

THE CORPORATION OF THE TOWNSHIP OF LAIRD

By-law Number 2033-24

A By-law respecting permits for construction, demolition and change of use, and, respecting inspections and the charging of permit fees and to repeal By-law 940-13.

WHEREAS, Section 7 of the Building Code Act, 1992, S.O. 1992, c. 23, as amended, empowers council to pass by-laws respecting permits for construction, demolition, occupancy, change of use, sewage systems and conditional permits and respecting inspections and the charging of permit fees;

WHEREAS, Section 35 of the Building Code Act, 1992, S.O. 1992 c. 23, as amended, provides that the Building Code Act, 1992 and the building code supersede all municipal by-laws respecting the construction or demolition of buildings;

WHEREAS, Subsection 3(1) of the Building Code Act, 1992, S.O. 1992, c. 23, as amended, provides that the council of each municipality is responsible for the enforcement of the Building Code Act, 1992 in the municipality, except as otherwise provided in the Act;

WHEREAS, the Council of The Township of Laird deems it desirable and expedient to amend The Township of Laird Building By-law to establish a new set of fees and charges with respect to matters regulated by the Building Code Act, S.O. 1992, c.23, as amended; and

WHEREAS, notice has been given, as described in O. Reg 321/12 that the Corporation of The Township of Laird intends to amend the prescribed fees effective January 1, 2025; and

WHEREAS, the total amount of the fees authorized under clause (1) (c) of Section 7 of the Building Code Act must not and do not exceed the anticipated reasonable costs of the principal authority to administer and enforce this Act in its area of jurisdiction; and

WHEREAS, Section 445 of the Municipal Act, 2001, as amended, provides that if a municipality is satisfied that a contravention of a by-law of the municipality passed under this Act has occurred, the municipality may make an order requiring the person who contravened the by-law or who caused or permitted the contravention, or the owner or occupier of the land on which the contravention occurred, to do work to correct the contravention;

NOW THEREFORE, the Council of the Corporation of the Township of Laird 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 Building Code Act, 1992 as amended

(B) **"APPLICANT"** means the owner of a building or property who applies for a permit or any person authorized by the owner to apply for a permit on the owner's behalf, or any person of the 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 CODE”** means the regulation made under Section 34 of the Act
- (D) **“CHIEF BUILDING OFFICIAL”** means the Chief Building Official appointed by Council under the Act.
- (E) **“OWNER”** means the registered owner of the land and includes a lessee, mortgagee in possession and the person in charge of the property.
- (F) **“PERMIT”** means permission or authorization given in writing by the Chief Building Official to perform work regulated by the Act and Building Code, or to occupy a building or part thereof.
- (G) **“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.
- (H) 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 Township Office or Chief Building Official and shall supply any other information relating to the application as required. The forms prescribed for use as application for permits, for orders and for inspection reports shall be set out in schedule “C” to this by-law.
- (B) Every building permit application shall:
 - i.) identify and described in detail the work, use and occupancy to be covered by the permit for which the application is made;
 - ii.) identify and describe in detail the existing uses and the proposed uses for which the premises are intended;
 - iii.) 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;
 - iv.) be accompanied by plans and specifications as described in the By-law;
 - v.) be accompanied by the required fees as calculated in accordance with Schedule “A”;
 - vi.) 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;
 - vii.) state estimated valuation of the proposed work including material and labour; and when Section 2.3 of the Building Code applies be accompanied by a signed acknowledgement of the owner on a form prescribed by the

Township Office or 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;

- viii.) 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 Township Office or Chief Building Official, undertaking to provide general review of the construction or demolition of the building;
 - ix.) state estimated valuation of the proposed work including material and labour; and
 - x.) 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 4(B) above every demolition permit application shall;
- i.) when Section 2.3 of the Building Code applies be accompanied by structural design characteristics of building and the method and time schedule of the demolition; and
 - ii.) be accompanied by satisfactory proof that arrangements have been made with the proper authorities for the termination and capping of all the, gas, electric, telephone or other utilities and services.
- (D) In addition to the requirement of section 4(B) above, every construction permit application for part of a building shall;
- i.) include all applications for the entire project; and
 - ii.) 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 4(B) above every conditional permit application for the construction of a building shall;
- i.) state the reasons why the applicant believes that unreasonable delays in the construction would occur if a conditional permit is not granted; and
 - iii.) 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 4(B) above, every change of use permit application shall;
- i.) described the building or part thereof in which the occupancy is to be changed; and
 - ii.) include plans and specifications which show the current and proposed occupancy of all parts of the building, and which contain sufficient information to establish compliance with the requirements of the Building Code including floor plans,

details of wall, floor and roof assemblies identifying required fire resistance rating and load bearing capacities.

- (G) The Chief Building Official shall, where conditions in section 4(D) above have been fulfilled, issue a permit for part of a building subject to compliance with the Act, the Building Code and any applicable law.
- (H) The Chief Building Official may, where conditions in section 8(3) to 8(5) of the Act and section 4(E) above have been fulfilled, issue a conditional permit for a building subject to compliance with the Act, the Building Code and any applicable law.
- (I) The Chief Building Official shall not, by reason of the issuance of a permit or permits for a part or parts of the building issued under section 4(D) and 4(E) above be under any obligation to grant any further permit or permits therefore.
- (J) Abandoned Applications
An application for a Permit is considered to have been abandoned by the Applicant where:
 - i.) the application is incomplete and remains incomplete for six months after it was submitted; or
 - ii.) the application is complete, a Permit is available to be issued, and six months have elapsed from the date upon which the Corporation made notification of the Permit availability to the Applicant.

5. PLANS AND SPECIFICATIONS

- (A) Every application shall furnish:
 - i.) 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
 - ii.) a site plan referenced to a current plan of survey certified by a registered Ontario Land Surveyor and a copy of such a survey shall be filed with the municipality unless this requirement is waived because the Chief Building Official is able, without having a current plan of survey, to determine whether the proposed work conforms to the Act, the Building Code, and any other applicable law, site plan will include:
 - a. lot size and dimensions of property;
 - b. setbacks from existing and proposed buildings to property boundaries and to each other;
 - c. existing and finished ground levels or grades; and
 - d. 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 drawing the location of the building.
- (E) Plans and specifications furnished according to this by law or otherwise required by the Act became the property of the municipality and will be disposed of or retained in accordance with relevant legislation.

6. FEES

- (A) The Township Office or Chief Building Official may determine the required fees calculated in accordance with Schedule "A" for the work proposed or completed, and the applicant shall pay such fees. No permit shall be issued until the fees therefore have been paid in full.
- (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:
 - i.) withdrawal of an application
 - ii.) abandonment of an application pursuant to section 4(J) above
 - iii.) refusal to issue a permit, or
 - iv.) request for revocation of a permit pursuant to Clause 8(10)(e) of the Act.
- (C) Subject to section 7(A), there shall be no refund of permit fees where a permit has been revoked.
- (D) In circumstances where the application has been deemed to have been abandoned in accordance with section 4(J) of this by-law, and the Applicant has not contacted the Corporation for a period of longer than twelve (12) months there shall be no refund of permit fees.
- (E) Should a fee remain unpaid after 30 days, full amount shall be deemed taxes and added to tax roll.

7. PERMIT REVOCATION, DEFERRAL, OF 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 for revocation, continues 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
 - i.) On receipt of a notice of intention to revoke a permit, a permit holder may request in writing within thirty (30) days from the date thereof the Chief Building Official to defer the revocation of such permit.
 - ii.) 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.

- iii.) 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
- iv.) A request for deferral of revocation is subject to a fee in accordance with Schedule "A"

(C) Transfer of Permit

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

8. NOTIFICATIONS

- (A) Notice for inspections respecting stages of construction required by the Building Code shall be given by the permit holder to the Chief Building Official at least three 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.

9. OFFENCES AND PENALTIES

Any person who contravenes any portion of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for in Section 36 of the Act.

10. SEVERABILITY

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

11. INTERPRETATION AND IMPLEMENTATION

Schedule 'A' attached shall form part of this By-law.

By-law comes into effect on January 1, 2025.

12. REPEAL

By-law #940-13 is hereby repealed.

READ and passed in Open Council this 21st day of November 2024.

Mayor _____
Shawn Evoy

Seal

Clerk _____
Jennifer Errington

SCHEDULE “A”

**This is Schedule “A” to By-law #2033-24 respecting
Classes of Permits and Permit Fees**

1.	<u>CLASS OF PERMIT</u>	<u>PERMIT FEE</u>
a)	To construct or renovate a Building	
	i) with a residential construction value of less than \$1,000.00.	\$40.00
	ii) with a residential construction value of each \$1,000 or more portion thereof	\$100.00 plus \$5.00 for \$1,000.00 of value or
	iii) with a commercial construction value of less than \$1,000.00	\$50.00
	iv) with a commercial construction value of \$1,000.00 or more	\$150.00 plus \$5.00 for each \$1,000.00 of value or portion thereof.
b)	To move a building.	\$50.00
c)	To demolish a building	
	i) residence	\$75.00
	ii) accessory	\$50.00
	iii) commercial	\$250.00
d)	To authorize occupancy of a building (when required)	\$100.00
e)	Partial permit	25% of Total Permit Fee
f)	Conditional permit	25% of Total Permit Fee
g)	Change of use permit	\$250.00
h)	Transfer of permit	\$150.00
i)	Deferral of revocation (per instance)	\$100.00
2.	Where building permit fees are based on the value of the proposed work, such valuation shall be based on the following;	
a)	construction of outbuildings, (sheds, garages, bunkies, farm buildings, etc.)	
	i) interior unfinished	\$35.00 per sq. ft.
	ii) interior finished	\$50.00 per sq. ft.
	iii) second floor (garage, etc.)	\$25.00 per sq. ft.
	iv) tarp type buildings	\$20.00 per sq. ft.
b)	construction of decks, patios, landings	
	i) uncovered	\$30.00 per sq. ft.
	ii) covered	\$40.00 per sq. ft.
c)	construction of carports	\$40.00 per sq. ft.
d)	construction of:	
	i) house, basement	\$ 50.00 per sq. ft.
	ii) house, first floor	\$145.00 per sq. ft.
	iii) house, second floor	\$ 65.00 per sq. ft.
	iv) house, story and one-half	\$145.00 per sq. ft.
	v) all house sizes shall have	minimum of \$1000 sq. f.t

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| e) | commercial buildings | \$100.00 per sq. ft. |
| f) | industrial buildings | \$100.00 per sq. ft. |
| g) | Renovation of: | |
| | i) house exterior, siding, windows or doors | \$100.00 per permit |
| | ii) house minor interior alterations | \$100.00 per permit |
| h) | installation of solar panels | \$50.00 per sq ft. |
| i) | roofing with one free load to disposal site
(permit number to be used at waste disposal site) | \$75.00 per permit |

Note: Commercial & Industrial rates may be determined by consultation with the Chief Building Official, Council.

3. The determination of whether a permit is required and what class of permit is required is at the discretion of the Chief Building Official.
4. The building permit fee for any building or work begun prior to the issuance of a building permit for such building or work shall be double (i.e. 2 times) the regular permit fee.
5. Any project \$500,000.00 and over will have the fee set by Council and the Chief Building Official.

List of Plans or Working Drawing to Accompany Applications for Permits

1. The Site Plan
2. Floor Plans
3. Foundation Plans
4. Framing Plans (Architectural Designed Homes)
5. Roof Plans (Pre-Engineered Trusses)
6. Reflected Ceiling Plans (Architect, Designed Homes)
7. Sections and Details
8. Building Elevations
9. Electrical Drawings (if asked for)
10. Heating, Ventilation and Air Conditioning Drawings (if asked for)
11. Plumbing Drawings or Master Plumber (if asked for)

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

Schedule “B”

This is Schedule “B” to By-law 2033-24 respecting refunds.

REFUNDS

<u>STATUS OF APPLICATION ABANDONED OR REVOKED</u>	<u>PERCENTAGE OF FEE ELIGIBLE FOR REFUND</u>
1. Application filed. Administrative functions have been completed (application received, cost analysis completed and application is entered into building permit database)	90%
2. Application filed. Plans reviewed and permit issued.	70%
3. Additional deduction for each field inspection that had been performed.	10%
4. Permit fee at less than \$100.00.	0%

SCHEDULE "C"

This is Schedule "C" to By-law #2033-24 respecting forms.

FORMS

Form 1)	Application for Building Permit (1)
Form 2)	Application for Conditional Permit (1)
Form 3)	Application for Demolition Permit (1)
Form 4)	Application for Change of Use Permit (1)
Form 5)	Site Plan
Form 6)	Building Permit (Various Classes if necessary) (2)
Form 7)	Conditional Permit (2) (3)
Form 8)	Demolition Permit (2)
Form 9)	Change of Use Permit (2)
Form 10)	Inspection Report
Form 11)	Orders (various types)

1. May be included in a single combined application form for all permits.
2. May use a single permit form.
3. Building code requires that the conditional nature of this type of permit must be indicated on the permit.