

THE CORPORATION OF THE TOWNSHIP OF TAY

BY-LAW NO. 2014-24

A By-law to regulate construction, demolition, and change of use permits for buildings, structures, and all other related services within the Township of Tay, and to repeal By-law No. 2005-59 as amended.

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

THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF TAY ENACTS AS FOLLOWS:

1 Short Title

1.1 This By-law may be cited as "The Building By-law."

2 Terms and Definitions:

2.1 Non-defined Terms:

Definitions of words and phrases used in this By-law that are not included in the list of definitions in this Part shall have the meanings which are commonly assigned to them in the context in which they are used in this By-law taking into account the specialized use of terms with the various trades and professions to which the terminology applies.

2.2 Defined Terms:

The words and terms in ***bold Italics*** in this Section have the following meaning for the purposes of this By-law,

Act means the Building Code Act, S.O. 1992, Chapter 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 demolition of a building or buildings and anyone acting under the authority of such person or corporation.

As Constructed Plans is defined in the Building Code.

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.

Authorized Agent means a person whom has been authorized by the ***owner*** in writing to act on the owners behalf for matters relating to application for ***permit***.

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 means to change the use of a **building** or part of a **building** or permit the use to be changed if the change will result in an increase in hazard, as determined in accordance with the **Building Code**. No **construction** may necessarily be proposed or required.

Chief Building Official means the chief building official appointed by the By-law of The Corporation of the Township of Tay for the purposes of enforcement of the Act.

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

Construct means to do anything in the erection, installation, extension or material alteration or repair of a building and includes the installation of a building unit fabricated or moved from elsewhere and "construction" has a corresponding meaning.

Corporation means The Corporation of the Township of Tay

Demolish means to do anything in the removal of a building or any material part thereof and "demolition" has a corresponding meaning.

Farm Building means a farm building as defined in the building code.

Foundation Pinning means the process of controlling, to a high degree of accuracy, the location of a new building foundation by setting steel rods or pins within a foundation's footing prior to pouring the concrete for the footing

Municipality means the Corporation of the Township of Tay.

Owner means the registered owner of the land and includes a lessee, mortgagee in possession, and the person in charge of the property.

Permit means written permission or written 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 parts thereof as regulated by the Act.

Permit Holder means the person to whom the **permit** has been issued and who assumes the primary responsibility for complying with the **Act** and the **Building Code**.

Plumbing means plumbing as defined in the **Act**.

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**.

Sewage System means a sewage system as defined in the **Act**."

Single Dwelling means either a structure containing only one dwelling unit, or attached dwelling units - separated vertically, and with each having an independent entrance directly to the exterior.

Temporary Structure means, tents, greenhouses as governed by the **Act** and the **Building Code**.

3 Administrative Procedures Relating to Permits

3.1 **Permit** Requirements

Pursuant to section 8.(1) of the **Building Code Act**, as amended;

No person shall,

- a) **construct** or **demolish** or cause to be constructed or demolished a **building**;
- b) occupy or use a **building** for which a **permit** is required; or
- c) change the use of a **building**;

unless a **permit** has been issued by the **Chief Building Official**.

3.2 Revision to Permit

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 the Chief Building Official's written authorization and payment of fees established in the Township's User Fees and Service Charges By-law.

3.3 Revocation of Permits

The **Chief Building Official**, subject to provisions outlined in subsection 8-(10) of the **Act** has the authority to revoke a **permit** issued under the **Act**.

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 the permit 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.

3.4 Deferral of Revocation

A permit holder may within thirty (30) days from the date of service of a notice under subsection 3.3 of this By-law 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 at his or her discretion. A request for deferral shall be accompanied by the non-refundable fee therefore set out in Township's User Fees and Service Charges By-law.

3.5 Transfer of Permits

When the lands on which a **permit** has been issued changes ownership, permits are transferable only upon the new **owner** completing a **permit** application to requirements of the section "Documentation Requirements to Support **Permit** Applications". A fee, as described in Township's User Fees and Service Charges By-

law shall be payable on transfer of **permit** by the new **owner** who shall thenceforth be the **permit holder** for the purpose of the **Act** and the **Building Code**.

3.6 Posting of Permits

Every **permit holder** shall post conspicuously on the work site, the **permit** placard that is issued with the **permit** and shall be responsible for the maintaining of the placard in a legible condition until the work allowed by the **permit** is complete.

3.7 Incomplete Applications

Where an application is found to be incomplete and does not comply with the **Building Code**, the application may be accepted for processing if the applicant acknowledges same and completes the form as set out in Schedule "H" of this By-law.

3.8 Abandoned Permits

An application for a permit shall be deemed to have been abandoned by the applicant where:

- a) the application is incomplete and remains incomplete three months after it was submitted; or
- b) the application is complete, a permit is available to be issued, and six months has elapsed from the date upon which the owner was notified that the permit was available, and
- c) All incomplete and abandoned applications shall be considered void and all plans and documents may be destroyed.

4 Classes of Permits:

Classes of permits with respect to the construction, demolition and **change of use** of buildings shall be as set out in Schedule "A" to this By-law.

5 Documentation Requirements to Support Permit Applications:

5.1 All Applications

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 Provincial form available at the offices of the **municipality** or from the **Building Code** website (www.obc.mah.gov.on.ca) and,

- a) completing any additional forms prescribed by the municipality under the **Act** shall be set out in Schedule "G" to this By-law and,
- b) submit all approvals required so that the proposed **building**, construction or demolition will not contravene any Applicable Law (Schedule "E") and,
- c) be accompanied by the required fee and,
- d) for new single detached, duplex or semi-detached dwellings be accompanied by,
 - (i) in the case of land in respect of which an accepted area or subdivision grading plan has been filed with the Director of Planning and Development, a lot grading plan bearing the signature and seal of the subdivision owner's professional engineer who is responsible for the overall subdivision grading certifying thereon that the lot

- grading plan conforms with the accepted area or subdivision grading plan filed with the Director of Planning and Development; or
- (ii) in the case of land in respect of which no accepted area or subdivision grading plan has been filed with the Director of Planning and Development, a lot grading plan bearing the signature and seal of a professional engineer, or a Landscape Architect (a member of the Ontario Association of Landscape Architects) or an Ontario Land Surveyor who certifies that the drainage scheme depicted by the plan will be compatible with the existing drainage pattern unless this requirement is waived by the Chief Building Official.

5.2 Building and Demolition Permit Application

Every application, as described in this By-law, for a building or demolition **permit** shall be submitted to the **Chief Building Official**, and contain the following additional information:

- a) include complete plans and specifications, documents and other information as required by the **Building Code** and as described in Schedule "C" – Plans and Documents of this By-law for the work to be covered by the **permit**,
- b) Where application is made for a demolition permit under subsection 8-(1) of the Act, in addition to 5.2(a) include satisfactory proof to the Chief Building Official, that arrangements have been made with the proper authorities for the disconnection, cutting off and plugging of all services.

5.3 Conditional Permit Application

Every application, as described in this By-law, for a conditional **permit** under subsection 8-(3) of the **Act**, shall be submitted to the **Chief Building Official**, and contain the following additional information:

- a) include complete plans and specifications, documents and other information as required by the **Building Code** and as described in Schedule "C" – Plans and Documents of this By-law for the work to be covered by the **permit**
- b) state, in writing, the reasons why the applicant believes that unreasonable delays in construction would occur if a conditional **permit** is not granted,
- c) 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
- d) state, in writing, the time in which plans and specifications of the complete **building** will be filed with the **Chief Building Official**.
- e) Include a written agreement, in the form attached in Schedule "G" and provided by the **Chief Building Official**, executed by the **applicant**, the **owner** and such other necessary persons the **Chief Building Official** determines for the purposes set out in the Building Code Act.

5.4 **Change of Use** Permit Application

Every application for a **Change of Use Permit** issued under subsection 10-(1) of the **Act**, shall be submitted to the **Chief Building Official**, and contain the following additional information:

- a) include complete plans and specifications, documents and other information as required by the **Building Code** and as described in Schedule "C" – Plans and Documents of this By-law for the work to be covered by the **permit**
- 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 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,
- e) state the name, address and telephone number of the **owner**,
- f) be signed by the **owner** or his or her **authorized agent** who shall certify the truth of the contents of the application.

5.5 Equivalent Application

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 the **Act** is requested, the following information shall be provided:

- a) a description of the proposed material, system or building design for which authorization under the **Act** is requested,
- b) any applicable provisions of the **Building Code**;
- c) evidence that the proposed material, system or building design will provide the level of performance required by the **Building Code**.

This information must accompany a **permit** application, or it may be incorporated into the request for authorization to make a material change to plans, specifications etc., on which basis a **permit** was issued.

5.6 Sewage System Permit Application

For every application, as described in this By-law, for a sewage permit that is submitted to the **Chief Building Official**, the application shall:

- a) include complete plans and specifications, documents and other information as required by the **Building Code** and as described in Schedule "C" – Plans and Documents of this By-law for the work to be covered by the **permit**
- b) include a site evaluation as described in Schedule "C" – Plans and Documentation of this By-law.

5.7 Plans and Specifications

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 or **change of use** will conform with the **Act**, the **Building Code** and any

other applicable law and whether or not it may affect adjacent property.

Each application shall, unless otherwise specified by the **Chief Building Official**, be accompanied by two complete sets of the plans and specifications required under this By-law.

Plans shall be drawn to scale (minimum 1:75 or 3/16"=1') 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" – Plans and Documents, to this By-law unless otherwise specified by the **Chief Building Official**.

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.

5.8 The Site Plan

A site plan referenced to a current plan of survey certified by an Ontario Land Surveyor or a legal copy of such a survey shall be filed with the **municipality** unless this requirement is waived as in the case where the **Chief Building Official** is able to determine whether the proposed work conforms to the **Act**, the **Building Code**, and any other applicable law without benefit of having a current plan of survey available for review.

Where the proposed building setback is less than 0.3048 metres (1.00 feet) greater than the applicable minimum setback required under the Township of Tay's current General Zoning By-law, or as required by the Chief Building Official, the building's foundation shall be pinned by an Ontario Land Surveyor, unless this requirement is waived by the Chief Building Official.

All Site plans shall show information as set out in Schedule "C" – Plans and Documents.

5.9 Payment of Fees

- a) Fees for a required **permit** shall be as set out in Township's User Fees and Service Charges By-law are due and payable upon submission of an application for a **permit**.
- b) Where a Building Permit has been issued and a Final inspection verifying completion of the project has not been passed within four (4) years from the date of issuance a fee per annum shall be imposed for File maintenance in accordance with Township's User Fees and Service Charges By-law. In default of payment of File Maintenance fees by an owner within thirty (30) days of mailing of an invoice, the Municipality shall add fees and charges imposed by this By-law to the tax roll upon the real property for which the initial Building Permit was issued, and said fees shall be collected in the like manner as Municipal Taxes.

6 Issuance of Permits

6.1 Issuance of Permits

The **Chief Building Official**, subject to provisions outlined in subsection 8-(2) of the **Act** has the authority to issue a:

- Building Permit;
- Demolition Permit;
- Change of Use Permit;
- Conditional Permit;
- Partial Permit;
- Sewage System Permit;
- Temporary Structure;

as described in Schedule "A" of this By-law

6.2 Issuance of Partial Permits

The **Chief Building Official**, subject to provisions outlined in subsection 7 and 8-(2) of the **Act** has the authority to issue a Partial Permit, as described in Schedule "A" of this By-law.

6.3 Issuance of Conditional Permits

The **Chief Building Official**, subject to provisions outlined in subsection 8-(3) and 8-(5) of the **Act** has the authority to issue a Conditional Permit, as described in Schedule "A" of this By-law.

6.4 Notwithstanding Clause

The **Chief Building Official** shall not, by reason of the issuance of a **permit** or permits for a part or parts of the **building** issued under this subsection, be under any obligation to grant any further **permit** or permits thereof.

7 Inspections and Notice Requirements for Inspections

7.1 Prescribed Notices and Inspections

A **permit holder** or his or her **authorized agent** shall notify the Building Department of the **municipality** at least two (2) business days in advance of the stages of **construction** specified in the **Building Code**.

7.2 Time Frame for Prescribed Inspection after Notice is Given

After notice has been given as required by the **Building Code** an inspector shall undertake a site inspection not later than two days after the notice is given. In the case of site inspections of **sewage systems** the **municipality** is required to undertake an inspection within 5 days. These time periods exclude Saturdays, holidays and all other days when the offices of the principal authority are not open for the transaction of business with the public.

7.3 Additional Notices and Inspections

A **permit holder** or his or her **authorized agent** shall notify the Building Department of the **municipality** at least two (2) business days in advance of the stages of all **construction** specified as required by the Building Code with exceptions noted in Schedule "D" – Inspections.

8 As Constructed Plans

- 8.1 The **Chief Building Official**, at his or her discretion, may 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 construction under such conditions as may be prescribed in the **Building Code**.

9 Fencing at Construction and Demolition Sites

- 9.1 Where, in the opinion of the **Chief Building Official**, a construction or demolition site presents a particular hazard to the public, the **Chief Building Official** may require the erection of such fencing as he or she deems appropriate to the circumstances.
- 9.2 In considering the hazard presented by the construction or demolition site, the necessity for fencing and the height and characteristics of such fencing, the **Chief Building Official** shall have regard for:
- a) the proximity of the **building** site to other buildings;
 - b) the proximity of the construction or demolition site to lands accessible to the public;
 - c) the hazards presented by the construction or demolition activities and materials;
 - d) the feasibility and effectiveness of such fences; and
 - e) the duration of the hazard.

10 Administrative Procedures Relating to Permit Fees

10.1 Collection of Permit Fees

The **Chief Building Official**, subject to provisions outlined in subsection 7-(1)(c), 7-(2) of the **Act**, has the authority to collect and administer permit fees in accordance to the Township's User Fees and Service Charges By-law for the purpose of;

- a) recovering direct and indirect costs of the administration and enforcement of the **Act**, and;
- b) establishing a reserve fund for any purpose relating to the administration or enforcement of the **Act**.

10.2 Changing Permit Fees

Notice to the public, as outlined in the **Building Code**, shall be undertaken by the **Municipality** before passing a By-law under clause 7(c) of the **Act** to introduce or change a fee imposed for applications for permits or for the issuance of permits.

10.3 Reporting of Permit Fees and Costs of **Building Code** Administration and Enforcement

An annual report, as outlined in the **Building Code**, shall be prepared by the **Chief Building Official** and the Director of Finance .

10.4 Refunds

Upon written request from the owner, 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, the **Chief Building Official** shall determine the amount of paid permit fees that may be refunded to the **applicant**, if any, in accordance with the Township's User Fees and Service Charges By-law. There shall be no refund of permit fees where a permit has been revoked under subsection 8-(10) of the Act.

11 Miscellaneous

- 11.1 If any court of competent jurisdiction finds that any provision of this By-law is unlawful, ultra vires the jurisdiction of the Council or are invalid for any other reason, such provisions shall be deemed to be severable and shall not invalidate any of the other provisions of the By-law which shall remain in full force and effect;
- 11.2 This By-law is to be read in conjunction with all the Statutes referred to in the preamble hereto and in the event that there is a conflict between the provisions of this By-law and the provisions of the **Act** as amended, or its regulations, then the provisions of the **Act**, as amended, prevail.
- 11.3 Council of the **Municipality** shall appoint a **Chief Building Official** and such Inspectors as are necessary for the carrying out of this By-law.
- 11.4 Schedule "A", "B", "C", "D" and "E" attached hereto shall form part of this By-law,
- 11.5 A Code of Conduct, as set out in Schedule "F", for the **Chief Building Official** and inspectors shall be maintained, in accordance to the provisions of the **Act**, by the **Municipality**. Schedule "F" attached hereto shall form part of this By-law;
- 11.6 The forms prescribed for use as applications for permits, for orders and for inspection reports as set out in Schedule "G" attached hereto shall form part of this By-law;

12 Penalties

In addition to any other penalties prescribed by law, every person who:

- a) knowingly furnishes false information in any application under this By-law; or
- b) contravenes any provision of this By-law,

is guilty of an offence and is subject to a penalty pursuant to the Provincial Offences Act, R.S.O. 1990, c. P.33 in accordance with Section 36 of the Ontario Building Code Act, S.O. 1992, C.23, as amended.

The conviction of an offender upon the breach of any provisions of this By-law shall not operate as a bar to a prosecution against the same offender upon any continued or subsequent breach of any provision and a Judge may convict any offender repeatedly for continued or subsequent breaches of the By-law and the provisions of the Building Code Act, as amended from time to time, shall further apply to any continued or repeated breach of this By-law.

13 Repeal

By-law No. 2005-59 as amended is hereby repealed.

14 Implementation Date

This By-law shall take effect on May 14th, 2014.

BY-LAW read a **FIRST**, **SECOND**, and **THIRD** time and finally passed this 14th day of May, 2014.

THE CORPORATION OF THE TOWNSHIP OF TAY

MAYOR Scott Warnock

CLERK Alison Thomas

SCHEDULE "A" – CLASSES OF PERMITS, to By-law 2014-24

BUILDING PERMIT: To be for the purpose of allowing all types of construction governed by the **Act** and the **Building Code**, including, but not limited to, a **building, farm building**, park model trailers, plumbing and HVAC (stand-alone), public pools, public spas, structure, sign, tents, and the following Designated Structures, as defined in the **Building Code**, communication towers, crane runway, dish antenna, outdoor pool (public), pedestrian bridge, retaining walls, solar collector, and storage tanks.

CHANGE OF USE PERMIT: To comply with the requirements of Section 10.(1) of the **Act**.

CONDITIONAL PERMIT: Pertains to construction only and may be issued only in accordance with Section 8.- (3) of the **Act**.

The **Chief Building Official** is hereby authorized to execute the written agreement referred to in subsection 5.3 herein on behalf of the **Municipality** where:

- (i) the **applicant** has complied with subsection 5.3 herein; and
- (ii) the **Chief Building Official** is satisfied that the compliance required under Section 8 of the **Act** has been achieved.

DEMOLITION PERMIT: To be used for the demolition of all or part of a **building** or structure.

PARTIAL PERMIT: When, a **permit** is applied for, when applicable, in order to expedite work, the Chief Building Official may grant approval for construction to proceed for a portion of a **building** or project prior to the issuance of a **permit** for the complete **building** or project. Such a **permit** shall be called a "Phase (No. #) Permit".

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 will that approval necessarily be granted for the entire **building** or project.

Partial permits shall not be confused with Conditional Permits.

Where a Partial Permit is requested the application is deemed to be incomplete as described in Section 3.7 of this By-law.

SEWAGE SYSTEM PERMIT: To allow construction of a *sewage system* as per Part 8 of the *Ontario Building Code*.

TEMPORARY STRUCTURE PERMIT: To allow construction of a *Temporary Structure* which is intended for removal within a prescribed period of time, not exceeding two years, which is specified in the *permit* issued.

SCHEDULE "B" – Fee Calculation Guide, to By-law 2014-24

PART 1.0 - TERMS AND DEFINITIONS

1.1 Non-defined terms

Definitions of words and phrases used in this Section that are not included in the list of definitions in this Part shall have the meanings which are commonly assigned to them in the context in which they are used in this Section taking into account the specialized use of terms with the various trades and professions to which the terminology applies.

1.2 Defined Terms

The words and terms in *Italics* in this Section have the following meaning for the purposes of this Section.

Attached Garage means a Storage Garage as defined by the Ontario Building Code that is of a complimentary use to a residential occupancy, which it is attached and is built at the same time as the construction of the residential occupancy for which one Building Permit was issued for the project as a whole. In all other cases, the permit fee for an attached garage shall be determined in accordance to the rate associated with Accessory Buildings, as detailed in the Township's User Fees and Service Charges By-law.

Existing Structures means a terminology limited within the context of this By-law found herein, and defines a building as a structure being structurally sound, free of defects, insect infestation, rot and which originated from a site or property within the Township of Tay boundaries only.

Floor(s) means all nominally horizontal surfaces, either within or around the exterior of a structure, and is meant to include, but not limited to, balconies, decks, landings, ramps, levels, a storey, and mezzanines. But does not apply to service catwalks, exterior unenclosed patios or walks not elevated above the finished grade.

Internal Fit-up means a permit fee applied to an *Industrial use* structure and shall be applied in to the *Total Area of all Floors of,*

- a) In the case of a single tenancy, those *Floor* areas, containing offices, production/process areas, workshops, showrooms, meeting rooms, staff rooms, service rooms, and corridors and storage rooms serving these spaces.
- b) Multi-tenancy, all *Floor* areas leased, rented or owned by a single tenancy.

Inspection(s) means an *Inspection* performed at a property of a particular element or assembly of a structure as mandated to be inspected by either the Ontario

Building Code, and/or the current edition of Township of Tay Building By-law. Where a single site visit permits for the *Inspection* of one or more elements or assemblies of a structure, for the purpose of this By-law, the fee applied shall be the total sum of all *Inspections* performed during the single site visit.

New Foundation means a permit fee applied to *Existing Structures* that do not require *Professional Control*, will not require any additional works, other than a new footing and foundation system, and new service connections.

Professional Control means the design, general review, or both of construction or demolition by an Architect, a Professional Engineer, or both as prescribed by the Ontario Building Code.

Shell means a permit fee applied to an *Industrial use* structure and shall be applied in to the *Total Area of all Floors*

Total Area means the gross area of all *Floors* calculated in accordance with Part 2.0 – “Fee Calculations Guide”, of this By-law.

Use means the purpose for which any part of a building or structure is designed, arranged, intended, occupied, or maintained.

PART 2.0 - FEE CALCULATIONS GUIDE

2.1 Minimum Permit Fee

No Permit Fee shall be less than established in the Township’s User Fees and Services Charges By-law, regardless of results calculated in accordance with Part 2.0 – Fee Calculations Guide of this By-law.

2.2 Determination of Area Calculations for Permit Fees

For the purpose of calculating the cost of permits, the following method establishing square footage shall be used:

- a) Each *Floor* area, shall be measured between the outside surfaces of exterior walls, or between the outside surfaces of exterior walls and the centre line of Firewalls or Party Walls. For structures like, mezzanines, Decks/Porches, and loading docks the area shall be measured between the platform edge to platform edge, or between the platform edge to an abutting wall face. The summation of these calculations shall be considered the *Total Area*.
- b) A basement or a crawlspace contained in whole below grade, and with no interior finishes installed, or where no *Use* is proposed shall not have a permit fee applied.
- c) All walkout basements in Dwellings shall have half of their *Total Area* calculated for the applicable permit fee.

- d) No deductions shall be made for openings within a *Floor*, i.e. stairwells, elevator shafts, service shafts (ducts. etc.).
- e) A horizontal plane may be projected over sloping and stepped *Floors* to determine *Floor* area in lieu of actual surface area.
- f) The primary function or use of a tenancy shall determine the applicable fee or fees to floor areas within that suite or unit.
- g) In buildings of multiple suites or tenancy, where more than one fee would apply. A separate *Total Area* calculation shall be performed for each of the different occupancies, defined in the Township's User Fees and Service Charges By-law, the appropriate fee shall be applied to this *Total Area*, with the summation of all fees resulting in the total Building Permit Fee.

2.3 Alternative Fee Calculations

Structures that are of an unusual shape, or where projects are unique in nature, the Chief Building Official, at his discretion, may determine the value of the Building Permit Fee. The Chief Building Official may utilize some, all, or a combination thereof, of the following criteria to determine the Building Permit Fee.

- a) An estimation of staff time to be spent on the file based on the Township's User Fees and Service Charges By-law.
- b) Apply a fee, or combination of fees that in the judgement of the Chief Building Official, most closely reflects the proposed project.

2.4 Combined Permit Fees

- a) Where a structure equipped with services or assemblies that are, either required by The Ontario Building Code, or are of a voluntary installation, and for which the Township's User Fees and Services Charges By-law, the summation of all applicable fees shall result in the total Building Permit Fee.
- b) The fee for Heating shall only be charged when no other construction is proposed.

SCHEDULE "C" – Plans and Documentation, to By-law 2014-24

Appendix 1: Documentary Requirements for Single Dwelling and Small Buildings (New, Additions and Ancillary structures)

This document is to be read in conjunction with By-law 2014-24.

The following summarizes the documentation that must be submitted at the time of a building permit application. Permit applications will not be accepted where any of the required information is not submitted.

Site and Grading Plans (two (2) sets)

- lot size and the dimensions of property, and location/dimensions of all existing and proposed **buildings** (setbacks to property lines & distance to other **buildings**),
- location and dimensions of all proposed and existing, roads, rights-of-way, easements and municipal services,
- elevations of proposed and existing grades and the proposed finished first floor elevations of all buildings,
- location and dimensions of an on-site sewage system, (tank, tile field, and mantle),
- location and depth of the municipal sewer lateral,
- location of municipal water service connection, or of a private well,
- location, dimensions, and slopes of grading features, (i.e. swales, drywells, retaining walls) and,
- slope of driveways and top elevation of finished garage floor slab.

Foundation Plan (two (2) sets)

- drawn to scale and fully dimensioned,
- use of every room and space and finished or unfinished spaces
- all structural framing (joists, beams columns and lintels etc.)
- location, size and dimensions of all footings and spacing of footing pads
- foundation wall type and thickness
- proprietary floor system layout and manufacture bearing P.Eng. seal,
- location of all plumbing fixtures,
- Identification of all building materials and/or reference to a schedule or legend.
- location of smoke alarms and carbon monoxide detectors, and
- location of floor drain and sump pump

Floor Plans (two (2) sets of all floor levels)

- drawn to scale and fully dimensioned,
- use of every room or space,
- all structural framing,
- proprietary floor system layout and manufacture bearing P.Eng. seal,
- location of all plumbing fixtures,
- location of all fireplaces and type of fuel (wood or gas),
- location of smoke alarms and carbon monoxide detectors and,
- Identification of all building materials and/or reference to a schedule or legend.

Roof Plans (two (2) sets)

- drawn to scale and fully dimensioned.
- Roof Truss layout from manufacture bearing P. Eng. seal or,
- Rafter and Ceiling Joist layout and design

Elevations (two (2) sets)

- area of exposed building face, area and % of glazed openings and required limiting distance,
- exterior finishes (for Exterior Insulation Finish Systems, include name of manufacturer),
- window/door type, locations and sizes including height of sills above floor,
- roof slope and finish and,
- stairs, landings, guards and handrails.

Building Sections (two (2) sets)

- floor to floor and floor to ceiling heights,
- footing and foundation wall details including height of grade above,
- basement floor,
- specifications of all floor, wall and roof assemblies,
- underpinning detail where required and,
- stairs, landings guards and handrails.

Construction Details (two (2) sets)

- typical wall section from footings to roof.
- typical roof detail where cathedral ceilings are proposed.
- guard details (reference to SB -7 details or drawings complying with Part 4 design).
- specifications of all wall, floor and roof assemblies and building materials.

Heating, Ventilation and Air Conditioning Drawings (two (2) sets)

- heat loss/heat gain design calculations and equipment summary,
- mechanical ventilation design summary and,
- duct layout drawings
- Energy efficiency design summary

Plumbing

- location of all plumbing fixtures
- layout of all piping including drains, wastes and vents
- layout of all plumbing appliances

Solid Fuel Burning Appliances

- provide a copy of installation manuals for certified appliances and chimneys
- location of appliance and setback distances to combustibles
- floor protection (if applicable)
- wall and ceiling heat shield designs (if applicable)

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

SCHEDULE "C" – Plans and Documentation, to By-law 2014-24

Appendix 2: Documentary Requirements for ICI Structures, including Multi-Dwellings (New, Additions and Ancillary structures)

This document is to be read in conjunction with By-law 2014-24.

The following summarizes the documentation that must be submitted at the time of a building permit application. Permit applications will not be accepted where any of the required information is not submitted.

Forms / Documents

- Commitment to General Review signed by all project team disciplines
- Building Code Data Matrix or Statement of Design (alternatively include on Architectural Site Plan)
- Land and Building Use Declaration (including identification of any hazardous materials)
- ASHRAE 90.1 Energy Certification Form
- Flow Control Roof Drainage Form (to be filled out by Mechanical & Structural Engineer)
- Geotechnical Investigation Report

Architectural Site Plan (Three (3) copies)

- Property lines and lot area referenced to a current Survey
- Location of building in relation to property lines, streets, fire routes, parking areas and other buildings
- Overall dimensions (width/length) of all buildings, fire access routes, driveways and entrances
- Zoning summary (summary of permitted/proposed zoning provisions)
- Proposed and existing grades, landscaped areas, sidewalk elevations and proposed finished floor elevations of all buildings
- Barrier free curb cuts, parking and ramps and all associated details

Architectural Drawings (Three (3) sets all to have Architect's seal where required)

- Floor plans fully dimensioned, identifying rooms and spaces, wall construction & fire separations
- Reflected ceiling plans and associated details (co-coordinated with Electrical consultant)
- Roof Plan & associated details including any screening requirements for mechanical roof top equipment
- Building Elevations
- Building cross sections
- Wall sections, Stair sections and plan and section construction details
- Enlarged detail plans (B/F washroom, stair enclosures) and associated details, millwork details
- Door and Room Finish Schedules (if not in specification)

Structural Drawings (Three (3) sets all to have Professional Engineer's seal where required)

- Design specifications c/w loading, deflection, wind uplift and earthquake analysis & reference to Geotechnical Report
- Foundation plan and associated details (piles & caissons)
- Floor framing plans c/w beam & column schedule
- Roof Framing plan (confirm control flow drainage design requirements)

- Details pertaining to structural connections, framing or any exterior canopy structures

Mechanical Drawings (Three (3) sets all to have Professional Engineer's seal where required)

- Site servicing drawing
- Floor plans for both HVAC and Plumbing c/w equipment schedule
- Sprinkler System Design
- Roof plan showing drainage and equipment schedule for roof mounted equipment

Electrical Drawings (Three (3) sets all to have Professional Engineer's seal where required)

- Electrical site servicing drawing where separate from Mechanical
- Floor plans showing lighting, power, emergency lighting, exit signage and electrical equipment
- Fire alarm system drawings (separate or combined with electrical drawings) including FA riser/zoning

Other Submissions (where applicable)

- Complete Construction Specifications (Architectural, Structural, Mechanical and Electrical)
- Security Hardware including Electromagnetic locking/hold-open system drawings and details
- Industrial Rack Storage System drawings complete with BMEC authorization

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

SCHEDULE "C" – Plans and Documentation, to By-law 2014-24

Appendix 3: Documentary Requirements for On-site Sewage System Design, or Site Servicing Designs

This document is to be read in conjunction with By-law 2014-24.

The following summarizes the documentation that must be submitted at the time of a building permit application. Permit applications will not be accepted where any of the required information is not submitted.

On-site Sewage System Design

- Statement of Design form as prescribed in Schedule "G" of By-law 2014-24 ,
- A Site Evaluation Report which shall include all of the following items:
 - include the date the evaluation was done;
 - include name, address, telephone number and signature of the person who prepared the evaluation; and,
 - include a scaled map of the site showing:
 - the legal description, lot size, property dimensions, existing rights-of-way, easements or municipal / utility corridors;
 - the location and setback distances of items listed in Column 1 of Tables 8.2.1.5, 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."
- System drawings and details

Site Servicing Designs

- drawn to scale and fully dimensioned,
- location and sizing of, water service, and fire service mains,
- location, sizing, and minimum slope of, sanitary and storm sewers, including cleanouts, manholes, and catch-basins and,
- sewage and Storm Hydraulic load summery of each building serviced on site.

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

SCHEDULE "D" – Inspections, to By-law 2014-24

Where subsection 7.3 of By-law 2014-24 requires a **permit holder** or his or her **authorized agent** to notify the Building Department of the **municipality** at least two (2) business days in advance of the stages of construction specified in the Building Code, the following exceptions apply:

The **Building Code** reads as follows;

commencement of construction of the building – the **Chief Building Official** may waive this notice requirement.

substantial completion of interior finishes – where a **permit holder** or his or her **authorized agent** does not request or require a Occupancy Permit issued pursuant to the **Building Code** and a final inspection can be completed for the project for which the **permit** was issued, the requirement of notice for this inspection is waived.

substantial completion of exterior finishes – where a **permit holder** or his or her **authorized agent** does not request or require a Occupancy Permit issued pursuant to the **Building Code** and a final inspection can be completed for the project for which the **permit** was issued, the requirement of notice for this inspection is waived.

substantial completion of site grading – where a construction site is subject to grading controls beyond the scope of the **Building Code**, a **permit holder** or his or her **authorized agent** may not request such an inspection, until those controls have been implemented and completed to the satisfaction of the **Municipality**.

SCHEDULE "E" – List of Applicable Law, to By-law 2014-24

(Subject to change as per the Ontario Building Code
that supersedes this Schedule)

By-laws	Made under <i>any private Act</i> that prohibits the proposed construction or demolition of the building unless the By-law made is complied with. (See next page)
Brownfields	
Clean Water Act, s.59	With respect to the issuance of a notice by the risk management official for the construction of a building.
Conservation Authorities Act, c.28(l)(c)	Construction which may affect conservation area.
Day Nurseries Act, s.5	New building or premises, or existing altered, renovated for use as a day nursery
Development Charges Act, s. 28 and 53	Withholding of building permits.
Education Act, s.194	The demolition of a building.
s.257.83 and 257.93	Withholding of building permits.
Elderly Persons Centres Act, s.6	For construction of a building project.
Environmental Assessment Act, s.5	To proceed with an undertaking of environmental assessment.
s.5(4)	For construction or alteration of building which will discharge contaminants.
Environmental Protection Act, s.46	To use land or land covered by water that has been use for the disposal of waste.
Environmental Protection Act, s.47.3	For issuance of a renewable energy approval.
Environmental Protection Act, s.168.3	For the construction of a building to be used in connection with a change use of a property.
Environmental Protection Act, paragraph 2, s.168.6(1)	If a certificate of property use has been issued in respect of the property under section 168.6(1)
Milk Act, s.14	For the construction or alteration of any building intended for use as a plant.
Municipal Act, s.133(4)	To the fortification of buildings.
Nutrient Management Act, s.11.1	For buildings or structure to house animals or store nutrients.
Nursing Home Act, s.4	To the construction, alteration, addition to or renovation of a nursing home or conversion of an existing building into a nursing home.

Ontario Heritage Act, s.27(3)

- s.30** No construction, alterations or demolitions of building.
- s.33** For the alteration of designated property.
- s.34** For a demolition of a designated building.
- s.34.5** With respect to the consent of the Minister for the alteration or demolition of a designated building.
- s.34.7(2)** With respect to the consent of the Minister for the alteration or demolition of a designated building where the Minister has given a notice of intent to designate a building.
- s.40.1** By-laws made under this section.
- s. 42** Erection, alteration or demolition of a building in a designated heritage conservation districts.

Planning Act, s.33

Except where, in the case of the demolition of a residential property, a permit to demolish the property is obtained under the Section.

- s.34 or 38** By-laws made under these sections or under Section 3 of the O. Reg. 246/01.
- s.41** For the construction or alterations of any building under site plan control area.
- s.42** With respect to the payment of money where payment is required under subsection 42(6) of that Act
- s.46**
- s.47**

Planning and Development Act, s.14

With respect to a conflict between a development plan under that Act and a zoning by-law that affects the proposed building or structure.

Public Lands Act, s.2

The construction or placement of a building on public land.

Public Transportation and Highway Improvement Act, s.34 or 38

For the placement, erection or alteration of building or other structure or the use of land

And all other applicable law as defined in the **Building Code Act**

Applicable Laws – Ont. Regulations

Other authorities having jurisdiction:

- Township of Tay Public Works Department
- Township of Tay Fire Department
- Township of Tay Treasury Department
- Township of Tay Water Department
- Electrical Safety Authority
- Barrie Hydro
- Simcoe County District Health Department
- County of Simcoe

SCHEDULE "F" – Code of Conduct, to By-law 2014-24

CODE OF CONDUCT FOR BUILDING OFFICIALS

(PURSUANT TO SECTION 7.1-(1) OF THE "BUILDING CODE ACT")

Preamble

The Code of Conduct applies to the Chief Building Official and Building Officials appointed under the Building Code Act in the exercise of a power or the performance of a duty under the Building Code Act or the Building Code. The purpose of the Code is to promote appropriate standards of behavior and enforcement actions to ensure building officials apply standards of honesty and integrity, and to prevent practices constituting an abuse of power including unethical or illegal practices.

Standard of Conduct

Building Officials undertake to:

1. Always act in the public interest, particularly with regard to the safety of building works and structures.
2. Not to act where there may be or where there may reasonably appear to be a conflict between their duties to their employer, their profession, their peers and the public at large and their personal interests.
3. Apply all relevant building By-laws, codes and standards appropriately and without favour.
4. Perform their inspections and plan examination duties impartially and in accordance with the highest professional standards.
5. At all times abide by the highest moral and ethical standards and avoiding any conduct, which could bring or tend to bring Building Officials into disrepute.
6. Comply with the provisions of the Building Code Act, the Ontario Building Code and other Acts or Laws that regulate or govern Building Officials or their functions.
7. Not to act beyond their personal level of competence or outside their area of expertise.
8. Maintain current accreditation to act as an Ontario Building Official.
9. Maintain their knowledge and understanding of the best current building practices, the building laws and Codes relevant to their inspection and plan examination function.
10. Extend professional courtesy to all.

Breaches of the Code of Conduct

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 against a Building Official, 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, the Director of Planning and Development will direct the investigation and make such recommendations as are reasonable.

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

Disciplinary action arising from violations of the code of conduct is the responsibility of The Corporation of the Township of Tay's administration and is subject to relevant collective agreements, employment laws and standards.

SCHEDULE "G" - Prescribed Forms, to By-law 2014-24

This is Schedule "G" to By-law No. 2014-24 respecting

Form 1	Application for Change of Use Permit (1)
Form 2	Application for the use of an equivalent (1)
Form 3	Change of Use Permit
Form 4	Field Review Report
Form 5	Site Plan Approval Release
Form 6	Building Design Information (OBC Data Matrix)
Form 7	Supplementary Information Form for Residential Projects
Form 8	On-Site Sewage Statement of Design
Form 9	Residential Deck Statement of Design

SCHEDULE "H" to By-law 2014-24

ACKNOWLEDGEMENT BY APPLICANT OF INCOMPLETE APPLICATION

ACKNOWLEDGEMENT BY APPLICANT OF AN INCOMPLETE APPLICATION

Pursuant to the Building Code

Part A

A prescreening of the application to _____
(describe work)

at _____ reveals that the application is incomplete in that the
(location of work) following items are missing:

(The above list may not be complete. Further permit processing may indicate additional outstanding items that are required.)

As such, the application is not entitled to the processing time periods prescribed in of the Building Code.

The Township of Tay will however accept the incomplete application for processing if the Acknowledgement below is completed.

Part B

I _____
(print name of applicant)

acknowledge that my application to _____ at _____
(describe work) (location of work)

does not meet the requirements of the Building Code and therefore is not entitled to the time periods prescribed in the Building Code.

Notwithstanding the above, I wish to have the application accepted for processing and understand that a permit cannot be issued until all the information is submitted and reviewed for compliance.

I have authority to bind the corporation or partnership (if applicable).

(Date)

(Signature of Applicant)