



**THE CORPORATION OF THE UNITED TOWNSHIPS OF HEAD,  
CLARA & MARIA  
BY-LAW NUMBER 2023-16  
Building By-law**

**BEING** 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;

**NOW THEREFORE** the Council of the United Townships of Head, Clara & Maria enacts as follows:

**1. SHORT TITLE**

1.1 This by-law may be cited as the Building By-law.

**2. DEFINITIONS**

2.1 In this by-law:

“Act” means the Building Code Act, 1992, S.O. 1992, Chapter 23 as amended;

“architect” means a holder of a license, a certificate of practice, or a temporary license under the Architect’s Act as defined in the Building Code;

“as constructed plans” means as constructed plans as defined in the Building Code;

“building” means a building as defined in Section 1(1) of the Act;

“Building Code” means the regulations made under Section 34 of the Act;

“change of use permit” means a permit issued under Section 10(1) of the Act;

“Chief Building Official” or “CBO” means the Chief Building Official appointed by Council under Section 3(2) of the Act;

“complete application” means an application that meets the minimum requirements set out in the Building Code and the requirements of this by-law;

“conditional permit” means a building permit issued by the Chief Building Official under Section 8(3) of the Act;

“construct” means construct as defined in Section 1(1) of the Act;

“Corporation” means The Corporation of the United Townships of Head, Clara & Maria;

“demolish” means to remove, or cause to be removed, a building or any material part thereof as defined in Section 1(1) of the Act;

“fixture” means receptacle, plumbing appliance, apparatus or other device that discharges sewage or clear water waste, and includes floor drains;

“permit” means written permission or authorization from the Chief Building Official to perform work regulated by this by-law and the Act, or to change the use of a building or part of a building or to occupy a building or part thereof as regulated by the Act and the Building Code;

“plumbing” means plumbing as defined in Section 1 (1) of the Act;

“plumbing system” means a “plumbing system” as defined in Section 1.4.1.2 of the Building Code;

“professional engineer” means a person who holds a license or a temporary license under the Professional Engineer’s Act, as defined in the Building Code;

“regulations” means the Building Code and any changes made to the Building Code under the Act;

"sewage system" means a sewage system as defined in Section 1.4.1.2 of the Building Code.

2.2 Terms not defined in this by-law shall have the meaning ascribed to them in the *Building Code Act* or the Building Code.

### **3. CLASSES OF PERMITS**

3.1 Classes of permits with respect to the construction, demolition or change of use of a building shall be as set out in Schedule "A" to this by-law and includes the following:

3.1.1. Building Permit

This permit is required under Section 8(1) of the Act and may include plumbing, heating, ventilation and air conditioning systems, sewage systems, farm buildings and designated structures as set out under the Building Code.

3.1.2. Demolition Permit

This permit is required under Section 8(1) of the Act.

3.1.3. Change of Use Permit

This permit is required under Section 10(1) of the Act when a change in use of a building or parts thereof will result in an increase in hazard as determined under the Building Code even though no construction is proposed.

3.1.4. Conditional Permit

This permit may be issued by the Chief Building Official in accordance with Subsection 8(3) of the Act to authorize any stage of construction, even though all of the requirements under Subsection 8(2) of the Act have not been met.

3.1.5. Occupancy Permit

This permit is required under Division C, Subsection 1.3.3.3 of the Building Code where all or part of a building will be occupied.

3.2 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 given for the entire building or project.

3.3 After the issuance of a permit under the Act, 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, which is not to be made without his or her written authorization.

### **4. REQUIREMENTS FOR APPLICATIONS**

#### **4.1 General Requirements for Permit Applications**

4.1.1 To obtain a permit, the owner, or an agent authorized in writing by the owner, shall file with the Chief Building Official:

- i. an application in writing by completing the prescribed form titled "Application for a Permit to Construct or Demolish;
- ii. the accompanied fees as set out in "Schedule A" to this by-law; and
- iii. complete plans specifications, documents or other information as required in this by-law.

4.1.2 All applications for a permit shall not constitute an acceptance of the application by the Chief Building Official until pre-screening has been completed as determined by the Chief Building Official.

4.1.3 The Chief Building Official may allow for electronic submissions of completed application forms and other related documents.

4.1.4 To be considered a complete application, every permit application shall be accompanied by the approval documents issued by the agencies responsible for the applicable laws listed in the Building Code, where those agencies issue approval documents and the law applied to the construction or demolition being proposed.

4.1.5 An application for a permit may be refused by the Chief Building Official where it is deemed not to be a completed application.

#### **4.2 Application to Construct**

**4.2.1** In addition to the general requirements above, for every application made for a permit to construct under Subsection 8(1) of the Act, the owner shall file the following information:

- i.** Detailed description of the work, use and occupancy to be covered by the permit for which the application is made;
- ii.** The lands on which the work is to be done, by a description that will readily identify and locate the site on which the construction is to occur;
- iii.** Complete plans and specifications, documents and other information as required by Article 2.4.1.1B of the Building Code and as described in Schedule "C" to this by-law;
- iv.** The names, addresses and telephone numbers of the owner, applicant, architect, engineer or other designer, sewage system installer and/or contactors;
- v.** A signed acknowledgment of the owner on a form prescribed by the Chief Building Official, that an architect or professional engineer, or both, have been retained to carry out the general review of the construction or demolition of the building, if required;
- vi.** The registration number of the builder or vendor as provided in the Ontario New Home Warranties Plan Act; the registration number of the sewage system installer or the registration number of the HVAC installer, as required;
- vii.** Estimated valuation of the proposed work including material and labour; and
- viii.** Signature of the applicant who shall certify as to the truth of the contents of the application.

#### **4.3 Application for Permit to Demolish**

**4.3.1** In addition to the requirements of subsection above, where an application is made for a permit to demolish, the owner shall file the following information:

- i.** Identify and describe in detail the work to be done and the existing use and occupancy of the building, or part thereof, for which the application is being made and the proposed use and occupancy of that part of the building, if any, that will remain upon completion of the demolition;
- ii.** Written proof satisfactory to the Chief Building Official that arrangements have been made with proper authorities for termination and capping of all water, sewer, gas, electric, telephone and other utilities and services;
- iii.** Structural design characteristics of building;
- iv.** The method and time schedule of the demolition; and
- v.** Evidence satisfactory to the Chief Building Official that the building or structure subject to the application is not affected by the Ontario Heritage Act (Sections 30, 33, 34 or 42).

#### **4.4 Application for a Change of Use Permit**

**4.4.1** In addition to the general requirements above, where an application is made for a change of use permit, the owner shall file the following information:

- i.** A description of the building in which the occupancy is to be changed, that will readily identify and locate the building;
- ii.** A detailed description of the current and proposed occupancies of the building, or part of a building, for which the application is made; and
- iii.** 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, and details of the existing "sewage system" if any.

#### **4.5 Application for a Conditional Permit**

**4.5.1** In addition to the general requirements above, every request for the issuance of a conditional permit in association with a pending application for a permit to construct shall include a statement describing the:

- i. Reasons why the applicant believes that unreasonable delays in construction would occur if a conditional permit is not granted;
- ii. Necessary approvals which must be obtained in respect of the proposed building and the time in which such approvals will be obtained; and
- iii. Time in which plans and specifications of the complete building will be filed with the Chief Building Official.

#### 4.6 Application for a Sewage System Permit

4.6.1 In addition to the applicable requirements above, every sewage system application shall:

- i. Use the provincial application form as detailed in Schedule "B" of this by-law;
- ii. Include complete plans and specifications, documents and other information as required under Article 2.4.1.1B of the Building Code and as described in this by-law;
- iii. Include the name, address, telephone number and licence number of the person installing the sewage system;
- iv. Include a site plan and specifications, drawn to scale and showing:
  - The true dimensions of the lot;
  - The location of all existing and proposed buildings and structures on the lot;
  - The proposed location, elevation and dimensions of the sewage system; and
  - Dimensions to the nearest wells, water courses (springs, rivers, lakes, ponds, streams or reservoirs) and other sewage systems;
- v. Be completed only by a master plumber or plumbing contractor, or by an individual who takes an affidavit that he or she will be personally making the installation in his or her own dwelling.

4.7 Where a proposed application does not contain enough information to enable the Chief Building Official to determine whether the proposed construction, demolition or change of use will conform to the Act, the Building Code and any other applicable law, the application will be considered to be incomplete and may not be accepted.

4.8 Where an application for a permit remains incomplete or inactive for six (6) months from the date the application was received, the application may be deemed by the Chief Building Official to have been abandoned and notice thereof shall be given to the applicant.

### 5. REVISIONS TO A PERMIT

5.1 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 was issued, contains an equivalent material, system or building design for which authorization under Section 9 of the Act is requested, the following information shall be provided:

- i. description of the proposed material, system or building design for which authorization under section 9 of the Act is requested;
- ii. any applicable provisions of the Building Code;
- iii. evidence that the proposed material, system or building design will provide the level of performance required by the Building Code.

### 6. PLANS AND SPECIFICATIONS

6.1 Sufficient information shall be submitted with each application for a permit to enable the Chief Building Official to determine whether the proposed construction, demolition or change of use will conform with the Act, the Regulations, the Building Code and any other applicable law.

6.2 Each application shall, unless otherwise specified by the Chief Building Official, be accompanied by two (2) complete sets of the plans and specifications required under this by-law. Any variance of this requirement should be documented in the file by the Chief Building Official.

6.3 All plans and drawings shall be drawn to scale on paper or other durable material, shall be legible and, without limiting the generality of the foregoing, shall include such working drawings as set out in Schedule "C" to this by-law unless otherwise specified and noted by the Chief Building Official.

6.4 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 purposed work conforms to the Act, the Building Code, and any other applicable law. Site plan will include:

- lot size and dimensions of property;
- setbacks from existing and proposed buildings to property boundaries and to each other;
- existing and finished ground levels or grades; and
- existing rights-of-way, easements and municipal services.

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

## **7. FEES**

7.1 The Chief Building Official shall determine the required fees calculated in accordance with Schedule "A" of this by-law.

7.2 No permit shall be issued until the fees have been paid in full by the applicant.

7.3 Where the fees payable in respect of an application for a construction or demolition permit issued under subsection 8(1) of the Act or a conditional permit under subsection 8(3) of the Act are based on a floor area, floor area shall mean the total floor space of all story's above grade (or below grade for an underground home) measured as the horizontal area between the exterior walls of the building.

7.4 Where the application is for a conditional permit, fees shall be paid for the complete project.

## **8. REFUND OF PERMIT FEES**

8.1 In the case of withdrawal or abandonment of an application for a permit, abandonment of all or a portion of the work or the non-commencement of any project, the Chief Building official shall, upon written request of the Owner or Applicant, determine the amount of paid permit fees that may be refunded, if any, in accordance with "Schedule A" to this by-law.

8.2 There shall be no refund of permit fees where a permit has been revoked, except where the permit was issued in error.

## **9. PERMIT REVOCATION, DEFERRAL OF REVOCATION OR TRANSFER**

### **9.1 Revocation of Permit**

9.1.1 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.

### **9.2 Deferral of Revocation**

9.2.1 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.

9.2.1.1 A request for deferral shall set out the reasons why the permit should not be revoked and the date by which the work will commence or resume.

9.2.1.2 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.

9.2.2 A request for deferral of revocation is subject to a fee in accordance with Schedule "A".

## **10. NOTICE REQUIREMENTS FOR INSPECTIONS**

10.1 Every permit holder shall notify the Chief Building Official of each stage of construction for which notice is required under this by-law.

10.2 Notices 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 two business days in advance of each stage of construction specified therein.

10.3 A notice pursuant to this section is not effective until written or oral notice is received by the Chief Building Official.

10.4 Upon receipt of proper notice, the Chief Building Official shall undertake a site inspection of the building to which the notice relates in accordance with the Building Code.

#### **11. PRESCRIBED FORMS**

11.1 Pursuant to Section 7(f) of the Act, the forms prescribed for use as applications for permits, for orders and for inspection reports shall be as set out in Schedule "B" to this by-law.

#### **12. SEVERABILITY**

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

#### **13. CONTRAVENTION**

13.1 Every person who contravenes any provision of this by-law is guilty of an offense and on conviction is liable to a fine as provided for in the Act.

#### **14. REPEAL**

14.1 By-law # 2007-06 and all predecessor by-laws are hereby repealed.

#### **15. ENACTMENT**

15.1 This by-law comes into full force and effect on the date of final passage at which time all by-laws and/or resolutions that are inconsistent with the provisions of this by-law and the same are hereby repealed or rescinded as it is necessary to give effect to the provisions of this by-law.

**READ** a first and second time this 26<sup>th</sup> day of August, 2023.

**READ** a third time and passed this 26<sup>th</sup> day of August, 2023.

  
D. Grills  
MAYOR

C. Mucken  
CLERK