

# THE CORPORATION OF THE CITY OF ELLIOT LAKE

## **B**Y-LAW No. 06-99

Being a by-law respecting Construction, Demolition, and Change of Use Permits and Inspections and to repeal By-Law 78-47.

Whereas pursuant to the Building Code Act, as amended, the Lieutenant Governor in Council has established a Building Code which is in force throughout Ontario to regulate all construction, demolitions, extensions, material alterations and changes of use with respect to buildings, for which the Council of the City of Elliot Lake has appointed a Chief Building Official and such inspectors for the proper administration of the said Building Code.

And Whereas Section 7 of the Building Code Act, 1992, S.O.1992, Chapter 23, empowers Council to pass certain by-laws respecting construction, demolition and change of use permits and inspections.

Now Therefore, the Corporation of the City of Elliot Lake **ENACTS AS FOLLOWS:**

### **SHORT TITLE**

1. This By-law may be cited as the “Building By-Law”.

### **DEFINITIONS**

2.1 In this by-law,

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

“**as constructed plans**” means as constructed plans as 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.

“**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 the chief building official appointed by the by-law of The Corporation of the City of Elliot Lake for the purposed of the enforcement of the Act.

“**Corporation**” means The Corporation of the City of Elliot Lake.

“**farm Building**” means a farm building as defined in the Building Code.

**“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.

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

**“prescribed value”** means, as determined by the Chief Building Official, the value of construction of a proposed building or designated structure including the total value of all work, labour, equipment, overhead, services and materials in respect of its construction and of all professional and related services.

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

2.3 For the purposes of this by-law,

- (1) words used in singular shall include plural and vice versa, and
- (2) the word “shall is mandatory.

## **PERMITS AND APPLICATIONS**

### **Classes of Permits**

3.1 Classes of permits with respect to the construction, demolition and change of use of buildings and permit fees shall be as set out in Schedule “A” to this By-Law.

### **Partial Permits**

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

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

### **Revision to Permit**

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.

## **Revocation of Permits**

3.4 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.

## **Permit Application**

3.5 To obtain a permit, the owner or agent authorized in writing by the owner shall file an application in writing by completing a prescribed form available from the Chief Building Official or from the Building Code website [www.obc.mah.gov.on.ca](http://www.obc.mah.gov.on.ca). Forms prescribed by the Corporation under clause 7(1)(f) of the Act shall be set out in Schedule “C” to this By-Law.

## **Building, Conditional and Demolition Permits**

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

- (1) Where application is made for a **building permit** under Subsection 8(1) of the Act, the application shall:
  - (a) use the provincial application form, “Application for a Permit to Construct or Demolish” in the manner and form as prescribed pursuant to the *Act*,
  - (b) include (2) sets of complete plans and specifications, documents and other information as required by Article 2.4.1.1B of the Building Code and as set out in Schedule “C” annexed hereto and forming part of this by-law, and;
  - (c) the prescribed fee for the class of permit and type of construction activity to be carried out according to the application submitted.
- (2) Where application is made for a **demolition permit** under Subsection 8(1) of the Act, the application shall:
  - (a) use the provincial application form, “Application for Permit to Construct or Demolish” in the manner and form as prescribed pursuant to the *Act* ,
  - (b) include such plans, specifications and such other information as may be required by Article 2.4.1.1B of the Building Code and the Chief Building Official to ensure that the demolition will not pose a safety hazard to people or adjacent properties; and
  - (c) the prescribed fee for the class of permit and type of demolition activity to be carried out according to the application submitted.
- (3) Where application is made for a **conditional permit** under subsection 8(3) of the Act, the application shall:
  - (a) use the provincial application form, “Application for Permit to Construct or Demolish” in the manner and form as prescribed pursuant to the *Act*;
  - (b) include (2) sets of complete plans and specifications, documents and other information as required by Sentence 2.4.1.1B of the Building Code and as set out in Schedule “C” annexed hereto and forming part of this by-law;
  - (c) the prescribed total fee for the class of permit and type of construction activity to be carried out according to the application submitted;

- (d) a statement setting out the reasons why the applicant believes that unreasonable delays in construction would occur if a conditional permit is not granted;
- (e) a statement listing the necessary approvals which must be obtained in respect of the proposed building and the time in which such approvals will be obtained; and
- (f) a declaration as to the date upon which plans and specifications of the complete building will be filed with the Chief Building Official.

### **Change of Use Permits**

3.7 Every application for **change of use permit** issued under subsection 10(1) of the Act shall be submitted to the Chief Building Official, and shall:

- (1) describe the building in which the occupancy is to be changed, by a description that will readily identify and locate the building;
- (2) identify and describe in detail the current and proposed occupancies of the building or part of a building for which the application is made;
- (3) include (2) sets of 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 existing “sewage systems”, if any;
- (4) be accompanied by the prescribed fee;
- (5) state the name, address and telephone number of the owner; and
- (6) be signed by the owner or his or her authorized agent who shall certify the truth of the contents of the application.

### **Project Value**

3.8 For the purposes of the aforementioned applications, the value of work to be shown on the permit shall be as completed in Section A of the provincial application form “Application for Permit to Construct or Demolish”, except where such value is deficient in reflecting the value of the work, in which case, the prescribed value as defined in this by-law may be substituted.

### **Equivalent**

3.8 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:

- (1) a description of the proposed material, system or building design for which authorization under section 9 of the Act is requested;
- (2) any applicable provisions of the Building Code; and
- (3) evidence that the proposed material, system or building design will provide the level of performance required by the Building Code.

### **Plans and Specifications**

- 3.9 For the purposes of any of the aforementioned applications for a permit, sufficient information shall be submitted with each application for a permit so as 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.
- 3.10 Plans submitted for the purposes of any of the aforementioned applications for a permit shall be legible and drawn in ink and to scale on paper and shall show all applicable dimensions, measurements, material specifications and construction details so as 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.
- 3.11 Site plans submitted for the purposes of any of the aforementioned applications for a permit shall be referenced to a current building location survey wherever possible, a copy of which shall be submitted to the Chief Building Official.
- 3.12 Where current building location surveys are not available, site plans shall be submitted to the Chief Building Official to enable said 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 shall be legible and drawn in ink and to scale on paper and shall show the following:
- (1) lot size and dimensions of property lines;
  - (2) all existing buildings and structures and proposed buildings and structures;
  - (3) distances between property lines and the outer surface of all exterior walls of any existing buildings and structures and every proposed building and structure;
  - (4) finished ground levels or grades at the outer surface of the exterior walls of existing and proposed buildings and structures;
  - (5) direction of surface drainage flow and all existing and proposed facilities to accommodate lot drainage;
  - (6) existing easements, rights of way and municipal services; and
  - (7) proposed fire access routes and existing and/or proposed fire hydrant locations.

## **FEES**

- 4.1 (1) Fees for a required permit shall be as prescribed by by-law of the Council of the Corporation of the City of Elliot Lake from time to time.
- (2) Fees shall be due and payable upon submission of an application for a permit.
  - (3) Where the fees payable in respect of an application for a partial permit or a conditional permit, fees shall be paid for the complete project.
  - (4) Where the fees payable in respect of an application for a construction 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, the floor area shall mean the total floor space of all storeys above grade measured as the horizontal area between the outer surface of the exterior walls of the building or structure.

(5) Permit Fees shall be doubled if construction has started before the permit is issued. Payment of double fees will not relieve any person or corporation from:

- a. fully complying with the Ontario Building Code; or
- b. any penalty prescribed in the Act for starting or proceeding with work prior to obtaining a construction permit.

### **Refunds**

4.2 a) 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, and upon written request, 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 “B” attached to and forming part of this by-law.

(b) Except as provided above, there shall be no refund of permit fees where a permit has been revoked or transferred.

## **NOTICE REQUIREMENTS FOR INSPECTIONS**

### **Prescribed Notices for Inspections**

5.1 With respect to additional notices pursuant to Article 2.4.5.2 of the *Building Code*, notice shall be given by the owner or an authorized agent to the Chief Building Official or the Building Inspector at least two (2) business days prior to the time such inspection is required at the following stages:

- (1) Wood burning appliance installation prior to the initial use of the appliance.
- (2) Soil gas barrier of sub-floor depressurization system prior to covering.

### **Improper Inspection Notices**

5.2 At the discretion of the Chief Building Official where the owner and/or agent gives notice for a specific inspection of any building, lot or parcel of land and the inspection cannot be properly carried out due to unfinished work, or the inspection is broken down to cause excessive site visits due to phasing of the project, or the inspection is requested to be performed outside of the regular office hours of the Corporation, the owner shall be responsible for the costs of such additional inspections. Such costs shall be as prescribed by by-law of the Council of the Corporation of the City of Elliot Lake from time to time and shall be paid to the Treasurer of the Corporation on demand.

## **PRESCRIBED FORMS**

6.1 The forms prescribed for use as applications for permits, for orders and for inspection reports shall be as set out in Schedule “D” to this by-law.

## **AS CONSTRUCTED PLANS**

7.1 The Chief Building Official 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.

**APPOINTMENT OF RCA's**

8.1 If the municipality directly appoints a registered code agency under Section 4.1 of the Act, an agreement must be completed.

The agreement with the registered code agency authorizes the agency to perform functions specified in the agreement. The agreements shall be in writing and as outlined in the Building Code under Article 2.22.1.1.

Under Subsection 4.1(3) of the Act the City of Elliot Lake delegates to the Chief Building Official, the authority to make appointments of registered code agencies.

**CONFLICT OF BY-LAWS, CODES, REGULATIONS**

9.1 Where the provisions of this by-law conflict with a provision of any other by-law in effect in the Municipality or any applicable government regulation, the provision that establishes the higher standard shall prevail. The by-law shall be read in conjunction with the Act and the Building Code and is hereby declared to be part thereof of the forgoing regulations.

**VALIDITY**

10.1 Should any section, 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 the by-law as a whole or any part thereof, other than the part so declared to be invalid.

**PENALTY**

11.1 Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction under the *Provincial Offences Act* is liable to a fine and any other penalty imposed under the Act as defined in this by-law.

**REPEAL OF PREVIOUS BY-LAW**

12.1 That By-law No. 78-47, as amended, is hereby repealed.

**PASSED** this 23<sup>rd</sup> day of October, 2006.

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**MAYOR**

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**CITY CLERK**

**Schedule "A" to By-law No. 06- 99**

**THE CORPORATION OF THE CITY OF ELLIOT LAKE  
LIST OF CLASSES OF PERMITS**

Building Permit	for new construction of all types of buildings and structures and parts thereof, except those otherwise specified below  for the repair and alteration of all types of existing buildings and parts thereof, except ad otherwise specified below  for the construction, repair and/or alteration of plumbing systems or parts thereof
Demolition Permit	for the demolition of all types of buildings and structures and parts thereof
Change of Use Permit	for all types of existing buildings and structures, where a change in major occupancy of such building or structure is proposed that does not necessitate the repair or alteration of such building or structure and the issuance of a Building Permit
Conditional Permit	for all types of buildings and structures
Communication Tower	for all communication towers exceeding 16.6 metres (54 feet 6 inches) in height above ground level and designated as structures to which Part 4 of the <i>Building Code</i> applies
Fence Permit	for all fences exceeding a height of 2.0 metres (6 feet 6 inches) above finished grade level
HVAC Permit	for the installation, repair and/or alteration of heating, ventilation and air conditioning systems and parts thereof, excluding the temporary installation of portable heaters and air conditioning units or appliances
Occupancy Permit	for the occupancy of all buildings and structures, whether such buildings and structures are fully completed or partially completed pursuant to the <i>Building Code</i>
Sign Permit	for the installation of all signs designated as structures to which Part 4 of the <i>Building Code</i> applies
Swimming Pool Permit	for the installation of in-ground or above-ground swimming pools capable of containing a 600 mm depth of water.

## SCHEDULE "B"

This is Schedule "B" to By-Law No. 06-99 respecting

### **REFUNDS**

- 6.1 If Building permit has been issued and applicable fees paid, project has not commenced, fees may be refunded as follows:
- (a) **80 per cent (80%)** if administrative functions only have been performed.
  - (b) **70 per cent (70%)** if administrative and zoning functions only have been performed.
  - (c) **45 percent (45%)** if administrative, zoning and plans examination functions have been performed.
  - (d) **35 percent (35%)** if the permit has been issued and no field inspections have been performed subsequent to permit issuance.
- 6.2 Renewal or re-assignment of permit where there is no change in proposed work - \$25.00 or one-half the original permit fee, whichever is lesser.

## SCHEDULE "C"

This is Schedule "C" to By-Law 06-99 respecting

### LIST OF DOCUMENTS TO ACCOMPANY PROVINCIAL APPLICATION FORM

1. The following plans or working drawings shall be required to accompany applications for permits:
  1. Site Plan (two sets of Plans)
  2. Floor Plans (two Sets)
  3. Foundation Plans (two Sets)
  4. Framing Plans (two Sets)
  5. Roof Plans (two Plans)
  6. Reflected Ceiling Plans (two Sets)
  7. Sections and Details (two Sets)
  8. Building Elevations (two Sets)
  9. Electrical Drawings (two Sets)
  10. Heating, Ventilation and Air Conditioning Drawings (two Sets)
  11. Plumbing Drawings (two Sets)
  12. Fire Alarm and Sprinkler Plan (two Sets)
2. Without limiting the forgoing, plans and working drawings may be combined e.g. floor plans and electrical plans, provided they are combined in such a manner as to be legible and to provide sufficient detail for approval.
3. The Chief Building Official may specify that not all the above-mentioned plans are required to accompany an application for a permit.

## **SCHEDULE “D”**

This is Schedule “D” to By-Law No. 06- 99 respecting

### **FORMS**

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 Confirmation of Commitment

Form 6 ASHRAE 90.1 Forms

Form 7 Building Code Assessment Sheet