

**THE COUNTY OF DUFFERIN**

***Building By-Law 2020-14***

***Consolidated Version***

***Amended by:***

***By-Law 2020-62, September 10, 2020***

***Schedule "A", Part "B" Fees Payable for Building Permits (Change Class of Permit type)***

# CORPORATION OF THE COUNTY OF DUFFERIN

## BY-LAW #2020-14

### A BY-LAW UNDER THE BUILDING CODE ACT RESPECTING PERMITS AND RELATED MATTERS AND REPEAL BY-LAWS 2010-24, 2011-03, 2014-34, 2014-38 AND 2015-42. (Building By-Law and Fees)

WHEREAS the Council of the Corporation of the County of Dufferin deems it advisable to enact a new by-law and repeal By-law 2010-24, 2011-03, 2014-34, 2014-38 and 2015-42;

AND WHEREAS section 7 of the *Building Code Act, 1992*, S.O. 1992, c. 23, as amended, (the "Act") authorizes the council of an upper-tier municipality, that has entered into an agreement under section 3(5), to pass by-laws concerning the issuance of permits and related matters;

AND WHEREAS the Corporation of the County of Dufferin has entered into an agreement under section 3(5) with participating local municipalities for the enforcement of the Act;

AND WHEREAS section 7.1 requires the Corporation of the County of Dufferin to establish and enforce a code of conduct for the chief building official and inspectors;

NOW THEREFORE, the Corporation of the County of Dufferin hereby enacts as follows:

#### 1. SHORT TITLE

This By-Law may be cited as the "Building By-Law".

#### 2. DEFINITIONS

(1) In this By-law;

- (a) **"Act"** means the Building Code Act, 1992, including amendments thereto
- (b) **"applicant"** means the owner of a building or property who applies for a permit or any person authorized to apply for a permit on the owners behalf, or any person or corporation empowered by statute to cause the construction or demolition of a building or buildings and

anyone acting under the authority of such person or corporation.

- (c) **"application"** means a submission of plans, documents, prescribed forms and fees as described in this by-law for the purpose of permit issuance and building code compliance review for a certified model and as required by the Chief Building Official.
- (d) **"architect"** means a holder of a licence, a certificate of practice, or a temporary licence under the Architects Act.
- (e) **"as constructed plans"** means as constructed plans as defined in Division A, Article 1.4.1.2. of the Building Code.
- (f) **"building"** means a building as defined in Section 1.(1) of the Act.
- (g) **"Building Code"** means the regulations made under Section 34 of the Act.
- (h) **"certified model"** means plans for a detached, semi-detached, townhouse, row-house, duplex or live/work residential building that will be repeated in a subdivision and has been reviewed by the Chief Building Official for compliance with the building code and is intended for construction pursuant to a permit issued under the Act.
- (i) **"change of use"** means a permit issued to allow the change from one type of occupancy use in a building or part of a building to another type of occupancy which may increase a hazard as described in Section 10 of the Act.
- (j) **"Chief Building Official"** means the Chief Building Official appointed by the by-law of The Corporation of the County of Dufferin for the purposes of enforcement of the Act.
- (k) **"conditional permit"** means a permit issued for a stage of construction as approved by the Chief Building Official as described in Section 8 of the Act.
- (l) **"Corporation"** means The Corporation of the County of Dufferin.

- (m) **“demolish”** and **“demolition”** means demolish as defined in section 1(1) of the Act.
  - (n) **“farm building”** means a farm building as defined in Division A, Article 1.4.1.2. of the Building Code.
  - (o) **“inspector”** means an inspector appointed by the by-law of The Corporation of the County of Dufferin for the purposes of enforcement of the Act.
  - (p) **“owner”** means registered owner of the land and includes a lessee, mortgagee in possession, and the person in charge of the property.
  - (q) **“permit”** means permission or authorization given in writing by the chief building official to perform work, to change the use of a building or part thereof, or to occupy a building or part thereof, as regulated by the Act and Building Code.
  - (r) **“permit holder”** means the person to whom the permit has been issued.
  - (s) **“phased permit”** means a permit issued for a stage of construction as approved by the Chief Building Official where specific information is required for full permit issuance unrelated to the phased permit approval.
  - (t) **“plumbing”** means plumbing as defined in Section 1(1) of the Act.
  - (u) **“professional engineer”** means a person who holds a licence or a temporary licence under the Professional Engineers Act.
  - (v) **“sewage system”** means a sewage system as defined in Division A, Article 1.4.1.2. of the Building Code.
- (2) Terms not defined in this By-law shall have the meaning ascribed to them in the Act or the Building Code.

### 3. CLASSES OF PERMITS

- (1) Classes of permits for the construction, demolition and change of use of buildings

and permit fees shall be as set out in Schedules "A" this By-Law.

#### **4. PERMIT APPLICATIONS**

- (1) To obtain a permit, the owner or an agent authorized in writing by the owner shall file with the Chief Building Official an application in the prescribed form as set out in Schedule "D" to this By-law.
  - (1.1) An application shall, unless otherwise determined by the Chief Building Official, be submitted electronically. All applications for a permit to be submitted electronically shall not constitute an acceptance of the application by the Chief Building Official until a pre-screening has been completed as determined by the Chief Building Official.
  - (1.2) Notwithstanding any other provision in this By-law, electronically submitted permit applications shall meet all requirements set out in this By-law and shall be submitted electronically unless otherwise authorized by the Chief Building Official.

#### **Building Permits**

- (2) Every building permit application shall:
  - (a) identify and describe in detail the work, use and occupancy to be covered by the permit for which the application is made;
  - (b) identify and describe in detail the existing uses and the proposed use(s) for which the premises are intended;
  - (c) describe the land on which the work is to be done, by a description that will readily identify and locate the site on which the building construction or demolition is to occur;
  - (d) be accompanied by plans and specifications as described in Section 5 of this by-law;
  - (e) be accompanied by the required fees in accordance with Schedule "A";
  - (f) state the name, address, telephone number and email address of the owner, applicant, architect, engineer or other designer, and the

constructor or person hired to carry out the construction or demolition, as the case may be;

- (g) when Division C, Part 1, Subsection 1.2.2. of the Building Code applies, be accompanied by a signed acknowledgment from the owner on a form prescribed by the Chief Building Official that an architect or professional engineer, or both, have been retained to carry out the general review of the construction or demolition of the building;
- (h) when Division C, Part 1, Subsection 1.2.2. of the Building Code applies, be accompanied by a signed statement of the architect or professional engineer retained under (g), or both, on the form prescribed by the Chief Building Official, undertaking to provide general review of the construction or demolition of the building;
- (i) include, where applicable, the registration number of the builder or vendor as provided in the Ontario New Home Warranties Plan Act;
- (j) state estimated valuation of the proposed work including consulting fees, material and labour; and
- (k) be signed by the applicant who shall certify as to the truth of the contents of the application.

### **Demolition Permits**

- (3) In addition to the requirements of Subsection 4(2), every demolition permit application shall:
  - (a) be accompanied by satisfactory proof that arrangements have been made with the proper authorities for the termination and capping of all water, sewer, gas, electric, telephone or other utilities and services;
  - (b) where required by the Chief Building Official be accompanied with a report from a professional engineer with respect to vibration from the proposed construction or demolition methods and the measures to be employed to mitigate the impacts to the satisfaction of the Chief Building Official; and,
  - (c) where required by the Chief Building Official, be accompanied by a

report to address abatement for decommissioning and mitigating measures for the removal of hazardous substances to the satisfaction of the Chief Building Official.

### **Phased Building Permits**

- (4) In addition to the requirements of Subsection 4.(2) above, every building permit application for part of a building shall be supplemented by:
- (a) include an application and full set of plans and specifications for the entire project, plus an additional set of plans and specifications related to the phased permit required;
  - (b) be accompanied by an administrative fee in accordance with Schedules "A", as applicable, to this By-law;
  - (c) a written statement from the applicant explaining the reasons why the applicant believes that unreasonable delays in construction would occur if a phased permit is not granted;
  - (d) a written acknowledgment 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;
  - (e) where a permit is issued for part of a building or project this 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; and,
  - (f) not be construed to authorize construction beyond the plans for which approval is given nor that approval will necessarily be granted for the entire building or project where a permit is issued for part of a building or project.

### **Conditional Building Permits**

- (5) In addition to the requirements of Subsection 4(2), every conditional permit application for the construction of a building or part thereof shall be supplemented by:

- (a) include an application and full set of plans and specifications for the entire project, plus an additional set of plans and specifications related to the phased permit required;
  - (b) be accompanied by an administrative fee in accordance with Schedules "A", as applicable, to this By-law;
  - (c) a written statement from the applicant explaining the reasons why the applicant believes that unreasonable delays in construction would occur if a conditional permit is not granted;
  - (d) a written acknowledgment 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,
  - (e) a written agreement, in the form provided by Schedule "D", executed by the applicant, the owner and such other persons the chief building official determines for the purposes set out in clause 8(3) (c) of the Act.
- (6) The Chief Building Official is hereby authorized to execute the written agreement referred to in clause 4(5) (e) herein on behalf of the County of Dufferin where:
- (a) the applicant has complied with subsection 4(5) herein; and,
  - (b) the Chief Building Official is satisfied that the compliance required under Section 8 of the Act has been achieved.
- (7) Where deemed necessary by the Chief Building Official, the agreement referred to in clause 4(5) (e) herein may be registered on title to the lands upon which is located or will be located the building or part thereof for which the application for permit has been made, and the Chief Building Official shall require financial securities to be provided to the County of Dufferin.

### **Change of Use Permits**

- (8) Every application for a change of use permit issued under subsection 10(1) of the Act shall be submitted to the Chief Building Official, and shall:



- (a) describe the building or part thereof in which the use is to be changed, by a description that will readily identify and locate the building;
  - (b) identify and describe in detail the existing and proposed use of the building or part thereof in which the application for a permit is made;
  - (c) include plans and specifications which show the current and proposed use of all parts of the building, and which contain sufficient information to establish compliance with the requirements of the Building code including, floor plans, details of wall, floor and roof assemblies and identifying required fire resistance rating and load bearing capacities;
  - (d) be accompanied by the required fees in accordance with Schedule "A";
  - (e) state the name, address and telephone number of the owner; and,
  - (f) be signed by the owner or his or her authorized agent who shall certify the truth of the contents of the application.
- (9) A request for partial occupancy of a building pursuant to Division C, Part 1, Subsection 1.3.3. of the Building Code shall:
- (a) Provide in writing a request for partial occupancy of the building and the reason for partial occupancy;
  - (b) indicate the total floor area proposed for occupancy;
  - (c) indicate the total number and location of units proposed for occupancy; and,
  - (d) be signed by the owner or authorized agent who shall certify to the truth of the contents of the request.

### **Sewage System Permit**

- (10) Every application for a sewage system permit shall be submitted to the Chief Building Official, and contain the following information:
- (a) identify and describe in detail the work and occupancy to be covered by the permit for which application is made;



- (b) describe where the work is to be done, by a description that will readily identify and locate the building lot;
- (c) include complete plans and specifications as described in this by-law for the work to be covered by the permit and show the occupancy of all parts of the building;
- (d) state the valuation of the proposed work including materials and labour;
- (e) be accompanied by the required fees in accordance with Schedule "A";
- (f) state the names, addresses and telephone numbers of the owner, architect or engineer, where applicable, or other designer or constructor;
- (g) be accompanied by a written acknowledgment of the owner that he has retained an architect or professional engineer to carry out the field review of the construction where required by the Building Code;
- (h) be signed by the owner or his or her authorized agent who shall certify the truth of the contents of the application;
- (i) the name, address, telephone number of the person installing the sewage system;
- (j) where the person named in (h) above requires a Building Code Identification Number (BCIN) under the Act and the Building Code,
  - (i) the BCIN, and
  - (ii) the name of the qualified person supervising the work to be done under the sewage system permit
- (k) a site evaluation which shall include all of the following items, unless otherwise specified by the Chief Building Official:
  - (i) the date the evaluation was done,
  - (ii) name, address, telephone number and signature of the person

who prepared the evaluation,

- (iii) a scaled map of the site showing:
  1. the legal description, lot size, property dimensions, existing rights-of-way, easements or municipal/utility corridors,
  2. the location of items listed in Column 1 of Tables 8.2.1.6.A, 8.2.1.6.B. and 8.2.1.6.C.,
  3. the location of the proposed sewage system,
  4. the location of any unsuitable, disturbed or compacted areas and,
- (iv) depth to bedrock,
- (v) depth to zones of soil saturation,
- (vi) soil properties, including soil permeability, and
- (vii) soil conditions, including the potential for flooding.

### **Permit Issuance**

- (11) Where the applicable requirements of Section 4 to this By-law have been complied with, and the Chief Building Official has determined that the proposed Building, construction, demolition or change of use will not contravene the Act, the Building Code or any other applicable law, the Chief Building Official shall issue a Permit.
- (12) Where a proposed application does not contain sufficient information to enable the Chief Building Official to determine whether or not the proposed construction, demolition, change of use or transfer of permit will conform to the Act, the Building Code and any other applicable law, the application will be considered to be incomplete and may not be accepted. Incomplete applications, where accepted, will be reviewed as time and resources permit and will not be subject to applicable complete application timelines for permit issuance.

- (13) Where the issuance of a conditional building Permit respecting construction of a Building or part of a Building is sought, and the requirements of Subsection 4(5) to this By-law have been complied with, an agreement under Subsections 4(5) has been executed, financial securities paid and, the Chief Building Official has determined that the proposed Building or construction will not contravene the Act, the Building Code or any other applicable law, the Chief Building Official may issue a conditional building Permit, but the Chief Building Official shall not be under any obligation, by reason of the issuance of such a Permit, to issue any further Permit or Permits relating to other parts of the Building or to the entire Building.

### **Revision To Permit**

- (14) After the 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 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.

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 revision to the permit, and the provisions of Sections 4 and 5 herein shall apply to such application.

## **5. PLANS AND SPECIFICATIONS**

- (1) Every applicant shall submit sufficient plans, specifications, documents and other information to enable the Chief Building Official to determine whether the proposed construction, demolition, or change of use conforms to the Act, the Building Code, and any other applicable law.
- (2) Each application shall, unless otherwise determined by the Chief Building Official, be accompanied by electronic copy of plans and specifications required under this By-law.
- (3) Plans shall be drawn to scale (min. 1:75 or 3/16"= 1') on paper, electronic media approved by the Corporation or other durable material and shall be legible.
- (4) Site Plans submitted shall refer to a current plan of survey certified by a

registered Ontario Land Surveyor and a copy of such a survey shall be filed with the municipality unless this requirement is waived because the Chief Building Official is able, without having a current plan of survey, to determine whether the proposed work conforms, to the Act, the Building Code, and any other applicable law. Site plan will include:

- (a) lot size and dimensions of the property;
  - (b) setbacks from existing and proposed buildings to property boundaries and to each other;
  - (c) existing and proposed finished ground levels or grades;
  - (d) existing rights of way, easements and municipal services; and,
  - (e) location of wells, open water and private sewage systems.
- (5) The Chief Building Official shall determine the number of copies of plans, specifications, documents and other information required to be furnished with an application for permit having regard for the requirements of any Act, regulation or by-law respecting the examination or circulation of the application.
- (6) On completion of the construction of a building, or part thereof, the Chief Building Official may require a set of as constructed plans, including a plan of survey showing the location of the building.
- (7) The Chief Building Official may refuse an application if any of the above is deemed to be incomplete or insufficient at the time of the application.
- (8) Plans and specifications furnished according to this by-law or otherwise required by the Act become the property of the municipality and will be disposed of or retained in accordance with relevant legislation.

### **Alternative Solutions**

- (9) 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 revision to a plan, specification document or other information on the basis of which a permit is issued, the applicant shall submit:

- (a) a description of the proposed equivalents or alternative solutions;
  - (b) the designer's contact information;
  - (c) the qualifications of the designer who is responsible for the proposed equivalents or alternative solutions;
  - (d) the identification of all the prescriptive applicable Division "B" provisions of the Building Code for all the proposed equivalents or alternative solutions;
  - (e) the identification of any assumptions, limiting or restricting factors, special maintenance and operational requirements of the applicable Division 'C' provisions of the Building Code;
  - (f) the identification of the applicable links to objectives and functional statements found in Division "A" of the Building Code;
  - (g) comparison and evaluation by a recognized and qualified Code Consultant of the prescriptive requirements versus the proposed equivalents or alternative solutions;
  - (h) any supporting documentation demonstrating that the proposed material, system or building design will provide the same level of performance required by Division "B" of the Building Code; and,
  - (i) payment of the required fee as set out in the most current corporate "Fees and Charges By-law".
- (10) The Chief Building Official may accept or reject any proposed equivalents or alternative solutions and may impose conditions or limitations on their use.
- (11) Equivalents or alternative solutions 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.
- (12) The fee for a request for the use of an Alternative Solution as described in the Building Code as amended shall be based on an hourly rate of \$80.46 per hour with a minimum fee of \$500.00 based on the number of hours spent by the Corporation to review and research the proposed Alternative Solution. When

the Alternative Solution warrants review by a third party the applicant shall also be responsible for the cost of the third party review and a deposit as determined by the Chief Building Official to cover the cost of the third party review and shall be provided to the Corporation by the Applicant prior to the review of the proposal by the third party. The determination of the requirement to involve a third party is solely at the discretion of the Chief Building Official.

## **6. FEES AND REFUNDS**

- (1) The Chief Building Official shall determine the required fees in accordance with Schedule "A" and the applicant shall pay the fees so calculated. No permit shall be issued until the fees therefore have been paid in full.
- (2) In addition to the fees paid at the time of building permit application, when an applicant resubmits plans or specifications greater than three (3) times for a particular discipline an additional fee in accordance with Schedule "A" will be required prior to permit issuance.
- (3) In addition to the fees paid at the time of building permit application, when an inspection is determined to be not ready onsite greater than two (2) times for a particular inspection an additional fee in accordance with Schedule "A" will be required to be paid prior to booking of the subsequent inspection.
- (4) In the case of withdrawal, or abandonment of an application, or refusal for issuance of a permit, upon written request, the Chief Building Official shall determine the amount of fees, in any, that may be refunded, in accordance with Schedule "B".
- (5) 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 refund shall be calculated in accordance with Schedule "B".
- (6) Where an independent third party professional review is required to determine compliance with the Building Code Act, the associated costs shall be added to the building permit fee and be collected prior to issuance of a building permit



## **7. TRANSFERS**

Permits are transferable only upon the new owner or his/her authorized agent completing a permit application and paying the administration fee prescribed in Schedule A. The new owner shall then be the permit holder for the purpose of the Act and the Building Code and any other applicable law.

## **8. REVOCATION OF PERMITS**

- (1) Prior to revoking a permit under clause 8.- (10) of the Act, the Chief Building Official may serve the permit holder with or cause the permit holder to be served with written notice of the intention to revoke the permit.
- (2) Notice provided under subsection 7(1) of this By-law may be served either by personal service or by mailing the notice by standard mail addressed to the permit holder, at the last address the permit holder has communicated to the Chief Building Official in writing; and where notice is served by mailing, the permit holder shall be conclusively deemed for all purposes to have been served with the notice on the fifth day after the day of mailing.
- (3) If on the expiration of twenty-five (25) days from the date of service of the provided notice of the intent to revoke a permit, the ground for revocation continues to exist, the Chief Building Official may revoke the permit without further notice to the permit holder.
- (4) Upon revocation of a permit the Chief Building Official has the sole discretion to dispose of any plans or any other information submitted with the permit application, or to return same to the permit holder.
- (5) Where a conditional permit agreement expires the Chief Building Official may deem the conditional permit revoked without notice as provided under 8(1) of this By-law.

## **9. DEFERRAL OF REVOCATION**

- (1) A permit holder may, within thirty (30) days from the date of notice of intention to revoke a permit, if provided, request the Chief Building Official in writing to defer the revocation of the permit.

- (2) A request for deferral shall set out the reasons why the permit should not be revoked and the date by which the work will be commenced or resumed.
- (3) Having considered the circumstances of the request and having determined that there have been no changes to the Act and the Building Code and any other applicable law which would have prevented the issuance of the original permit, the Chief Building Official may allow a deferral to a date to be determined by the Chief Building Official and shall notify the permit holder of the decision.

## **10. NOTICES TO THE CHIEF BUILDING OFFICIAL**

- (1) The permit holder or an authorized agent shall notify the Chief Building Official of the prescribed notices under Division C, Article 1.3.5.1 of the Building Code and every additional notice under Division C, Article 1.3.5.2. of the Building Code, with the exception of Division C, Clause 1.3.5.2.(g), at least two business days prior to each stage of construction.
- (2) A notice pursuant to this section is not effective until written, oral or electronic notice in a format required by the corporation is received by the Chief Building Official or his or her designate.

## **11. FENCING CONSTRUCTION SITES**

- (1) Where, in the opinion of the chief building official, a construction or demolition site presents a hazard to the public, the chief building official may require the permit holder to erect such fencing to the standards and specifications that the Chief Building Official deems to be appropriate in the circumstances.
- (2) When determining if a construction or demolition site presents a hazard to the public and requires the erection of fencing and the type of fencing required, the Chief Building Official shall have regard to:
  - (a) the proximity of the construction site to occupied dwellings;
  - (b) the proximity of the construction site to lands accessible to the public, including but not limited to streets, parks, and commercial and institutional activities;
  - (c) the hazards presented by the construction activities and materials;

- (d) the feasibility and effectiveness of site fencing; and
  - (e) the duration of the hazard
- (3) When the Chief Building Official is of the opinion that fencing is required, the permit holder shall, prior to the commencement of any construction, demolition, or placement of materials or equipment on site, erect or cause to be erected fencing to the standards required by the chief building official to enclose the construction or demolition site for the purpose of preventing unauthorized entry on the site. For the purposes of this section, construction or demolition site shall include the area of the proposed construction or demolition and any area where materials or equipment are stored or operated.

## **12. CODE OF CONDUCT**

The Corporation shall enforce a Code of Conduct for the Chief Building Official and inspectors, as set out in Schedule "C".

## **13. OFFENCES AND PENALTIES**

Any person who contravenes any provision of this by-law is guilty of an offence and is liable upon conviction to a fine as provided for in the *Act*.

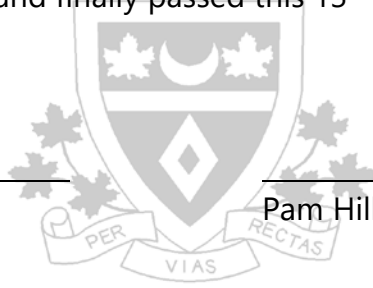
## **14. SEVERABILITY**

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

## **15. DATE BY-LAW TAKES EFFECT**

The by-law shall be effective on the 1<sup>st</sup> day of March, 2020.

READ a first, second and third time and finally passed this 13<sup>th</sup> day of February, 2020.



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Darren White, Warden

Pam Hillock, Clerk

## **SCHEDULE "A" TO BY-LAW #2020-14**

### **CLASSES OF PERMITS AND PERMIT FEES**

1. Except where a minimum flat fee is indicated for the Occupancy Classification or Type of Construction, the fee per square meter of floor area set out in Schedule "A" shall be used by the Chief Building Official in determining the permit fee.
2. Permit Fee Increases are indexed based on the Consumer Price Index, Ontario Series, and are adjusted annually
3. Unless a flat fee is specified within Schedule "A" a minimum fee of \$160 shall be applied to minor residential permits (sheds, detached garages etc.) and farm buildings. A minimum fee of \$480 shall be applied to dwelling units and non-residential permits.
4. For the purpose of this Schedule the occupancy classification and floor area shall be determined on the following basis;
  - a) The occupancy classification shall be established in accordance with the occupancy definitions of the Ontario Building Code and its appendices.
  - b) The floor area shall be measured to the outer face of exterior walls and to the centre line 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 attached garages, mezzanines, finished attics and enclosed balconies.
  - c) Calculating floor area for interior finishes, partitioning, corridors, lobbies, washrooms, lounges, etc. are to be included and classified according to the major occupancy classification for the floor area with which they are associated. Where any of these areas are constructed in a shell only building, fees shall be calculated at the finished rate in Part B of Schedule "A".
  - d) The occupancy classifications used in this bylaw are based on the Building Code major occupancy classifications. For mixed occupancy floor areas, the fee multiplier for the major occupancy of the floor area applies.

5. No additional fee applies for sprinklers, fire alarms, electromagnetic locks, or other mechanical systems or equipment proposed and installed at the same time as the construction they serve.
6. Where they serve single dwelling units, no additional fee applies fireplaces and unfinished basements proposed and constructed at the same time as the single dwelling they serve.
7. Unfinished basements for single detached dwellings, semi-detached dwellings, duplex dwellings and townhouses are not included in the floor area.
8. The appropriate finished fee for the proposed major occupancy applies to non-residential and multiple unit residential basements.
9. Where a change of occupancy from one classification to another classification is proposed, the fee multiplier for the proposed occupancy applies.
10. For classes of permits not described in this Schedule, the Chief Building Official shall determine the fee to be \$8.00 / \$1000.00 of estimated construction repair cost.
11. ADMINISTRATIVE FEES
  - a) To offset additional investigation and administrative costs where any person has commenced construction, demolition or changes to the use of a building prior to having submitted an application for a permit, or before having received a permit, in addition to any other penalty under the Act, Building Code, or this By-law, the permit fee shall be increased by the greater of \$200 or 50% of the regular permit fee. Payment of these fees does not relieve any person or corporation from complying with the Act, the Building Code or any applicable law.
  - b) To offset additional costs associated with the investigation, inspection, administration and rectification of unsafe buildings pursuant to section 15.9 of the Act, the Chief Building Official may require a fee of \$250 where any Unsafe Order is issued, and an additional fee of \$250 where any Order respecting occupancy is issued. Payment of these fees does not relieve any person or corporation from complying with the Act, the Building Code or any applicable law.

- c) With respect to phased permits, the fee shall be the normal fee for the proposed construction plus an administration fee of \$500 for each phase of construction applied for.
- d) With respect to conditional permits, the fee shall be the normal fee for the proposed construction plus an administration fee of \$1000 for each conditional permit applied for.
- e) Where the Town has contracted work to remedy any Building Code deficiency on any private property for failing to comply with a directive of the Chief Building Official, or Officers thereunder, the County shall be entitled to recover the full cost of the work, plus a \$250 administration fee.
- f) With respect to transferring a permit from one permit holder to another, the fee shall be \$160.
- g) With respect to minor revisions of plans already examined the fee shall be \$80.46 per hour minimum \$160.

**PART 'A' OF SCHEDULE 'A'**  
**FEES PAYABLE FOR SPECIFIC CLASSES**  
**OF PERMITS**

Class of Permit	Unit of Measure/Rate	Fee 2019	Fee 2020
<b>Building Permit</b>			
Partial Building Permit	\$/m2	10% Permit fee Min \$150 / Max \$365	Applicable Building Permit fee payable plus \$500 per phase of construction.
Conditional Building Permit	\$/m2	10% Permit fee Min \$150 / Max \$730	Applicable Building Permit fee payable plus \$1000 per conditional permit.
<b>Demolition Permit</b>			
Residential outbuilding	Flat Rate	\$150	\$160
Residential dwelling unit	Flat Rate	\$180	\$160
Non-Residential	Flat Rate	\$450	\$480
Decommission Septic	Flat Rate	\$150	\$160
<b>Change of Use</b>			
Change of Use Permit (No Construction)	Flat Rate	\$150	\$160
Change of Use Permit (Construction)	\$/m2	New Major Occupancy Classification	New Major Occupancy Classification
<b>Site Servicing</b>			
Residential	Flat Rate	\$220	\$160
Non-Residential	Flat Rate	\$220	\$240
Site Plan Control Review	Flat Rate	\$200	\$480



**PART 'B' OF SCHEDULE 'A'  
FEES PAYABLE FOR BUILDING PERMITS**

Class of Permit	Unit of Measure	Fee 2019	Fee 2020
<b>Assembly Occupancies (Group A)</b> School, Church, Community Hall, Restaurant			
Finished Building	\$/m2	\$5.48 min \$150	\$13.91 min \$480
Interior renovation and finishing (not part of original structure)	\$/m2	\$1.82 min \$150	\$3.44 min \$480
Public Pool, Spa	Flat Rate	\$9.04 min \$150	\$480
School Portables	Flat Rate	\$220	\$240
<b>Institutional Occupancies (Groups B1,B2,B3)</b> Hospital, Nursing Home, Police Station			
Finished Building	\$/m2	\$5.48 min \$150	\$16.21 min \$480
Interior renovation and finishing (not part of original structure)	\$/m2	\$1.82 min \$150	\$3.44 min \$480
<b>Residential Occupancies (Group C)</b> House, Apartment, Motel			
Multiple Unit Residential Three (3) separate units or greater	\$/m2	\$9.04 min \$150	\$14.66 min \$480
Detached, semi-detached and townhouse dwellings Two (2) separate units or less	\$/m2	\$9.04 min \$150	\$12.98 min \$480
Interior renovation and finishing (not part of original structure)	\$/m2	\$3.44 min \$150	\$3.44 min \$160
<b>Business &amp; Personal Service Occupancies (Group D)</b> Office, Bank, Beauty Parlour			
Shell Building	\$/m2	\$3.44 min \$150	\$10.02 min \$480
Finished Building	\$/m2	\$5.48 min \$150	\$12.72 min \$480

Class of Permit	Unit of Measure	Fee 2019	Fee 2020
Interior renovation and finishing (not part of original structure)	\$/m2	\$1.82 min \$150	\$3.44 min \$480
<b>Mercantile Occupancies (Group E) Store, Shop, Supermarket</b>			
Shell Building	\$/m2	\$3.44 min \$150	\$9.68 min \$480
Finished Building	\$/m2	\$5.48 min \$150	\$11.97 min \$480
Interior renovation and finishing (not part of original structure)	\$/m2	\$1.82 min \$150	\$3.44 min \$480
<b>Industrial Occupancies (Groups F1,F2,F3) Warehouse, Repair Garage, Factory</b>			
Shell Building	\$/m2	\$3.44 min \$150	\$7.61 min \$480
Finished Building	\$/m2	\$5.48 min \$150	\$8.85 min \$480
Parking Garage, Service Floors, Mezzanines	\$/m2	\$1.82 min \$150	\$6.19 min \$480
Interior renovation and finishing (not part of original structure)	\$/m2	\$1.82 min \$150	\$3.44 min \$480
<b>Agricultural Occupancies Hay Storage, Silo, Riding Arena, Livestock Barn</b>			
Finished Building	\$/m2	\$1.82 min \$150	\$2.44 min \$480
Interior renovation and finishing (not part of original structure)	\$/m2	\$1.82 min \$150	\$1.82 min \$160
Silo, Grain Bin	Flat Rate	\$220	\$240
<b>On-Site Sewage System</b>			
Residential (New)	Flat Rate	\$540	\$540
Residential (Replacement)	Flat Rate	\$540	\$540
Non-Residential (New)	Flat Rate	\$940	\$940
Non-Residential (Replacement)	Flat Rate	\$940	\$940

Class of Permit	Unit of Measure	Fee 2019	Fee 2020
Replacement Tank	Flat Rate	\$225	\$225
Leaching Bed Repair, Minor Alteration	Flat Rate	\$390	\$390
Review or Assessment Lot Serviceability/Severance	Flat Rate	\$225	\$225
<b>Miscellaneous</b>			
Deck, Porch	Flat Rate	\$1.82 min \$150	\$160
Gazebo, Cabana	\$/m2	\$1.82 min \$150	\$3.44 min \$160
Fireplace, Woodstove	Flat Rate	\$220	\$160
Garage, Carport, Storage Shed <b>[Amended by By-Law 2020-14, September 10, 2020]</b>	\$/m2	\$1.82 min \$150	\$3.44 min \$160
Water and Sewer Connection	Flat Rate	\$220	\$240
Temporary Trailer	Flat Rate	\$220	\$240
Temporary Tent	Flat Rate	\$220	\$160
Sign	Flat Rate	\$150	\$160
Swimming Pool Enclosure	Flat Rate	\$150	\$160
Roof Mounted Solar Panel	Flat Rate	\$220	\$240
Relocate Building	Flat Rate	\$540	\$480
Wind Turbines	Flat Rate	\$3645	\$3645
Fire Alarm	Flat Rate	\$220	\$320
Fire Sprinklers/Standpipe	Flat Rate	\$220	\$320
Smoke/Heat Detectors, Emergency Lighting, Magnetic Locking Devices	Flat Rate	\$220	\$320
Industrial Commercial Racking System	Flat Rate	\$1.82 min \$150	\$320

Class of Permit	Unit of Measure	Fee 2019	Fee 2020
Shelf and Rack Storage System 3.16.	\$/m2	\$1.82 min \$150	\$3.44 per square meter; minimum \$480
Commercial Cooking Exhaust, Spray Booth, Dust Collector	Flat Rate	\$220	\$240
Plumbing Fixtures (each) Residential	Per Fixture	\$220 (Flat Rate)	\$15 per fixture; minimum \$160
Plumbing Fixtures (each) Non-Residential	Per Fixture	\$220 (Flat Rate)	\$15 per fixture; minimum \$320
Plumbing System Multi-Residential	Flat Rate	\$220	\$240
Plumbing System Non-Residential	Flat Rate	\$220	\$320
Mechanical Unit Residential	Per Unit	\$220	\$160
Mechanical Unit Non-Residential	Per Unit	\$220	\$320
Mechanical System Residential	Flat Rate	\$220	\$160
Mechanical System Non-Residential	Flat Rate	\$220	\$320
Oil and Grease Interceptor	Flat Rate	\$220	\$240
Designated Structure (Not Already Listed)	Flat Rate	\$220	\$320
Other Minor Residential Project	\$/m2	\$1.82 min \$150	\$3.44 min \$160
Other Minor Non-Residential Project	\$/m2	\$220	\$3.44 min \$480
<b>Administrative</b>			
Inspection (Additional)	Per Inspection	\$180	\$160
Building Inspection Not Ready (Greater than 2)	Per Inspection	N/A	\$160 Residential / \$320 Non-Residential

Class of Permit	Unit of Measure	Fee 2019	Fee 2020
Plans Review Resubmission (Greater than 3)	Per Resubmission	N/A	\$160 Residential / \$320 Non-Residential
Alternative Solution	Per Submission	N/A	\$80.46 per hour; minimum \$500
Notice of Change	Per Hour	\$150 (Flat Rate)	\$80.46 per hour; minimum \$160
Third Party Professional Review	N/A	N/A	Consultant Fee (Paid by Applicant)
Transfer of Ownership	Flat Rate	\$220	\$160
Fee for permit not listed in Schedule A	Construction Value	N/A	\$8 per \$1000 of construction/repair costs
Building Without a Permit	N/A	\$180 or 15% of permit fee with application, \$180 or 25% without application whichever is greater	\$200 or 50% of the regular permit fee whichever is greater
Unsafe Order	Flat Rate	N/A	\$250
Prohibit Occupancy Order	Flat Rate	N/A	\$250

## **SCHEDULE B TO BY-LAW 2020-14**

### **REFUNDS**

#### **PURPOSE**

To govern the refunds of building and demolition permits.

#### **STATEMENT**

No refund shall be made of an amount that is less than the minimum Permit fee applicable to the work.

Cancellation of a permit and request for refund must be made in writing by the owner or authorized agent of the owner.

90% Where only administrative functions have been completed (application received and cost analysis complete)

80% Where only administrative and zoning functions have been completed

60% Where administrative, zoning and plans examination functions have been performed

50% Where within six (6) months the permit has been issued and no field inspections have been performed subsequent to permit issuance

Refund of 50% less a 5% deduction for each field inspection performed subsequent to permit issuance

No fees shall be refunded after twelve (12) months from the date of permit issuance

## **SCHEDULE C TO BY-LAW 2020-14**

### **CODE OF CONDUCT CODE OF CONDUCT FOR BUILDING OFFICIALS**

#### **PURPOSE:**

The County of Dufferin Building Department maintains this Code of Conduct in accordance with the provisions of the *Building Code Act*. In addition to Article 5: "Code of Conduct" in the County's Personnel Policy Manual, which applies to all county staff, this Code of Conduct for Building Officials applies to the Chief Building Official and all Building Officials appointed under the *Building Code Act* in the performance of their duties under the *Building Code Act* and the Building Code.

This Code of Conduct promotes the appropriate standards of behaviour by Building Officials in the exercise of their powers and the performance of their duties. It prevents practices which may constitute an abuse of power including unethical or illegal practices, and promotes appropriate standards of honesty and integrity.

#### **STATEMENT:**

Building Officials are exposed to potential conflicts of interest because of the special powers conferred on them. The County of Dufferin Building Department is committed to the highest standards of professionalism, technical competence, skill, honesty, fairness and independence. The County's Building Officials observe both the letter and the spirit of this Code of Conduct as it pertains to situations that arise in the performance of their duties.

#### **PROCEDURES:**

County of Dufferin Building Officials undertake at all times to:

1. Act in the public interest, particularly with regard to the safety of building works and structures;

2. Avoid situations where there may be, or where there may reasonably appear to be, a conflict between their duties to their clients, their profession, their peers and the public at large and their personal interests;
3. Avoid any conduct that could bring the Building Officials, the County of Dufferin or any of the County's Local Municipalities into disrepute;
4. Extend professional courtesy to all;
5. Not divulge any confidential or sensitive information or material that they become privy to in the performance of their duties, except in accordance with the laws governing the *Municipal Freedom of Information and Protection of Privacy Act*. Any requests for information that is not considered public information will be referred to the County Co-ordinator of the *Municipal Freedom of Information and Protection of Privacy Act*;
6. Apply all relevant building laws, regulations and standards strictly and without favour and independent of the influence of interested parties;
7. Comply with the provisions of the *Building Code Act*, the Building Code and any other Act, Law or By-Law that regulates or governs Building Officials or their functions;
8. Maintain their knowledge and understanding of the best current building practices, building laws and regulations by committing to a process of continuous education;
9. Perform their inspections and certifying duties impartially and in accordance with the highest professional standards; and
10. Not act beyond their level of competence or outside their area of expertise.



## **Responding to Allegations of Misconduct**

The *Building Code Act* provides that the performance of Building Officials will be measured against this Code of Conduct. In response to any allegation of a breach of this Code, the Chief Building Official shall direct an investigation and, where appropriate, recommend disciplinary action against any Building Official who fails to comply with this Code of Conduct. Where an allegation is made against the Chief Building Official, the Chief Administrative Officer will direct the investigation and make such recommendations as are reasonable.

Disciplinary action arising from violations of this Code of Conduct will be based on the severity and frequency of the violation in accordance with County Policies, and relevant employment laws and standards.

## **SCHEDULE D TO BY-LAW 2020-14**

### **APPLICATIONS AND FORMS PRESCRIBED BY REGULATION UNDER THE BUILDING CODE ACT AND COUNTY OF DUFFERIN**

1. Application for a Permit to Construct or Demolish
2. Alternative Solution Application
3. Authorized Agent
4. Notice of Change Application
5. Commitment to General (Professional) Review
6. County of Dufferin Septic System Design Criteria
7. Conditional Permit Agreement
8. Order Requiring Tests and Samples
9. Order to Uncover
10. Order Not to Cover or Enclose
11. Order to Comply
12. Order to Remedy an Unsafe Building
13. Stop Work Order
14. Emergency Order