

**Corporation Of The
Township Of Havelock-Belmont-Methuen**

By-law Number 2023 - 017

Being a by-law respecting building permits and inspections

WHEREAS Section 7 of the Building Code Act, 1992 authorizes a Municipal Council to pass by-laws concerning the issuance of permits and related matters.

NOW THEREFORE, the Council of the Township of Havelock-Belmont-Methuen enacts as follows:

1. **Definitions and Work Usage**

In this By-Law:

- 1(a) "Act" means the Building Code Act, 1992, as amended.
- (b) "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.
- (c) "Building Code" means the regulation made under Section 34 of the Act.
- (d) "Chief Building Official" means the Chief Building Official appointed by Council under Section 3 of the Act.
- (e) "Owner" means the registered owner of the land and includes a lessee, mortgagee in possession, and the person in charge of the property.
- (f) "Permit" means permission or authorization given in writing by the Chief Building Official to perform work regulated by the Act and Building Code, or to occupy a building or part thereof.
- (g) "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.

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

3. **Classes of Permits**

Classes of permits required for construction, demolition or change of use are set forth in Schedule "A" appended to and forming part of this by-law.

4. **Permits**

- (1) To obtain a permit, an applicant shall file an application under Cloudpermit - an online system (<https://ca.cloudpermit.com>) to apply for and track your building permits and shall supply any other information relating to the application as required by the Chief Building Official.
- (2) Every building permit application shall:
 - (a) identify and describe in detail the work, use and occupancy to be covered by the permit for which the application is made;
 - (b) identify and describe in detail the existing uses and the proposed uses(s) for which the premises are intended;
 - (c) describe the land on which the work is to be done, by a description that will readily identify and locate the site on which the building or demolition is to occur;
 - (d) be accompanied by plans and specifications as described in the by-law;
 - (e) be accompanied by the required fees in accordance with Schedule "A".
 - (f) be accompanied by the required Development Charges as per the current Development Fees By-Laws;
 - (g) invite the parties to the application including the names, addresses and telephone numbers of the owner, applicant, architect, engineer or other designer, and the constructor or person hired to carry out the demolition, as the case may be;
 - (h) when Article 1.2.1.1 of Division C of the Ontario Building Code applies, be accompanied by a signed acknowledgement of the owner on a form prescribed by the Chief Building Official that an architect or professional engineer, or both, have been retained to carry out the general review of the construction or demolition of the building;
 - (i) When Article 1.2.1.1 of Division C of the Ontario Building Code applies, be accompanied by a signed statement of the architect or professional engineer, or both, on a form prescribed by the Chief

Building Official, undertaking to provide general review of the construction or demolition of the building;

- (j) include, where applicable, the registration number of the builder or vendor as provided in the Ontario New Home Warranties Plan Act;
 - (k) state estimated valuation of the proposed work including material and labour; and
 - (l) be signed off by the applicant who shall certify as to the truth of the contents of the application.
- (3) In addition to the requirements of subsection (2) above, every demolition permit application shall:
- (a) when Article 1.2.2.3 of Division C of the Ontario Building Code applies, be accompanied by structural design characteristics of building and the method and time schedule of the demolition; and
 - (b) be accompanied by satisfactory proof that arrangements have been made with the proper authorities for the termination and capping of all the water, sewer, gas, electric, telephone or other utilities and services.
- (4) In addition to the requirements of subsection (2) above, every construction permit application for part of a building shall:
- (a) include an application for the entire project; and
 - (b) include plans and specifications covering the part of the work for which more expeditious approval is desired, together with such information pertaining to the remainder of the work as may be required by the Chief Building Official.
- (5) In addition to the requirements of Subsection (2) above, every conditional permit application for the construction of a building shall:
- (a) state the reasons why the applicant believes that unreasonable delays in construction would occur if a conditional permit is not granted; and
 - (b) state necessary approvals which must be obtained in respect of the proposed building and the time in which such approvals will be obtained.
- (6) In addition to the applicable requirements of Subsection (2) above, every

change of use permit application shall:

- (a) describe the building or part thereof in which the occupancy is to be changed; and
 - (b) include plans and specifications which show the current and proposed occupancy of all parts of the building, and which contain sufficient information to establish compliance with the requirements of the Building Code including, floor plans, details of wall, floor and roof assemblies identifying required fire resistance rating and load bearing capacities.
- (7) The Chief Building Official shall, where conditions in Subsection (4) above have been fulfilled, issue a permit for part of a building subject to Compliance with the Act, the Building Code and any applicable law.
 - (8) The Chief Building Official may, where conditions in Subsection 8(3) to 8(5) of the Act and Subsection (5) above have been fulfilled, issue a conditional permit for a building subject to compliance with the Act, the Building Code and any applicable law.
 - (9) The Chief Building Official shall not, by reason of the issuance of a of a permit or permits for a part or parts of the building issued under Subsection (4) and (5) be under any obligation to grant any further permit or permits therefore.
 - (10) Where an application for a permit remains incomplete or inactive for six months after it is made, the application may be deemed by the Chief Building Official to have been abandoned and notice thereof shall be given to the applicant.
 - (11) Building without a permit is against both this municipal by-law and provincial statute and regulation. Any person or corporation who commences construction, demolition or changes the use of a building before submitting an application for a permit or receiving a permit, shall in addition to any other penalty under the Act, building code or this by-law pay an additional fee equal to 100% of the amount calculated as to the full permit fee for the entire project in order to compensate the corporation for the additional work incurred by such early start of work.
 - (12) The additional fee in section 3(11) shall not relieve any person or other corporate entity from complying with the building code and other applicable law or from any penalty prescribed by the Building Code Act for commencing construction prior to obtaining a building permit.
 - (13) Any person who commences construction, demolition or changes the use of a building or part thereof prior to the issuance of a permit contrary to any permit having previously issued which results in the issuance of orders under the

Building Code Act shall, in addition to any other penalty imposed under the Act or Building Code, pay a non-refundable fee as per Schedule A.

5. **Plans and Specifications**

- (1) Every applicant shall furnish,
 - (a) sufficient plans, specifications, documents and other information to enable the Chief Building Official to determine whether the proposed construction, demolition, or change of use conforms to the Act and Building Code; and
 - (b) a site plan referenced to a current plan of survey certified by a registered Ontario Land Surveyor and copy of such a survey shall be filed with the municipality unless this requirement is waived because the Chief Building Official is able, without having a current plan of survey, to determine whether the proposed work conforms to the Act, the Building Code, and any other applicable law. Site Plan will include all information in Schedule B of this by-law.
- (2) Plans submitted shall be legible and be drawn to an appropriate scale.
- (3) The Chief Building Official shall determine the number of plans, specifications, documents and other information required to be furnished with an application for permit having regard for the requirements of any Act, regulation or by-law respecting the examination or circulation of the application.
- (4) 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 locations of the building.
- (5) Plans and specifications furnished according to this by-law or otherwise required by the Act become the property of the municipality and will be disposed of or retained in accordance with relevant legislation.

6. **Fees**

- (1) The Chief Building Official shall determine the required fees calculated in accordance with Schedule "A" for the work proposed and the applicant shall pay such fees. No permit shall be issued until the fees therefore have been paid in full.
- (2) Subject to Subsection 7(1), there shall be no refund of permit fees where a permit has been revoked.
- (3) Refund of building permit fees will be determined as follows:

- (1) In the case of all or a portion of the work or of the non-commencement of any project, the Chief Building Official shall determine the amount of refund of permit fees, if any, that may be returned to the permit holder.
- (2) The fees that may be refunded shall be a percentage of the fees payable as determined by Schedule A and as follows:
 - a) Ninety (90%) percent if administrative and zoning functions only have been performed;
 - b) Eight (80%) percent if administrative, zoning and plan examination function have been performed;
 - c) Seventy-five (75%) percent if the permit has been issued and no field inspections have been performed subsequent to permit issuance;
 - d) Five (5%) percent shall additionally be deducted for each field inspection that was performed after the permit has been issued.
- (3) No refund shall be made when the amount is calculated to be fifty dollars (\$150.00) or less.
- (4) The fee for the transfer of permit is non-refundable.

7. **Permit Revocation, Deferral of Revocation and Transfer**

(1) Revocation of Permit

Prior to revoking a permit under clauses 8(10) (b) and (c) of the Act, the Chief Building Official shall give written notice of intention to revoke to the permit holder at his last known address and if on the expiration of thirty (30) days from the date of such notice, the ground for revocation continues to exist, the permit may be revoked without further notice and all submitted plans and other information may be disposed of.

(2) Deferral of Revocation

- (a) On receipt of a notice of intention to revoke a permit, a permit holder may request in writing within thirty (30) days from the date thereof the Chief Building Official to defer the revocation of such permit.
- (b) A request for deferral shall set out the reasons why the permit should not be revoked and the date by which the work will be commenced or resumed.
- (c) Having considered the circumstances of the request and having determined that there have been no changes to the Act and the Building Code and any other applicable law which would have prevented the issuance of the original permit, the Chief Building Official may allow a deferral to a prescribed date, and shall notify the

permit holder.

- (d) A request for deferral of revocation is subject to a fee in accordance with Schedule "A".

(3) **Transfer of Permit**

- (a) Permits are transferable only upon the new owner completing a permit application to the requirements of Section 4.
- (b) A fee, as prescribed in Schedule "A" shall be payable on a transfer of permit by the new owner who shall thenceforth be the permit holder for the purpose of the Act, and the Building Code.

8. **Prescribed Notice and Inspections**

- (1) The person to whom a permit has been issued under Section 8 of the Act shall give to the Chief Building Official notice of the readiness for inspection in accordance with prescribed notices described in Division C, Section 1.3.5 of the Building Code.
- (2) Notices shall be given as required by Division C, Section 1.3.5 of the Building Code.

9. **Code of Conduct**

The Code of Conduct as required under Section 7.1 of the Act is under municipal Policy Number 60.

10. **Severability**

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

11. **Penalty**

- (1) Every person who contravenes any provision of this By-law is guilty of an offence and liable:
 - a) on a first conviction to a fine of not more than \$25,000, and
 - b) on any subsequent conviction, to a fine of not more than \$50,000.
- (2) Where the person convicted is a corporation, the maximum fines are \$50,000 on a first offence and \$100,000 for any subsequent conviction.

12. **Part XII – Miscellaneous**

- (1) All Schedules to this By-law form part of this By-law.
- (2) A reference to the singular or the masculine shall be deemed to refer to the plural or feminine as the context may require.

13. **Short Title**

This By-law shall be known and may be cited as the 'Building By-Law".

14. **Repeal**

By-Law Number 2010-38 as amended and all policies in regards to fees and refunds, are hereby repealed in their entirety.

15. **Effective Date**

That this By-Law shall come into effect on July 1, 2023.

Read a first, second and third time and finally passed in open Council this 21st day of March, 2023.



Jim Martin, Mayor



Robert V. Angione, Clerk

SCHEDULE "A"
TO BY-LAW 2015-04 as amended by 2023-016

Building Permit Fees 2023

Type	2015 Fee	2023 Fee
Residential, Seasonal Residential, Multi-Residential, Agriculture New, Additions, Covered Porch	\$ 0.93 per sq. ft.	\$ 1.40 per sq. ft.
Residential, Seasonal Residential, Multi-Residential Tenant Fit-up (Renovation)	\$ 0.25 per sq. ft.	\$ 0.38 per sq. ft.
Commercial, Industrial, Institutional New, Additions	\$ 0.99 per sq. ft.	\$ 1.50 per sq. ft.
Commercial, Industrial, Institutional Tenant Fit-up (Renovation)	\$ 0.25 per sq. ft.	\$ 0.38 per sq. ft.
Accessory Buildings – All Classes i.e. garages, boathouses, utility sheds	\$ 0.48 per sq. ft.	\$ 0.72 per sq. ft.
Decks, Verandas - All Classes (no roof)	\$ 0.54 per sq. ft.	\$ 0.81 per sq. ft.
Plumbing Permit Only – All Classes \$75.00 plus \$7.50 per fixture	Minimum of \$80.00	Minimum of \$120.00
Change of Use-No Construction	\$100.00	\$150.00
Demolition	\$100.00	\$125.00
Transfer of Permit	\$50.00	\$100.00
Deferral of Revocation of a permit	\$50.00	\$100.00
Minimum Permit Fee	\$100.00	\$150.00
Building Without a Permit	Permit fee + 100% of original fee	Permit fee + 100% of original fee
Projects not defined above	\$100.00	\$150.00
Issuance of Order Under BCA Stop Work Order plus Registration on Title	\$100.00	\$150.00 \$200.00
Occupancy Permit	\$100.00	\$150.00
Sign Permit Renewal Fee Permit – after 2 years	\$ 50.00	\$ 75.00 \$200.00

SCHEDULE "B" **TO BY-LAW 2023-017**

SITE PLAN REQUIREMENTS

The following shall be shown clearly on the site plan:

- Drawn to the appropriate scale
- Include all existing buildings and sizes
- Lot dimensions
- All four setbacks to building (proposed and existing)
- Septic locations (proposed and existing)
- Surface water drainage by arrows (not to flow to adjacent properties)
- Any retaining wall
- North arrow
- Street name and number
- Legal description of property
- Right-of-way width (fire road)
- Proposed and existing swales and ditches
- Foundation or sump drainage (to dry well or ditch)
- Proximity to above ground electrical wires

Commercial properties also need to include:

- Hours of operation
- Proposed signs and locations
- Proposed illumination and location