



## The Corporation of The Municipality of Highlands East

### Bylaw #2019-111

A Bylaw under the Building Code Act respecting building permit classes, applications, fees and notices required for inspection.

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**Whereas** Section 7 of the Ontario Building Code Act 1992, S.O. 1992, Chapter 23, as amended authorizes a municipal council to pass By-laws respecting the issuance of permits and related matters.

**Now therefore the Council of the Municipality of Highlands East enacts as follows:**

#### **Short Title**

This bylaw may be cited as the "Building Bylaw".

#### **1. Definitions:**

- a) **Act** means the Ontario Building Code Act 1992, S.O. 1992 C. 23, as amended.
- b) **Applicant** means the owner of a building or a property who applies for a permit, or the person authorized in written form by the owner to apply for a permit on the owner's behalf
- c) **Architect** means the holder of a license, certificate of practice or a temporary license issued under the Architects Act as defined in the Building Code.
- d) **As constructed plans** means as constructed as defined in the Ontario Building Code
- e) **Building** means building as defined in Section 1(1) of the Act.
- f) **Building Code** means the regulations made under Section 34 of the Act.
- g) **Chief Building Official** means the Chief Building Official appointed by bylaw of the Corporation of the Municipality of Highlands East.
- h) **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.
- i) **Corporation** means the Corporation of the Municipality of Highlands East.
- j) **Demolition** means to do anything in the removal of a building or any material part thereof and demolish has a corresponding meaning.
- k) **Inspector** means inspector as defined in subsection 1(1) of the Act
- l) **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.
- m) **Permit** means permission or authorization given in writing from the Chief Building Official to perform work, to change the use of a building or parts thereof, or to occupy all or part thereof as regulated by the Act, and the Building Code.



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- n) **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.
- o) **Plumbing** means plumbing as defined in Section 1(1) of the Act.
- p) **Professional Engineer or Engineer** means a person who holds a license or temporary license under the Professional Engineers Act, R.S.O. 1990, c P. 28, as defined in the Building Code.
- q) **Registered Code Agency** means a registered code agency as defined in subsection 1(1) of the Act.
- r) **Sewage System** means a sewage system as defined in Division A, Part 1, Subsection 1.4.1.2 of the Building Code.

**1.2 Words not defined:** Any word not defined in this Bylaw shall have the meaning ascribed to it in the Act or the Building Code.

## **2. 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.

## **3. Permit Applications**

- 3.1 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"; by completing a prescribed form available from the Chief Building Official, at the offices of the Municipality or from the building code website [www.obc.mah.gov.on.ca](http://www.obc.mah.gov.on.ca) or from the Municipality of Highlands East website [www.highlandseast.ca](http://www.highlandseast.ca) or by completing an application as provided by the Chief Building Official for a "Change of Use Permit" or "Transfer of Permit."

### **3.2 Construction and Demolition Permit:**



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Every application for a construction permit, or a demolition permit under Subsection 8 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";
- b) a completed site plan showing all constructed and proposed structures with setback dimensions to all lot lines including high water mark and roadways.
- c) 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;
- d) required fees as calculated in accordance with Schedule "A"; and
- e) any other 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.
- f) Include where applicable, the registration number of the builder or vendor as provided by Tarion.
- g) No permit shall be issued until the fees are paid in full.

#### 3.3 Sewage System Permit:

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) A completed Application for a Sewage System Permit;
- b) Proposed Sewage System Design and Calculation Sheet;
- c) Completed plans, specifications or any documents as required under Article 1.3.1.3(5)- Division C of the Building Code and
- d) A detailed Site Plan;

#### 3.4 Partial Building Permit:

When, in order to expedite work, approval of a portion of the building or 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. Complete plans and specifications covering the portion of the work for which immediate approval is desired shall be filed with the Chief Building Official. 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 or that approval necessarily be granted for the entire building or project.

#### 3.5 Conditional Building Permit:

In addition to the requirements of subsection (3.4) 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



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- d) include an agreement signed by the applicant in accordance with Building Code Act.

#### 3.6 Change of Use Permit:

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:

- a) a completed application form as provided by the *Chief Building Official*;
- b) a description of the *building* in which the occupancy is to be changed;
- c) 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;
- d) 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
- e) the required fee.

#### 3.7 Alternative Solutions or material change after a permit is issued:

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

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

## 4. Plans And Specifications

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) Plans shall include; 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.

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- c) Specifications shall include; SB12 energy efficiency, Heat loss calculations, and specifications for any engineered products.
- d) 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 ten (10) feet, the high water mark, and the well and septic system.
  - v. Indicate any survey stakes that have been located.
- e) 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 fifty (50) feet mantle;
  - iii. location of wells or water supply including neighbours;
  - iv. eaves trough discharge;
  - v. Topographical features including slope and direction of flow.
- f) 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*.
- g) Plans and specifications furnished become the property of the *Corporation* and will be disposed of or retained in accordance with relevant legislation.
- h) 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.
- i) The *Chief Building Official* may require that a set of *as constructed plans* be filed with the *Corporation* on completion of construction.

## 5. Incomplete Applications

Where an 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 with the Act. The Building code and any other applicable law the application will be considered to be incomplete and will not be accepted.

## 6. Notifications



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1. Notices for inspections respecting the stages of construction required by the Building Code shall be given by the Permit Holder to the Chief Building Official at least **two (2) business days** (not counting the day inspection was requested) in advance of each stage of construction as specified in section 2.4.5.1 and 2.4.5.2 of the Building Code.
2. A notice pursuant to this section is **not effective** until written or oral notice is received by the Chief Building Official or building department.

#### 7. Registered Code Agencies

1. The Chief Building Official is authorized to enter into and sign contracts for service agreements with Registered Code Agencies and appoint them to perform specified functions from time to time in order to maintain the time periods for Permits prescribed in subsection 2.4.1. of the Ontario Building Code.
2. The Registered Code Agency may be appointed to perform one or more of the specified functions described in section 15.15 of the Act.

#### 8. Contravention of Bylaw Offence

1. Every person who contravenes any provision of this By-law is guilty of an offence and on conviction is liable to a fine as provided in section 36 of the Act, as amended.

#### 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. Repeal

That Bylaw # 2016-57 is hereby repealed.

#### 11. Effective Date

This Bylaw shall come into force on the date approved.

**Enacted, Approved and Signed with the Corporate Seal attached this 10<sup>th</sup> Day of December, 2019.**

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Dave Burton, Mayor

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Robyn Rogers, Clerk



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**Schedule "A"  
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. Permit Fees:**

Non-Refundable administration fee	\$75.00
Minimum Building Permit Fee	\$100.00

**3. Building Classification/Permits**

a) Buildings used for human habitation including: Dwellings, guest cabins, multi residential, second suites or additions to above	\$ .70 per sq. ft.
b) Renovations to existing dwellings	\$ .30 per sq. ft.
c) New foundation under an existing building or the Interior Finish of Basement	\$ .40 per sq. ft.
d) Accessory Buildings or additions to	\$ .50 per sq. ft.
e) Commercial, industrial and institutional buildings or additions to	\$ .70 per sq. ft.
f) Agricultural Buildings or additions to	\$ .30 per sq. ft.

**4. Flat Rate Fees:**

Administration fee may be applicable if this is a standalone permit	
HVAC/HRV	\$100.00
Plumbing	\$100.00
Wood burning appliance (wood stove)	\$100.00
Decks, docks, verandahs, covered porch	\$100.00 Min.
	\$ .50 per sq. ft.

**5. Other Permits**

a) Demolition Permit	\$100.00
b) Temporary Tents over 60 m2	\$100.00
c) Sea Containers	\$100.00
d) Conditional Permit applicable Building Permit fees	\$100.00 +
e) Partial Building Permit	\$100.00 + applicable building Permit fees for the Complete Project
f) Change of Use	\$100.00 + any applicable Building Permit Fees



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g) Transfer of Permit \$100.00

**6. Septic Classifications/ Permits**

a) Application for a Class 4 Septic System	\$875.00
b) Application for a Class 2, 3, & 5 Septic System or To replace the tank or bed only of a class 4 system	\$450.00
c) Septic Review/Revision to permit	\$100.00
d) Addition or Renovation to an existing septic system	\$250.00
e) Re-inspection of septic systems	\$100.00

**7. Additional Fees as Required**

Permit Renewal	:	\$100.00 flat fee
Revisions on plans		\$100.00
Additional Inspections		\$100.00
Re-Inspections over five (5) years		\$100.00 per inspection
Re-inspection fee (not ready)		\$100.00
Fine for Construction without a Permit		Double Permit Fee
This is in addition to the building permit fee		
Stop Work Order/Order to Comply		\$200.00

**8. Miscellaneous**

a) File Search for copies of Septic Systems	\$ 50.00
b) Zoning Compliance Letter	\$ 100.00
c) Zoning and septic Compliance Letter	\$150.00

**9. Severance/Lot Addition Applications**

1. Less than 10 acres (4.05 ha)	\$300.00
2. Greater than 10 acres (20.23 ha)	\$150.00

**10. Subdivisions**

a) 1 to 10 lots	\$300.00
b) Each lot over 10	\$150.00

**11. Refunds of Permit Fees**

Pursuant to this Bylaw, the portion of the total calculated permit fees that may be refunded shall be a percentage of the total fees payable under this Bylaw, calculated as follows in regard to functions undertaken by the municipality.

- a) Refunds (no inspections made) Fee less \$75.00
- b) 80% if administrative functions only have been performed.
- c) 45% if administrative and plans examination functions have been performed.
- d) 35% if the permit has been issued and no field inspections have been conducted.
- e) No refund issued where field inspections have been conducted subsequent to permit issuance.
- f) No refund issued where the permit has been revoked in accordance with the Act, the Building Code or this Bylaw.





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Notwithstanding the above, no refund shall be made of an amount less than \$75.00.