

# **THE CORPORATION OF THE TOWNSHIP OF EAST FERRIS BY-LAW NO. 2102**

## **Being a By-law to regulate the administration of building permits and related matters**

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

## **THEREFORE THE COUNCIL OF THE TOWNSHIP OF EAST FERRIS ENACTS AS FOLLOWS:**

### **1. SHORT TITLE**

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, S.O. 1992, Chapter 23 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” means a building as defined in Section 1(1) of the Act.
  - (d) “Building Code” means the regulation made under Section 34 of the Act.
  - (e) “Chief Building Official” means the Chief Building Official appointed by Council under Section 3 of the Act.
  - (f) “Designer” means a person or entity responsible for the design of a building as defined in the Ontario Building Code
  - (g) “Owner” means the person or persons, firm partnership, company or Corporation whose name appears in the Registry Office and Land Titles Office for the District of Nipissing as being the owner or whose name appears on the last revised Assessment Roll for the Township of East Ferris as the assessed owner. For the purposes of this By-law it is sufficient to show the owner as being the registered owner or the assessed owner.
  - (g) “Permit” means written permission or written authorization from the Chief Building Official to perform work regulated by the by-law and the Act , or to change the use of a building or part of a building or parts thereof regulated by the Act.
  - (h) “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.
  - (i) "Plumbing" means plumbing as defined in Section 1(1) of the Act.
- (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

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

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

- (1) Where application is made for a construction permit under Subsection 8(1) the Act, the application shall:
  - (a) use the provincial application form, “Application for a Permit to Construct Demolish” available from the office of the Chief Building official or from the Ontario Building Code website [www.obc.mah.gov.on.ca](http://www.obc.mah.gov.on.ca), and
  - (b) include complete plans and specifications, documents and other information as required by the Chief Building Official, the Building Code and as described in this by-law for the work to be covered by the permit; and
- (2) 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 Demolish” available from the office of the Chief Building official or from the Ontario Building Code website [www.obc.mah.gov.on.ca](http://www.obc.mah.gov.on.ca), and
  - (b) include complete plans and specifications, documents and other information as required by the Chief Building Official, the Building Code and as described in this by-law for the work to be covered by the permit; and
- (3) 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 complete plans and specifications, documents and other information as required by Sentence 2.4.1.3. of the Building Code, the Chief Building Official and as described in this by-law for the work to be covered by the permit;
  - (c) state the reasons why the applicant believes that unreasonable delays in construction would occur if a conditional permit is not granted,
  - (d) state the necessary approvals which must be obtained in respect of the proposed building and the time in which such approvals will be obtained; and
  - (e) state the time in which plans and specifications of the complete building will be filed with the Chief Building Official.
- (4) Where an application is made for a Change of Use permit under subsection 10.(1) of the Act an application shall be submitted to the Chief Building Official, and shall:
  - (a) describe the building in which the occupancy is to be changed, by a description that will readily identify and locate the building,

- (b) identify and describe in detail the current and proposed occupancies of the building or part of a building for which the application is made,
  - (c) include plans and specifications showing 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, ceiling and roof assemblies identifying required fire resistance ratings and load bearing capacities, details of the existing "sewage system", if any,
  - (d) be accompanied by the required fee,
  - (e) state the name, address and telephone number of the owner,
  - (f) be signed by the owner or his or her authorized agent who shall certify the truth of the contents of the application.
- (5) The Chief Building Official shall, 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.
- (6) 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.
- (7) The Chief Building Official shall not, by reason of the issuance of a permit or permits for a part of parts of the building issued under subsections (4) and (5) be under any obligation to grant any further permit or permits therefore.
- (8) Where an application for a permit remains incomplete or inactive for six 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.
- (9) To obtain a permit, the owner or an agent authorized in writing by the owner shall file an application in writing by completing a prescribed form available at the office of the municipality or from the Building Code website [www.obc.mah.gov.on.ca](http://www.obc.mah.gov.on.ca). Forms prescribed by the municipality under clause 7(f) of the Act shall be set out in Schedule "D" to this By-law.

## 5. PLANS AND SPECIFICATIONS

- (1) Every applicant shall furnish,
- (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
  - (b) a site plan referenced to a current plan of survey certified by a registered Ontario 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:
    - (i) lot size and dimensions of the 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.
    - (v) area or dimensions of existing buildings and structures where applicable
- Land

(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 a 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) Upon written request, the Chief Building Official shall determine the amount of fees, if any, that may be refunded in accordance with Schedule "B" 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.

(3) Subject to subsection 7(1), there shall be no refund of permit fees where a permit has been revoked.

(4) If the Township of East Ferris proposes to change any fee imposed in this by-law for applications, for a permit or for issuance of a permit, the Township shall;

(a) give notice of the proposed changes in fees to such persons as may be prescribed, and

(b) hold a public meeting concerning the proposed changes.

## **7. PERMIT REVOCATION, DEFERRAL OF REVOCATION AND TRANSFER**

(1) Revocation of Permit

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 of the notice to petition 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.

(3) Transfer of Permit

- (a) Permits are transferable 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 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 twenty four hours in advance of each stage of construction specified therein not including weekends, holidays or other days where the office is not open to conduct business with the public.
- (2) A notice pursuant to this section is not effective until written or oral notice is received by the Chief Building Official.

**9. CODE OF CONDUCT**

- (1) The Chief Building Official and Building Inspector(s) shall conduct business in accordance with the Township of East Ferris Human Resources Policy.

**10. 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.

**11. REPEAL**

- (1) By-law Number 1935 of the Corporation of the Township of East Ferris and any other By-laws that are in conflict or inconsistent with this By-law are hereby repealed.

**READ A FIRST TIME** in open Council this 28<sup>th</sup> day of June, 2005.

**READ A SECOND AND THIRD TIME** in open Council and finally passed this 28<sup>th</sup> day of June, 2005.

---

**Mayor, William Vrebosch**

---

**Clerk, Raymond Champagne**

**NOTE:**  
**FEES WERE REPEALED BY BY-LAW No.**  
**2237**

**THIS IS SCHEDULE "A" TO BY-LAW NO. 2102  
OF THE CORPORATION OF THE  
TOWNSHIP OF EAST FERRIS**

**CLASSES OF PERMITS AND PERMIT FEES**

<b>CLASS OF PERMIT</b>	<b>PERMIT FEE</b>
1. New buildings and additions except for accessory buildings	\$300.00 for the first 500 square feet of building area and \$20.00 for each additional 100 square feet of building area or part thereof
2. Accessory buildings which includes garages, storage buildings, porches, carports, sundecks, balconies, solariums, sunrooms, and fences, repairs and alterations to all types of buildings	\$35.00 for the first \$1,000.00 of construction value and \$10.00 for each additional \$1,000.00 of construction value or part thereof
3. Plumbing permit	\$20.00 plus \$5.00/fixture up to 10 fixtures then \$1.00 for each additional fixture
4. Change of Use permit	\$50.00 if no construction is proposed and shall include at least one inspection. If construction is proposed it shall be classified accordingly as a Class 1 or 2 permit
5. Conditional permit (Staged permit) Stages of partial permits: A) Excavation and Foundation B) Structural and Architectural C) Mechanical and Electrical	The first stage of a staged permit is considered a Class 1 permit. The additional fee of \$100.00 shall apply to each additional stage.
6. Occupancy permit	\$25.00
7. Demolition permit	\$50.00
8. Transfer of permit	\$25.00

Note: 1) For the purposes of this Schedule building area means the total area of all floors above grade measured between the outside surfaces of exterior walls or between the outside surfaces of exterior walls and the centre line of firewalls and where the natural terrain permits a walkout basement, 25% of the floor area of the walkout basement will be included.

2) For the purposes of this Schedule building value shall be determined as follows:  
- Accessory buildings - garages, storage buildings \$15.00 sq. ft.  
- porches, carports, decks, balconies \$10.00 sq. ft.  
- solariums, sunrooms \$40.00 sq. ft.

---

**Mayor, William Vrebosch**

---

**Clerk, Raymond Champagne**

**THIS IS SCHEDULE "B" TO BY-LAW NO. 2102  
OF THE CORPORATION OF THE  
TOWNSHIP OF EAST FERRIS**

**SCHEDULE OF REFUNDS**

<b>Status of permit application</b>	<b>Percentage of fee eligible for refund</b>
(1) Application filed, plans reviewed, application withdrawn	75% of fee refundable subject to a minimum non-refundable fee of \$35
(2) Application filed, plans reviewed, permit refused	75% of fee refundable subject to a minimum non-refundable fee of \$35
(3) Application filed, plan reviewed, permit issued and works abandoned prior to completion of foundation stage	50% of fee refundable subject to a minimum non-refundable fee of \$35
(4) Application filed, plans reviewed, permit issued and works abandoned after completion of foundation stage	0%
(5) Permit revoked	0%

---

**Mayor, William Vrebosch**

---

**Clerk, Raymond Champagne**