

A BY-LAW of the Corporation of the Township of South Dundas under the Ontario Building Code Act, 1992, as amended, respecting permits and related matters.

WHEREAS Section 7 of the Ontario Building Code Act, Chapter C.23, as amended, authorizes a Municipal Council to pass by-laws concerning the issuance of permits and related matters;

NOW THEREFORE the Council of the Corporation of the Township of South Dundas enacts as follows:

1. Short Title

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

2. Definitions and Word Usage

In this By-Law:

- a. "Act" means the Ontario Building Code Act, 1992, as amended.
- b. "Applicant" means the owner(s) of a building or property who applies for a permit or any person authorized by the owner(s) to apply for a permit on the owner's behalf, or any person or corporation empowered by statute to cause the demolition of a building or buildings and anyone acting under the authority of such person or corporation.
- c. "Building" means a building as defined in Section 1 of the Act.
- d. "Building Code" means the regulations made under Section 34 of the Act.
- e. "Chief Building Official" means the Chief Building Official appointed by Council under Section 3 of the Act.
- f. "Farm Building" means a farm building as defined in the Building Code.
- g. "Owner" means the registered owner of the land and includes a lessee, mortgagee in possession, and the person in charge of the property.
- h. "Permit" means written permission or written authorization from the Chief Building Official to perform work regulated by the Act and Building Code, or to occupy a building or part thereof.
- i. "Permit Holder" means the person to whom the permit has been issued and who assumes the primary responsibility for complying with the Act and the Building Code.
- j. "Plumbing" means plumbing as defined in Section 1 of the Act.
- k. "Sewage System" means a sewage system as defined in Section 1 of the Act.
- l. Terms not defined in this By-Law shall have the meaning ascribed to them in the Act or the Building code.

3. Classes of Permits

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

4. Permits

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

4. Permits (Cont'd)

b. Every building permit application shall:

1. Identify and describe in detail the work, use and occupancy to be covered by the permit for which the application is made;
2. Identify and describe in detail the existing uses and the proposed use(s) for which the premises are intended;
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 building or demolition is to occur;
4. Be accompanied by plans and specifications as described in the By-Law;
5. Be accompanied by the required fees as calculated in accordance with Schedule "B";
6. State the names, addresses and telephone numbers of the owner, applicant, architect, engineer or other designer, and the constructor or person hired to carry out the demolition, as the case may be;
7. When Section 2.3 of the Building Code applies, be accompanied by a signed acknowledgment of the owner on a form prescribed by the Chief Building Official that an architect or professional engineer, or both, have been retained to carry out the general review of the construction or demolition of the building;
8. When Section 2.3 of the Building Code applies, be accompanied by a signed statement of the architect or professional engineer, or both, on a form prescribed by the Chief Building Official, undertaking to provide general review of the construction or demolition of the building;
9. Include, where applicable, the registration number of the builder or vendor as provided in the Ontario New Home Warranties Plan Act;
10. State estimated cost of the proposed work including material and labour; and
11. Be signed by the applicant who shall certify as to the truth of the contents of the application.

c. In addition to the requirements of Section 2 hereof, every demolition permit application shall:

1. When Section 2.3 of the Building Code applies, be accompanied by structural design characteristics of the building and the method and time schedule of the demolition; and
2. Be accompanied by satisfactory proof that arrangements have been made with the proper authorities for the termination and capping of all the water, sewer, gas, electric, telephone or other utilities and services.

d. In addition to the requirements of Section 2 hereof, every construction permit application for art of a building shall:

1. Include an application for the entire project; and
2. Include plans and specifications covering the part of the work for which more expeditious approval is desired, together with such information pertaining to the remainder of the work as may be required by the Chief Building Official.

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

- f. In addition to the applicable requirements of Section 2 hereof, every change of use permit application shall:
 - 1. Describe the building or part thereof in which the occupancy is to be changed; and
 - 2. Include plans and specifications which show the current and proposed occupancy of all parts of the building, and which contain sufficient information to establish compliance with the requirements of the Building Code including floor plans, details of wall, floor and roof assemblies identifying required fire resistance rating and load bearing capabilities.

5. Issuance of Refusal of Permit

- a. The Chief Building Official shall, where conditions in Section 4 hereof have been fulfilled, issue a permit for part of a building subject to compliance with the Act, the Building Code and applicable law.

- b. The chief Building Official may, where conditions in subsection 8(3) to 8(5) of the Act, and Section 4 hereof have been fulfilled, issue a conditional permit for a building subject to compliance with the Act, the Building Code and applicable law.

- c. The Chief Building Official shall not, where the conditions in subsection 10(1) and 10(2) of the Act and Section 4 hereof have not been satisfied, be under any obligation to grant any permit despite any prior acts, including but not limited to the prior issue of a permit or conditional permit.

6. Abandoned Permits

Where an application for a permit remains incomplete or inactive for six months after it is made, the application may be deemed by the Chief Building Official to have been abandoned and notice thereof shall be given to the applicant in accordance with Section 7 hereof.

7. Plans and Specifications

- a. Every applicant shall furnish:
 - 1. Sufficient plans, specifications, documents and other information to enable the Chief Building Official to determine whether the proposed construction, demolition, or change of use conforms to the Act and the Building Code; and

2. A site plan shall be referenced to a current building location survey certified by a registered Ontario Land Surveyor. A copy of such a survey shall be filed with the Municipality unless this requirement is waived because the Chief Building Official is able, without having a current plan of survey, to determine whether the proposed work conforms to the Act, the Building Code, and any other applicable law. Site plans shall include:
 - i) Lot size and dimensions of property;
 - ii) Setbacks for existing and proposed buildings to property boundaries and to each other;
 - iii) Existing and finished ground levels or grades; and
 - iv) Existing rights-of-way, easements and municipal services.
- b. Plans submitted shall be legible and be drawn to scale upon paper or other suitable and durable material.
- c. The Chief Building Official shall determine the number of plans, specifications, documents and other information required to be furnished with an application for permit having regard for the requirements of any Act, regulation or by-law respecting the examination or circulation of the application.
- d. On completion of the construction of a building the Chief Building Official may require a set of as constructed plans, including a plan of survey showing the location of the building.
- e. Plans and specifications furnished according to this by-law or otherwise required by the Act become the property of the Municipality and will be disposed of or retained in accordance with relevant legislation.

8. Fees

- a. The Chief Building Official shall determine the required fees calculated in accordance with Schedule "B" for the work proposed and the applicant shall pay such fees. No permit shall be issued until the applicable fees have been paid.
- b. Upon written request, the Chief Building Official shall determine the amount of fees, if any, that may be refunded in accordance with Schedule "B" in the case of:
 1. Withdrawal of an application
 2. Abandonment of an application pursuant to Section 6 hereof;
 3. Refusal to issue a permit; or
 4. Request for revocation of a permit pursuant to Section 8(10)(e) of the Act.
- c. Subject to subsection 9a hereof, there shall be no refund of permit fees where a permit has been revoked.

9. **Permit Revocation, Deferral or Revocation and Transfer**

a. Revocation of Permit

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

b. Deferral of Revocation

1. A permit holder may request the Chief Building Official defer the revocation of any permit provided that they submit a request for deferral to the Municipality within thirty (30) days of the sending of a notice of intention to revoke.
2. A request for deferral shall set out the reasons why the permit should not be revoked and the date by which the work will be commenced or resumed.
3. Having considered the circumstances of the request and having determined that there have been no changes to the Act and the Building Code and any other applicable law which would have prevented the issuance of the original permit, the Chief Building Official may allow a deferral to a prescribed date, and shall notify the permit holder forthwith of such decision.
4. A request for deferral or revocation is subject to a fee in accordance with Schedule "B".

c. Transfer of Permit

1. Permits are transferrable only upon the new owner completing a permit application in accordance with Section 4 hereof.
2. A fee, as prescribed in Schedule "B", shall be payable on a transfer permit by the new owner who shall thenceforth be the permit holder for the purpose of the Act and the Building Code.

10. **Inspections**

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

11. **Severability**

Should any Section, subsection, clause or provision of this By-Law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this By-Law as a whole or any part thereof, other than the part so declared to be invalid.

12. **Other By-Laws**

This By-Law shall come into force and effect on the date of passing and By-Law No. 49-84 of the Corporation of the Township of Matilda, By-Law No. 17-70 of the Corporation of the Township of Williamsburg, By-Law No. 7-78 of the Corporation of the Village of Morrisburg and By-Law 740-59 of the Corporation of the Village of Iroquois and any other by-laws or parts of by-laws inconsistent with this By-Law are hereby repealed.

READ and passed in open Council, signed and sealed this 8th day of February, 2001.



MAYOR

Brenda Brunt

CLERK