

The Corporation of the Township of Georgian Bluffs

By-law Number 2021-067

Being a By-law respecting construction demolition, change of use permits and inspections, pursuant to the *Ontario Building Code Act*, S.O. 1992, C.23.

Whereas Section 7 of the *Building Code Act*, S.O. 1992, c. 23, as amended, empowers municipal councils to pass by-laws respecting construction, demolition and change of use permits and inspections and related matters; and

AND WHEREAS Section 35 of the *Building Code Act*, S.O. 1992, c. 23, as amended provides that Act and the Building Code supersede all municipal by- laws respecting the construction or demolition of buildings;

Whereas Section 3(1) of the *Building Code Act*, S.O. 1992, c. 23, as amended provides that the council of each municipality is responsible for the enforcement of this Act in the municipality; and

Whereas Section 3(2) of the *Building Code Act*, S.O. 1992, c. 23, as amended provides that the council of each municipality shall appoint a Chief Building Official and such Inspectors as are necessary for the enforcement of this Act in the areas in which the municipality has jurisdiction; and

Whereas the Council of the Township of Georgian Bluffs deems it expedient to pass a By-law under the provisions of the Ontario *Building Code Act*, respecting the issuance of building permits and related matters;

Now Therefore the Council of The Township of Georgian Bluffs enacts as follows:

1. CITATION AND DEFINITIONS

1.1 Short Title

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

1.2 Definitions

In this by-law,

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

“**Applicant**” means the owner of a building or property who applies for a permit or any person authorized by the owner to apply for a permit on the owner’s behalf, or any person or corporation empowered by statute to cause the demolition of a building or buildings and anyone acting under authority of such person or corporation.

“**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 regulations made under Section 34 of the Act;

“**Chief Building Official**” means the Chief Building Official appointed by the by-law of the Township of Georgian Bluffs for the purposes of enforcement of the Act and this by- law;

“Complete application” means a building permit application in accordance with Article 1.3.1.2 Division C of the Building Code, submitted with all required approvals, plans and specifications appended in order to comply with the building permit timelines as noted in Article 1.3.1.3 Division C of the Building Code;

“Conditional permit” means a permit issued by the Chief Building Official under subsection 8(3) of the Act;

“Construct” means construct as defined in subsection 1(1) of the Act;

“Corporation” means the Corporation of the Township of Georgian Bluffs;

“Demolish” means demolish as defined in subsection 1(1) of the Act;

“Farm Building” means a farm building as defined in the Building Code;

“Owner” means, in respect of the property on which the construction is to take place, the registered owner of the land and, except for conditional permits, may include a lessee, mortgagee in possession and the person acting as the owner’s authorized agent;

“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 or, in the case of an occupancy permit, to occupy a building or part of a building or parts thereof;

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

“Plumbing” means plumbing as defined in Section 1(1) of the Act;

“Residential construction site” means any construction site in respect of which a building permit has been issued for the construction of a new building consisting of a single dwelling unit where such excavation is within 2 m of another occupied dwelling unit except where the site is within a registered plan of subdivision which subdivision is being developed for the first time;

“Sewage System” means a sewage system as defined in Section 1(1) of the Regulations

1.3 Terms

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

2. CLASSES OF PERMITS

Classes of permits required for any stage of construction, demolition, change of use, occupancy of a partially complete building, conditional permits and other classes as set forth in Schedule “A” appended to and forming part of this by-law.

3. REQUIREMENTS FOR PERMIT APPLICATIONS

3.1 General Requirements

3.1.1 Every permit application shall meet the minimum requirements of this section and shall:

Be submitted by an applicant;

Be made in writing to the Chief Building Official on forms prescribed by the Province of Ontario or when no form is prescribed, on a form prescribed by the Chief Building Official; and

3.1.2 To be considered a complete application, every permit application shall be accompanied by the approval documents issued by the agencies

responsible for the applicable laws listed in the building code, where those agencies issue approval documents and the law applies to the construction or demolition being proposed.

3.1.3 To be considered a complete application, every permit application shall be accompanied by the plans and specifications identified in subsections 3.2 and 3.4 of this by-law.

3.1.4 An application for a permit may be refused by the Chief Building Official where it is not a complete application.

3.1.5 The Chief Building Official may, as deems appropriate, provide prescribed forms in an electronic format and may allow for the electronic submission of completed permit application forms.

3.1.6 Notwithstanding subsection 3.1.5, completed forms generated electronically or submitted through the Municipality's website shall be subject to the endorsement of the applicant.

3.1.7 The Chief Building Official may deem an application for a permit to have been abandoned and cancelled six months after the date of filing, unless such application is being seriously proceeded with.

3.2 Application for Permit

To obtain a permit an applicant shall file a "complete application" in writing on forms regulated by the Province of Ontario and those required by the Chief Building Official.

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

3.2.1 Construction Permit

Where application is made for a construction 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" including the estimated valuation of the proposed work including material and labour and signed by the applicant who shall certify as to the truth of the contents of the application;
- (b) include two complete sets of plans, specifications, forms, documents and other information required by Article 1.3.1.3 Division C of the Building Code, and as prescribed in this by-law for the work to be covered by the permit; and
- (c) include the proposed or existing occupancy of all parts of the building.

3.2.2 Demolition Permit

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 a Permit to Construct or Demolish" including the estimated valuation of the proposed work including material and labour and signed by the applicant who shall certify as to the truth of the contents of the application;
- (b) include two complete sets of plans, specifications, forms, documents and other information required by Article 1.3.1.3 Division C of the Building Code, and as described in this by-law for the work to be covered by the permit;
- (c) include the existing occupancy of all parts of the building; and
- (d) in the instance where the application is completed by a person other than the owner, documentation, as deemed sufficient by the Chief Building

Official, be signed by the owner, authorizing the agent to act on their behalf for the purpose of the Demolition Permit.

3.2.3 Conditional Permit

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 a Permit to Construct or Demolish”;
- (b) include two complete sets of plans, specifications, forms, documents and other information required by Article 1.3.1.3 Division C of the Building Code and as described in this by-law for the work to be covered by the permit;
- (c) include the proposed or existing occupancy of all parts of the building;
- (d) state the reasons why the applicant believes that unreasonable delays in construction would occur if a conditional permit is not granted;
- (e) state the necessary approvals, which must be obtained in respect of the proposed building and the time in which such approvals will be obtained;
- (f) include an agreement in writing by the applicant and such other persons as the Chief Building Official determines with the Corporation dealing with the matters required pursuant to Section 8(3)(c) of the *Building Code Act*; and
- (g) state the time in which plans and specifications of the complete building will be filed with the Chief Building Official.

3.2.4 Change of Use Permit

Where application is made for a Change of Use permit issued under Subsection 10(1) of the Act, the application shall be submitted to the Chief Building Official and shall:

- (a) use the provincial application form, “Application for a Permit to Construct or Demolish”;
- (b) describe the building in which the occupancy is to be changed, by a description that will readily identify and locate the building;
- (c) identify and describe, as required by the Chief Building Official, the current and proposed occupancies of the building or part of a building for which the application is made;
- (d) include, as may be required by the Chief Building Official, 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, as amended including floor plans, details of walls, ceiling and roof assemblies identifying required fire resistance ratings and load bearing capacities and details of the existing sewage system, if any.

3.2.5 Plumbing Permit

Where application is made for a plumbing 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”; and
- (b) include such other information, methods and specifications concerning the complete project as the Chief Building Official may require.

3.2.6 Sewage System Permit

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

- (a) use the provincial application form, “Application for a Permit to Construct or Demolish”;
- (b) include two complete sets of plans, specifications, forms, documents and other information required by Article 1.3.1.3 Division C of the Building Code, and as described in this by-law for the work to be covered by the permit;
- (c) a site evaluation, which shall include all of the following items, unless otherwise specified by the Chief Building Official:
 - (1) the date the evaluation was done;
 - (2) name, address, telephone number and signature of the person who prepared the evaluation;
 - (3) a scaled map of the site showing:
 - i. the legal description, lot size, property dimensions, existing rights-of-way, easements or municipal/utility corridors;
 - ii. the location and clearance of items listed in Article 8.2.1.5 and 8.2.1.6. of the Building Code;
 - iii. the location of the proposed sewage system;
 - iv. the location of any unsuitable, disturbed or compacted areas; proposed access routes for system maintenance;
 - v. depth to bedrock;
 - vi. depth to zones of soil saturation;
 - vii. soil properties, including soil permeability; and soil conditions, including the potential for flooding.

3.3 Revision to Permit

After 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 a 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 authorization.

3.4 Plans and Specifications

3.4.1 Sufficient information shall be submitted with each application for a permit to enable the Chief Building Official to determine whether or not the proposed construction, demolition or change of use will conform with the Act, the Building Code, and any other applicable law.

The Chief Building Official may require, where deemed appropriate, that a professional engineer and/or architect conduct a peer review for all or part of the work with the expense to be borne by the applicant.

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

3.4.3 Plans shall be drawn to scale on paper or other durable material, shall be legible and, without limiting the generality of the foregoing, shall include such information as set out in Schedule “B” to this By-law unless otherwise specified by the Chief Building Official.

3.4.4 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:

- a) Lot size and the dimensions of property lines and setbacks to any existing or proposed buildings;
- b) existing and finished ground levels or grades;

- c) existing rights-of-way, easements, municipal services and fencing; and
- d) proposed fire access routes and existing fire hydrant locations.

3.4.5 Grading Plans are to be prepared by a Professional Engineer registered in the Province of Ontario or an Ontario Land Surveyor in accordance with applicable laws and good engineering practices, and contain the following:

- a) Proposed structure elevations (underside of footing, top of foundation, top of garage floor slab, required risers, retaining walls, etc.);
- b) Existing and proposed elevations;
- c) Location, direction and slope percentage of flow paths, swales, ditches, drains, etc.; and
- d) The elevation benchmark, including location and its design elevation.

3.4.6 The granting of a permit, the review of the drawings and specifications or inspections made by the Chief Building Official or an inspector shall not in any way relieve the owner of a building from full responsibility for carrying out the work or having the work carried out in accordance with the requirements of this by-law, the Act and the Building Code including ensuring that the occupancy of the building, or any part thereof, is in accordance with the terms of this by-law and the Building Code.

3.4.7 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.

3.5 Equivalents

The Chief Building Official may allow the use of materials, systems and building designs that are not authorized in the Building Code in accordance with Section 9(1) of the Ontario *Building Code Act*.

3.6 Deemed Issued

Regardless of the status of the review of an application, a Permit shall not be deemed issued until the Permit has been authorized in writing by the Chief Building Official and all applicable fees and deposits have been paid.

4. Fees

4.1 Fees for a required permit shall be as prescribed in the current Township Fees & Charges Bylaw, updated on an annual basis.

4.2 Where application is made for a conditional permit, the conditional application fee in addition to this fee prior to issuance of the conditional permit the applicable construction permit fee as set out in Township Fees & Charges Bylaw shall be paid for the complete project.

4.3 Where the fees payable in respect of an application for a construction or demolition permit issued under Subsection 8(1) of the Act or a conditional permit issued under Subsection 8(3) of the Act are based on a floor area, floor area shall mean the total floor space of all storeys including storeys below the first storey measured as the horizontal area between the outside surface of all the exterior walls of the building.

4.4 With respect to an application for a change of use permit issued under Subsection 10(1) of the Act the change of use permit fee listed in Township Fees & Charges Bylaw shall be utilized when no construction is proposed or required. When construction is proposed or required and will result in a change of use the appropriate construction permit fee as set out in Township Fees & Charges Bylaw shall be utilized.

4.5 The Chief Building Official shall determine permit fees not described or included in current Township Fees & Charges Bylaw.

4.6 Refund of Fees

In the case of withdrawal of an application or the abandonment of all or a portion of the work or the non-commencement of any project, the Chief Building Official shall determine the amount of paid permit fees that may be refunded to the applicant, if any, as set out in current Township Fees & Charges Bylaw, as prescribed annually.

Subject to subsection 7(1) of the Act, there shall be no refund of permit fees where a permit has been revoked, except where the permit was issued in error or where the applicant requests revocation no more than six months after the permit is issued. In such cases the amount of the refund shall be calculated in accordance with current Township Fees & Charges Bylaw, as prescribed annually.

5. Lot Grading/Drainage Deposit

A lot grading/drainage deposit in the amount of \$2,000.00 shall be required where the estimated building cost exceeds \$50,000.00 on a lot where no lot grading/drainage deposits are prescribed under a separate agreement or by-law are collected. The deposit shall be 100% refundable upon the submission of a Lot Grading & Drainage Certificate and Final Grading & Drainage Plan, completed by a Professional Engineer registered in the Province of Ontario or an Ontario Land Surveyor, stating that the grading and drainage has been completed in general conformance with the design grading & drainage plan, accompanied by a Final Grading & Drainage Plan indicating the final site elevations, and until the Operations Department confirms that no impacts to municipal infrastructure has occurred which has not been repaired at the sole cost of the owner or contractor, to the satisfaction of the Township of Georgian Bluffs.

In the event that unapproved deviancies to the site grading & drainage design plan or impacts to municipal infrastructure has occurred and not rectified, the costs to rectify the deficiency(ies) will be applied against the Lot Grading/Drainage Deposit, with the balance being refunded. If the costs to repair the deficiency(ies) exceed the retained deposit and not paid at the time the remedial work has been completed, the Township of Georgian Bluffs shall have a priority lien status on the subject property as described in Section 1 of the *Municipal Act*, 2001, to collect the additional expenses.

With respect to building construction projects where no deposit is required to be submitted and lot grading/drainage deficiencies or impacts to municipal infrastructure occur and not repaired/remediated to the satisfaction of the Township of Georgian Bluffs, the costs for the remedial work shall have a priority lien status on the subject property as described in Section 1 of the *Municipal Act*, 2001.

Properties over ten (10) acres in size will be considered exempt from the Lot Grading & Drainage Plan requirement, provided that the property owner acknowledges the requirements of the Township Property Standards Bylaw in effect at the time of building permit issuance. Acknowledgment must be provided to the Chief Building Official in writing, prior to a building permit being issued. The Chief Building Official reserves the right to request an engineered Lot Grading & Drainage Plan in situations where it is deemed necessary i.e., in cases where there are irregularly shaped lots or where the proposed new development will be within a close proximity to existing development.

6. Notice Requirements for Inspections

With respect to “Prescribed Notices” and “Additional Notices” under Articles 1.3.5.1 and 1.3.5.2 Division C. of the Building Code, the owner or an authorized agent shall notify the Chief Building Official or an Inspector two business days (48 hours) in advance of the stages of construction listed in said Articles.

7. TRANSFER OF PERMIT

Permits are non-transferable without written consent of the Chief Building Official and a Transfer of Permit being issued.

8. FENCING

8.1 Where a construction site may present a hazard to the public, the owner of the construction site shall ensure that the construction site is suitably fenced to prevent access onto the construction site.

8.2 If fencing has not been provided in accordance with the above clause and, if in the opinion of the Chief Building Official, the construction site presents a particular hazard to the public, the Chief Building Official may in writing require the owner and the permit holder to erect such fencing as he/she deems appropriate to the circumstances such as described in the National Building Code, Section 8.2.

8.3 In considering the hazard presented by a construction site and the necessary fencing, the Chief Building Official shall have regard for;

- (a) the proximity of the construction site to occupied dwellings;
- (b) the proximity of the construction site to lands accessible to the public;
- (c) including but not limited to streets, parks and commercial and institutional activities;
- (d) the hazards presented by the construction activities and materials;
- (e) the feasibility and effectiveness of the site fencing; and
- (f) the duration of the hazard.

9. PRESCRIBED FORMS

The forms prescribed for use shall be regulated by the Province of Ontario and the Chief Building Official.

10. APPOINTED DESIGNATE

This by-law shall not be deemed to limit the appointment of a designate who may perform or execute any authority of the Chief Building Official where authorized by the Act, provided such designate, where required, is duly appointed by by-law under the Act.

11. PENALTY CLAUSE

Section 36 of the *Building Code Act* provides that a person is guilty of an offence under the *Building Code Act* if a person contravenes the *Building Code Act*, the regulations or this by-law. Information on set fines for said contraventions can be found in Schedule “C” of this by-law.

12. REPEAL CLAUSE

By-law 28-2011 of The Township of Georgian Bluffs is hereby repealed.

Read a first and second time this 6th day of October, 2021.

Read a third time and finally passed this 6th day of October, 2021.

Mayor – Dwight Burley

Clerk – Brittany Drury

THE TOWNSHIP OF GEORGIAN BLUFFS
SCHEDULE “A” to BY-LAW NO. 2021-67

1. Building Permit (*Building Code Act*, Section 8(1)) may be issued for all types of construction governed by the building code and may include plumbing, farm buildings, change of use, sewage systems and heating, ventilating and air conditioning systems.
2. Partial Building Permit (*Building Code Act*, Section 8(1)) (Partial permits are appropriate where the construction authorized by the permit complies with the Act, Building Code and other applicable laws):

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 that portion of the building or 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, such permit 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.
3. Conditional Permit may be issued by the Chief Building Official in accordance with Section 3.2.3 of this by-law.
4. Change of Use Permit may be issued where a change in use of a building or part of a building would result in an increase in hazard as determined under Section 2.4.1.2(1) of the Building Code even though no construction is proposed.
5. Sewage System Permit is required for all Classes of Systems as defined in Section 8.1.2.1(1),(a),(b),(c),(d) and (e), Classification of Systems in the regulations.
6. Sign Permit may be issued in respect of the structural requirements for signs contained in Section 3.14 of the Building Code.

THE TOWNSHIP OF GEORGIAN BLUFFS

SCHEDULE “B” to BY-LAW NO. 2021-67

LIST OF PLANS, SPECIFICATIONS, DOCUMENTS AND OTHER INFORMATION TO ACCOMPANY APPLICATIONS FOR PERMITS

Plans

1. Ontario Land Surveyors Plans;
2. Site Plan;
3. Contour of Grade Plans;
4. Drainage Plans;
5. Foundation Plans;
6. Architectural Plans;
7. Structural Plans;
8. Mechanical and Electrical Plans;
9. Reinforced Concrete Plans;
10. Chimney and Fireplace Plans;
11. Renovation and Alteration;
12. as Constructed Plans;
13. Fire Alarms or Evacuation Plans (within buildings);
14. Fire Protection Plans – showing the type of fire assemblies, fire separations, fire compartments; and fire resistance ratings within buildings;
15. Schematic Plans – showing the type, location and operation of all building fire emergency systems;
16. On-Site Sewage Systems Plans;

Specifications

1. Specification on entrances to the property with necessary approvals in writing;
2. Specifications on sewer system and water supply whether Municipal or private, with necessary written approvals;
3. Specifications on the proposed occupancies;
4. Specifications on building materials or a method of construction, and may require to be submitted by a registered professional engineer;
5. Specifications on soils investigations;
6. Specifications on any other applicable law as set out in Section 8(2)(a) of the *Building Code Act*, as amended.

Documents

1. Trade Certificate and Certification of Qualification.

Other

Any other information as may be relevant to prove compliance with the application and code.

NOTE: The Chief Building Official may specify that not all the above-mentioned plans, specifications, documentation and other information are required to accompany an application for a permit.

THE TOWNSHIP OF GEORGIAN BLUFFS
SCHEDULE “C” to BY-LAW NO. 2021-67
SHORT FORM WORDING AND SET FINES

Township of Georgian Bluffs

Set Fine Application

Part 1 *Provincial Offences Act*

Building Code Act, S.O. 1992, C.23, as amended

Item	Column 1, Short Form Wording	Column 2, Offence Creating Provision or Defining Offence	Column 3, Set Fine
1	Construct a building without a permit.	s.8(1)	\$750.00
2	Cause construction of a building without a permit.	s.8(1)	\$750.00
3	Demolish a building without a permit.	s.8(1)	\$750.00
4	Cause demolition of a building without a permit.	s. 8(1)	\$450.00
5	Change plans without authorization.	s 8(12)	\$300.00
6	Construct a building not in accordance with plans.	s. 8(13)	\$300.00
7	Change the use of a building without a permit.	s. 10(1)	\$400.00
8	Occupy a building newly erected without notice or inspection.	s.11	\$500.00
9	Remove posted order without authorization.	s. 20	\$750.00
10	Furnish false information on an application for a permit.	s. 36(1)(a)	\$500.00
11	Fail to comply with an order made by Inspector.	s. 12(2)	\$750.00

Item	Column 1 Short Form Wording	Column 2 Offence Creating Provision or defining office	Set Fines
12	Fail to comply with an order not to cover.	s. 13(1)	\$750.00
13	Fail to comply with an order to uncover.	s. 13(6)	\$750.00
14	Fail to comply with an order to cease construction.	s. 14(1)	\$1000.00
15	Fail to comply with an order to render a building safe.	s. 15.9(4)	\$750.00
16	Fail to comply with an order prohibiting occupancy of an unsafe building.	s. 15.9(6)	\$1000.00
17	Fail to comply with an order to repair a dangerous building.	s. 15.10(1)	\$750.00
18	Commence demolition before a building has been vacated	s. 34(1)(3.1)	\$750.00
19	Fail to post permit on construction site.	s. 34(1)(13)	\$100.00
20	Fail to posit permit on demolition site.	s. 34(1)(13)	\$100.00
21	Occupy an unfinished building without a permit.	s. 34(1)(18)	\$500.00
22	Occupy an unfinished residential building.	s. 34(1)(18)	\$500.00
23	Fail to provide required notification of construction phase.	s. 34(1)(15)	\$500.00
24	Obstruction.	s. 19(1)	\$1000.00

Note: The penalty provision of the offences indicated above is section 36 of the *Building Code Act*, S.O. 1992, c.23.