

THE CORPORATION OF THE
TOWN OF PELHAM
BY-LAW NO. 2277 (2001)

**Being a by-law under the Building Code Act, 1992 - Respecting
Permits and Related Matters**

WHEREAS, Section 7 of the Building Code Act, 1992, authorizes a municipal council to pass by-laws concerning the issuance of permits and related matters;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF PELHAM ENACTS AS FOLLOWS:

1. **SHORT TITLE:**

- (1) This by-law may be cited as the "Building By-law"

2. **DEFINITIONS AND WORD USAGE:**

In this by-law,

- (1) (a) "Act" means the Building Code Act, 1992, as amended.
- (b) "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 the authority of such person or corporation.
- (c) "Building Code" means the regulation made under Section 34 of the Act.
- (d) "Chief Building Official" means the Chief Building Official appointed by Council under Section 3 of the Act.
- (e) "Owner" means the registered owner of the land and may include a lessee, mortgagee in possession, and the person in charge of the property.
- (f) "Permit" means permission or authorization given in writing by the Chief Building Official to perform work regulated by the Act and Building Code, or to occupy a building or part thereof.
- (g) "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.
- (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 required for construction, demolition or change of use are set forth in Schedule "A" appended to and forming part of this By-law.

4. **PERMITS:**

- (1) To obtain a permit, an applicant shall file an application in writing on forms prescribed by and available from the Chief Building Official, and shall supply any other information relating to the application as required by the Chief Building Official.

- (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 or demolition is to occur;
 - (d) be accompanied by plans and specifications as described in the By-law;
 - (e) be accompanied by the required fees as calculated in accordance with Schedule "A";
 - (f) state the names, addresses and telephone numbers of the owner, applicant, architect, engineer or other designer, and the constructor or person hired to carry out the demolition, as the case may be;
 - (g) when Section 2.3 of the Building Code applies, be accompanied by a signed acknowledgement of 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 Section 2.3 of the Building Code applies, be accompanied by a signed statement of the architect or professional engineer, or both, on a 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 material and labour; and
 - (k) be signed by the applicant who shall certify as to the truth of the contents of the application.
- (3) In addition to the requirements of subsection (2) above, every demolition permit application shall:
- (a) when Section 2.3 of the Building Code applies, be accompanied by structural design characteristics of building and the method and time schedule of the demolition; and
 - (b) be accompanied by satisfactory proof that arrangements have been made with the proper authorities for the termination and capping of all the water, sewer, gas, electric, telephone or other utilities and services.
- (4) In addition to the requirements of subsection (2) above, every construction permit application for part of a building shall:
- (a) include an application for the entire project; and

- (b) include plans and specifications covering the part of the work for which more expeditious approval is desired, together with such information pertaining to the remainder of the work as may be required by the Chief Building Official.
- (5) In addition to the requirements of subsection (2) above, every conditional permit application for the construction of a building 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 necessary approvals which must be obtained in respect of the proposed building and the time in which such approvals will be obtained.
- (6) In addition to the applicable requirements of subsection (2) above, every change of use permit application shall:
 - (a) describe the building or part thereof in which the occupancy is to be changed; and
 - (b) include 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 including, floor plans, details of wall, floor and roof assemblies identifying required fire resistance rating and load bearing capacities.
- (7) The Chief Building Official may, where conditions in subsection (4) above have been fulfilled, issue a permit for part of a building subject to compliance with the Act, the Building Code and any applicable law.
- (8) The Chief Building Official may, where conditions in Subsection 8(3) to 8(5) of the Act and subsection (5) above have been fulfilled, issue a conditional permit for a building subject to compliance with the Act, the Building Code and any applicable law.
- (9) The Chief Building Official shall not, by reason of the issuance of a permit or permits for a part or parts of the building issued under subsections (4) and (5) be under any obligation to grant any further permit or permits therefore unless and until all requirements of this by-law, the Act, the Building Code and all other applicable laws have been met.
- (10) Where an application for permit remains incomplete or inactive or the required fees, deposits or charges have not been paid for six (6) months after it is made, the application may be deemed by the Chief Building Official to have been abandoned and notice thereof shall be given to the applicant.
- (11) No building shall be occupied unless the building has been substantially completed in accordance with the minimum occupancy requirements of the Building Code and such occupancy has been authorized by the Chief Building Official.

5. **PLANS AND SPECIFICATIONS:**

- (1) Every applicant shall furnish to the Chief Building Official,

- (a) 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 and the Building Code and any other applicable law; and
- (b) a site plan referenced 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 shall include
 - i) lot size and dimensions of property;
 - ii) setbacks from existing and proposed buildings to property boundaries and to each other;
 - iii) existing and finished ground levels or grades; and
 - iv) existing rights of way, easements and municipal services.
- (2) Plans submitted shall be legible and be drawn to scale upon paper or other suitable and durable material.
- (3) The Chief Building Official shall determine the number 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.
- (4) 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.
- (5) 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.

6. **FEES:**

- (1) The Chief Building Official shall determine the required fees calculated in accordance with Schedule "A" for the work proposed and the applicant shall pay such fees. No permit shall be issued until the fees therefore have been paid in full.
- (2) Where the fees payable in respect of an application for a building permit issued under subsection 8(1) of the Act or a conditional permit issued under subsection 8(3) of the Act are based on the value of the proposed work, such value shall mean the total value of all work regulated by the permit including the cost of all material, labour, equipment, overhead and professional and related services.
- (3) To determine the required fees in accordance with subsection 6 (1) above, the Chief Building Official may place a value on the cost of the work and, if the permit applicant or holder disagrees with this value, the prescribed fee shall be paid based on the calculation of the Chief Building Official. Upon completion of the work, if the permit applicant or holder claims that the actual cost of the work was less than the value placed by the Chief Building Official an audited statement may be submitted to the Chief Building Official detailing the cost of all component parts of the work. Upon receiving the audited statement, the Chief Building Official may obtain another audited statement detailing the cost

of all component parts of the work. The Chief Building Official shall, if the said statement contains the cost of all component parts of the work upon which the value was required to be based, value the work in accordance with the said statement and if the actual cost is found to be less than the value placed by the Chief Building Official shall authorize the appropriate refund.

- (4) Upon written request, the Chief Building Official shall determine the amount of fees, if any, that may be refunded in accordance with Schedule "A" in the case of:
 - (a) withdrawal of an application,
 - (b) abandonment of an application pursuant to subsection 4(10) above,
 - (c) refusal to issue a permit, or
 - (d) request for revocation of a permit pursuant to Clause 8(10)(e) of the Act.
- (5) Subject to subsection 7(1), there shall be no refund of permit fees where a permit has been revoked.

7. PERMIT REVOCATION, DEFERRAL OF REVOCATION AND TRANSFER:

(1) Revocation of Permit

- (a) Prior to revoking a permit under Clauses (8)(10)(b) and (c) of the Act, the Chief Building Official shall give written notice of intention to revoke to the permit holder at his last known address and, if on the expiration of thirty (30) days from the date of such notice, the ground for revocation continues to exist, the permit may be revoked without further notice and all submitted plans and other information may be disposed of.

(2) Deferral of Revocation

- (a) On receipt of a notice of intention to revoke a permit, a permit holder may request in writing within thirty (30) days from the date thereof of the Chief Building Official to defer the revocation of such permit.
- (b) 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.
- (c) 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 prescribed date and shall notify the permit holder.
- (d) A request for deferral of revocation is subject to a fee in accordance with Schedule "A".

(3) Transfer of Permit

- (a) Permits are transferrable only upon the new owner completing a permit application to the requirements of section 4.
- (b) A fee, as prescribed in Schedule "A" shall be payable on a transfer of permit by the new owner who shall thenceforth be the permit holder for the purpose of the Act and the Building Code.

8. **NOTIFICATIONS:**

- (1) Notices for inspections respecting stages of construction required by the Building Code shall be given by the permit holder to the Chief Building Official at least two business days in advance of each stage of construction specified therein.
- (2) A notice pursuant to this section is not effective until written or oral notice is received by the Chief Building Official.

9. **SEVERABILITY:**

- (1) 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.


10. **BY-LAWS REPEALED:**

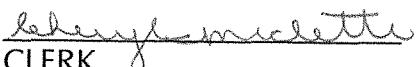
- (1) By-laws Number 1592(1993), 1852(1996), 2015(1998), 2051(1998), 2059(1999) and 2097(1999) are hereby repealed.

11. **FORCE AND EFFECT:**

- (1) This by-law shall come into force, take effect and be passed on the third reading and final passage thereof.

READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED BY COUNCIL
THIS 17th DAY OF APRIL, 2001 A.D.


MAYOR


CLERK