

The Corporation Of The Township Of Amaranth

By-Law Number 2024-_____

Being a By-Law to Provide for the Administration and Enforcement of the *Building Code Act*, 1992, SO1992 c.23 with the Township of Amaranth

Whereas the *Municipal Act, 2001*, SO 2001, c.25, as amended, provides that a municipality may regulate matters not specifically provided for by the *Municipal Act* or any other Act for purposes related to health, safety and well-being of the inhabitants of the municipality;

And Whereas Subsection 7(1) of the *Building Code Act*, 1992, SO 1992 c.23, as amended (the "Act"), authorizes Council to pass certain By-Laws respecting Building, Demolition, Conditional and Change of Use Permits, Inspections and charging of permit fees;

And Whereas Subsection 35(1) of the Act provides that the Act and Building Code, O Reg 332/12, as amended (the "Building Code") supersede all municipal By-Laws respecting the construction or demolition of buildings;

And Whereas Subsection 3(2) of the Act requires Council to appoint a Chief Building Official and Inspectors as are necessary for the enforcement of the Act;

And Whereas Subsection 7.1(1) of the Act requires Council to establish and enforce a Code of Conduct for the Chief Building Official and Inspectors;

And Whereas Subsection 3(2) of the act provides that Council shall appoint such inspectors as are necessary for the enforcement of the Act in which the municipality has jurisdiction;

And Whereas Subsection 8(3.1) of the Act provides that Council may delegate to the Chief Building Official the power to enter into agreements for conditional permits as described in clause 8(3)(c) of the Act and may impose conditions or restrictions with respect to the delegation;

And Whereas for the purposes of enforcement of the Act, in addition to any other remedies available under the Act or the Building Code, the Township of Amaranth is authorized to execute limiting distance agreements as provided for in the Building Code;

Now Therefore, the Council of the Township of Amaranth enacts as follows:

1. Short Title

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

2. Definitions

In this By-Law;

"Act" means the *Building Code Act*, 1992, SO 1992, c. 23, as amended;

"Applicable Law" - means Applicable Law as defined in Division A 1.4.1.3. of the *Building Code*;

"Applicant"- means the Owner of a property or building who applies for a Permit, or any person authorized by the Owner to apply for a Permit on the Owner's behalf;

“Application”- means a submission of plans, documents, prescribed forms, and fees as described in this by-law for the purpose of permit issuance or building code compliance review as required by the Chief Building Official.

“Architect”- means an Architect as defined in Division A, Article 1.4.1.2. of the *Building Code*;

“As Constructed Plans” - means As Constructed Plans as defined in Division A, Article 1.4.1.2. of the Building Code.

“Building” - means a Building as defined in Subsection 1(1) of the Act;

“Building Code”- means the regulations made under Subsection 34(1) of the Act, being O Reg 332/12, as amended or replaced;

“Change of Use” - means a Change of Use as referenced in Subsection 10(1) of the Act;

“Chief Building Official” - means the Chief Building Official, or their designate, appointed by a By-Law of the Township for the purpose of enforcing the Act;

“Code of Conduct” - shall have the same meaning ascribed thereto in Section 7.1 of the Act;

“Conditional Permit”- means a permit issued for a stage of construction as approved by the Chief Building Official as described Section 8(3) of the Act.

“Construct” - means Construct as defined in Subsection 1(1) of the Act and Construction shall have the same meaning;

“Demolish”- means Demolish as defined in Subsection 1(1) of the Act and Demolition shall have a corresponding meaning;

“Designated Structure” - means structures designated for the purposes of clause (d) of the definition of Building in Subsection 1(1) of the Act;

“Farm Building” - means a Farm Building as defined in Division A, Article 1.4.1.2. of the Building Code;

“Inspector” - means an Inspector appointed by a By-Law of the Township for the purpose of enforcing the Act;

“Owner” – means an Owner as referenced in Division C, Sentence 1.3.1.2.(3) of the Building Code;

“Permit” - means written permission from 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, regulated by this By-Law and the Act, or to change the use of a Building, or a part of it, as regulated by the Act;

“Permit Holder” means the owner to whom a permit has been issued or where a permit has been transferred, the new owner to whom the permit has been lawfully transferred;

“Plumbing” - means Plumbing as defined in Subsection 1(1) of the Act;

“Professional Engineer” - means a Professional Engineer as defined in Division A, Article 1.4.1.2. of the Building Code;

“Sewage System” - means a Sewage System as defined in Division A, Article 1.4.1.2. of the Building Code; and

“Township”- means the Corporation of The Township of Amaranth

“Zoning” shall mean the zoning regulations established by the.

Any word or term not defined in this By-Law, which is defined in the Act or the Building Code, shall have the meaning ascribed to it in the Act or the Building Code, unless context requires otherwise.

Any word or term not defined in this By-Law, the Act, or the Building Code, shall have the meaning commonly assigned to it in the context in which it is used.

3. Classes Of Permits

The classes of permits with respect to Construction, Demolition, Conditional, Change of Use and Occupancy of a building, or part of it, include the following:

3.1 Building Permit

This Permit is required under Subsection 8(1) of the Act and may include plumbing, heating, ventilation and air conditioning systems, farm buildings and designated structures as set out in Division C, Sentence 1.3.3.5.(1) of the Building Code.

3.2 Demolition Permit

This Permit is required under Subsection 8(1) of the Act.

3.3 Conditional Permit

This Permit may be issued in the discretion of the Chief Building Official in accordance with Subsection 8(3) of the Act to authorize any stage of construction, even though all the requirements under Subsection 8(2) of the Act have not been met, and the power to issue such Permits is hereby delegated to the Chief Building Official.

3.4 Change of Use Permit

This Permit is required under Subsection 10(1) of the Act when a change in use of a Building, or part of it, will result in an increase in hazard as determined under the Building Code even though no Construction is proposed.

3.5 Occupancy Permit

This Permit is required under Division C, Subsection 1.3.3. of the Building Code where all or part of a Building will be occupied.

4. Administrative Procedures Related To Permits

4.1 Notice of Change

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 provided forthwith by the Applicant in writing to the Chief Building Official together with the details of such change. The change shall not be made without written authorization by the Chief Building Official as required under Subsection 8(12) of the Act.

4.2 Transfer of Permit Applications and Permits

Where the ownership of land changes after a Permit application has been submitted and fees paid or where a Permit has been issued, the Applicant for the Permit or the person to whom the Permit was issued, may submit a request to the Chief Building Official requesting a transfer of Permit application and fees or the Permit as identified in Subsection 7(1)(h) of the Act by submitting the following information:

- a) the name and address of the person to whom the Permit application and fees or the Permit are to be transferred.
- b) the name and address of any contractors that have changed from those listed on the Permit application or the Permit;
- c) the name and address of Architect(s) and Professional Engineer(s) responsible for the design and field review of the Construction that have changed from those listed on the Permit application or the Permit; and,
- d) name and address of the person who paid the Permit fees.

4.3 Revocation of Permits

The Chief Building Official, subject to provisions outlined in Subsection 8(10) of the Act, has the authority to revoke a Permit issued under the Act.

5. Requirements For Applications

5.1 Building, Demolition, Conditional and Change of Use Permits

Where an application is made for a Building or Demolition Permit under Subsection 8 (1) of the Act, a Conditional Permit under Subsection 8(3) of the Act, or a Change of Use Permit under Subsection 10(1) of the Act, the application shall comply with Division C, Sentence 1.3.1.3.(5) of the Building Code and be complete with documents and other information as required in this By-Law and the Act.

5.2 Prescribing Forms

The forms required for an application for a Permit, unless otherwise specified by the Act or Chief Building Official, shall be those forms as set out in Schedule "A" of this By-Law.

5.3 Plans and Specifications

Sufficient information shall be submitted with each application for a Permit to enable the Chief Building Official to determine whether the proposed construction, demolition or change of use will conform to the Act, the Building Code, and any other Applicable Law. Each application shall, unless otherwise specified by the Chief Building Official or the Act, be accompanied by working drawings and information as set out in Schedule "A" of this By- Law.

5.4 Alternative Solutions

Where a person proposed the use of an Alternative Solution as defined

in Division A, Article 1.4.1.2. of the Building Code, the proposal shall:

- a) include all documentation requirements as set out in Division C, Subsection 2.1.1. of the Building Code, and
- b) be submitted on the application form as set out in Schedule “A” of this By-Law.

5.5 Inactive Permit Applications

Where an application for a Permit remains inactive for six (6) months after it is submitted, the application may be deemed by the Chief Building Official to have been abandoned and notice thereof shall be given to the Applicant. Once an application is deemed to be abandoned, it may be cancelled, and a new application will be required for the proposed work.

6. Payment Of Fees

- 6.1 The fees shall be as set out in the Township’s Collection of Fees and Charges By-Law as amended from time to time.
- 6.2 Fees are due and payable at the time of Application Submission. No permit will be issued until the fees are paid in full.
- 6.3 Where the Occupancy of a Building, or part of it, has occurred without an occupancy Permit being issued as required by Division C, Articles 1.3.3.1, 1.3.3.4, 1.3.3.5. of the Building Code, an administration fee shall be 20% of the original building permit fee and not less than the minimum permit fee amount as set out the in the Township’s Collection of Fees and Charges By-Law 28-2021, as amended or replace from time to time, and are due and payable upon issuance of the Occupancy Permit.
- 6.4 Where any person has commenced Construction or Demolition, or has caused the Change of Use of a Building prior to obtaining a Permit, an administration fee shall be charged double the permit fee as set out in Township’s Collection of Fees and Charges By-Law 28-2021, as amended or replaced from time to time, and is due and payable prior to the issuance of the Permit.
- 6.5 For a repeal of an Order, either registered or not registered on the title of a property, an administration fee shall be charged 50% of the building permit fee unless an administration fee has been already applied under 6.3 or 6.4 of this by-law.
- 6.6 The Chief Building Official shall determine fees not described or included in the Township’s Collection of Fees and Charges By-Law 28-2021, as amended or replaced from time to time.

7. Refunds

- 7.1 In the case of withdrawal of an application, or the abandonment of all or a portion of the work, or the non-commencement of any project, the Chief Building Official shall determine the amount of paid permit fees that may be refunded to the applicant, if any, as follows:
 - a) Seventy percent refund if administrative functions only have been performed.
 - b) Fifty percent refund if any zoning and plans examination

functions have commenced.

- 7.2 An application for a refund must be made in writing by the Applicant and submitted within six (6) months of the date of permit application to be eligible for a refund of any permit fee.
- 7.3 No permit fee refund shall be made where the calculated permit refund or the remaining surrendered fee is less than the minimum fee set out in the Township's Collection of Fees and Charges By-Law 28-2021, as amended or replaced from time to time.
- 7.4 Fees for Conditional Permits and Alternative Solutions are non-refundable.

8. As Constructed Plans

The Chief Building Official may require that As Constructed Plans of a building be filed with the Chief Building Official on completion of Construction under such conditions as may be prescribed in the Building Code and Act.

9. Notice Requirements For Inspections

- 9.1 The permit holder or an authorized agent shall notify the Chief Building Official of the all mandatory notices required under the Building Code, such as prescribed notices under Division C, Article 1.3.5.1. and additional notices under Division C 1.3.5.2 (1)(a) (b)(c i) (c iii) (h) and (j) of the Building Code, at least two (2) business day prior to each stage of Construction.
- 9.2 A notice pursuant to this part of the By-law is not effective until received by the Chief Building Official.
- 9.3 Upon receipt of proper notice, the inspector shall undertake a site inspection of the building to which the notice relates in accordance with the time periods stated in Division C 1.3.5.3. of the Building Code and Section 11 of the Act.

10. Fences

- 10.1 All construction and demolition site fencing shall adhere to the requirements pertaining to public way protection as set out in the *Occupational Health & Safety Act*, RSO 1990, c.O.1.
- 10.2 Where in the opinion of the Chief Building Official a construction or demolition site presents a particular hazard to the public, the Chief Building Official may require the erection of fencing around the site. The fencing shall be erected as per the requirements of 10.1 and the National Building Code of Canada, as amended.

11. Code Of Conduct

The Code of Conduct for the Chief Building Official and Inspectors, as required under Subsection 7.1(1) of the Act, is set out in Schedule "B" of this By-Law.

12. Appointment Of Inspectors

- 12.1 The power of appointment of inspectors, including the revocation of appointment, under section 3(2) of the Act, for the purposes of enforcement of the Act, and any regulations thereunder is delegated

from the Township of Amaranth's Council to the Chief Building Official;

12.2 The Chief Building Official must maintain a current list of all Inspectors, which shall be provided to the Clerk, appointed under section 3 of the Act for the purpose of enforcement.

12.3 Prior to the appointment of an Inspector, each candidate must hold the necessary legislated qualification for the position to which they are to be appointed as described in the Building Code Division C 3.1.4.1.

12.4 Individuals may be appointed as Intern Inspectors without the legislated qualifications for the purpose of enrolment in an Intern Inspector Program as described in the Building Code Division C 3.1.4.3.

13. Limiting Distance Agreements

13.1 For the purposes of enforcement of the Act, in addition to any other remedies available under the Act or the Building Code, the Chief Building Official is authorized to execute, on behalf of the Township of Amaranth, limiting distance agreements as provided for in the Building Code;

13.2 Limiting Distance Agreements as described in the Building Code shall contain the criteria as set forth in the Building Code and are subject to legal review prior to entering into an agreement.

13.3 A GIS mapping record shall be maintained indicating the parcels of land affected by the Limiting Distance Agreement.

13.4 No Limiting Distance Agreement shall be entered into that would result in the existing buildings on either side of the agreement in noncompliance with the Act or the Building Code.

14. Severability

Where a court of competent jurisdiction declares any section or part of a section of this By-Law to be invalid, or to be of no force and effect, it is the intention of Township's Council in enacting this By-Law that the remainder of this By-Law shall continue in force and be applied and enforced in accordance with its terms to the fullest extent possible according to law.

15. Enforcement And Penalties

15.1 Any person who contravenes any provision of this By-Law is guilty of an offence and, upon conviction, is liable to the provisions and penalties prescribed in the Act.

15.2 Every person who hinders or obstructs a person lawfully conducting the enforcement of this By-law is guilty of an offence.

15.3 In addition to any penalties imposed through prosecution of an offence pursuant to this By-Law, the Township is entitled to use all legal means at its disposal to collect the fees applicable pursuant to this By-Law. All collection methods lawfully applicable may be relied upon, including placement of unpaid fees on the tax collector's roll for the property in question.

15.4 Every person who is guilty of an offence under this By-law may, if permitted under the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended, pay a set fine, and the Chief Judge of the Ontario Court of Justice shall be requested to establish set fines as set out in this By- law.

16. Effective Date

This By-law shall take effect on Date:

Read a first and second time this _____ day of _____, 2024.

Head of Council

CAO/Clerk

Read a third and final time and enacted in Open Council this _____ day of _____, 2024.

Head of Council

CAO/Clerk

Schedule "A"
By- Law Number XX-2024
Required Information For Permit Applications

The following are lists of plans, working drawings, information and forms that may be required to accompany applications for Permits according to the scope of work. Additional information may be required at the discretion of the Chief Building Official.

1. Plans And Working Drawings
 - a) Site Plans
 - b) Engineered Truss Layout Plans and Truss Components
 - c) Sections and Details
 - d) Building Elevations
 - e) Structural Drawings
 - f) Mechanical Drawings
 - g) Building Code Matrix
 - h) Alternative Solution
 - i) Floor Plans
 - j) Roof Plan
 - l) Architectural Drawings
 - m) Electrical Drawings
 - n) Fire System Drawings
 - o) Travel Distance and Exit capacity drawings
 - p) Foundation Plans
 - q) Specifications and All Related Soil, Engineering and Architectural Reports
 - r) Plumbing Drawings
- 1.2 Each application for permit shall, unless otherwise specified by the Chief Building Official, be accompanied by a completed set of the plans, specifications, and other documents in electronic .pdf file format.
- 1.3 If applicable, drawings must be sealed by an Architect and/or Professional Engineer and/or stamped by a qualified/registered designer.
- 1.4 All drawings shall be fully dimensioned, noting all sizes and types of construction materials to be used and their respective locations, all finishes to all walls, ceilings and floors and all existing and proposed fire separations. Alterations, renovations, and additions must differentiate between the existing building and new construction being

proposed. Site plans must include a north arrow, lot lines and existing easements.

2. Information

2.1 Spatial separation calculations

2.2 Fire protection reports

2.3 Building Code related reports

3. Forms

3.1 Application for a Permit to Construct or Demolish

3.2 Application for an Alternative Solution

3.3 Commitment to General Reviews by Architects and Engineers

3.4 Energy Efficiency Forms (s), i.e. (SB-10 and SB-12)

3.5 Mechanical Ventilation Summary Form

3.6 MDS I & II information form

Schedule "B"
By-Law Number XX-2024
Code Of Conduct For Chief Building Official And Inspectors

1. Purpose

- 1.1 To promote appropriate standards of behavior and enforcement actions by all Building Department staff in the exercise of a power or the performance of a duty.
- 1.2 To prevent practices which may constitute an abuse of power, including unethical or illegal practices, by all Building Department staff in the exercise of a power or the performance of duty.
- 1.3 To promote appropriate standards of honesty and integrity in the exercise of a power or the performance of duty by all Building Department staff.

2. Scope

- 2.1 This policy applies to all Building Department staff.
- 2.2 The Code of Conduct must provide for its enforcement and include policies or guidelines to be used when responding to allegations that the Code of Conduct has been breached and disciplinary actions that may be taken if the Code of Conduct is breached.

3. Contents

3.1 Conduct

- a) Always act in the public interest.
- b) Apply all relevant laws, codes, and standards in an impartial, consistent, fair, and professional manner, independent of any external influence and without regard to any personal interests.
- c) Maintain required legislated qualifications, discharging all duties in accordance with recognized areas of competency.
- d) Extend professional courtesy to all.
- e) Ensure interactions are in keeping with the Township's corporate values and associated behaviours.

4. Breaches Of The Code Of Conduct

4.1 Lodging a Complaint

A complaint must be in writing and must be signed by the person making the complaint. The complaint may be a letter or an e-mail.

4.2 Withdrawal of Complaint

A Complainant may withdraw their complaint at any time; although the Township may continue to investigate the complaint if deemed appropriate to do so.

4.3 Confidentiality

The entire investigation process will be managed in as confidential a manner as possible by all parties involved. All records are subject to

the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, RSO 1990, c. M.56 (“MFIPPA”) and may be subject to disclosure under MFIPPA or by a court of law.

5. Review Of Allegations

- 5.1 The Chief Building Official will review any allegations of breaches of this Code of Conduct made against a Building Department staff member. Where the allegations are against the Chief Building Official, the Clerk of the Township will review allegations.
- 5.2 Disciplinary action arising from violation of this Code of Conduct is the responsibility of the Township and will be based on the severity and frequency of the violation in accordance with relevant employment standards.
- 5.3 The Chief Building Official or Clerk of the Township will provide written response to the complainant within thirty (30) calendar days of receipt of the written complaint.

6. Review Of Decision

- 6.1 Upon receipt of the results of the review, if the complainant is not satisfied, they may forward their concerns to the Clerk of the Township.