

CORPORATION OF THE CITY OF THOROLD

Bylaw NO. 73-2010

BEING A BYLAW RESPECTING THE CONSTRUCTION, DEMOLITION, CHANGE OF USE, OCCUPANCY PERMITS AND TRANSFER OF PERMITS, INSPECTIONS AND ASSOCIATED FEES.

WHEREAS Section 7 of the *Building Code Act, 1992, S.O. 1992, Chapter 23*, empowers Council to pass certain Bylaws respecting construction, demolition and change of use, *permits* and inspections.

AND WHEREAS the Council of the City of Thorold approved the recommendations of Report PBS2010-42 at a Council meeting held on July 20, 2010.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF THOROLD ENACTS AS FOLLOWS:

SECTION 1 SHORT TITLE

1.1 This Bylaw may be cited as "The Building Bylaw".

SECTION 2 DEFINITIONS

2.1 In this bylaw:

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

"As constructed plans" means as constructed plans as defined in the *Building Code*.

"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*.

"Authorized Agent" means any person authorized by the owner of the *building* or property to apply for *building permit* on the owner's behalf as established by the completion of the prescribed form in Schedule "G".

"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.

"Chief Building Official" means a Chief Building Official appointed by bylaw by the *Corporation* of the City of Thorold for the purposes of enforcement of the Act.

"Construct" means *construct* as defined in Subsection 1(1) of the Act and construction has a corresponding meaning.

"Corporation" means the *Corporation* of the City of Thorold.

"Demolish" means *Demolish* as defined in Subsection 1(1) of the Act and demolition has a corresponding meaning.

"Farm Building" means a farm building as defined in the *Building Code*.

"Inspector" means an *Inspector* appointed by bylaw by the Corporation of the City of Thorold for the purposes of enforcement of the Act.

"Landscape Architect" means a member of the Ontario Association of *Landscape Architects*.

"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 written 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.

"Plumbing" means *plumbing* as defined in Section 1(1) of the Act.

"Professional Engineer" means a person who holds a license or temporary license 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 the *Building Code*.

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

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

SECTION 3 **CLASSES OF PERMITS**

- 3.1 Classes of Permits with respect to the construction, demolition and change of use of *buildings*, together with applicable *permit* fees, shall be as set out in Schedule "A" attached hereto.

SECTION 4 **PERMITS**

4.1 **File Application on forms prescribed**

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*.

4.2 **Information submitted to Chief Building Official**

Every application for a *permit* shall be submitted to the *Chief Building Official*, and contain the following information set out below.

- (1) An application for a construction *permit* under Subsection 8(1) of the Act shall be in the form prescribed by Schedule "C" attached hereto and shall include:

4.2 Continued

- (a) 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 "B" of this bylaw for the work to be covered by the *permit*; and
 - (b) the completed form as set out in Schedule "D"; and
 - (c) the completed form as set out in Schedule "F", where applicable; and
 - (d) in the case of new single detached, semi-detached, duplex, triplex, fourplex or townhouse 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 Operations, 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 Operations;
 - (ii) in the case of land in respect of which no accepted area or subdivision grading plan has been filed with the Director of Operations, a lot grading plan bearing the signature and seal of a *Professional Engineer*, a *Landscape Architect*, an *Architect* or an Ontario Land Surveyor who certifies thereon that the drainage scheme depicted by the plan will be compatible with the existing drainage patterns.
 - (iii) provide a final lot grading certificate within seven (7) months of occupancy,
 - (1) bearing the signature and seal of the subdivision *Owner's Professional Engineer* certifying that the finished elevations and grading of the land generally conforms with the accepted area or subdivision grading plans and the lot grading plan specified in Clauses 4.2(d)(i) and (ii) of this bylaw; or
 - (2) where no accepted area or subdivision grading plan exists, bearing the signature and seal of a *Professional Engineer*, a *Landscape Architect*, an *Architect* or an Ontario Land Survey certifying that the finished elevations and grading of the land generally conforms to the lot grading plan specified in Clauses 4.2(d)(i) and (ii) of this bylaw; and
 - (e) the required fee.
- (2) An application for a demolition *permit* under Subsection 8(1) of the *Act* shall be in a form prescribed by Schedule "C" attached hereto and shall include:
- (a) complete plans and specifications, documents and other information as required by Article 2.4.1.1B and Sentence 2.4.1.1(2) of the *Building Code* and as described in Schedule "B" of this bylaw for the work to be covered by the *permit*; and

4.2 Continued

- (b) completed form as set out in Schedule "F" where applicable; and
 - (c) proof satisfactory to the *Chief Building Official* on the prescribed form in Schedule "J" of this bylaw, that arrangements have been made with the proper authorities for the cutting off and plugging of all services;
 - (d) a security deposit in such an amount as prescribed in Schedule "A" of this bylaw to ensure that the site will be backfilled and graded with clean fill material to the satisfaction of the *Chief Building Official* and that all private drain connections will be excavated and properly sealed at the property line; and
 - (e) the required fee.
- (3) An application for a conditional *permit* under Subsection 8(3) of the *Act* shall be in a form prescribed by Schedule "C" attached hereto and shall include:
- (a) 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 "B" of this bylaw for the work to be covered by the *permit*; and
 - (b) a written statement outlining the reasons why the *Applicant* believes that unreasonable delays in construction would occur if a conditional *permit* is not granted; and
 - (c) a written statement outlining 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) a written statement outlining the time in which plans and specifications of the complete *building* will be filed with the *Chief Building Official*; and
 - (e) the required fee.
- (4) An application for a change of use *permit* issued under Subsection 10(1) of the *Act* shall be in a form prescribed by Schedule "E" attached hereto and shall:
- (a) include a written statement to describe the *building* in which the occupancy is to be changed, by a description that will readily identify and locate the *building*; and
 - (b) include a written statement to identify and describe in detail the current and proposed occupancies of the *building* or part of a *building* for which the application is made; and
 - (c) 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; and

4.2 Continued

- (d) be accompanied by the required fee; and
 - (e) state the name, address and telephone number of the *Owner*; and
 - (f) be signed by the *Owner* or his or her *Authorized Agent* who shall certify the truth of the contents of the application.
- (5) Where applicable in accordance with 4.4 of this bylaw proof of *permit* is to be submitted as part of the application for *permit* to the *Chief Building Official*.
- (6) Where application is made for a transfer of *permit* because of a change of ownership of land, the *Applicant* shall:
- (a) use the prescribed form in Schedule "E" of this bylaw; and
 - (b) provide the names and addresses of the previous and new land *Owner*; and
 - (c) provide the date that the land ownership change took place; and
 - (d) describe the *permit* that is being transferred.

4.3 **Occupancy of Unfinished Buildings**

An application to the *Chief Building Official* for occupancy of an unfinished *building* as provided for in the *Building Code* shall be in a form prescribed by Schedule "E" attached hereto and shall include a written statement or drawing to:

- (a) describe the part of the *building* for which occupancy is requested.

4.4 **Sewage System Permits**

Every person wishing to make application for a *Sewage System Permit* shall apply to the Region of Niagara in accordance with Regional Bylaws, as amended.

4.5 **Incomplete Applications**

Where an application is found to be incomplete and does not comply with the applicable requirements of the *Building Code* determining completeness of an application, the application may be accepted for processing if the *Applicant* acknowledges same and completes the form as set out in Schedule "H" of this bylaw.

4.6 **Partial permit requirements**

- (1) When in order to expedite work, approval of a portion of the *building* or project is requested prior to the issuance of a *permit* for the complete *building* or project, the *Applicant* shall:
- (a) file the prescribed application and pay all applicable fees for the complete project; and

4.6 Continued

- (b) file complete plans and specifications covering the portion of the work for which immediate approval is desired with the *Chief Building Official*.
- (2) Where a partial *permit* is requested the application is deemed to be incomplete.
- (3) Where a *permit* is authorized for part of a *building* or project, the permission shall not be construed to authorize construction beyond the plans for which the *permit* was issued nor that a *permit* will necessarily be issued for the entire *building* or project.

4.7 Inactive Permit Application

Where an application for a *permit* remains incomplete or inactive for six (6) 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.

SECTION 5 PLANS AND SPECIFICATIONS

5.1 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.

5.2 Complete sets required

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

5.3 Plans drawn to scale on durable material - legible

Plans shall be drawn to scale (minimum 1:75 or 3/16" = 1') on paper, cloth or other durable material and shall be legible.

5.4 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) calculated proposed lot coverage.

5.5 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*.

5.6 Plans property of Corporation

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

SECTION 6 REGISTERED CODE AGENCIES

6.1 Registered Code Agency hired by the 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 Subsection 2.4.1 of the *Building Code*.

6.2 Functions 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*.

SECTION 7 FEES AND REFUNDS

7.1 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 Bylaw and the *Applicant* shall pay such fees.

7.2 Construction commenced prior to building permit issuance

Where stages of construction have been commenced or alterations made prior to the issuance of the necessary *permit*, an additional fee intended to cover the costs associated with additional administrative and regulatory actions of the City made necessary by the commencement, carrying on or completion of *work* or change of use without the required *permit* shall be required in accordance with Schedule "K" of this bylaw. These fees shall be **in addition** to those prescribed by Schedule "A" of this bylaw.

7.3 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 Bylaw.

SECTION 8 TRANSFER OF PERMITS

8.1 Application completed by new owner

A *permit* may be transferred if the new land Owner completes the *permit* application form in accordance with the requirements of Part 4 of this Bylaw.

8.2 Fee - Schedule "A"

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

8.3 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*.

SECTION 9 REVOCATION OF PERMITS

9.1 Notice of Revocation

Prior to revoking a *permit* under Subsection 8(10) of the *Act*, the *Chief Building Official* shall 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.

9.2 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*.

9.3 Fee for Deferral

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

SECTION 10 NOTICE REQUIREMENTS FOR INSPECTIONS

10.1 Notice prior to each stage to the 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 in the *Building Code*. In addition to the notice of completion as prescribed by Section 11 of the *Act*, the *Permit Holder* shall provide another mandatory notice after the completion of demolition work to ensure the completion of the site grading and other works described in Section 4.2(2)(d) of this Bylaw.

10.2 Effective when received by the Chief Building Official

A notice pursuant to this Part of the Bylaw is not effective until notice is actually received by the *Chief Building Official* or the *Registered Code Agency* and the *Permit Holder* receives a confirmed appointment issued by the *Corporation* or the *Registered Code Agency*.

10.3 Time Periods

Upon receipt of proper notice, the *Inspector* or *Registered Code Agency*, if one is appointed, shall undertake a site inspection of the *building* to which the notice relates in accordance with the time periods stated in the *Building Code* and Section 11 of the *Act*.

10.4 Cancellation of and Unpreparedness for Scheduled Inspections

A fee of sixty dollars (\$60.00) will be charged to the *Permit Holder* for each inspection which is cancelled less than twenty four (24) hours prior to the time of the scheduled inspection or where an inspection is conducted on work which is not substantially completed as required for the requested inspection. Inspections may be cancelled and the fee waived for reasons due to natural causes at the discretion of the *Chief Building Official*. The fees assessed will be required to be paid in full prior to the granting of Occupancy and/or the closing of the Building *permit* file and the release of any deposits.

SECTION 11 FIRE SAFETY MATTERS

11.1 The Fire Chief, the Fire Prevention Officer, or other specified Official, if so designated, shall be responsible for enforcement, plan examination and field inspections of the following sections of the Ontario *Building Code*, as amended, respecting fire matters; namely;

- (1) Fire Alarm Systems, and all ancillary functions,
- (2) Fire Detection Systems,
- (3) Standpipe, hose systems and water supply (including dry hydrants),
- (4) Sprinkler Systems,
- (5) Portable Fire Extinguishing equipment,
- (6) Voice Communication Systems,
- (7) Systems for the ventilation of restaurant and other commercial cooking equipment designed, constructed and installed to conform to NFPA96, "Ventilation Control and Fire Protections of Commercial Cooking Operations",
- (8) Solid Fuel Burning Stoves and appliances, and
- (9) Access for Fire Department Vehicles.

11.2 The Fire Chief, The Fire Prevention Officer, or other specified Official, if so designated, shall approve all drawings submitted pursuant to an application for a *permit* as complying with the requirements of the Ontario *Building Code*, respecting Fire Safety matters specified in Section 11.1 of this bylaw prior to the issuance of a *permit* by the *Chief Building Official*.

SECTION 12 VALIDITY

12.1 Severability

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

SECTION 13 CONTRAVENTION OF BYLAW - OFFENCE

13.1 Every person who contravenes any provision of this Bylaw is guilty of an offence and on conviction is liable to a fine as provided in Section 36 of the Act.

SECTION 14 REPEAL - ENACTMENT

14.1 Bylaws previous

Bylaw 45-2005 and all of its amendments, 71-2005 and 83-2007, are hereby repealed.

14.2 Applications prior to July 21, 2010

Notwithstanding Section 13.1 of this Bylaw, for any application received prior to July 21, 2010, the *permit* fee shall be calculated in accordance with Schedule "A" of Bylaw 45-2005 as amended by Bylaws 71-2005 and 83-2007.

14.3 Effective date

This bylaw comes into force on July 21, 2010.

THIS Bylaw READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 20TH DAY OF JULY, 2010.


Henry D'Angela, Mayor


Susan M. Daniels, City Clerk