

**THE CORPORATION OF THE CITY OF BELLEVILLE**

**BY-LAW NO. 2010-88**

**A BY-LAW RESPECTING CONSTRUCTION, DEMOLITION AND CHANGE OF USE PERMITS AND INSPECTIONS**

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**BUILDING BY-LAW**

**BY-LAW NO. 2010-88**

**A BY-LAW RESPECTING CONSTRUCTION, DEMOLITION AND CHANGE OF USE PERMITS AND INSPECTIONS**

**WHEREAS** section 7 of the *Building Code Act, 1992*, S.O. 1992, Chapter 23 as amended, empowers Council to pass certain by-laws respecting construction, demolition and change of use permits and inspections and the setting and refunding of fees;

**THE COUNCIL OF THE CORPORATION OF THE CITY OF BELLEVILLE** therefore ENACTS as follows:

**1. DEFINITIONS:**

In this by-law:

1.1 "Act" means the Building Code Act, 1992, S.O. 1992, c.23, as amended.

"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 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.

"architect" means the holder of a license, certificate of practice or a temporary licence issued under the Architects Act as defined in the Building Code.

"Building Code" means the regulations made under section 34 of the Act.

"Chief Building Official" means the Chief Building Official appointed by by-law by the Corporation of the City of Belleville for the purposes of enforcement of the Act.

"construct" means construct as defined in subsection 1(1) of the Act.

"Corporation" means the Corporation of the City of Belleville.

"demolish" means demolish as defined in subsection 1(1) of the Act.

"designer" means an Architect, Engineer or designer qualified to carry out designs under the requirements of Bill 124.

## **By-Law Number 2010-88**

"inspector" means an inspector appointed by by-law by the Corporation of the City of Belleville for the purposes of enforcement of the Act.

"owner" means the registered owner of the property and includes a lessee, mortgagee in possession, and the authorized agent in lawful control of the property.

"permit" means permission or authorization given in writing from 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.

"permit holder" means the owner to whom a permit has been issued or where a permit has been transferred, the new owner to whom the permit has been transferred.

"professional engineer or "engineer means a person who holds a licence or temporary licence under the Professional Engineers Act, as defined in the Building Code,

"Registered Code Agency" means a registered code agency as defined in subsection 1(1) of the Act.

"sewage system" means a sewage system as defined in subsection 1(1) of the Act.

"work" means construction or demolition of a building or part thereof, as the case may be.

### **1.2 Word - term - not defined - meaning**

Any word or term not defined in this by-law, that is defined in the Act or Building Code shall have the meaning ascribed to it in the Act or the Building Code.

## **2. CLASSES OF PERMITS — OTHER APPROVALS:**

### **2.1 Set out — Schedule "A"**

The classes of permits set out in Schedule "A" of this By-law are hereby established,

### **2.2 Conditional Permits**

The Chief Building Official is hereby authorized to enter into one or more agreements for the issuance of a Conditional Permit as authorized in the Building Code Act.

### 2.3 Other Approvals

Nothing in this by-law shall exempt any person from complying with the requirements of any other By-law of the Corporation, or from applying for and obtaining any permit, license, permission or approval required by this or any other By-law or regulation of the Corporation or any other law in force from time to time.

## 3. PERMITS:

### 3.1 File Application on Forms Prescribed

- (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 available from the Chief Building Official or from the Building Code website [www.obc.mahlov.on.ca](http://www.obc.mahlov.on.ca);
- (2) The forms prescribed for use as applications for permits, orders, inspections and administrative matters shall be as set out in Schedule 'C' attached hereto and forming part of this by-law;
- (3) This by-law shall not be deemed to limit the use of any form which is prescribed by provincial regulation notwithstanding that the form is not listed or is a revised or updated form from the forms set out in Schedule 'C' to this by-law.

### 3.2 Information — submitted — to Chief Building Official

Every application for a permit shall be submitted to the Chief Building Official, and shall contain the following information:

- (1) Where application is made for a construction permit under subsection 8(1) the Act, the application shall:
  - (a) use the provincial application form, "Application for a Permit to Construct or Demolish"; and
  - (b) include complete plans and specifications, documents and other information as required by the Building Code and as described in this by-law and schedules for the work to be covered by the permit, and
- (2) Where application is made for a demolition permit under subsection 8(1) of the Act, the application shall:
  - (a) use the provincial application form, "Application for a Permit to Construct or Demolish"; and
  - (b) include complete plans and specifications, documents and other Information as required by the Building Code and as described in this by-law and schedules for the work to be covered by the permit; and
  - (c) include;
    - (<sup>1</sup>) proof satisfactory to the Chief Building Official, that arrangements have been made with the proper authorities for the cutting off of all services; and
    - (ii) written confirmation that the site will be backfilled and graded with clean fill material and that all private drain

connections will be excavated and properly sealed at the property line.

- (3) Where application is made for a conditional permit under subsection 8(3) of the Act, the application shall:
  - (a) use the provincial application form, "Application for a Permit to Construct or Demolish";
  - (b) include complete plans and specifications, documents and other information as required by the Building Code and as described in this by-law and schedules for the work to be covered by the permit;
  - (c) state in writing the reasons why the applicant believes that unreasonable delays in construction would occur if a conditional permit is not granted;
  - (d) state in writing the necessary approvals which must be obtained in respect of the proposed building and the time in which such approvals will be obtained; and
  - (e) state in writing the time in which plans and specifications of the complete building will be filed with the Chief Building Official.
  
- (4) Where application is made for a change of use permit issued under subsection 10(1) of the Act the application shall:
  - (a) use the Provincial prescribed form;
  - (b) describe the building in which the occupancy is to be changed, by a description that will readily identify and locate the building;
  - (c) identify and describe in detail the current and proposed occupancies of the building or part of a building for which the application is made;
  - (d) include complete plans and specifications 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 Building Code, including: floor plans; details of wall, ceiling and roof assemblies identifying required fire resistance ratings and load bearing capacities, details of the existing sewage system, if any, a building code matrix and analysis, and any other drawings, documentation and other information required by the Chief Building Official to issue a Building Permit .
  - (e) be accompanied by the required fee;
  - (f) state the name, address and telephone number of the owner;
  - (g) be signed by the owner or his or her authorized agent who shall certify the truth of the contents of the application.
  
- (5) Where application is made for a sewage system permit issued under subsection 8(1) of the Act, the application shall:
  - (a) use the provincial application form, "Application for a Permit to Construct or Demolish";
  - (b) include complete plans and specifications, documents and other Information as required by the Building Code and as described in this by-law and schedules for the work to be covered by the permit;
  - (c) include a site evaluation which shall include all of the following

items, unless otherwise specified by the Chief Building Official:

- (i) include the date the evaluation was done;
  - (ii) include name, address, telephone number and signature of the person who prepared the evaluation; and
  - (iii) include a scaled drawing of the site showing:
    - the legal description, lot size, property dimensions, existing rights-of-way, easements or municipal utility corridors;
    - the location of items listed in Division B Column 1 of Tables 8.2.1.6.A., 8.2.1.6.B. and 8.2.1.6.C. of the Building Code;
    - the location of the proposed sewage system;
    - the location of any unsuitable, disturbed or compacted areas;
    - proposed access routes for system maintenance;
    - depth to bedrock;
    - depth to zones of soil saturation;
    - soil properties, including soil permeability; and
    - soil conditions, including the potential for flooding.
- (6) Where application is made for a transfer of permit because of a change of ownership of the land, as permitted under clause 7(h) of the Act, the application shall:
- (a) make such request in writing;
  - (b) provide the names and addresses of the previous and new land owner;
  - (c) provide the date that the land ownership change took place;
  - (d) describe the permit that is being transferred.
  - (e) provide written confirmation from the original permit holder and owner that the permit is to be transferred.
  - (f) provide written confirmation from the Designers that use of their drawings for this permit is acceptable.
  - (g) provide new drawings where the drawings which formed the basis of the original permit issuance were prepared by the original owner and the owner is not a "Designer".

### 3.3 Partial permit— requirements

When, in order to expedite work, approval of a portion of the building or project is desired prior to the issuance of a permit for the complete building or project,

- (a) application shall be made and all applicable fees paid for the complete project; and
- (b) complete plans and specifications covering the portion of the work for which immediate approval is desired shall be filed with the Chief Building Official; and where a partial permit is requested the application is deemed to be incomplete.

### 3.4 Partial permit — limitations

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.



### **3.5 Inactive Permit Application**

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. If an application is deemed to be abandoned, a new application must be filed for the proposed work.

## **4. PLANS AND SPECIFICATIONS**

### **4.1 Information - sufficient to determine conformity**

Sufficient 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, change of use or transfer of permit will conform with the Act, the Building Code and any other applicable law.

### **4.2 Two complete sets — required — unless specified**

Each application shall, unless otherwise specified by the Chief Building Official, be accompanied by two complete sets of the plans and specifications as described in this By-law and Schedule "B" of this by-law.

### **4.3 Plans — drawn to scale — on durable material — legible**

Plans shall be drawn to scale on paper, cloth, or other durable material capable of being archived in the records system of the Corporation and shall be legible. Upon approval of the Corporation plans may be submitted by electronic media in a form suitable to the Corporation.

### **4.4 Site Plans — referenced — to plan of survey**

Site plans shall be referenced to an up-to-date survey and, when required to demonstrate compliance with the Act, the Building Code or other applicable law, a copy of the survey shall be submitted to the Chief Building Official. Site plans shall show:

- (1) Lot size and the dimensions of property lines and setbacks to any existing or proposed buildings;
- (2) existing and finished ground levels or grades; and
- (3) existing rights-of-way, easements and municipal services.

### **4.5 As constructed plans**

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.

### **4.6 Building Location Survey**

Upon completion of the foundation, a building location survey shall be submitted when requested by the Chief Building Official for new residential buildings and buildings under Site Plan Agreement with the Corporation or any other building as requested in order to confirm compliance with any Building Code or zoning requirement.

**4.7 Plans property of Corporation**

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

**5. REGISTERED CODE AGENCIES**

**5.1 Registered Code Agency — hired • by Chief Building Official**

The Chief Building Official is authorized to enter into and sign contracts for service agreements with registered code agencies and appoint them to perform specified functions from time to time in order to maintain the time periods for permits prescribed in the Building Code.

**5.2 Duties of Registered Code Agency**

The registered code agency may be appointed to perform one or more of the specified functions described in section '15.15 of the Act.

**6. FEES AND REFUNDS**

**6.1 Due — payable upon application — Schedule "A"**

The Chief Building Official shall determine the required fees for the work proposed calculated in accordance with schedule "A" of this By-law and the applicant shall pay such fees upon application. Without payment of the required fee the application shall be deemed to be incomplete.

**6.2 Work without permits**

Any person or Corporation who commences construction, demolition or changes the use of a building before submitting an application for a permit or after submitting an application for a permit but before the building permit has been issued by the Corporation, shall in addition to any other penalty under this Act, Building Code, or in this Bylaw pay an additional fee in accordance with schedule A of this by-law in order to compensate the Corporation for the additional work incurred by such early start of work.

**6.3 Refunds**

In the case of withdrawal of an application, or the abandonment of all or a portion of the work, or refusal of a permit, or the non-commencement of any project, the Chief Building Official shall determine the amount of paid permit fees that may be refunded to the applicant, if any, in accordance with Schedule "A" of this By-law. No refund shall be applied where the permit has been revoked, except where the permit was issued in error. The applicant must make any request for a permit refund within twelve months of issuance of the permit. Refunds requested after this time will not be considered.

**7. TRANSFER OF PERMITS**

**7.1 Application — completed — by new owner**

A permit may be transferred if the new landowner completes the permit application form in accordance with the requirements of Part 3 of this By-law.

**7.2 Fee — Schedule "A"**

A fee shall be payable on an application for a transfer of permit as provided in Schedule "A" of this By-law.

**7.3 New owner— permit holder — upon transfer**

The new owner shall, upon a transfer of a permit, be the permit holder for the purpose of the Act and the Building Code,

**8. REVOCATION OF PERMITS****8.1 Notice of Revocation**

Prior to revoking a permit under subsection 8(10) of the Act, the Chief Building Official may serve a notice by personal service or registered mail at the last known address to the permit holder, and following a thirty (30) day period from the date of service the Chief Building Official may revoke the permit if grounds to revoke still exist, without any further notice,

**8.2 Deferral of Revocation**

A permit holder may within thirty (30) days from the date of service of a notice under this Part, request in writing the Chief Building Official to defer the revocation by stating reasons why the permit should not be revoked. The Chief Building Official having regard to any changes to the Act, Building Code or other applicable law may allow the deferral, in writing.

**8.3 Fee for Deferral**

A request for deferral shall be accompanied by the non-refundable fee therefore set out in Schedule "A" of this By-law.

**9, NOTICE REQUIREMENTS FOR INSPECTIONS— APPOINTED DESIGNATE****9.1 Notice prior — each stage — to Chief Building Official**

The permit holder shall notify the Chief Building Official or a Registered Code Agency where one is appointed, of each stage of construction for which a mandatory notice is required under the Building Code. In addition, the permit holder shall provide the notice of completion as prescribed by Section 11 of the Act, or where occupancy is required prior to completion, notice of inspection to ensure that the requirements of Section 11 of the Act and the Building Code are complied with.

**9.2 Effective — when received — by Chief Building Official**

A notice pursuant to this Part of the by-law is not effective until notice is actually received by the Chief Building Official or the Registered Code Agency and the permit holder receives a confirmation number issued by the Corporation or the Registered Code Agency.

**9.3 Time Periods— Inspections**

Upon receipt of proper notice, the inspector or a registered code agency, if one is appointed, shall undertake a site inspection of the building to which the notices relates in accordance with the time periods stated in the Building Code and section 11 of the Act.

**9.4 Appointed Designate**

This by-law shall not be deemed to limit the appointment of a designate who may perform or execute any authority of the Chief Building Official where authorized by the Building Code Act, provided such designate, where required, is duly appointed by by-law under the Building Code Act.

**10. CODE OF CONDUCT****10.1 Applicability**

A code of conduct in accordance with 7.1(1) of the Act is applicable to the Chief Building Official and Building Inspectors appointed by the Corporation. Complaints regarding improper conduct of the Chief Building Official or an Inspector shall be made in writing and shall be filed with the Director of Development Services.

**11. VALIDITY****11.1 Severability**

In the event that any provision of this by-law is declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the remaining provisions of this by-law.

**12. CONTRAVENTION OF BY-LAW— OFFENCES****12.1 Offence**

Every person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine as provided in section 36 of the Building Code Act, 1992, S.O. 1992, c.23, as amended.

**13. REPEAL – ENACTMENT****13.1 By-law previous**

By-law 2005-103 and all amendments thereto are hereby repealed.

**13.2 Short Title**

This bylaw may be referred to as the Building By-law.

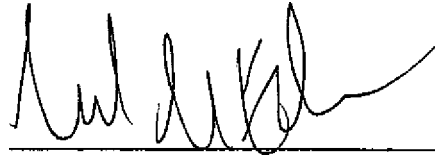
**13.3 Effective Date**

This by-law comes into force on the date of passing.

Read a first time this **25<sup>th</sup>** day of **May 2010**.

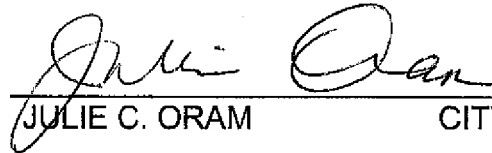
Read a second time this **25<sup>th</sup>** day of **May 2010**.

Read a third time and finally passed this **25<sup>th</sup>** day of **May 2010**.



NEIL R. ELLIS

MAYOR



JULIE C. ORAM

CITY CLERK

**SCHEDULE 'A'****CLASSES OF PERMITS AND FEES**

<b>CLASS OF PERMIT / TYPE OF FEE</b>	<b>RATES</b>
Building Permit:	\$10.00 / \$1,000.00 construction value, \$50.00 Minimum
Repair/Alteration Permit:	\$10.00   \$1,000.00 construction value, \$50.00 Minimum
Plumbing Permit: - Residential:	\$15.00 + \$7.00 per fixture, \$50.00 Minimum
- Other	\$75.00 + \$7.00 per fixture + \$50.00 for <b>underground</b> , \$50.00 Minimum
- Water Heater Replacement - Residential	\$25.00
Water Heater Replacement - Other	\$80.00
Sewer Permit:	\$6.00 per 25mm of pipe diameter for each 30m of pipe or part thereof, \$25.00 Minimum
Catch basins and manholes:	\$40.00 each
Sewage System permit: Class 1 (New)	No fee
Class 2, 3, 4 or 5 (New)	\$500.00
After March 1, 2013 – Class 2, 3, 4 or 5 (New)	\$640.00
Sewage System repairs, alterations, additions	\$150.00
In-Floor Radiant Heating Systems: (per floor)	\$50.00
Conditional Permit:	25% of the Building Permit Fee Minimum \$250.00
Demolition Permit: - Main Building	\$50.00
- Accessory Building	\$25.00
Change of Use Permit: - No <b>construction</b>	\$50.00
- <b>With construction</b>	\$10.00 / \$1,000.00 construction value, \$50.00 minimum
Transfer of permit fee	\$25.00
Deferral of permit revocation fee	\$25.00
<b>Occupancy Permit:</b> per Suite/Unit/Residential Unit/Permit/Building	\$20.00
Inspection fee: Construction stage not ready or Re-inspection after first two inspections of same stage of construction (per inspection) :	\$50.00
Surcharge for Building without Permit:	30% of Permit Fee \$150.00 Minimum
Wood Burning Appliance Permit: (Except Inserts):	\$10.00   \$1,000.00 construction value, \$50.00 Minimum
Fireplace Insert Permit:	\$100.00
Commercial Kitchen exhaust hood Permit:	\$100.00
Swimming Pool/Pool Enclosure (per \$1,000 of construction value)	\$10.00 / \$1,000.00 construction value, \$50.00 Minimum
Written Request for By-law and/or Work Orders:	\$50.00

## **Schedule A Cont'd.**

In addition to the above listed fees, the following fees shall apply;

1. Where a drawing review has been completed by the Corporation and a review letter issued, and the applicant changes the "model" of a house and proposes a new model of house for the same lot, an additional fee of 55 percent of the new value of construction will apply to the permit fee for costs incurred by the Corporation.
2. The fee for a request for the use of an Alternative Solution as described in the Building Code as amended shall be based on an hourly rate of \$100.00 per hour with a minimum fee of \$100.00 based on the number of hours or portion thereof to the nearest ½ hour spent by the Corporation to review and research the proposed Alternative Solution. When the Alternative Solution warrants review by a third party the applicant shall also be responsible for the cost of the third party review and a deposit as determined by the Chief Building Official to cover the cost of the third party review shall be provided to the Corporation by the Applicant prior to the review of the proposal by the third party. The determination of the requirement to involve a third party is solely at the discretion of the Chief Building Official.

## **REFUNDS**

Pursuant to Section 6 of this By-law, the fees that may be refunded shall be a percentage of the fees payable under this By-law, calculated by the Chief Building Official as follows:

- (a) Eighty (80) percent if administrative functions only have been performed;
- (b) Seventy (70) percent if administrative and zoning functions only have been performed;
- (c) Forty-Five (45) percent if administrative, zoning and plan examination functions have been performed;
- (d) Thirty-Five (35) percent if the permit has been issued and no field inspections have been performed subsequent to permit issuance;
- (e) Five (5) percent shall additionally be deducted for each field inspection that has been performed after the permit has been issued;

No refund shall be made for an amount less than \$35.00.

## **MISCELLANEOUS CHARGES**

For classes of permits not described in this Schedule, a reasonable permit fee shall be applied by the Chief Building Official.

## **INTERPRETATION**

The following explanatory notes are to be observed in the calculation of permit fees:

- (a) Where cost of construction is used to calculate permit fees (example \$10.00 per \$1,000 of construction value) the current industry average may be applied to the construction value to determine the cost of a permit;
- (b) Where there is a conflict between the applicant and the Corporation in regards to the value of construction at the time of permit issuance, the Corporation may request audited documentation to confirm construction costs. In cases where both parties do not agree upon the value of construction, the current industry average shall be used and upon completion of the project, the applicant shall submit the audited cost of all items pertaining to the construction to determine if any refund is applicable.

**SCHEDULE " B "****REQUIRED PLANS**

List of Plans, Specifications and Other Information Required to accompany applications for permits:

- 1) Site Plan (two copies);
- 2) A Current Legal Survey for the property (two copies)
- 3) Floor Plans (two sets);
- 4) Foundation Plans (two sets);
- 5) Framing Plans (two sets);
- 6) Roof Plans (two sets);
- 7) Reflected Ceiling Plans (two sets);
- 8) Sections and Details (two sets);
- 9) Building Elevations (two sets);
- 10) Electrical Drawings (two sets);
- 11) Heating, Ventilation and Air Conditioning Drawings (two sets);
- 12) Plumbing Drawings (two sets);
- 13) Fire Alarm and Sprinkler Plan (two sets);
- 14) Heat Loss calculations, Duct Design Calculations and a duct layout drawing for the heating and ventilation system(s) (two sets);
- 15) A Building Code Matrix and Analysis for any building, which is a Small Building, Large Building or Complex Building, as described in Division C Table 3.5.2.1. of the Building Code;
- 16) A Building Code Matrix and Analysis for the change of use of any building or part thereof; and
- 17) Any other information required by the Chief Building Official in order to determine that the proposed construction; demolition or change of use will comply with the Building Code, the Act and any other applicable law.

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



**S C H E D U L E " C "**

**PRESCRIBED FORMS**

The following forms constitute the forms used by the Corporation of the City of Belleville in the administration of the Building Code Act:

- Form 1 Application to Construct or Demolish
- Form 2 Construction Permit
- Form 3 Order To Comply
- Form 4 Stop Work Order
- Form 5 Order To Remedy Unsafe Building
- Form 6 Order Prohibiting Use or Occupancy
- Form 7 Order Not to Cover or Enclose
- Form 8 Emergency Order
- Form 9 Order Requiring Tests and Samples
- Form 10 Building Inspection Report