

AMENDED

THE CORPORATION OF THE TOWN OF WHITBY

By By-Law No. 5928-07,
5951-07

BY-LAW NO. 5718-05

Being a by-law to provide for the administration
and enforcement of the *Building Code Act*
within the Town of Whitby

WHEREAS subsection 3(1) of the *Building Code Act, 1992*, S.O. 1992, chapter 23, provides that the Council of The Corporation of the Town of Whitby is responsible for the enforcement of the *Building Code Act* within the Town of Whitby; and

WHEREAS subsection 3(2) of the *Building Code Act*, requires that the Council shall appoint a Chief Building Official and such inspectors as are necessary for the enforcement of the *Building Code Act* within the Town of Whitby; and

WHEREAS Section 7 of the *Building Code Act* authorizes the Council of a municipality to pass certain By-laws prescribing classes of permits, permit application documents, fees, inspections and other related matters.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF WHITBY HEREBY ENACTS AS FOLLOWS:

TITLE

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

DEFINITIONS

2. (1) In this by-law

- (a) "Act" means the *Building Code Act, 1992*, S.O. 1992, chapter 23, as amended from time to time, and any successor thereto;
- (b) "as constructed plans" means as constructed plans as defined in the building code;
- (c) "applicant" means a person who applies for a permit and includes any person authorized by an owner to apply for a permit on the owner's behalf;
- (d) "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;
- (e) "building" means a building as defined in Section 1(1) of the Act;
- (f) "building code" means the regulations made under Section 34 of the Act;
- (g) "Chief Building Official" means the person appointed by the Council as the Chief Building Official for the purpose of enforcement of the Act;
- (h) "construction value" means the value prescribed by the Chief Building Official to represent the total value of all work, services and material associated with the construction for which a permit is applied;
- (i) "Council" means the Council of The Corporation of the Town of Whitby;
- (j) "deficient permit" means a permit where:
 - (i) an inspection notice or order to comply has been issued by an inspector or,
 - (ii) where an inspection required under the building code or this By-law has not been arranged,and six months or more have elapsed after the date the notice was issued or the inspection was required,
- (k) "deputy Chief Building Official" means the person appointed by the Council as the deputy Chief Building Official for the purpose of enforcement of the Act,
- (l) "drain layer" means a person who installs or alters, constructs or reconstructs drains or removes tree roots or other obstructions from drains and private drain connections by mechanical or other means;
- (m) "equivalent" means equivalent materials, systems or designs proposed by an applicant pursuant to Section 9 of the Act.
- (n) "holiday" means days when the offices of the Town of Whitby are not open for transaction of business with the public.
- (o) "inspector" means an inspector listed in Schedule A;

- (p) "owner" means the registered owner of the land upon which is located, or will be located, the building or part thereof for which an application for a permit is, or has been made;
 - (q) "permit" means permission or authorization given, in writing, by the Chief Building Official,
 - (i) to perform work regulated by the Act or the building code or both, or
 - (ii) to change the use of a building or part of a building as regulated by the Act or the building code or both, or
 - (iii) to occupy a building or a part thereof;
 - (r) "permit holder" means an owner to whom a permit has been issued;
 - (s) "plumber" means a person who has a certificate of qualification in the trade of plumber issued in accordance with the provisions of the Trades Qualification and Apprenticeship Act, R.S.O. 1990, c.T.17, as may be amended from time to time and any successor legislation in substitution therefore; and,
 - (t) "professional engineer" means a person who holds a license or a temporary license under the Professional Engineer's Act; and
 - (u) "registered code agency," means a person or an entity that has the qualifications and meets the requirements set out in the Act.
- (2) Any word or term not defined in this by-law shall have the meaning ascribed to it in the Act or the building code.

APPOINTMENTS

3. Each person whose name is set out in Column 2 of Schedule A is hereby appointed to the position set out beside that person's name in Column 1 thereof.

CODE OF CONDUCT FOR BUILDING OFFICIALS

4. Each person listed in Schedule A shall be governed by the Code of Conduct set out in Schedule D, with respect to exercising powers and performing duties under the Building Code Act.

CLASSES OF PERMITS

5. Classes of permits with respect to the construction, demolition, change of use and occupancy of buildings and permit fees shall be as set out in Schedule "B".

REQUIREMENTS FOR FILING PERMIT APPLICATIONS

6. (1) To obtain a permit, an applicant shall file a complete application on the form available from the Chief Building Official, or from the Province of Ontario, together with the applicable requirements set out in subsections (2) to (9).
- (2) All documents and drawings accompanying an application shall be coordinated with each other and consistent with the description of the proposed work.

Building Permits

- (3) Every application for a building permit under Section 8(1) of the Act shall,
 - (a) identify and describe in detail the work to be done and the existing and proposed use and occupancy of the building, or part thereof, for which the application for a permit is made;
 - (b) be accompanied by the plans, specifications, documents and other information prescribed in Section 7 and Schedule C; and
 - (c) be accompanied by the appropriate fee calculated in accordance with Schedule B.

Demolition Permits

- (4) Every application for a demolition permit under Section 8(1) of the Act shall,
 - (a) identify and describe in detail the work to be done and the existing use and occupancy of the building, or part thereof, for which the application for a permit is made, and the proposed use and occupancy of that part of the building, if any, that will remain upon completion of the demolition;
 - (b) be accompanied by the plans, specifications, documents and other information prescribed in Section 7 and Schedule C;
 - (c) be accompanied by the appropriate fee calculated in accordance with Schedule B; and
 - (d) be accompanied by confirmation that:
 - (i) arrangements have been made with the proper authorities for the safe and complete disconnection of all existing water, sewer, gas, electric, telephone and other utilities; and
 - (ii) the owner will comply with the Town's property standards By-law at the completion of demolition.

Conditional Building Permits

- (5) Every application for a conditional building permit under Section 8(3) of the Act shall,
- (a) comply with the requirements set out in subsection 6(3) in this By-law; and
 - (b) be accompanied by:
 - (i) a written statement from the applicant explaining why the applicant believes that unreasonable delays in construction would occur if a conditional building permit is not issued;
 - (ii) a written acknowledgement from the applicant of the necessary approvals which must be obtained in respect of the proposed construction and the time period in which such approvals shall be obtained by the applicant; and
 - (iii) a written agreement, in a form 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 subsection 8(3)(c) of the Act.
 - (iv) the conditional permit fee in accordance with Schedule B.
- (6) The Chief Building Official is hereby authorized to execute on behalf of The Corporation of the Town of Whitby the written agreement referred to in subsection 6(5)(c) in this By-law as part of the conditional building permit application.

Change of Use Permits

- (7) Every application for a change of use permit under Section 10(1) of the Act shall,
- (a) identify and describe in detail the existing and proposed use and occupancy of the building, or part thereof, for which the application for a permit is made;
 - (b) be accompanied by 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 building code, including, but not necessarily limited to, floor plans and details of wall, ceiling and roof assemblies identifying existing fire resistance ratings and load bearing capacities;
 - (c) be accompanied by the appropriate fee calculated in accordance with Schedule B; and
 - (d) be accompanied by the completed documents prescribed in Schedule C.

Occupancy Permits for Unfinished Buildings

- (8) Every application for authorization to occupy an unfinished building under Section 2.4.3 of the Ontario Building Code shall,
- (a) identify and describe in detail the occupancy, the date of such occupancy, and the building or part thereof for which the application for a permit is made;
 - (b) be accompanied by plans which show the areas of the proposed occupancy; and
 - (c) be accompanied by the appropriate fee calculated in accordance with Schedule B.

Plumbing and Drain Permits

- (9) To obtain a plumbing or drain permit the applicant shall file an application in writing on forms prescribed by the Chief Building Official and shall supply any other information relating to the application required by the Chief Building Official, and

Every plumbing or drain permit application shall,

- (a) provide the information required by Clauses 3(a), (b), (c);
- (b) state the name of the plumbing or drain layer engaged to carry out the construction.
- (c) Be accompanied by the appropriate fee in accordance with Schedule B.

REQUIREMENTS FOR PLANS AND SPECIFICATIONS

7. (1) Every applicant shall submit sufficient plans, specifications, documents and other information to enable the Chief Building Official to determine whether the proposed building, construction, demolition or change of use will contravene the Act, the building code or any other applicable law.
- (2) The Chief Building Official shall determine the plans, specifications, documents and other information required to be submitted with an application in order to deem it complete according to sentence 2.4.1.1B.(5) of the building code having regard for:
- (a) the scope of the proposed work;
 - (b) the requirements of the building code, the Act and other applicable law; and
 - (c) the requirements of this Section and Schedule C.
- (3) Plans, specifications, documents and other information shall be submitted in a permanent medium upon paper or other suitable and durable material and shall contain text that is legible and drawings that are legible, complete, fully dimensioned and to scale.
- (4) Site plans submitted by an applicant shall;
- (a) be certified by the Planning Department of the Town of Whitby as being in conformity with By-laws passed under Section 34 and 41 of the *Planning Act*; and
 - (b) be referenced to a current plan of survey prepared and certified by an Ontario Land Surveyor, and a copy of the survey shall accompany the site plan submission, except where the Chief Building Official waives the requirement to do so.
- (5) On the completion of the foundation for a detached, semi-detached, triplex, fourplex or townhouse dwelling, the Chief Building Official may require submission of a survey prepared by an Ontario Land Surveyor indicating the location and elevation of the top of the foundation wall, prior to a framing inspection being undertaken.
- (6) On the completion of the construction of a building, or part of a building, the Chief Building Official may require submission of a set of plans of the building or part of a building, as constructed, together with a plan of survey prepared and certified by an Ontario Land Surveyor showing the location of the building.

AUTHORIZATION OF EQUIVALENTS

8. (1) Where approval for an equivalent material, system or building design under Section 9 of the Act is proposed in either an application for a permit, or in a material change to a plan, specification, document or other information on the basis of which a permit is issued, the applicant shall submit:
 - (a) a completed "Equivalent Application Form" as described in Schedule C;
 - (b) a description of the proposed location(s) the equivalent is proposed to be installed;
 - (c) a description of the proposed material, system or building design for which authorization is sought;
 - (d) a description of all applicable provisions of the building code in contravention;
 - (e) supporting documentation demonstrating that the proposed material, system or building design will provide the level of performance required by the building code; and
 - (f) payment of the required fee as set out in Schedule B.
- (2) The Chief Building Official or registered code agency may accept or reject any proposed equivalents and may impose conditions or limitation on their use.
- (3) Equivalents that are accepted under this section shall be applicable only to the location described in the application, and are not transferable to any other building permit.

INCOMPLETE PERMIT APPLICATIONS

9. (1) An application shall be deemed not to be complete according to sentence 2.4.1.1.B(5) of the building code where any of the applicable requirements of Section 6 have not been complied with.
- (2) Except as provided in 9(3), an application deemed to be incomplete shall not be accepted by the Chief Building Official.
- (3) The Chief Building Official may accept an incomplete application where the applicant acknowledges, in writing, that the application is incomplete and waives the time period prescribed in the building code within which a permit must be issued or refused.
- (4) Where an applicant declares that an application is complete in all respects and complies with the Act, the building code and applicable law, the Chief Building Official shall issue or refuse to issue a permit within the time period prescribed in the building code.
- (5) Where an applicant declares that an application is complete in all respects, but the application is determined to be incomplete or does not comply with the Act, the building code or applicable law, an additional fee as prescribed in Schedule B shall be applied to the re-examination of documents required to be submitted by an applicant.

ABANDONED PERMIT APPLICATIONS

10. (1) An application for a permit shall be deemed to have been abandoned by the applicant where,
 - (a) the application is incomplete according to Section 9 and remains incomplete six months after it was submitted;
 - (b) six months have elapsed after the applicant was notified that the proposed building, construction, demolition or change of use will not comply with the Act or the building code or will contravene any other applicable law; or
 - (c) the application is substantially complete, and six months have elapsed from the date upon which the applicant was notified that a permit was available to be issued.
- (2) Where an application is deemed abandoned, all submitted plans, specifications and documents shall be disposed of, or upon written request from the applicant, returned to the applicant.

REVISION TO PERMITS

11. Should a permit holder wish to make any material change to any plan, specification, document or other information on the basis of which the permit was issued, the permit holder shall file an application for a revision to the permit which describes the material changes, and shall pay the fee set out in Schedule B.

TRANSFER OF PERMITS

12. (1) If the owner of the land changes after a permit has been issued, the permit may be transferred to the new owner (the "transferee") of the lands where an application is filed to the Town in writing, in accordance with this section.
- (2) Every application for the transfer of permit shall,
 - (a) include a written statement from the current permit holder authorizing the transfer of the permit to the transferee;
 - (b) include proof of ownership of the lands by the transferee satisfactory to the Chief Building Official;
 - (c) confirm that the work to be done and the existing and proposed use and occupancy of the building or part thereof, for which the application for the transfer of the permit is made, is the same as that identified and described on the application of the permit;
 - (d) state the name, address, telephone number of the proposed transferee;
 - (e) state the name, address, telephone number and facsimile number of the proposed architect and/or professional engineer, and their building code qualifications, where they are different from those identified in the application for the permit, and a written confirmation from the architect and/or professional engineer(s), that they have been retained to undertake general review of the construction or demolition where required under the building code;

- (f) include, where the proposed transferee is a builder as defined in the *Ontario New Home Warranties Plan Act*, or any successor thereto, the proposed transferee's registration number thereunder; and
 - (g) be accompanied by the appropriate fee in accordance with Schedule B; and
 - (h) be signed by the proposed transferee who shall certify as to the truth of the contents of the application.
- (3) Upon the issuance of transfer of a permit to the transferee, the transferee shall be deemed to be the permit holder and the original permit holder shall have no further rights or obligations under the permit save and except for any obligations set out in any agreements entered into for the purposes of subsection 8(3)(c) of the Act.

REVOCATION OF PERMITS

13. (1) Prior to revoking a permit, the Chief Building Official shall give written notice of an intention to revoke the permit to the permit holder at the permit holder's address shown on the application or to such other address as the permit holder has provided to the Town for that purpose.
- (2) Following issuance of the notice described in (1) above, the permit may be revoked immediately or after a period prescribed by the Chief Building Official, and all submitted plans, specifications, documents and other information may be disposed of or, upon written request from the permit holder, returned to the permit holder.
- (3) Notice under 13(1) above shall be given either personally or by registered mail, and where notice is by registered mail, it shall be deemed to have been given on the fifth day after the day of mailing.

FEES AND REFUNDS OF FEES

14. (1) A fee is to be paid with every permit application, calculated in accordance with Schedule B and the fee shall be due and payable, in full, upon the submission of the application for a permit.
- (2) The minimum fee payable on any application shall be \$50.00.
- (3) Where the calculation in accordance with the provisions of Schedule B of the amount of a fee to be paid as part of a permit application is based, upon the building category, floor area and/or value of the proposed construction, the Chief Building Official, or a person designated by the Chief Building Official to do so, shall determine the appropriate building category, floor area and/or value, and that determination shall be final.
- (4) Where an application for a permit is subject to additional user fees prescribed by the Town, the fees so prescribed shall be paid in addition to the fees set out in Schedule B.
- (5) With respect to construction, demolition, or mechanical work commenced prior to issuance of a permit, the permit fee prescribed in Schedule B – Part B of this Schedule shall be increased by the greater of \$100.00 or 15% except where work commenced prior to the filing and acceptance of an application, in which case the fee shall be increased by the greater of \$100.00 or 25%.

- (6) With respect to written requests for information concerning compliance with the Building Code and applicable codes, the fee shall be \$100.00 and \$150.00 for a "rush" reply which will be done within 48 hours.
- (7) With respect to requests for an "occupancy certificate", as per the Subdivision Agreement, Clause 14 (e), the fee shall be \$100.00 and payable upon submission for a building permit.

Plan Re-examination Fees

- (8) Where an applicant substantially revises proposed materials, systems or a building design after examination of a previous submission has already been undertaken, a re-examination fee shall apply as set out in Schedule B.

Additional Inspection Fees

- (9) An additional inspection fee as set out in Schedule B shall apply and shall be paid prior to each inspection being undertaken on any building, where:
 - (a) any of the prescribed notice requirements under the building code or the additional notices required under this By-law have not been complied with by a permit holder;
 - (b) more than two inspections are required due to construction being incomplete or not in compliance with the building code;
 - (c) a building is occupied before the notice required under Section 11 of the Act was given to the Chief Building Official; or
 - (d) an inspection is requested to confirm that outstanding items have been completed or corrected in respect of a deficient permit.

Fee Refunds

- (10) If requested, in writing, by an applicant or permit holder, where,
 - (a) an applicant withdraws, in writing, an application for a permit;
 - (b) an application is deemed to have been abandoned in accordance with Section 10;
 - (c) the Chief Building Official refuses to issue a permit for which an application has been made; or
 - (d) the Chief Building Official revokes a permit after it has been issued,

the Chief Building Official shall calculate the portion of any fee paid that may be refunded and authorize the payment thereof, based upon the functions undertaken by the Town, in accordance with 14(11) to 14(13) below.

- (11) Seventy-five per cent (75%) of the permit fee paid in accordance with Schedule B shall be refunded if only application administrative functions have been performed.

- (12) Sixty per cent (60%) of the permit fee paid in accordance with Schedule B shall be refunded if the following have been performed,
 - (a) the functions described in 14(8) above,
 - (b) all or part of technical plan review functions, and
 - (c) the permit has not been issued.
- (13) Forty per cent (40%) of the fee paid in accordance with Schedule B shall be refunded if the permit has been issued but no construction has commenced.
- (14) Notwithstanding 14(9) to 14(13) above, no refund of any portion of the permit fee paid in accordance with Schedule B shall be made if any construction or demolition has commenced.
- (15) No refund shall be payable where the amount calculated in accordance with this section is less than \$50.00.
- (16) Any amount authorized by the Chief Building Official to be refunded shall be paid to the person named on the fee receipt issued by the Town upon original payment of the fee.

REGISTERED CODE AGENCIES

15. Pursuant to Subsection 4.1(3) of the Act and Section 2.22 of the building code, the Chief Building Official is authorized to enter into service agreements with registered code agencies and appoint them to perform one or more of the specified functions described in Section 15.15 of the Act.

FENCES AT CONSTRUCTION AND DEMOLITION SITES

16. (1) Where, in the opinion of the Chief Building Official or inspector, a construction or demolition site presents a hazard to the public, the Chief Building Official or inspector may require the owner to erect such fences as the Chief Building Official or inspector deems appropriate to the circumstances.
- (2) In considering the hazard presented by the construction or demolition site, the necessity for fences and the height and characteristics of such fences, the Chief Building Official or inspector 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 site fences; and,
 - (e) the duration of the hazard.
- (3) Every fence required by this section shall:
 - (a) be erected so as to fully enclose all areas of the site which present a hazard;
 - (b) create a continuous barrier and be sufficient to deter unauthorized entry;

- (c) have a height not less than 1.2 metres above grade at any point, unless the Chief Building Official or inspector determines that a greater minimum height is necessary;
- (d) if constructed of plastic mesh, snow fencing or other similar materials, be securely fastened at 200mm o.c. to vertical posts not more than 2.4 metres apart, and to horizontal members or a minimum 11 gauge cable at the top and bottom; and
- (e) be maintained in a vertical plane and in good repair.

INSPECTION NOTICES

17. (1) The permit holder shall also give notice of the following stages of construction in addition to the notices prescribed by the Ontario Building Code;
- (a) commencement of construction of:
 - (i) masonry fireplaces and masonry chimneys,
 - (ii) factory-built fireplaces and allied chimneys,
 - (iii) stoves, ranges, space heaters and add-on furnaces using solid fuels and allied chimneys,
 - (b) substantial completion of interior finishes.
- (2) A notice required to be given by a permit holder to the Chief Building Official or registered code agency pursuant to subsection 2.4.5 of the building code shall be given to the Chief Building Official or registered code agency at least two days in advance of the construction stage in which notice is being given.
- (3) For the purpose of 17(2) above, the term "day" means any Monday, Tuesday, Wednesday, Thursday or Friday other than a holiday as defined in 1.(m) of this By-law.
- (4) A notice given to the Chief Building Official pursuant to subsection 2.4.5 of the building code shall be given in writing to either the Chief Building Official, an inspector or registered code agency and if given to an inspector in accordance with this section, shall be deemed to have been given to the Chief Building Official.
- (5) A notice given to the Chief Building Official or registered code agency pursuant to subsection 2.4.5 of the building code and this section shall not be effective until actually received by the Chief Building Official, inspector or registered code agency as the case may be.

SEVERABILITY

18. Should any provision of this By-law be declared by a court of competent jurisdiction to be invalid it shall not affect the validity of this By-law as a whole or any other part thereof, other than the provision declared to be invalid.

EFFECTIVE DATE

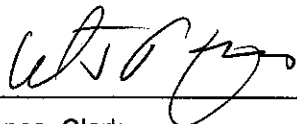
19. This By-Law Shall Come Into Force And Take Effective On January 1, 2006.

INTERPRETATION AND IMPLEMENTATION

20. Schedules A, B, C and D attached shall form part of this By-law.

21. By-law 5086-02 is hereby repealed.

BY-LAW read a first, second and third time and finally passed this 12th day of December, 2005



Paul Jones, Clerk



Marcel L. Brunelle, Mayor

SCHEDULE A

APPOINTMENTS

1. Chief Building Official - N. Best, Manager of Building and By-Law Services
2. Deputy Chief Building Official - Vacant at this time
3. Inspectors - J. Ball
 - S. Bernacki
 - S. Daubeny
 - D. Gartshore
 - S. Gerard
 - D. Guy
 - V. Jeronimo
 - L. Keefer
 - M. MacGillivray
 - H. Rudolph
 - A. Van Hoof
 - J. Dinsmore, Chief Fire Prevention Officer
 - M. Tucker, Fire Prevention Officer
 - J. Hughes, Fire Prevention Officer

SCHEDULE B – PART A

CLASSES OF PERMITS AND FEES PAYABLE

Item	Class of Permit	Reference	Fee Payable
1.	Building Permit	6(3)	See Part C
2.	Demolition Permit	6(4)	All Occupancies - \$0.11 for each square metres of floor area or part thereof, minimum \$100.00
	Demolition Permit	6(4)	Residential Accessory Structures - \$50.00
3.	Conditional Building Permit	6(5)	Applicable Building Permit Fee payable plus \$1000.00
4.	Change of Use Permit	6(7)	\$50.00
5.	Occupancy Permit for Unfinished Building	6(8)	\$100.00

OTHER FEES

Item	Type of Fee	Reference	Fee Payable
1.	Equivalent Authorization	8	\$100.00
2.	Resubmission of application found to be incomplete	9(5)	25% of application fee
3.	Revision to permit	11	\$50.00
4.	Transfer of permit	12	\$150.00
5. (a)	Re-examination - Change in house model	14(8)	\$300.00 plus the fee prescribed in Part B as a result of any additional area
5. (b)	Re-examination - other than 5(a)	14(8)	10% of applicable permit fee to a maximum of \$1000.00
6.	Additional Inspection	14(9)	\$100.00
7.	Compliance with the Building Code and Applicable Codes	14(6)	\$100.00 – Regular Service \$150.00 – Rush Service
8.	Occupancy Certificate	14(7)	\$100.00

SCHEDULE B – PART B
FEES PAYABLE FOR BUILDING PERMITS

CLASS OF PERMIT, OCCUPANCY CLASSIFICATION AND WORK DESCRIPTION		Fee Multiplier (\$/m² of floor area or \$ otherwise specified)
(A) CONSTRUCTION: New buildings, additions to existing buildings		
Group A: Assembly	Transit Station, subway, bus terminal	11.63
	Portable Classroom	\$200.00 FLAT RATE
	All other Assembly Occupancies	14.10
Group B: Institutional		15.18
Group C: Residential	Single, semi-detached or link dwelling, duplex	8.50
	Townhouses	6.78
	Hotel, motel	9.69
	All other multiple unit residential buildings	8.18
	Unfinished basement to accommodate a building moved from elsewhere	3.66
	Garage, carport or other structure accessory to a residential dwelling	2.15
	Attached/detached unenclosed deck/porch or roof for deck/porch	\$75.00 FLAT RATE
Group D: Business and Personal Services	Unfinished Area (shell only)	9.37
	Finished Area (ie: office)	11.73
	All other Assembly Occupancies	14.10
Group E: Mercantile	Unfinished Area (shell only)	7.54
	Finished Area (ie: stores)	10.01

For the proper interpretation and application of this Schedule, see Notes following

SCHEDULE B – PART B

FEE PAYABLE FOR BUILDING PERMITS

CLASS OF PERMIT, OCCUPANCY CLASSIFICATION AND WORK DESCRIPTION		Fee Multiplier (\$/m² of floor area or \$ otherwise specified)
(A) CONSTRUCTION: New buildings, additions to existing buildings		
Group F: Industrial	Unfinished Area < 7,432 m ² floor area (ie: warehouse, manufacturing, industrial buildings)	5.81
Note: First 7,432 m² (unfinished area) to be calculated at \$5.81/m² and any additional area to be calculated at \$4.84/m²		
	Unfinished Area > 7,432 m ² floor area (ie: warehouse, manufacturing, industrial buildings)	4.84
	Finished Area (Partitioned/Office)	8.18
	Gas station, car wash	7.43
	Parking garage (underground or open air)	3.66
	Farm building/Accessory Storage Facility	2.15
All Occupancies	Permanent Tent, air supported structure	3.76
	Repair or reclad wall	.19
	Mechanical Penthouse	6.14
	Temporary Building/Sales Trailer	\$100.00 FLAT RATE
	Sales Pavilion	5.49
	Communication Tower	\$200.00 FLAT RATE

SCHEDULE B – PART B

FEES PAYABLE FOR BUILDING PERMITS

CLASS OF PERMITS, OCCUPANCY CLASSIFICATION AND WORK DESCRIPTION		Fee Multiplier (\$/m² of floor area or \$ otherwise specified)
(B) ALTERATION:	Alteration or repair to existing construction and partitioning of new or previously occupied construction.	
Group A: Assembly	Restaurant	4.74
	All other assembly occupants	2.80
Group B: Institutional		2.80
Group C: Residential	Accessory Apartment	5.49
	All other residential occupancies	2.80
	Finish Basement	2.80
Group D: Business and Personal Services		2.80
Group E: Mercantile		2.58
Group F: Industrial		2.15
All Occupancies	Parking Structure Repair	.97
	Balcony Guard Replacement	1.45 M. OF LENGTH
(C) DEMOLITION:	All Occupancies	.11 \$100.00 MINIMUM
	Residential Accessory Structures	\$50.00
(D) MECHANICAL WORK:	Heating, ventilation, air conditioning and fire protection not proposed with original building.	
All Occupancies	Fire alarm	\$100.00 FLAT RATE
	Kitchen exhaust, spray booth, dust collector	\$100.00 FLAT RATE
	Electromagnetic lock	\$30.00 EACH
	Fireplace, woodstove	\$50.00 EACH
	Heating plant replacement	\$100.00 FLAT RATE

SCHEDULE B – PART B

FEE PAYABLE FOR BUILDING PERMITS

CLASS OF PERMITS, OCCUPANCY CLASSIFICATION AND WORK DESCRIPTION		Fee Multiplier (\$/m² of floor area or \$ otherwise specified)
(B) ALTERATION:	Alteration or repair to existing construction and partitioning of new or previously occupied construction.	
(E) MISCELLANEOUS:		
Occupancy of a building prior to completion	Building Code 2.4.3.	\$60.00 PER UNIT
Storage Tanks	Above and below ground	\$100.00 FLAT RATE
Fire Damage Repairs	Residential	2.80
	Assembly	2.80
	Institutional	2.80
	Business and Personal Services	2.80
	Mercantile	2.58
	Industrial	2.15
Change of Use	Residential	\$100.00 FLAT RATE
	Assembly	
	institutional	
	Business and Personal Services	
	Mercantile	
	Industrial	

SCHEDULE B – PART B

FEE PAYABLE FOR BUILDING PERMITS

		Fee Multiplier \$/fixture or \$/lin. meter
(F) PLUMBING AND DRAIN:	Permit fees for plumbing and drains not proposed with original building, are as follows:	
Plumbing Fixtures:		Fee per Fixture
Group A: Assembly occupancies		\$10.50
Group B: Institutional occupancies		\$16.50
Group C: SFD, semis, townhouses and duplexes		\$ 8.50
All other Residential Buildings		\$10.50
Group D: Business and personal services occupancies		\$16.50
Group E: Mercantile occupancies		\$10.50
Group F: Industrial occupancies		\$10.50
PIPING:		\$/lin.m.
Inside sanitary and storm piping		\$.98
Outside water services, sanitary and storm piping		\$ 1.64
Manhole, catchbasins, interceptors and sumps complete with pumps		\$14.00
Backflow preventer device (s)		\$20.00
Initial inspection of potable water supply systems for contamination		\$25.00/inch water service pipe diam.

SCHEDULE B

FEES PAYABLE FOR BUILDING PERMITS

Notes:

1. The following guidelines for calculating floor areas and fees apply to the specific building types and construction indicated. In order to determine the applicable building type for any occupancy, recourse shall be had to the building code and its appendices.
2. Floor area shall be measured to the outer face of exterior walls and to the centerline of party walls or demising walls. No deductions shall be made for openings within the floor area (e.g., stairs and stair openings, ducts, elevators, escalators). Floor area shall include all habitable areas, including mezzanines, finished attics and enclosed balconies.

(a) Assembly Occupancies:

The "Assembly Occupancies" rate shall apply to the total floor area of floors, which are principally of assembly use. Other rates shall be applied to other floors based on the principal use of the total floor area.

(b) Institutional Occupancies:

The "Institutional Occupancies" rate shall apply to the floor areas of floors, which are principally of institutional use. Other rates shall be applied to other floors based on the principal use of the total floor area.

(c) Residential Occupancies:

For detached, semi-detached and townhouse dwellings, the floor areas of unfinished basements, attached garages, porches and decks shall not be included in the area calculations, but the fee is inclusive of these areas.

For the other residential occupancies, the "Residential Occupancies" rate shall apply to the floor areas of floors, which are principally of residential use. Other rates shall be applied to other floors based on the principal use of the total floor area.

(d) Business and Personal Services Occupancies:

The applicable "shell" rate shall be applied to the floor areas of a speculative structure, where the only finished floor areas are to be the common areas (e.g., lobby, corridors, washrooms). The "Interior Partitioning and Finishing" rate shall be applied where finished floor areas are to be provided in other than common areas. Other rates shall be applied to other floors based on the principal use of the total floor area.

(e) Mercantile Occupancies:

The "Mercantile Occupancies" rate shall be applied to the floor areas of a speculative structure, where the only finished floor areas are to be the common areas (e.g., lobby, corridors, washrooms). The "Interior Partitioning and Finishing" rate shall be applied where finished floor areas are to be provided in other than common areas. Other rates shall be applied to other floors based on the principal use of the total floor area.

SCHEDULE B

FEES PAYABLE FOR BUILDING PERMITS

(f) Industrial Occupancies:

Each "Industrial Occupancies" rate includes incidental finished office space to a maximum of 10% of the total floor area. The "Interior Partitioning and Finishing" rate shall be applied where additional finished space is provided. Other rates shall be applied to other floors based on the principal use of the total floor area.

3. "Construction value", as used in Item 11 of Schedule B – Part B, means the value of the proposed construction as determined by the Chief Building Official, whose determination of that value shall be final.

SCHEDULE C – PART A

DOCUMENTS & DRAWINGS REQUIRED FOR PERMIT APPLICATIONS

Row	Class of Permit	Documents and Drawings Required
1(a)	Building Permit Residential - Detached houses - Semi-detached houses - Triplexes - Fourplexes - Townhouses	Documents a Confirmation of compliance with applicable law b Acknowledgement of incomplete application c Mechanical Ventilation Design Summary d Regional Municipality of Durham Building Permit for Sewage System e Regional Municipality of Durham Residential Development Charges Information Form f School Boards Education Development Charge Information Form g TARION Registration Form Drawings a Approved Site Plan b Approved Grading Plan c Architectural Drawings d Structural Drawings e HVAC Drawings
1(b)	Building Permit Residential as in 1(a) - Alterations - Additions - Accessory Buildings - Plumbing & Drain work only	Documents a Confirmation of compliance with applicable law b Acknowledgement of incomplete application c Regional Municipality of Durham Building Permit for Sewage System Drawings a Approved Site Plan b Architectural Drawings c Structural Drawings d HVAC Drawings
2(a)	Building Permit Non-residential and other residential not provided for in row 1(a) or 1(b) - New Buildings - Additions	Documents a Confirmation of compliance with applicable law b Acknowledgement of incomplete application c Commitment to General Reviews by Architect & Engineers d Ontario Building Code Data Matrix e Land and Building Use Declaration f Flow Control Roof Drainage Declaration g Confirmation of Energy Efficient Design h Regional Municipality of Durham Commercial Development Charges Information form i School Board Development Charge Information form Drawings a Approved Site Plan b Approved Grading Plan c Architectural Drawings d Structural Drawings e HVAC Drawings f Plumbing Drawings g Electrical Drawings h Fire Protection Drawings
2(b)	Building Permit Non-residential and other residential as in 2(a) - Alterations - Renovations - Tenant Occupancies - Plumbing & Drain work only	Documents a Confirmation of compliance with applicable law b Acknowledgement of incomplete application c Commitment to General Reviews by Architect & Engineers d Ontario Building Code Data Matrix Drawings a Location Plan b Architectural Drawings c Structural Drawings d HVAC Drawings e Plumbing Drawings f Electrical Drawings g Fire Protection Drawings

SCHEDULE C – PART A

DOCUMENTS & DRAWINGS REQUIRED FOR PERMIT APPLICATIONS

Row	Class of Permit	Documents and Drawings Required
3.	Building Permits - Other than row 1 to 4	Documents a Confirmation of compliance with applicable law b Acknowledgement of incomplete application c Documents from rows 1 to 4, or other documents which are applicable to the scope of work proposed Drawings a Drawings from rows 1 to 4 which are applicable to the scope of work proposed
4.	Change of Use Permit	Documents a Confirmation of compliance with applicable law b Acknowledgement of incomplete application Drawings a Location Plan b Architectural Drawings c HVAC Drawings
5.	Demolition Permit	Documents a Confirmation of compliance with applicable law b Acknowledgement of incomplete application c Commitment to General Review by Engineer d Demolition Agreement – Property Standards

Notes:

1. The Documents described in this schedule are available from the Chief Building Official.
2. A description of the information required on drawings is contained in Part B of this schedule.
3. The Chief Building Official may waive the requirements for any specified documents or drawings where the scope of the work, applicable law or building code requirements does not necessitate its submission.

SCHEDULE C – PART B

INFORMATION REQUIRED ON DRAWINGS

Item	Drawing Type	Information Required	Class of Permit – Part A Row No.					
			1(a)	1(b)	2(a)	2(b)	3	4
1.	Site Plan	a Legal description, survey property lines, property dimensions, compass orientation, location and name of adjacent roads	X	X	X			
		b Outline of all existing and proposed buildings and structures, building dimensions and their distance to property lines	X	X	X			
		c Dimensions and location of parking and vehicle access and fire routes			X			
		d Dimensions and location of barrier-free parking, curb cuts, path of travel to building and building access			X			
2.	Grading Plan	a Signature and seal of professional engineer, landscape architect or Ontario land surveyor	X		X			
		b Property lines, easements sidewalks, driveways, building location, curb cuts, retaining walls	X		X			
		c Existing and proposed elevations within the site and at property lines, retaining wall elevation, slopes of driveways, drainage flow and swales	X		X			
		d Location of catch basins, above and below ground utilities, and connections to services			X			
3.	Architectural	a Existing plans showing construction and room and space identification of all floors in the area of proposed work or occupancy		X	X	X		X
		b Plans of all floors including basements complete with all rooms and room names	X	X	X	X		X
		c Roof plan showing roof slope, drainage, roof and roofing construction details	X	X	X	X		
		d Building elevations showing grade, floor and ceiling heights, overall building height, exterior finish materials, window heights and sizes and spatial separation requirements	X	X	X	X		

SCHEDULE C – PART B

INFORMATION REQUIRED ON DRAWINGS

Item	Drawing Type	Information Required	Class of Permit – Part A Row No.							
			1(a)	1(b)	2(a)	2(b)	3	4		
3.	Architectural	e Residential construction details including proposed wall section from footing to roof, specifications of all wall, floor and roof assemblies and all building materials and construction specifications	X	X						
		f Stairs, guards and handrail dimensions and details, window sizes and height above floor level; location and fuel type of all fireplaces	X	X						
		g Mezzanine plan showing construction, guardrails, egress			X	X				
		h Location and details of barrier free entrances and barrier free washrooms			X	X				
		i Reflected ceiling plans, bulkhead details, horizontal service shaft details			X	X				
		j Roof equipment screening, anchorage for window washing, roof access			X					
		k Building cross sections showing grade, floor and ceiling heights, horizontal and vertical fire separations			X					
		l Enlarged sections and detail plans of washrooms and exit stairs			X	X				
		m Wall sections, plan and section construction details			X	X				
		n Exit stair enclosure, wall construction details, fire separations and listed design numbers, door numbers referenced to a door schedule			X	X				
		o Door and hardware schedule, door and frame details, window schedule, room finish schedule			X	X				

SCHEDULE C – PART B

INFORMATION REQUIRED ON DRAWINGS

Item	Drawing Type	Information Required	Class of Permit - Part A Row No.					
			1(a)	1(b)	2(a)	2(b)	3	4
4.	Structural	a Foundation plans, floor and roof framing plans, footing, column and beam schedules, structural details and material specifications	X	X	X	X		
		b Design specifications, live and dead loading, wind and snow loading, earthquake loading, geotechnical report design basis			X	X		
		c Structural drawings sealed by a professional engineer for all structural elements not within the scope of Part 9 of the building code	X	X		X		
		d Roof and floor truss drawings sealed by a professional engineer	X	X		X		
5.	HVAC	a Heating, ventilating and air conditioning plans, service shafts, equipment layout and schedules	X		X	X		
		b Heat loss and gain calculations, ventilation design summary	X					
		c Fire damper locations, kitchen exhaust equipment			X	X		X
6.	Plumbing	a Plumbing and drainage plans; location and sizing of under and above ground storm, sanitary and water supply piping and appurtenances			X	X		
		b Location of fire stopping; specifications of plumbing and firestopping materials			X	X		
7.	Electrical	a Electrical supply and distribution plans; location of power and lighting outlets; equipment schedules; transformer locations			X	X		
		b Location and specification of emergency lighting, emergency generators and exit signage			X	X		
8.	Fire Protection	a Fire hydrant locations, sprinkler and standpipe distribution plans and schedules; sprinkler head layout; fire hose cabinet locations			X	X		
		b Location and specification of emergency lighting, emergency generators and exit signage; fire alarm system annunciator, diagrams and specifications			X	X		
		c Location of smoke alarms and carbon monoxide detectors	X	X				

SCHEDULE C – PART B

INFORMATION REQUIRED ON DRAWINGS

Notes

1. Where indicated by an X, the information described is required to be included on the drawings for the class of permit specified.
2. Required information may be located or consolidated on other drawings rather than as specified in this schedule.
3. The Chief Building Official may waive the requirement for any required information specified in this schedule due to limited scope of work, applicable law or building code requirements.

SCHEDULE D

CODE OF CONDUCT FOR BUILDING OFFICIALS

PURPOSE

1. To promote appropriate standards of behaviour and enforcement actions by the Chief Building Official and inspectors in the exercise of a power or the performance of a duty under the *Building Code Act* or the building code.
2. To prevent practices which may constitute an abuse of power, including unethical or illegal practices, by the Chief Building Official and inspectors in the exercise of a power or the performance of a duty under the *Building Code Act* or the building code.
3. To promote appropriate standards of honesty and integrity in the exercise of a power or the performance of a duty under the *Building Code Act* or the building code by the Chief Building Official and inspectors.

ENFORCEMENT GUIDELINES

The Chief Building Official, deputy Chief Building Official and inspectors appointed in Schedule A shall comply with this code of conduct. Any appointed Chief Building Official or inspector who fails to act in accordance with the provisions of this code may be subject to disciplinary action appropriate to the seriousness of the breach. All allegations concerning a breach of this code shall be made in writing.

Any person who has reason to believe that this code of conduct has been breached may bring the matter to the attention of the Chief Building Official. Where the allegation concerns the actions of the Chief Building Official, the matter may be brought to the attention of the senior staff person to whom the Chief Building Official reports.

Any Chief Building Official or senior staff person who receives information, in writing, concerning a significant breach of this code shall investigate the matter, and where appropriate shall commence disciplinary action in accordance with the employment standards of the place of work. All communications received by a Chief Building Official or senior staff person concerning a breach of this code shall be held in confidence. The Chief Building Official or senior staff person shall advise Council in writing about the particulars of the alleged breach, its investigation and the final disposition of the matter upon its conclusion.

CODE OF CONDUCT

In exercising powers and performing duties under the *Building Code Act*, the Chief Building Official and inspectors shall:

1. Exercise powers in accordance with the provisions of the *Building Code Act*, the building code and other applicable law that governs the authorization, construction, occupancy and safety of buildings and designated structures, and the actions, duties and qualifications of Chief Building Officials and inspectors;
2. Act to identify and enforce compliance where significant contraventions of the Act or regulations are known to exist;
3. Apply all relevant building laws, regulations and standards in a consistent and fair manner, independent of any influence by interested parties;
4. Not accept any personal benefit which may create a conflict with their duties; or perform duties where a personal interest may create a conflict;
5. Obtain the counsel of persons with expertise where the Chief Building Official or inspector does not possess sufficient knowledge to make an informed judgment; and
6. Act honestly, reasonably and professionally in the discharge of their duties.