

THE CORPORATION OF THE CITY OF TEMISKAMING SHORES
BY-LAW NO. 2013-052
BEING A BY-LAW TO REGULATE CONSTRUCTION, DEMOLITION, CHANGE OF
USE, INSPECTIONS, PERMITS AND ASSOCIATED FEES
AND TO REPEAL BY-LAW 2005-066

WHEREAS under Section 8 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, the powers of a municipality shall be interpreted broadly to enable it to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS under Section 9 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS under Section 10.(1) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS under Section 10.(2) 6 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that a municipality may pass by-laws with respect to matters of health, safety and well-being of persons;

AND WHEREAS Section 7.(1) of *the Building Code Act, 1992, S.O. 1992, Chapter 23*, as amended provides that a *Council* may pass by-laws and make regulations, applicable to the matters for which and in the area in which the municipality has jurisdiction for the enforcement of this Act;

- (a) prescribing classes of permits under this Act, including permits in respect of any stage of construction or demolition;
- (b) providing for applications for permits and requiring the applications to be accompanied by such plans, specifications, documents and other information as is prescribed,
- (c) requiring the payment of fees on applications for and issuance of permits and prescribing the amounts thereof;
- (c.1) requiring the payment of interest and other penalties, including payment of collection costs, when fees are unpaid or are paid after due date;
- (d) providing for refunds of fees under such circumstances as are prescribed;
- (e) requiring a person specified in the building code to give notice to the chief building official or an inspector, of any of the stages of construction specified in the building code, in addition to the stages of construction prescribed under subsection 10.2(1) and prescribing the period of time after such notice is given during which an inspection may be carried out;
- (f) prescribing forms respecting permits and applications for permits and providing for their use;

- (g) enabling the chief building official to require that a set of plans of a building or any class of buildings as constructed be filed with the chief building official on completion of the construction under such conditions as may be prescribed in the building code;
- (h) providing for the transfer of permits when land changes ownership;
- (i) requiring the person to whom a permit is issued to erect and maintain fences to enclose the site of the construction or demolition within such areas of the municipality as may be prescribed;
- (j) prescribing the height and description of the fences required under clause (i).

AND WHEREAS Section 7.(8.1) of *the Building Code Act, 1992, S.O. 1992, Chapter 23*, as amended provides that Section 398 of the Municipal Act, 2001, S.O. 2001, c. 25 applies, with necessary modifications, to fees established by a municipality under clause 7.(1)(c) of *the Building Code Act*;

AND WHEREAS Section 398.(1) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended provides that fees and charges imposed by a municipality on a person constitute a debt of the person to the municipality;

AND WHEREAS Section 398.(2) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, the treasurer of a municipality may add fees and charges imposed by the municipality to the tax roll for the following property in the municipality and collect them in the same manner as municipal taxes:

1. In the case of fees and charges for the supply of a public utility, the property to which the public utility was supplied.
2. In all other cases, any property for which all of the owners are responsible for paying the fees and charges.

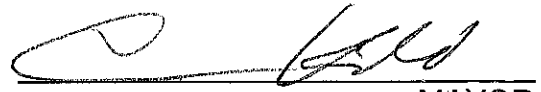
AND WHEREAS The Corporation of the City of Temiskaming Shores deems it desirable to repeal By-law No. 2005-066 and enact a new building by-law with respect to the construction, demolition and change of use, permits, inspections, and associated fees;

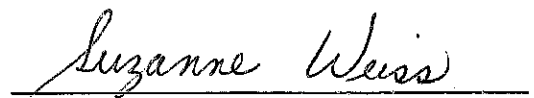
NOW THEREFORE the Council of The Corporation of the City of Temiskaming Shores enacts the following as a by-law:

1. That the Council of the City of Temiskaming Shores hereby adopts the "*Building By-law*", hereto attached as Schedule "A" and forming part of this by-law.
2. That this by-law shall come into force and take effect on June 1, 2013.
3. That By-law No 2005-066 being a by-law respecting construction, demolition, change of use permits, inspections, and amendments thereto, is hereby repealed.

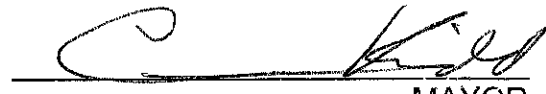
4. That the Clerk of the City of Temiskaming Shores is hereby authorized to make any minor modifications or corrections of an administrative, numerical, grammatical, semantical or descriptive nature or kind to the by-law and schedule as may be deemed necessary after the passage of this by-law where such modifications or corrections do not alter the intent of the by-law.


Read a FIRST and SECOND TIME this 16th day of April, 2013.


MAYOR


CLERK

Read a THIRD TIME and FINALLY PASSED this 21st day of May, 2013.


MAYOR


CLERK

THE CORPORATION OF THE CITY OF TEMISKAMING SHORES

**SCHEDULE "A"
TO BY-LAW NO. 2013-052**

**BEING A BUILDING BY-LAW TO REGULATE CONSTRUCTION, DEMOLITION,
CHANGE OF USE, INSPECTIONS, PERMITS AND ASSOCIATED FEES.**

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- D-02F** Demande de permis de construire ou de démolir
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- D-04** Application to connect to Municipal Services
- D-05** Application for a new or larger Entrance
- D-06** List of Applicable Law Form
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**PART 1
GENERAL PROVISIONS**

SECTION

1.1 Short Title

This By-law shall be cited as the "Building By-law".

1.2 Scope

The provisions of this by-law shall apply to all *property* within the geographic limits of the City of Temiskaming Shores, except where otherwise provided.

1.3 Enforcement

This By-law shall be enforced by the *Chief Building Official* or an *Inspector*.

1.4 Administration

The *Chief Building Official* is responsible for the administration of this by-law.

1.5 Conflicts with other by-law

Where a provision of this By-law conflicts with a provision of another by-law in force in the City of Temiskaming Shores, the provisions that establishes the higher standard in terms of protecting the health, safety and welfare of the general public and the environmental well-being of the municipality, shall prevail to the extent of the conflict.

**PART 2
DEFINITIONS**

Definitions of words, phrases and terms used in this By-law that are not included in the list of definitions in this section shall have the meanings which are commonly assigned to them in the context in which they are used in this by-law.

The words, phrases and terms defined in this section have the following meaning for the purposes of this by-law.

SECTION

2.1 "Act" or "BCA" means the Building Code Act, 1992, S.O. 1992, Chapter 23 as amended.

2.2 "Applicant" means the owner of a building or property who applies for a permit or the person authorized by the owner to apply for a permit on the owner's behalf

2.3 "Architect" means a holder of a license, a certificate of practice, or a temporary license under the Architect's Act as defined in the *OBC*.

2.4 "As Constructed Plans" means as constructed plans as defined in the *OBC*.

2.5 "Brownfield" means a property or land that is potentially contaminated due to historical industrial or commercial land use practices and is underutilized, derelict or vacant and is governed by Section 168.3.1. of the Environmental Protection Act, R.S.O. 1990, CHAPTER E.19 as amended.

2.6 "Building" means a building as defined in Section 1(1) of the *Act*.

2.7 "Chief Building Official" means a Chief Building Official appointed by by-law of The Corporation of the City of Temiskaming Shores for the purposes

of enforcement of the *Act*.

- 2.8 “**Construct**” means construct as defined in Section 1.(1) of the *Act*.
- 2.9 “**Corporation**” means The Corporation of City of Temiskaming Shores.
- 2.10 “**Demolish**” means demolish as defined in Section 1.(1) of the *Act*.
- 2.11 “**Farm Building**” means a farm building as defined in the *OBC*.
- 2.12 “**Inspector**” means a Building Inspector appointed by the by-law of The Corporation of the City of Temiskaming Shores for the purposes of enforcement of the *Act*.
- 2.13 “**Ontario Building Code**” or “**OBC**” means the regulations made under Section 34 of the *Act* as amended.
- 2.14 “**Prescribed Form**” means the applicable Provincial or Municipal Prescribed form(s) as set out in Appendix “4”.
- 2.15 “**Permit**” means written permission or written authorization from the *Chief Building Official* to perform construction or demolition regulated by this by-law and the *Act*, or to change the use of a building or part of a building or parts thereof as regulated by the *Act*.
- 2.16 “**Plumbing**” means plumbing as defined in Section 1(1) of the *Act*.
- 2.17 “**Professional Engineer**” means a person who holds a license or a temporary license under the Professional Engineer’s Act, as defined in the *OBC*.
- 2.18 “**Residential Construction site**” means any construction site in respect of which a building permit has been issued for the construction of a new building consisting of a single dwelling unit; except where the site is within a registered plan of subdivision which is being developed for the first time.
- 2.19 “**Seasonal Recreational Use**” means seasonal recreational use as defined in the City of Temiskaming Shores Zoning By-laws.
- 2.20 “**Sewage System**” means a sewage system as defined in the Building *OBC*.
- 2.21 “**Sewage Works**” means a sewage works as defined in the Ontario Water Resources Act.
- 2.22 “**Surveyor’s Real Property Report (SRPR)**” means a legal document that clearly illustrates the location of all visible public and private improvements relative to property boundaries.

PART 3
CLASSES OF PERMITS

Classes of *permits* with respect to the construction, demolition and change of use of *buildings* and *permit* fees shall be as set out in Appendix "1" to this Schedule.

SECTION

Building Permit

- 3.1 No person shall *construct* or cause to be constructed a *building* within the boundaries of the *Corporation* unless a *building permit* has been issued by the *Chief Building Official* or his/her designate.

A *building permit* is required for all types of construction governed by the *OBC*, including renovation (Part 11), plumbing (Part 7) and *farm buildings* that are not covered under a separate class of *permit*.

Demolition Permit

- 3.2 No person shall demolish or cause to be demolished a *building* within the boundaries of the *Corporation* unless a *permit* has been issued by the *Chief Building Official* or his/her designate.

This *permit* governs both the type and method of demolition under the *OBC*.

Partial Permit

- 3.3 When, in order to expedite *construction*, approval of a portion of the *building* or project is desired prior to the issuance of a permit for the complete *building* or project, application shall be made and fees paid for the complete project. Complete plans and specification covering the portion of the *construction* for which immediate approval is desired shall be filed with the *Chief Building Official*.

Where a *permit* is issued for part of a building or project, this shall not be construed to authorize construction beyond the plans for which approval was given nor, that approval will necessarily be granted for the entire building or project.

Conditional Permit

- 3.4 A conditional *permit* may be issued although all requirements of Subsection 8(2) have not been met provided the requirements of Clauses 8. (3).(a), (b) and (c) of the *BCA* have been complied with prior to the issuance of a conditional *permit*.

Change of Use Permit

- 3.5 No person shall change the use of a *building* or part of a *building* or cause a change of use of a *building* or part of a *building*, which would result in an increase in hazard as determined under the *OBC*, without a *permit*.

PART 4

ADMINISTRATIVE PROCEDURES RELATING TO PERMITS

SECTION

Revisions to Permit (required in writing)

- 4.1 After the issuance of a *permit* under the *BCA*, notice of any material change to a plan, specification, document or other information on the basis of which the *permit* was issued, must be given in writing, to the *Chief Building Official* together with the details of such change. This submission shall not be construed as authorization to proceed with the changes without the *Chief Building Official's* written authorization and the appropriate fees paid.

PART 5

REQUIREMENTS FOR APPLICATION

SECTION

General Requirements to Obtaining a Permit

- 5.1 To obtain a *permit*, the owner or an agent authorized in writing by the owner, shall file an application in writing by completing a prescribed form appropriate for the *permit* required, as listed in Appendix "4", available at the offices of the municipality or on our website at www.temiskamingshores.ca. The form shall be submitted to the *Chief Building Official* and include the following information,
- 1) identify and describe in detail the construction or demolition, to be covered by this *permit* for which the application is made,
 - 2) identify and describe in detail the existing use(s) and the proposed use(s) for which the *building* is intended,
 - 3) include the legal description, the municipal address and where appropriate, the unit number of the land on which the work is to be done;
 - 4) be accompanied with all of the required and completed Schedules (where applicable),
 - 5) be accompanied by the completed "Listing of Applicable Law" form in accordance with Appendix "4" and all documentation to support compliance with the applicable law,
 - 6) be accompanied by the required fees as calculated in accordance with Appendix "1" to this By-law,
 - 7) state the name, current address and telephone number of the owner, and where the owner is not the *applicant*, the authorized agent shall also provide his/her name, current address and telephone number,
 - 8) when Division "C", Subsection 1.2.2. of the *OBC* applies, be accompanied by a "General Review Commitment" form completed and signed by the "owner", *architect* and any of the *professional engineer(s)* undertaking to provide the plans and specifications of the construction,
 - 9) include where applicable, the *applicant's* registration number where an applicant is a builder or vendor as defined in the "Ontario New Home Warranties Plan Act, R.S.O 1990, CHAPTER O.31, and
 - 10) be signed by the owner or authorized agent who shall certify as to the truth of the contents of the application.

5.2 Building, Conditional and Demolition Permits

5.2.1 Where application is made for a construction *permit* under subsection 8(1) of the *BCA*, in addition to the General Requirements to obtaining a *permit* the application shall:

- (a) include two (2) complete sets of plans and specifications, documents and other information as required by Division "C", Sentence 1.3.1.3.(5) of the *OBC* and as described in this by-law for work to be covered by the *permit*; and
- (b) include such information as described in this by-law to establish that the work covered by the *permit* will not be in contravention of the *BCA*, the *OBC*, this by-law and all other applicable law as defined and listed in Division "A", Article 1.4.1.3. of the *OBC*.

5.2.2 Where application is made for a demolition *permit* under subsection 8(1) of the *BCA*, in addition to the General Requirements to obtaining a *permit* the application shall:

- (a) include two complete sets plans and specifications, documents and other information as required by Division "C", Article 1.3.1.3. of the *OBC* and as described in this by-law for the work to be covered by the *permit*;
- (b) when Division "C", Article 1.2.2.3. of the *OBC* applies, be accompanied by a signed "Commitment to General Review" by a *Professional Engineer* on the form prescribed in Schedule "4" of this By-law; and
- (c) include such information as described in this by-law to establish that the work covered by the *permit* will not be in contravention of the *BCA*, the *OBC*, this by-law and all other applicable law as defined and listed in Division "A", Article 1.4.1.3. of the *OBC*.

5.2.3 Where application is made for a conditional *permit* under subsection 8(3) of the *Act*, in addition to the General Requirements to obtaining a *permit* the application shall:

- (a) include two (2) complete sets of plans and specifications, documents and other information as required by Division "C", Sentence 1.3.1.3.(5) of the *OBC* and as described in this by-law for the construction to covered by the *permit*;
- (b) state the reason why the applicant believes that unreasonable delays in construction would occur if a conditional *permit* is not granted; and
- (c) state the necessary approvals which must be obtained in respect of the proposed *building* and the time in which such approvals will be obtained;
- (d) state the time in which plans and specifications of the complete *building* be filed with the *Chief Building Official*; and
- (e) require that the owner and such other interested persons, as the *Chief Building Official* determines, to enter into an agreement with the Municipality prior to the issuance of a *permit*.

Change of Use Permits

5.3 Every application for a change of use *permit* issued under subsection 10(1) of the *BCA* shall be submitted to the *Chief Building Official*, in addition to the General Requirements to obtaining a *permit* the application shall:

- (a) describe the *building* in which the occupancy is to be changed, by a description that will readily identify and locate the *building*;

- (b) identify and describe in detail the current and proposed occupancies of the *building* or part of a *building* for which the application is made;
- (c) include plans and specification showing the current and proposed occupancy of all parts of the *building*, and which contain sufficient information to establish compliance with the requirements of the *OBC*, including: floor plans; details of wall, ceiling and roof assemblies identifying required fire resistance ratings, load bearing capacities, and details of the any existing "sewage system" or "sewage works"; and
- (d) a change of use *permit* shall not be issued prior to an inspection being conducted by an *inspector*.

Alternative Solutions (as defined in the OBC)

5.4 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* may be issued, contains an *alternative solution* for which authorization under Subsection 2.1.1. of Division "C" of the *OBC* is requested, the submissions must be prepared, sealed and signed by a *professional engineer* and/or *architect* with experience in the use of the materials, systems or *building* design to which the submission relates and the following information shall be provided to the *Chief Building Official*:

- (a) identifies applicable objectives, functional statements and acceptable solutions;
- (b) a description of the proposed material, system or *building* design for which an alternative solution is requested;
- (c) the designer shall provide documentation that establishes on the basis of past performance, tests described in Article 2.1.1.2. of Division "C" of the *OBC* or other evaluation that the proposed *alternative solution* will achieve the level of performance required under Article 1.2.1.1. of Division "A" of the *OBC*; and
- (d) be accompanied by a "General Review Commitment" form completed and signed by the "owner" and the designer {*architect* and/or the *professional engineer(s)*} undertaking to provide the plans and specifications of the alternative solution.

Sewage System Permit

5.5 Every application for a *sewage system* permit under section 8(1) of the *BCA* shall be made to the Temiskaming Health Unit using the provincial application form "Application for a *Permit to Construct or Demolish*".

Sewage Works Permit

5.6 Every application for a *sewage works* system under the Ontario Water Resources Act shall be made to the Ministry of the Environment in such a manner as prescribed by the authority having jurisdiction.

PART 6

PLANS, SUBMISSIONS AND SPECIFICATIONS

SECTION

Required Information

6.1 Sufficient information, such as plans, specifications, documents and other information shall be submitted with each application for a *permit* to enable the *Chief Building Official* to determine whether or not the proposed

construction, demolition or change of use will conform to the *BCA*, the *OBC* and any other applicable law as defined by Article 1.4.1.3. of Division "A" of the *OBC*.

Required Submissions

- 6.2 Each application shall, unless otherwise specified by the *Chief Building Official*, be accompanied by two complete sets of the plans and specifications prepared in accordance with generally accepted architectural and engineering practices for construction of the *building* and as required under this by-law.

Required Contents of Plans And Specifications

- 6.3 Plans shall be drawn to scale on paper, cloth or other durable material, shall be legible and, without limiting the generality of the foregoing, shall be dated, shall contain the necessary designer information and signed as required by Clause 3.2.5.1.(1).(c) of Division "C" of the *OBC*. The submission shall include such working drawings as set out in Appendix "2" to this Schedule unless otherwise specified by the *Chief Building Official*.

Depth of Frost Penetration

- 6.4 For the purposes of Division "B", Table 9.12.2.2 in row 5 column 5 of the *OBC*, the depth of frost penetration shall be at a minimum five (5) feet for foundations containing heated basement or crawl space and six (6) feet for foundations containing no heated space.

Water Supply – Sewage Systems and Sewage Works

- 6.5 If a municipal water supply system is not available, and a private *sewage system* or *sewage works* is provided to service a *building*, a source of water shall be provided that will supply at a minimum, a volume of water equal to the daily design flow rate of the private *sewage system* or *sewage works* that has been approved by the authority having jurisdiction. The source of water shall be available on a continual year round basis.

Class of Sewage Systems

- 6.6 Where plumbing facilities are required by the *OBC* and a municipal *sewage system* is not available, a Class 4 leaching bed system shall be installed to service all classes of *buildings* with the exception of *buildings* designated as *seasonal recreational use*, which may be serviced by a Class 1 *sewage system*, or a Class 4 leaching bed system.

Where plumbing facilities are required to service a tent regulated by the *OBC*, and a municipal *sewage system* is not available, a Class 1 *sewage system* may be provided in accordance with the *OBC*.

Municipal Services

- 6.7 When the proposed construction site is located where municipal services are provided each application shall, unless otherwise specified by the *Chief Building Official*, be accompanied by an "Application for Municipal Services" (Form D-06 of Appendix "4") of this Schedule, as amended. With this form the *applicant* shall provide a site plan with the location of the proposed municipal water supply, sanitary systems, and storm water systems.

Entrance Permit

- 6.8 Each application shall, unless otherwise specified by the *Chief Building Official*, be accompanied by an Application for an "Application for New or

Larger Entrance” (Form D-05 of Appendix “4”) of this Schedule on which is provided a description of the proposed driveway entrance to a municipally maintained roadway, and a site plan depicting the size and proposed location of the entrance in relation to lot lines and existing or proposed *buildings*.

Declaration of Use

- 6.9** Every application for a Construction *Permit*, Conditional *Permit* or a Change of Use *Permit* shall be accompanied with a “Declaration of Use” in which the *applicant* declares that the proposed *building* to which the application relates to will be, and will remain to be used exclusively for the uses as permitted by the *OBC* and Municipal Zoning By-Laws.

The “Declaration of Use” shall be sworn before a Commissioner of Oaths and would have the same force and effect as if made under oath, and by virtue of the Canada Evidence Act. The “Declaration of Use” may be registered against the property at the expense of the owner.

The *chief building official* may waive the requirement of the “Declaration of Use” and or the requirement for registration in association with a *permit* application.

Brownfields – Environmental Protection Act – Reg. 153/04

- 6.10** For the purposes of this Section and Form D-07 of Appendix “4” to this Schedule, a “Change of Property Use” and “Change in Use” does not include reference to a change of zoning of a property under municipal by-laws or to the change of use of a *building* as regulated by the *BCA* or the *OBC*.

For the purposes of this Section and Form D-06 of Appendix “4” to this Schedule, types of “Property Uses” shall have the meanings as defined in the Environmental Protection Act - Reg. 153/04 and does not include reference to property uses under municipal by-laws.

- a) Each application unless otherwise specified by the *chief building official* shall be accompanied by a Form D-06 of Appendix “4” to this Schedule, on which shall be provided: the legal description of the property;
- b) the present use of the property;
- c) all former uses of the property;
- d) the property use proposed for by this application;
- e) each application, unless otherwise specified by the *chief building official* shall be accompanied by copies of such records on file with the Land Registry Office which relate to the present and former property uses; and
- c) each application, unless otherwise specified by the *chief building official* shall be accompanied by a copy of any “Certificate of Property Use” and/or “Record of Site Condition”, and/or any other record relating to the property pursuant to the Environmental Protection Act.

Site Plans

- 6.11** A site plan, which is used to demonstrate compliance with the *Act*, the *OBC* or other applicable law, shall be submitted with each application. The site plan shall be referenced to a current plan of survey certified by a registered Ontario Land Surveyor and shall include such information as:

- a) lot dimensions;
- b) lot area and percentage of lot coverage of the proposed *building* and any other existing or proposed *buildings*;
- c) location and setback of the proposed *buildings* from the property lines,
- d) location and distance of every other adjacent *building* from property lines

- and the main *building*; and
- e) proposed finished grade elevations at the four corners of the subject property as well as well as the proposed finished grades at the four corners of the proposed *building(s)*.

PART 7

SURVEYOR'S REAL PROPERTY REPORT

SECTION

Surveyor's Real Property Report requirements

- 7.1 A *Surveyor's Real Property Report* (SRPR) shall be submitted prior to the "NOTICE OF COMPLETION READINES FOR OCCUPANCY". The SRPR will generally include:
- (a) a legal description of the property including the municipal address,
 - (b) the dimensions and locations of property boundaries,
 - (c) the location of all *buildings* in relation to property boundaries,
 - (d) finished ground levels or grades at the corners of the *building*;
 - (e) finished ground levels or grades at the corners of the subject property;
 - (f) the location of adjacent properties, roads, lanes, etc.,
 - (g) fire access routes and existing fire hydrant locations,
 - (h) the type and location of any land-related encumbrances or interests on the property title including utility rights-of-way, roadways, neighbour's rights-of-way, etc.
 - (i) it generally includes a written report highlighting the surveyor's opinion of any concerns,
 - (j) a surveyor's certificate indicating that the information represented on the plan is from actual field measurement and title research by himself or staff under his direct supervision, and
 - (k) an SRPR must contain a raised sealed embossment from the signing and responsible surveyor,
- in order to verify that the work conforms with the *BCA*, the *OBC* and other applicable law.

PART 8

PERMIT, INSPECTION, AND MAINTENANCE FEES

SECTION

Fees Payable

- 8.1
- (a) Fees for a required *permit* shall be as set out in Appendix "1" to this Schedule, and as required by Division "C", Clause 1.3.1.3.(5).(e) of the *OBC* shall be paid upon submission of an application for a *permit*,
 - (b) no *permit* shall be issued until the fees are paid in full,
 - (c) where the application is made for a Conditional *Permit* the fees shall be paid for the complete project, and
 - (d) where construction is incomplete or deficient and a call-back re-inspection is required to determine compliance, an inspection fee shall be charged to the *applicant* and paid in full prior to the re-inspection being conducted as set out in Appendix "1" to this Schedule.

Fees – Cost of Valuation

- 8.2 (a) The fees payable in respect of an application for a construction or demolition *permit* issued under Subsection 8.(1) and 8.(3) of the *BCA* are based on the cost of valuation of the proposed work,
- (b) the cost of valuation of the proposed work shall mean the total cost of all work regulated by the *permit* including the cost of all plans, material, labour, equipment, overhead, professional and related services, and
- (c) for residential development that is typically undertaken and /or managed by the owner, or in cases where reasonable costing is difficult to determine, the table as set out in Appendix “6” will be used to arrive at the cost of valuation of the proposed work.

Fees – Change of Use Permit

- 8.3 Where fees payable in respect to an application for a change of use *permit* issued under Subsection 10.(1) of the *Act* are based on a floor area, floor area shall mean the total floor space of all storey's subject to the change of use.

Fees – Cost of Valuation – Dispute

- 8.4 The *Chief Building Official* may place a valuation on the cost of the proposed work for the purposes of establishing the *permit* fee, 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, and where the audited costs are determined to be less than the valuation, the *Chief Building Official* shall issue a refund.

Refunds

- 8.5 In the case of withdrawal of an application or abandonment of all or a portion of the work or the non-commencement of any project, upon receipt of a written request for a refund, the *Chief Building Official* shall determine the amount of paid *permit* fees that may be refunded to the *applicant*, if any, in accordance with Appendix “3” to this Schedule.

Dormant File Maintenance Fee

- 8.6 Where a *permit* has been issued and the construction or demolition authorized by the *permit* is, in the opinion of the *chief building official* substantially suspended or discontinued for a period of more than one year, a dormant file maintenance fee shall be charged to the *applicant* as set out in Appendix “1” of this Schedule.

Changing Permit Fees

- 8.7 The *Chief Building Official* shall maintain a list of persons and organizations that have requested notification of any public meeting held with respect to a change in fees imposed for applications for *permits*, or the issuance of *permits* under clause 7(c) of the *BCA*. Such notice shall be provided via normal mail to the last known address provided to *Chief Building Official* by the persons or organization requesting notification and shall be provided a minimum of 21 days prior to the date of the public meeting.

PART 9 ANNUAL REPORT

SECTION

Annual Report

- 9.1 The *Chief Building Official* shall prepare an annual report outlining the fees and costs of *OBC* and *BCA* enforcement. The report shall include:
- (a) the total fees collected in the 12 month period, ending no later than three months before the release of the report;
 - (b) the direct costs of administering and enforcing the *BCA* including the review of the applications for *permits* and inspections of *buildings*;
 - (c) the indirect costs of administering and enforcing the *BCA*, including support and overhead costs; and
 - (d) the amount of a reserve fund, if one has been established for any purpose relating to the administration of enforcement of the *BCA*.

PART 10 CODE OF CONDUCT

SECTION

Code of Conduct for Building Officials

- 10.1 In accordance with Clause 7.1 (1) of the *BCA*, a Code of Conduct for the *Chief Building Official* and *Inspectors* shall be as set out in Appendix "5" to this Schedule.

PART 11 NOTICE REQUIREMENTS

SECTION

Prescribed Notices – Required Inspections

- 11.1 The *applicant* shall notify the *chief building official* or an *inspector* at each stage of construction for which notice is required under the *OBC* Division C Sentence 1.3.5.1.(2) and/or as itemized on the *permit* authorizing the construction.
- The *applicant* shall allow two business days for the *inspector* to undertake a site inspection of the *building* to which the notice relates.

Notice of Completion

- 11.2 The *applicant* shall notify the *chief building official* or an *inspector* upon completion of construction and installation of components required to permit the issue of an occupancy permit under Subsection 1.3.3. in Division "C" of the *OBC*.
- Such notice shall be in the prescribed form D-12 "Notice of Completion and Readiness for Occupancy" and the *applicant* shall allow two business days for the *inspector* to undertake a site inspection of the *building* to which the notice relates.
- No person shall occupy or permit to be occupied any *building* or part of a building, unless the *chief building official* has issued a permit in conformance with Subsection 1.3.3. in Division "C" of the *OBC* authorizing such occupation.

**PART 12
PRESCRIBED FORMS**

SECTION

Prescribed Forms

- 12.1**
1. The form prescribed for use as an Application for Change of Use permit under Section 10 (2) of the *BCA* shall be on Form D-01 identified in Appendix "4" to this Schedule.
 2. The Change of Use permit issued under Section 10 (1) of the *BCA* shall be on Form D-08 identified in Appendix "4" to this Schedule.
 3. The form prescribed for use as an Application to Construct or Demolish permit under Section 8. (1) of the *BCA* shall be on Form D-02 identified in Appendix "4" to this Schedule. French version shall be Forme D-03F Application de permit pour construire ou démolir.
 4. A Permit to Construct issued under Section 8 (1) of the *BCA* shall be on Form D-09 identified in Appendix "4" to this Schedule.
 5. A Permit to Demolish issued under Section 8 (1) of the *BCA* shall be on Form D-10 identified in Appendix "4" to this Schedule.

**PART 13
OTHER FORMS**

SECTION

Other Forms

- 13.1**
1. The form for use as a "*Notice of Readiness for Inspection*" under Section 10.2-(1) of the *BCA* shall be on Form D-11 of Appendix "4" to this Schedule.
 2. The form for use as a "*Notice of Completion and Readiness for Occupancy*" under Section 11 of the *BCA* shall be on Form D-12 of Appendix "4" to this Schedule.
 3. The form for use as an "Application to Connect to Municipal Services" D-04 (Potable water system, Sewage works and Storm water system) of Appendix "4" to this Schedule.
 4. The form prescribed for use as an "Application for a New or Larger Entrance Permit" D-05 of Appendix "4" to this Schedule.

**PART 14
ORDERS**

SECTION

Orders

- 14.1**
1. An "*Order to Comply*" pursuant to Section 12 (2) of the *BCA* shall be on Form D-13 of Appendix "4" to this Schedule.
 2. An "*Order to Uncover*" pursuant to Section 13 (6) of the *BCA* shall be on Form D-14 of Appendix "4" to this Schedule.
 3. A "*Stop Work Order*" pursuant to Section 14 (1) of the *BCA* shall be on Form D-15 of Appendix "4" to this Schedule.
 4. An "*Order Not to Cover or Enclose*" pursuant to Section 13 (1) of the *BCA* shall be on Form D-16 of Appendix "4" of this Schedule.
 5. An "*Order Requiring Tests and Samples*" pursuant to Section 18 (1) (f) of the *BCA* shall be on Form D-17 of Appendix "4" of this Schedule.

PART 15
AS CONSTRUCTED PLANS

SECTION

As Constructed Plans

- 15.1** The *chief building official* may require that a set of plans of a *building* or any class of *buildings* as constructed, in a format specified by the *chief building official* be filed with the *chief building official* on completion of construction under such conditions as may be prescribed in the *OBC*.

PART 16
FENCING OF CONSTRUCTION SITES

SECTION

Required Fencing

- 16.1** A person issued a *permit* to *Construct* or *Demolish* under the *BCA*, for any work in the City of Temiskaming Shores shall erect and maintain a fence to enclose the construction or demolition site, including any areas where equipment is operated or material is stored.

Exemption

- 16.2** Notwithstanding Section 16.1, the *chief building official* is authorized to grant an exemption from the requirements to erect and maintain a fence provided he or she is satisfied that the conditions at a site would not present a particular hazard to the public after having regard for:
- (a) the proximity of the site to occupied dwellings;
 - (b) the proximity of the site to places frequented by the public, including streets; parks, businesses and workplaces;
 - (c) the effectiveness of any existing fencing adjacent to the site;
 - (d) the feasibility and effectiveness of fencing the site;
 - (e) any proposed security measures to deter entry to the site;
 - (f) the hazard presented by the activity occurring and materials used on the site;
 - (g) the expected duration of the hazard; and
 - (h) any other safety considerations.

Where work on a construction or demolition site is substantially suspended or abandoned, the *chief building official* may revoke an exemption granted under this section by serving written notice on the *applicant*.

General Requirements

- 16.3** Every fence required by this by-law shall;
- (a) be erected at the perimeter of the site to fully enclose the site;
 - (b) be built to deter entry by unauthorized persons or vehicles;
 - (c) have no rails, other horizontal or diagonal bracing, attachments or pattern of openings on the outside that would facilitate climbing;
 - (d) at the access opening, be equipped with gates that shall be built to specifications that provide performance and safety at least equivalent to the fence, and deter entry by unauthorized persons;
 - (e) be maintained in good repair and free from health, fire and accident hazards;

- (f) be closed and locked or securely reinstalled when the site is unattended;
- (g) be removed not later than 30 days after completion of the construction or demolition work.

Construction Details

16.4 A fence required by this section shall:

- (a) if erected on a *residential construction site* between an excavation on the site and a public sidewalk or lane that is within 3.0 meters of the excavation, have a height not less than 1.8 meters above the grade outside the enclosed area.
- (b) if erected on any other *residential construction site*, have a height not less than 1.2 meters above the grade outside the enclosed area.
- (c) if erected on any other construction or demolition site, have a height not less than 1.8 meters above the grade outside the enclosed area.
- (d) if built of wood, the outside face shall be smooth exterior grade plywood or waferboard 12.5 millimetres thick that is close-boarded, securely nailed or screwed to 89 millimetre by 89 millimetre vertical posts spaced at 2.4 meters centers and embedded sufficiently deep into the ground to provide a rigid support, and securely nailed or screwed to 39 millimetre by 89 millimetre horizontal rails secured to the vertical posts at the top, bottom and intermediate locations at 600 millimetre centers.
- (e) if built of plastic mesh, the fencing shall be fastened securely at 200 millimetre centers to steel T or 50 millimetre wide U posts, spread at not more than 1.2 metre centers and embedded at least 600 millimetres into the ground, with the top and bottom of the plastic mesh secured horizontally by an 11 gauge lacing cable threaded through the mesh and looped and fastened to each post.
- (f) if built with chain link, the mesh shall have openings no larger than 50 millimetres and shall be fastened securely both to vertical steel posts, spaced at not more than 2.4 metre centers and embedded at least 600 millimetres into the ground, and to top and bottom horizontal steel rails or 9 gauge steel wire.

Any hoarding, canopy or similar protective barrier required under provincial law may form part of the fence.

The fence may be a combination of the fence types specified in this article or may be built of other materials if the fence can be shown to provide performance and safety equivalent to fence types specified and the *chief building official*.

Conflict

16.5 Where this section conflicts with any legislation, regulation or other by-law, the more restrictive applies

**PART 17
TRANSFER OF PERMITS**

SECTION

Change of Ownership

17.1 Upon written request by the *applicant*, a *permit* regulated by this by-law may be transferred to the new owner upon a change of ownership.

Fee for Transfer of Permit

17.2 The fee prescribed shall be as set out in Appendix "1" of Schedule "A" to this

by-law and shall be due and payable upon submission of a written request for transfer of any *permit* covered by this by-law.

Responsibility

- 17.3 Upon the transfer of a *permit*, the new owner shall become responsible for and under all conditions set out in the *permit*.

Additional Information

- 17.4 The *chief building official* may request from the new owner any proof of engagement of design professional where appropriate and/or provisions of information by the new owner.

**PART 18
PENALTY**

SECTION

Penalties

- 18.1 Penalties for offences under this by-law are provided in Subsection 36(3)-(5) of the *BCA*.

**PART 19
VALIDITY**

SECTION

Validity of By-law

- 19.1 It is declared that notwithstanding that any section or sections of this by-law, or parts thereof, may be found by any court of law to be bad or illegal or beyond the power of the *Council* to enact, such section or sections or parts thereof shall be deemed to be severable and that all sections or parts of this by-law are separate and independent from the other and enacted as such.

Appendix "1" to Schedule "A"
of By-law No. 2013-052 respecting
Classes of Permits and Permit Fees.

Row Number	Class of permit or fee	Fee Payable - 2013	Fee Payable – January 1, 2014	Fee Payable – January 1, 2015
1	A Building Permit to construct a building or Structure within the meaning of a "farm building" in the Ontario Code Act	\$7.90 per \$1,000.00 or portion thereof of construction or a minimum of \$79.00	\$8.20 per \$1,000.00 or portion thereof of construction or a minimum of \$82.00	\$8.45 per \$1,000.00 or portion thereof of construction or a minimum of \$84.50
2	A Building Permit to construct a Structure Designated in the Ontario Building Code in Div. "A", Sentence 1.1.2.2.(2)	\$7.90 per \$1,000.00 or portion thereof of construction or a minimum of \$79.00	\$8.20 per \$1,000.00 or portion thereof of construction or a minimum of \$82.00	\$8.45 per \$1,000.00 or portion thereof of construction or a minimum of \$84.50
3	A Building Permit to construct a building or structure within the meaning of the Act but not covered in Column 2, Rows 1 and 2	\$7.90 per \$1,000.00 or portion thereof of construction or a minimum of \$79.00	\$8.20 per \$1,000.00 or portion thereof of construction or a minimum of \$82.00	\$8.45 per \$1,000.00 or portion thereof of construction or a minimum of \$84.50
4	A Conditional Permit	\$7.90 per \$1,000.00 or portion thereof of construction or a minimum of \$79.00 plus \$210.00 administrative fees	\$8.20 per \$1,000.00 or portion thereof of construction or a minimum of \$220.00 administrative fees	\$8.45 per \$1,000.00 or portion thereof of construction or a minimum of \$230.00 administrative fees
5	A Demolition Permit for a building described in Division "C", Sentence 1.2.2.3.(1)	\$160.00 per application	\$165.00 per application	\$170.00 per application
6	A Demolition Permit for all other buildings not described in Column 2, Row 5	\$79.00 per application	\$82.00 per application	\$84.50 per application
7	A Change of Use Permit	\$79.00 per application plus \$0.03 per square foot	\$82.00 per application plus \$0.03 per square foot	\$84.50 per application plus \$0.03 per square foot
8	Revisions, Assignment or Renewal of Permit	\$52.50 per application	\$55.00 per application	\$56.25 per application
9	Re-inspection where work is not complete for the requested inspection	\$52.50 per inspection	\$55.00 per inspection	\$56.75 per inspection
10	Inspection to allow a partial occupancy of a building or occupancy of a partially completed building	\$52.50 per inspection	\$55.00 per inspection	\$56.75 per inspection
11	Dormant File Maintenance Fee	\$79.00 per year or a portion thereof	\$82.00 per year or a portion thereof	\$84.50 per year or a portion thereof
Column 1	2	3	4	5

**Appendix “2” to Schedule “A”
of By-law No. 2013-052 Respecting
List of Plans or Working Drawing
to accompany applications for permits.**

- 1) **Site Plan** illustrating the dimensions of the parcel of land, together with the location of the existing and/or proposed building(s), indicating front, rear and side yards setbacks.
- 2) **Surveyor’s Real Property Report** at the completion of the basement or foundation walls, to determine compliance with zoning setback regulations.
- 3) **Floor Plan** of each floor level indicating room dimensions, and the location and specifications of all doorways, windows, locks, stairways and landings.
- 4) **Foundation Plan** indicating location and specifications of all footings, foundation walls, piers and or slab on grade foundation components.
- 5) **Framing Plan** indicating location and specifications of all walls, floors and ceiling assemblies including engineered floor systems.
- 6) **Roof Plan** indicating location and specification of all structural framing and roof decking components including engineered truss systems.
- 7) **Reflected Ceiling Plans**
- 8) **Sections and Details** as required to determine compliance with the **OBC**.
- 9) **Building Elevations**
- 10) **Electrical Drawings** indicating location of all lighting and electrical components as required by the **OBC**.
- 11) **Heating, Ventilation & Air Conditioning Drawings** indicating location and specifications of all HVAC system components.
- 12) **Plumbing Drawings** indicating location and specifications of foundation drains, roof water drainage system, sanitary sewers and drains. Specifications of all fixtures, traps, floor drains, vents and cleanouts. Water supply piping details and specifications including back flow prevention and water temperature regulators.
- 13) **Fire Protection Equipment** indicating location and specifications of automatic sprinkler systems, stand pipe systems, portable fire extinguishers, fire alarm systems and smoke and CO detection systems.
- 14) **Means of Egress & Facility Exits** indicating locations and specifications of all means of egress from all floor areas.
- 15) **Emergency Systems** indicating location and specifications of all emergency power supplies, emergency lighting and exit lighting systems.

NOTE: The *chief building official* may specify that not all the above-mentioned plans are required in association with a *permit* application.

**Appendix "3" to Schedule "A" of
By-law No. 2013-052 respecting
Refunds**

<u>Status of Permit Application and/or Construction</u>	<u>Percentage of Fees Eligible for Refund</u>
Application filed and no processing or review of plans initiated.	100 %
Application filed. Plans reviewed and zoning functions performed.	80 %
Application filed. Plans reviewed and zoning functions performed. Permit has been issued.	70 %
Additional deduction for each field inspection that had been performed.	5 %
Minimum fee payable to obtain a <i>permit</i> as listed in Appendix "1"	0 %

**Appendix "4" to Schedule "A" of
By-law No. 2013-052 respecting
Forms**

Form D-01	Application for Change of Use
Form D-02	Application to Construct or Demolish
Form D-02F	Application pour permit de construire ou démolir
Form D-03	Energy Efficiency Design Summary
Form D-04	Application to Connect to Municipal Services
Form D-05	Application for New or Larger Entrance
Form D-06	List of Applicable Law Form
Form D-07	Brownfields- Reserved
Form D-08	Change of Use Permit
Form D-09	Construction Permit
Form D-10	Demolition Permit
Form D-11	Notice of Readiness for Inspection
Form D-12	Notice of Completion and Readiness for Occupancy
Form D-13	Order to Comply
Form D-14	Order to Uncover
Form D-15	Stop Work Order
Form D-16	Order Not to Cover or Enclose
Form D-17	Order Requiring Tests and Samples

**Appendix “5” to Schedule “A” of
By-law No. 2013-052 respecting
Code of Conduct for Building Officials**

Introduction

The City of Temiskaming Shores maintains this Code of Conduct in accordance with the provisions of The Building Code Act. Building Officials undertake building certification functions that ensure quality, structural integrity and safety of buildings. Building Officials are exposed to potential conflicts of interest because of the special powers conferred on them. The conduct and behavior of the Temiskaming Shores’s Building Officials reflects the Temiskaming Shores Building Department’s commitment to the highest standards of professionalism, technical competence, skill, honesty, fairness and independence. Building Officials observe both the letter and the spirit of this code of conduct as it pertains to situations that bear on their responsibilities.

Purpose

The purposes of this code of conduct are:

- To promote appropriate standards of behavior by building officials in the exercise of their powers and performance of their duties.
- To prevent practices that may constitute an abuse of power, and
- To promote appropriate standards of honesty and integrity.

Standards of Conduct and Professionalism

The City of Temiskaming Shores Building Officials undertake at all times to:

1. Act in the public interest, particularly with regard to the safety of building works or structures;
2. Maintain their knowledge and understanding of the best building practice, the building laws and regulations relevant to their building certifying functions;
3. Commit themselves to a process of continuous education so as to constantly be aware of developments in building design, practice and law relevant to their duties;
4. Comply with the provisions of Building Code Act, the Building Code and any other Act or Law that regulates or governs Building Officials or their functions;
5. Avoid situations where there may be, or where there may reasonably appear to be, a conflict between their duties to their clients, their profession, their peers and the public at large and their personal interests;
6. Not act beyond their level of competence or outside their area of expertise
7. Apply all relevant building laws, regulations and standards strictly and without favour and independent of influence of interested parties;
8. Perform their inspections and certifying duties impartially and in accordance with the highest professional standards;
9. Not divulge any confidential or sensitive information or material, that they became privy to in the performance of their duties, except in accordance with the laws governing freedom of information and protection of privacy;
10. To avoid any conduct that could bring Building Officials or the City of Temiskaming Shores into disrepute;
11. Extend professional courtesy to all;
12. Accept responsibility for the conduct of their subordinate employees;
13. Maintain current accreditation to perform functions assigned to them;

14. Take all reasonable steps to ascertain and document all available facts relevant to the performance of their duties;
 15. Exemplify compliance with all regulations and standards that govern building construction, health & safety or other matters related to their status as a building official
- Guideline for responding to misconduct allegations

The Building Code Act provides that the performance of Building Officials will be measured against this code of conduct. In response to any allegation of a breach of this code, the Chief Building Official shall direct an investigation and where appropriate, recommend disciplinary action against any Building Official who fails to comply with this code of conduct. Where the allegation is against the Chief Building Official, Council will direct the investigation and make such recommendations as are reasonable.

In determining the appropriate discipline, the Chief Building Official or Council will have regard to the relevance of the conduct to the official's powers and responsibilities as well as severity of any misconduct.

Disciplinary Action arising from the violations of this code of conduct are the responsibility of Temiskaming Shores' administration and is subject to relevant employee agreements, employment law and standards.

**Appendix “6” to Schedule “A” of
By-law No. 2013-052 Respecting
Valuation of Construction Costs based on Area**

(Note that these values may be adjusted annually based on the cost of living index at the discretion of the *Chief Building Official*)

Row	Description of Construction type	Value of Construction per square foot
1	Residential new construction	\$150.00
2	Basement Renovation	\$100.00
3	New bathroom in existing building	\$100.00
4	Garage (interior finished)	\$80.00
6	Garage (unfinished)	\$30.00
7	Residential Decks	\$10.00
Column 1	2	3