

**THE CORPORATION OF THE UNITED TOWNSHIPS
OF DYSART, DUDLEY, HARCOURT, GUILFORD,
HARBURN, BRUTON, HAVELOCK, EYRE AND CLYDE**

BY-LAW NO. 2014-30

**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:

1. **SHORT TITLE**

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

2. **DEFINITIONS** in 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) *Corporation* means the Corporation of the Municipality of Dysart et al.
- h) *Demolition* means to do anything in the removal of a *building* or any material part thereof and demolish has a corresponding meaning.
- i) *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.
- j) *Owner* means in respect of the property on which the construction is to take place, the registered owner of the land, except for *conditional permits* may include a lessee, mortgagee in possession and the person acting as the owner's authorized agent.
- k) *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*.
- l) *Plumbing* means plumbing as defined in Section 1(1) of the *Act*.
- m) *Sewage System* means a sewage system as defined in Division A, Part 1, Subsection 1.4.1.2 of the Building Code.

3. **CLASSES OF PERMITS AND FEES**

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 submission of an application for a *permit*.
2. The fees shall be calculated in accordance with Schedule A.
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.
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.
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.

4. **REQUIREMENTS FOR PERMIT APPLICATIONS**

1. To obtain a *permit*, the owner or an agent authorized in writing by the owner shall file an "Application for a *Permit to Construct or Demolish*"; in writing by completing a prescribed form available at the offices of the Municipality or from the building code website www.obc.mah.gov.on.ca or at the Municipality of Dysart et al web site www.dysartetal.ca or by completing an application as provided by the *Chief Building Official* for a "Change of Use *Permit*" or "Transfer of *Permit*."
2. *Every application for a building, sewage system or demolition permit under Subsection 8(1) of the Act shall be submitted to the Chief Building Official and contain the following:*
 - a) a completed provincial form "Application for a *Permit to Construct or Demolish*" including "Schedule 1: Designer Information";
 - 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 5 of this by-law for the work to be covered by this *permit*;
 - c) required fees as calculated in accordance with Schedule "A"; and
 - d) 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. In addition to the requirements of subsection (2) above, every application for a new or replacement *Sewage System Permit* shall contain the following completed municipal forms:
 - a) "Application for a Sewage System Permit";
 - b) "Proposed Sewage Disposal System Design";
 - c) "Calculation Sheet";
 - d) "Schedule 2 Sewage System Installer Information".
4. 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.
5. In addition to the requirements of subsection (2) 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;
 - 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;

- c) state the time in which plans and specifications of the complete *building* will be filed with the *Chief Building Official*; and
 - d) include an agreement signed by the applicant in accordance with Building Code Act.
6. Every application for a change of use *permit* issued under section 10(1) of the *Act* shall be submitted to the *Chief Building Official* and shall include:
- b) a completed application form as provided by the *Chief Building Official*;
 - c) a description of the *building* in which the occupancy is to be changed;
 - d) identification and description in detail of the current and proposed occupancies of the *building* or part of a *building* for which the application is made;
 - e) plans and specifications showing the current and proposed occupancy of all parts of the *building*, and which contains sufficient information to establish compliance with the requirements of the *Building Code* including floor plans, details of wall, ceiling and roof assemblies identifying required fire resistance ratings and load bearing capacities; and
 - f) the required fee.
7. 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*.

5. **PLANS AND SPECIFICATIONS**

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) Two sets of legible 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) As constructed underground plumbing plans are required for all underground plumbing prior to inspection.
 - c) 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.
 - d) 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;
 - iii. location of wells or water supply including neighbours;
 - iv. eavestrough discharge;
 - v. Topographical features including slope and direction of flow.
 - e) If the application is for a Partial *Permit* the applicant shall provide a Site Plan as per Section c) and two sets of 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*.

- f) Plans and specifications furnished become the property of the *Corporation* and will be disposed of or retained in accordance with relevant legislation.
- g) 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.
- h) The *Chief Building Official* may require that a set of *as constructed plans* be filed with the *Corporation* on completion of construction.

6. THAT By-law No. 2011-79 and By-law No. 2013-22, be and is hereby repealed.

READ a first, second and third time, signed and the Corporate Seal attached hereto this 24th day of March, 2014.

REEVE: Murray Fearrey

CLERK: Cheryl Coulson

Schedule "A" to Bylaw No. 2014-30 of the Municipality of Dysart et al

Classes of Permits and Fees

1. Permit Fees

Permit fees shall be calculated by the floor area of the proposed construction multiplied by the values as set out in Subsection 2 of this schedule.

Floor Area shall be the total area of all floor above grade measured to the outside face of the exterior walls.

2. Building Classifications

- | | | |
|----|--|------------------|
| a) | Buildings used for human habitation including:
Dwellings, bunkies, private cabins, multi residential
Or additions to above | \$.70 per sq ft |
| b) | Commercial and institutional buildings and additions
(office space, stores, restaurants, schools etc) | \$.80 per sq ft |
| c) | Industrial Buildings and additions | \$.70 per sq ft |
| d) | Accessory Buildings or additions Garages, sheds etc | \$.50 per sq ft |
| e) | New foundation under an existing building
Interior Finish of Basement
Renovations (area of renovation only)
Open Buildings-Covered Porches, Car Ports | \$.45 per sq ft |
| f) | 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. | Fees waived |

3. Miscellaneous Work

- | | | |
|----|---|----------|
| a) | Minimum Permit fee including:
Decks any size
HVAC (includes wood stoves)
Outdoor pools | \$100.00 |
| b) | Demolition Permit | \$100.00 |
| c) | Plumbing | \$100.00 |

4. Conditional Permit \$100.00 + applicable **Building Permit** fees

5. Partial Building Permit \$100.00 + applicable **Building Permit** fees for the complete project.

6. Change of Use \$100.00 + any applicable **Building Permit** Fees

7. Application for a Sewage System Classes 2, 3, 4, 5 \$875.00

8. Septic Permit Review \$250.00
For change of design requiring a Site Visit

**9. Septic for Addition / Renovation /
Change of Use or Septic Re-inspection** \$450.00

Schedule "A" to Bylaw No. 2014-30 of the Municipality of Dysart et al

Classes of Permits and Fees - Continued

10. Transfer of Permit \$100.00

11. Re-inspections

Including inspections for permits issued \$100.00
more than 5 years ago & changes to plans
that requires written approval

12. Refunds

Requests for refunds must be provided in writing from the applicant.
No refunds shall be made for a permit that has been revoked.
Any application that has not been processed 100% is refundable
Any application that has been reviewed for building & zoning compliance even if permit
has been issued 75% of fee is refundable
Permit issued and any inspections performed no refund