4891.

SCHEDULE "C" TO BY-LAW 4891

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 listed in Schedule B of the most current Fees and Charges By-law for the **Town** 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 B of the most current Fees and Charges By-law for the **Town** 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 B of the most current Fees and Charges By-law for the **Town**; 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 B of the most current Fees and Charges By-law for the **Town**.
- (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;

SCHEDULE "D" to BY-LAW 4891

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 be or 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 favor.
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 any 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.