

The Corporation of the United Townships of Dysart, Dudley, Harcourt, Guilford, Harburn, Bruton, Havelock, Eyre and Clyde

By-Law No. 2023-02

Being a by-law respecting construction, demolition and change of use permits and inspections

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

Now therefore the Council of the Corporation of the Municipality of Dysart et al enacts as follows:

That in this By-law,

Short Title

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

1. Definitions

For the purpose of this by-law;

- a) *Act* means the Ontario Building Code Act 1992, S.O. 1992 C. 23, as amended.
- b) *As constructed plans* means as constructed plans as defined in the Building Code.
- c) *Building* means building as defined in Section 1(1) of the Act.
- d) *Building Code* means the regulations made under Section 34 of the Act.
- e) *Chief Building Official* means the Chief Building Official appointed by by-law of the Corporation of the Municipality of Dysart et al.
- f) *Construct* means to do anything in the erection, installation, extension or material alteration or repair of a building and includes the installation of a building unit fabricated or moved from elsewhere and construction has a corresponding meaning.
- g) *Demolition* means to do anything in the removal of a building or any material part thereof and demolish has a corresponding meaning.
- h) *Municipal Housing Project Facilities* means the municipal housing project facilities class of municipal capital facilities, as set out in Ontario Regulation 46/94, as amended.
- i) *Owner* means in respect of the property on which the construction takes place, the registered owner of the land.
- j) *Permit* means written permission or written authorization from the Chief Building Official to perform work regulated by this by-law and the Act or to change the use of a building or part of a building or parts thereof as regulated by the Act.
- k) *Plumbing* means plumbing as defined in Section 1(1) of the Act.

- l) *Sewage System* means a sewage system as defined in Division A, Part 1, Subsection 1.4.1.2 of the Building Code.

2. Classes of Permits, Fees and Orders

- 2.1 Classes of permits and fees required for construction, demolition or change of use are set forth in Schedule A appended to and forming part of this by-law and are due and payable upon issuance of a permit.
- 2.2 The fees shall be calculated in accordance with Schedule A.
- 2.3 When construction has commenced prior to the issuance of the building permit the permit fee shall be double the amount provided for in Schedule A.
- 2.4 In the case of withdrawal of an application or abandonment of all or a portion of the work or non-commencement of any project the applicant may request in writing that the Chief Building Official determines the amount of paid permit fees that may be refunded to the applicant, if any in accordance with Schedule A of this by-law.
- 2.5 Transfer of Permits; a permit may be transferred to a new owner by submitting an up to date deed, by completing a Transfer of Permit Application and by submitting the required fee.
- 2.6 Where a Building Code Order has been issued by the Chief Building Official or Inspector and compliance has not been achieved by a prescribed date contained within the Order, the Owner shall be charged the fee in accordance with Schedule A for review and updating of the file.
- 2.7 Where an application does not result in the issuance of a building permit within 6 months of submission, the owner shall be invoiced an Administration Fee in accordance with Schedule A and the application shall be closed.
- 2.8 Where an Owner fails to pay an invoice within the date specified, the amount shall be added to the applicable property's tax roll.

3. Requirements for Permit Applications

- 3.1 Every application for a building, sewage system, plumbing, demolition permit under Subsection 8(1) of the Act or a change of use permit under Section 10(1) of the Act shall be submitted to the Chief Building Official via the Building Permit Portal or email to building@dysartetal.ca and contain the following:
 - a) a completed provincial form "Application for a Permit to Construct or Demolish" including "Schedule 1: Designer Information"; and a "Schedule 2 Sewage System Installer Information" as applicable for Sewage System applications.
 - b) complete plans and specifications, documents and other information as required by Division C Part 1 Section 1.3.1.3 (5) of the Building Code and as described in Section 4 of this by-law for the work to be covered by this permit;
 - c) any information requested by the Chief Building Official to enable him/her to determine that the proposal complies with the Ontario Building Code and any other applicable law.
- 3.2 When, in order to expedite work, approval of a portion of the building project is desired prior to the issuance of a permit for the complete project, application shall be made and the fees paid for the complete project. Where a partial permit is issued for part of a building project, this shall not be construed to authorize construction beyond the plans for which approval was given nor will that approval necessarily be granted for the entire building or project.
- 3.3 In addition to the requirements of Section 3.1 above, every application for a conditional permit under subsection 8(3) of the Act 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 the necessary approvals which must be obtained in respect of the proposed building and the time in which such approvals will be obtained;

3.4 Where application for a permit or for authorization to make a material change to a plan, specification, document or other information on the basis of which a permit is issued, contains an equivalent material, system or building design for which authorization under Section 9 of the Act is requested, the following information shall be provided:

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

4. **Plans and Specifications**

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 changes of use will conform with the Act the Building Code and any other applicable laws and shall include the following:

- a) Digital set of plans in English, drawn to scale and shall include: floor plans, foundation plans, framing plans, roof plans, building elevations, plumbing plans, heating and ventilation plans, except above grade plumbing and heating and ventilation plans are not required for a detached house, semi-detached house or house containing not more than 2 dwelling units.
- b) A Site Plan referenced to an up to date survey when available or to a drawing of the lot, neatly and accurately drawn, which shall indicate:
 - i. the dimensions of the lot (length, width);
 - ii. the location and size of the proposed buildings & all existing buildings;
 - iii. location of well, septic, easements (hydro, right of way etc) & driveways;
 - iv. the setbacks of proposed building or addition from all lot lines, the road and other buildings within 3 metres, the highwater mark, and the well and septic system.
 - v. Indicate any survey stakes that have been located.
- c) In addition, a Site Plan for a Septic System must also include the following:
 - i. the location and setbacks of the septic tank, leaching bed and any pump chamber;
 - ii. the loading area and 15m mantle if applicable;
 - iii. location of wells or water supply including neighbours;
 - iv. eavestrough discharge;
 - v. Topographical features including slope and direction of flow.
- d) If the application is for a Partial Permit the applicant shall provide a Site Plan as per Section c) digital plans for that part of the building to be constructed. Construction shall not proceed beyond that part of the building that has been approved, until a complete set of plans has been submitted and written approval has been received from the Chief Building Official.
- e) Submitted plans and specifications become the property of the Corporation and will be disposed of or retained in accordance with relevant legislation.
- f) After the issuance of a permit under the Act, notice of any material change to a plan, specification or document or other information on the basis of which the permit was issued must be given in writing to the Chief Building Official

together with the details of such change, which is not to be made without his or her written authorization.

- g) As constructed plans shall be provided for a sewage system installation by the installer prior to inspection. The As-Built site plan shall include all information contained in section 4.1 (c) as well as tank size/model & distribution tile type.
- h) The Chief Building Official may require that a set of as constructed plans be submitted on completion of construction.

5 Enforcement and Penalty Provisions

- 5.1 This By-law shall be administered and enforced by the Supervisor, the Chief Building Official and Inspectors.
- 5.2 This By-law is to be read in conjunction with all the Statutes referred to in the preamble hereto and in the event that there is a conflict between the provision of this By-law and the provisions of the Act as amended, or its regulations, then the provisions of the latter will prevail.
- 5.3 No person shall hinder or obstruct the Supervisor, the Chief Building Official, or Inspector in the enforcement of this By-law.
- 5.4 Every person who contravenes any provision of this By-law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c. p. 33 or as may be amended.
- 5.5 If this By-law is contravened and a conviction entered, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.

6 By-Law to be Repealed

- 6.1 All by-laws or part thereof and resolutions passed prior to this by-law which contradict this by-law, have no force for this by-law's purposes, and are hereby rescinded.

7. Ultra Vires

- 7.1 Should any sections of this by-law, including any section or part of any schedules attached hereto, be declared by a court of competent jurisdiction to be ultra vires, the remaining sections shall nevertheless remain valid and binding.

8. Implementation

- 8.1 This By-law shall come into full force and effect upon the date of passing.

Read a first, second and third time, passed, signed and the Corporate Seal attached hereto this 24th day of January, 2023.


Murray Fearrey, Mayor


Tamara Wilbee, Deputy Clerk

Schedule "A" to By-law No. 2023-02 of the Municipality of Dysart et al

Classes of Permits and Fees

1. Permit Fees

Permit fees shall be calculated by the floor area - Floor Area shall be the total area of all floors measured to the outside face of exterior walls.

a)	Administration Fee (applicable to Section 1 fees only)	\$ 150.00 + applicable Building Permit fees
b)	Residential (dwellings, private cabin, multi residential)	\$ 0.80 per sq ft
c)	Commercial & Institutional (office, stores, restaurant, schools)	\$ 0.80 per sq ft
d)	Industrial	\$ 0.80 per sq ft
e)	Renovations & Accessory Buildings (Garage, shed, sauna)	\$ 0.60 per sq ft
f)	Minimum Permit fee including: Open Decks, Sewers, Demolition, Woodstove, Pools	\$150.00
g)	Facilities of Municipal Housing Projects that have entered into agreements with the City of Kawartha Lakes, the Service Manager, under authority of By-law Number 2006-262 and enacted by By-law pursuant to Paragraph 18, Section 2 of the Ontario Regulation 46/94, as amended.	\$ 0.00 per sq ft

2. Sewage System

a)	Class 2, 3, 4, 5	\$650.00
b)	Partial Class 4 System Replacement (Tank or bed only)	\$450.00
b)	Septic Evaluation – Where a change to the Daily Design Flow is proposed or to bring a sewage system into compliance	\$250.00

3. Miscellaneous

a)	Conditional or Partial Permit	\$150.00
b)	Change of Use	\$150.00
c)	Transfer of Permit	\$150.00
d)	Revision to Permit	\$150.00
e)	Re-Inspection (No access provided, fail to cancel when not ready, inspections for permits issued more than 5 years ago)	\$150.00
f)	Outstanding Building Code Order against property (Monthly Review)	\$500 .00

4. Refunds

Requests for refunds must be provided in writing from the applicant. No refunds shall be made for a permit that has been revoked.

No portion of the Administration Fee is refundable.

Maximum refundable portion of a permit fee is 75%.