



## Electronic Development Services Public Meeting

### Agenda

Meeting No. 8  
December 1, 2020, 7:00 PM  
Live streamed

**Note:** Members of Development Services Committee will be participating in the meeting remotely.

Due to COVID-19, our facilities are closed to the public.  
Access is not permitted to the Markham Civic Centre and Council Chamber.

Members of the public may submit written deputations by email to  
[clerkspublic@markham.ca](mailto:clerkspublic@markham.ca)

Members of the public who wish to make virtual deputations must register by completing an online [\*\*\*Request to Speak Form\*\*\*](#) or e-mail [clerkspublic@markham.ca](mailto:clerkspublic@markham.ca) providing full name, contact information and item they wish to speak to. Alternatively, you may connect via telephone by contacting the Clerk's office at 905-479-7760 on the day of the meeting.

Development Services Public meetings are video and audio streamed on the City's website at:

<https://pub-markham.escrimemeetings.com/>



# Electronic Development Services Public Meeting Agenda

Meeting Number 8

December 1, 2020, 7:00 PM - 9:00 PM

Live streamed

All Members of Council

Development Services

Chair: Regional Councillor Jim Jones

Vice Chair: Keith Irish

Development Services meetings are live video and audio streamed on the City's website.

Alternate formats for this document are available upon request.

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## Pages

1. CALL TO ORDER
2. DISCLOSURE OF PECUNIARY INTEREST
3. DEPUTATIONS
4. REPORTS
  - 4.1. DEVELOPMENT FEE AND BUILDING FEE BY-LAWS UPDATE (10.0) 2
5. ADJOURNMENT



## NOTICE OF PUBLIC MEETING

A Public Meeting will be held by the Development Services Committee of the City of Markham to consider a proposal to amend or replace the following fee by-laws:

- Building By-law 2019-136, being a by-law respecting construction, demolition and change of use permits and inspections, and
- Development By-law 211-83, being a by-law to prescribe a tariff of fees for processing of planning applications.

Information will be presented explaining the proposed changes. Any person may make a representation regarding the proposed changes at this meeting.

**DATE:** Tuesday, December 1, 2020

**TIME:** 7:00 p.m.

**PLACE:** Members of the Development Services Committee will be participating in the meeting remotely. Due to the ongoing COVID-19 emergency, our facilities are closed to the public. Access is not permitted to the Markham Civic Centre and Council Chamber.

Members of the public will be permitted to submit written deputations by email to [bpatel@markham.ca](mailto:bpatel@markham.ca).

For Members of the public who wish to speak at the Public Meeting through a virtual deputation, please register via [clerkspublic@markham.ca](mailto:clerkspublic@markham.ca) or call 905-477-7000 extension 7760 prior to the meeting. Please provide a full name, contact information and identify the item that you wish to speak to so that information can be provided on how you can make a virtual deputation.

All meetings are video and audio streamed on the City's website at: <https://pub-markham.escribemeetings.com/>

Please note that all proceedings of the Public Meeting are recorded.

### **BUILDING BY-LAW**

The City of Markham proposes to repeal By-law 2019-136 enacted under section 7 of the *Building Code Act*, and to enact a new building by-law for the issuance of permits and related matters, including the establishment of a revised fee schedule.

### **DEVELOPMENT BY-LAW**

Under the Planning Act, a municipality can charge fees for anticipated costs in providing a service. The City proposes to amend By-law 211-83 to ensure costs are covered and to maintain an adequate reserve. Other minor changes to the structure of the by-law are also being proposed.

### **ADDITIONAL INFORMATION**

Additional information relating to the Building By-law is available from Chris Bird, Director Building Standards (905-475-4716) and for the Development Fee by-law is available from Biju Karumanchery, Director, Planning & Urban Design (905-477-7000, extension 4713).

**Suggested Draft Resolution for Consideration of the Development Services  
Committee**

- 1) That the Record of the Public Meeting held on December 1, 2020, with respect to the proposed amendments to the Development and Building Fee By-laws be received; and,**
- 2) That the amendment to By-law 211-83, as amended, “Tariff of Fees for the Processing of Planning Applications,” substantially in the form attached as Appendix ‘B’, be enacted; and,**
- 3) That By-law 2019-136 as amended be repealed and the attached “By-law respecting Construction, Demolition and Change of Use Permits and Inspections,” attached as Appendix ‘C’, be enacted; and,**
- 4) That the By-laws come into force and take effect on January 1, 2021; and further,**
- 5) That Staff be authorized and directed to do all thing necessary to give effect to this resolution.**

**(By-law 2020-XXX and 2020-XXX)**



Report to: Development Services Committee

Meeting Date: November 23, 2020

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**SUBJECT:** Development Fee and Building By-law Update

**PREPARED BY:** John Yeh, Manager, Strategy and Innovation, Ext.7922  
Veronica Siu, Senior Financial Analyst, Financial Planning,  
Financial Services, Ext. 2232

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**RECOMMENDATION:**

1. That the Report titled “Development Fee and Building By-laws Update” dated November 23, 2020 be received;
2. That the proposed amendments be referred to the Development Services Committee Public Meeting to be held on December 1, 2020; and further,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**PURPOSE:**

The purpose of this report is to explain the proposed increases to the 2021/2022 development and 2021 building fees and seek authorization to refer the proposed amendments to a Development Services Committee Public Meeting to be held on December 1, 2020.

**BACKGROUND:**

The Development Fee By-law and the Building By-law are reviewed and adjusted annually to recover the anticipated reasonable costs associated with the administration of *Planning Act* applications, the associated technical review and on-sit inspection, and building permits and building code inspection and enforcement under the Building Code Act. The annual adjustments fall into one or more of the following categories:

- overall adjustments driven by a moving average of indirect and direct costs
- adjustments to provide opportunities to balance reserve accounts;
- refinements to existing fees to better reflect actual and anticipated costs of providing the related services; and
- new fees to capture new or previously underfunded services.

A fee model was established in 2005 in order to calculate the annual adjustments necessary to ensure the City's Building, Engineering and Planning and Urban Design Departments remain adequately funded by building permit and development fees, respectively. The model is designed to cover direct and indirect costs. In addition, transfers to a reserve for Building and a combined reserve for Planning and Urban Design and Engineering (Development Reserve) are included, as well as annual capital costs.

**OPTIONS/ DISCUSSION:****New Development Activity Forecasting Model for Development Applications**

The City's past practice has been for staff to use a development activity forecasting model with built-in financial assumptions based on historic development activity. The problem with this model is that historic performance is no guarantee for future activity. Therefore, over the past year a new forward-looking development activity forecasting model (forecasting model) for subdivision, site plan, official plan amendment, zoning by-law amendment applications has been developed to forecast development fee related revenue for input to the fee model. The development activity forecasting model tracks the development application types noted above from planning and engineering approvals through to the issuance of building permits.

The development activity forecasting model takes submitted pre-consultation applications and projects forward to application submission and then agreement execution allowing for estimation of associated fees at those two milestones. The development forecasting model also accounts for existing applications that have already been submitted and projects them forward to agreement execution based on historical trends. Appendix 'A' illustrates at a high level the planning and development application process and building permit process where fees are estimated in the development activity forecasting model and the building permit forecasting model for input to the fee models for the development fee by-law and building by-law respectively.

2021 Development Fees (Planning & Urban Design and Engineering) have been estimated from the development activity forecasting model for: 1) submitted pre-consultation applications where a fee is expected to be received for an application submission and then agreement execution and 2) already submitted applications where a fee is expected at agreement execution.

Further refinements to the forecasting model continue and will be fully completed in 2021.

**Proposed Fee Increases**

Over the past five years, Council has approved an average annual increase of 12.8% in Planning & Urban Design and Engineering fees and 5% in Building Permit Fees to address indirect and direct costs and to balance reserve accounts in the event of a major economic downturn to ensure service levels are maintained.

It is recognized that due to COVID-19 the development industry and broader economy is experiencing a challenging period of economic uncertainty. Therefore, staff recommends the following 2021 fee increases:

- 5% for Planning & Urban Design and Engineering fees
- 5% for Building Permit fees

Based on consultation with representatives of the development industry and with continued economic uncertainty for 2022 as a result of COVID-19, an increase is

recommended for 2022 that Planning & Urban Design and Engineering fees be limited to inflation, provided no unexpected circumstances occur (subject to the approval of the Commissioner of Development Services and the City's Treasurer).

The following two tables have been updated based on the projected unit counts and outline the following:

- 2020 year-end projection
- Revenues based on projected residential development applications and agreements executed
- Revenues based on projected residential permits
- Expenses
- Projected year-end reserve balance

### 1. Development Fees (Planning & Urban Design and Engineering)

#### Development Reserve Forecast (\$ millions)

Planning and Urban Design	2020 YE Projection	2021
Revenues	14.219	13.498
Less: Expenditures	<u>-9.804</u>	<u>-10.153</u>
Transfer to Reserve (A)	4.415	3.345

**2021 Proposed Planning Fee Increase** **5.00%**

Engineering	2020 YE Projection	2021
Revenues	8.128	8.844
Less: Expenditures	<u>-7.862</u>	<u>-8.835</u>
Transfer to Reserve (B)	0.266	0.009

**2021 Proposed Engineering Fee Increase** **5.00%**

#### Development Fee Reserve

Development Reserve Beginning Balance	-0.515	3.866
Planning Transfer (A)	4.415	3.345
Engineering Transfer (B)	0.266	0.009
Capital investment and Interest	<u>-0.300</u>	<u>-0.183</u>
<b>Development Reserve Ending Balance</b>	<b>3.866</b>	<b>7.037</b>

Based on the 2019 results which included a deficit of (\$0.630M) in Planning & Urban Design and a surplus of \$0.030M in Engineering, the reserve balance at the end of 2019 was a deficit of (\$0.515M) which was the opening balance for 2020.

Based on the 2020 Budget, it was anticipated that there would be a transfer to reserves of \$0.615M in Planning & Urban Design and \$0.125M in Engineering. The current year end forecast is on track to surpass the targeted transfer to reserves for both departments, resulting in the reserves to be in a surplus position at the end of 2020 of \$3.866M.

The 2021 Budget, which includes projected development activity and proposed fee increases of 5% in Planning & Urban Design and Engineering, includes a transfer to the reserve of \$3.345M for Planning & Urban Design and \$0.009M for Engineering resulting in an increase in the reserve surplus of \$3.866M to \$7.037M. The target is for the balance in the reserve to be equivalent to 1.0 to 1.5 times the annual Planning & Design and Engineering department expenditures budget, ranging from \$19.0M to \$28.5M.

### **Proposed Development Fee By-law Changes:**

Highlights of proposed Development Fee By-law amendments:

- Fees listed in Schedule A from Appendix 'B' have been increased by 5%
- Minor changes to the development fee by-law to provide a clearer understanding of the provisions
- Planning and development application pre-consultation fee added
- Simplify the ability of staff and applicants to interpret and apply the provisions consistently, to a variety of application types

## **2. Building Permit Fees**

<b>Building Reserve Forecast (\$ millions)</b>		
<b>Building</b>	<b>2020 YE Projection</b>	<b>2021</b>
Revenues	6.000	11.257
Less: Expenditures	<u>-9.105</u>	<u>-9.726</u>
Transfer to Reserve (C)	-3.105	1.531
<b>2021 Proposed Building Fee Increase</b>		<b>5.00%</b>
<b>Building Reserve</b>		
Building Reserve Beginning Balance	10.361	6.936
Transfer to/(draw from) Reserve (C)	-3.105	1.531
Capital investment and Interest	<u>-0.320</u>	<u>0.034</u>
<b>Building Reserve Ending Balance</b>	<b>6.936</b>	<b>8.501</b>

Based on the 2019 results which included a deficit of (\$2.510M), the reserve balance at the end of 2019 was \$10.361M which was the opening balance for 2020.

For the 2020 Budget, it was anticipated that there would be a draw from reserves of (\$2.395M) The current year end forecasts a draw from reserves of (\$3.105M). This will result in a reserve balance of \$6.936M at the end of 2020. The target is for the balance in

the reserve to be equivalent to 1.0 to 1.5 times the annual Building department expenditures budget, ranging from \$9.7M to \$14.6M.

The 2021 Budget, which includes projected permit activity and a proposed Building Permit fee increase of 5%, includes a transfer to the reserve of \$1.531M resulting in an increase of the reserve to \$8.501M.

### **Proposed Building By-law Changes:**

Highlights of proposed Building By-law amendments:

- Fees listed in Table 1 of Schedule A from Appendix 'C' have been increased by 5%
- Definitions updated and clarifications made to the provisions of abandoned permits
- Administrative fees associated with the issuance of Order to Comply increased
- Permit pre-consultation fee added
- Updated Schedule B to reflect changes to the requirements for submission content for permit applications.

### **Consultation with the Development Community**

The *Building Code Act* requires the City to hold at least one public meeting with respect to changes in Building permit fees. Notice must be given to the general public and interested parties 21 days prior to the meeting. Staff are recommending that the changes to the Development Fee By-law and Building By-law be referred to a Development Services Public Meeting to be held on December 1, 2020. To meet the timeline requirement, the required notice has been placed on the City's website, in the Markham Economist and Sun and the Thornhill Liberal along with email notice to the development community.

Staff met with representatives of the development industry in October and November 2020 to discuss fee increases. Issues were raised about the structure and components of the Development Fee By-law and its impact on development fees and how development revenue is utilized in reviewing development applications. Staff agreed with representatives of the development industry to continue working with them in early 2021 to address their concerns. Additional issues were raised with respect to recent fee increases and COVID-19 implications.

City staff received a letter from TACC Developments (attached as Appendix 'D'), a developer with significant activity in Markham, dated November 9, 2020 proposing a 5% fee increase for the Planning & Urban Design and Engineering fees and increases for 2022 and 2023 to not exceed inflation. Recently, staff also received email correspondence from Forest Bay Homes/Minotar Holdings and Fieldgate Developments (attached as appendix 'E' and Appendix 'F'), also developers with significant activity in Markham, suggesting a similar approach. Staff has also included BILD representatives in our consultation although a formal position from BILD has not been received as of the writing of this report. Staff concur with a 5% fee increase for Planning & Urban Design and Engineering fees and Building Permit fees for 2021. The suggested Planning &

Urban Design and Engineering fee increase is much lower than recent fee increases but is proposed to respect challenges faced by the industry during the current pandemic. Staff also propose, as noted earlier in this report, that the 2022 Planning & Urban Design and Engineering fees increases be limited to inflation provided no unexpected circumstances occur (subject to the approval of the Commissioner of Development Services and the City's Treasurer). Although requested by TACC developments, staff does not recommend limiting 2023 fee increases to inflation due to potential unknown impacts and circumstances that far in the future.

## **FINANCIAL CONSIDERATIONS**

Staff has worked to ensure proper direct and indirect cost recovery and to incorporate the results into the proposed 2021 operating budget. The fee adjustments recommended in this report for 2021 are 5% for Planning & Urban Design, 5% for Engineering, and 5% for Building, which will assist in offsetting the projected direct and indirect costs, including positive contributions to the Building and Development reserves. Finance and Development Services staff will monitor financial performance against budget and report back to Council throughout the year as part of the Year-to-Date Results of Operations reports.

### **Summary of Reserve Balances**

Markham has experienced stronger development and building activity since 2016 when the Development reserve balance started to move out of deficit and increase with a forecasted surplus by the end of 2020. The reserve balance for Building in the past several years has been relatively healthy. The Building Department has utilized the reserve to invest in new processes and technologies such as ePLAN project and a comprehensive zoning by-law project, and to withstand cyclical downturns without abrupt changes to capacity and service levels. The following table provides a recent history of the balances in the Development (Planning & Urban Design and Engineering combined) and Building reserves:

<b>Reserve Balances Surplus/ Deficit (\$ millions)</b>		
<b>Year End</b>	<b>Development</b>	<b>Building</b>
2015	(10.668)	9.628
2016	(10.741)	10.219
2017	(7.768)	9.355
2018	0.267	12.940
2019	(0.515)	10.361
2020 Forecast	3.866	6.936
2021 Forecast	7.037	8.501

## **HUMAN RESOURCES CONSIDERATIONS**

Not Applicable.

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**ALIGNMENT WITH STRATEGIC PRIORITIES:**

Growth Management and Municipal Services delivery

**BUSINESS UNITS CONSULTED AND AFFECTED:**

Development Services Commission departments and Financial Services

**RECOMMENDED BY:**

Chris Bird  
Director of Building Standards

Biju Karumanchery  
Director of Planning & Urban Design

Brian Lee  
Director of Engineering

Arvin Prasad, MPA, MCIP, RPP  
Commissioner of Development Services

Joel Lustig  
City Treasurer

**ATTACHMENTS:**

Appendix 'A' - Development Application Process and Building Permit Process

Appendix 'B' - Draft of amendment to Development Fee By-law 2019-xx

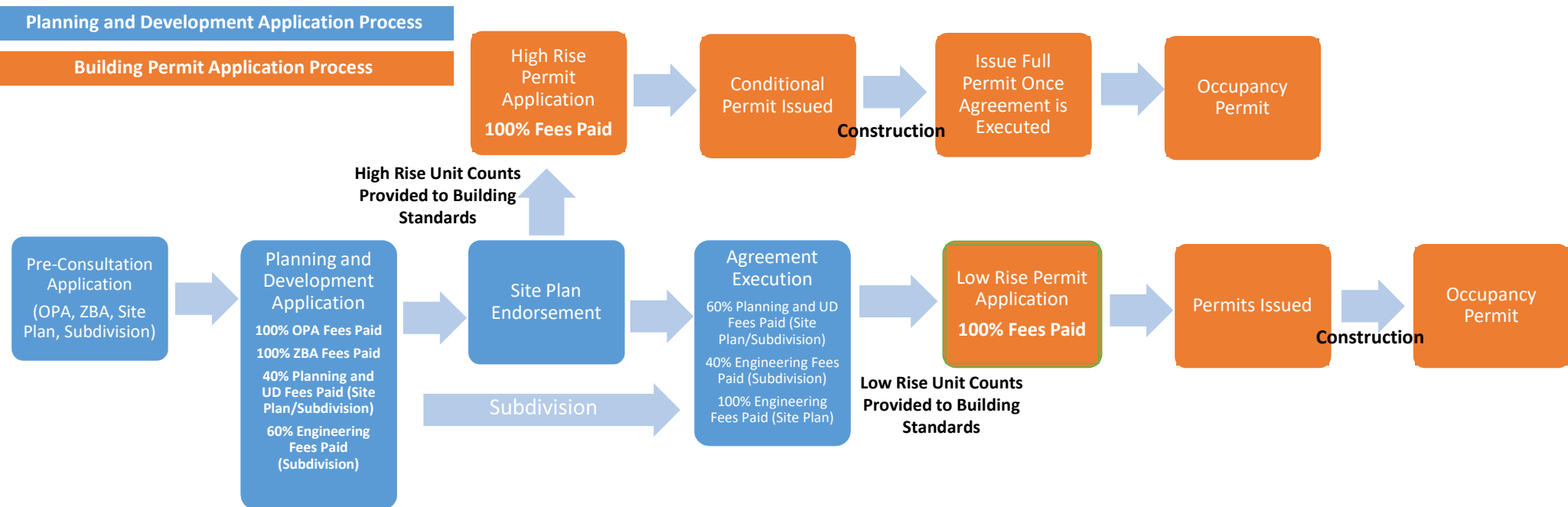
Appendix 'C' - Draft of amendment to Building By-law 2019-xx

Appendix 'D' – TACC Developments letter

Appendix 'E' – Forest Bay Homes/Minotar Holdings email

Appendix 'F' – Fieldgate Developments email

# Planning and Development Application Process and Building Permit Process



  
**BY-LAW 2020-** 

A by-law to amend By-law 211-83, as amended  
(A by-law to prescribe a Tariff of Fees  
for the Processing of Planning Applications)

THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM HEREBY ENACTS AS  
FOLLOWS:

- 1. By-law 211-83, as amended, be and the same is hereby further amended as follows:
  - 1.1 By deleting Schedule ‘A’ to By-law 211-83, as amended, and substituting Schedule ‘A’ attached hereto.
- 2. All other provisions of By-law 211-83, as amended, not inconsistent with the provisions of this by-law shall continue to apply.
- 3. This By-law comes into force and takes effect on January 1, 2021.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS  
DAY OF DECEMBER, 2020.

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR

SCHEDULE 'A' TO BY-LAW 2020-

TARIFF OF FEES FOR PROCESSING OF PLANNING APPLICATIONS  
GENERAL TERMS

1.0. Fee Acceptance

- 1.1. Fees shall only be accepted in conjunction with the filing of an application containing all submission requirements as determined by the Director of Planning and Urban Design or designate and/or Director of Engineering or designate.
- 1.2. Applicants shall not be permitted to “pre-pay” application fees upon submission of an incomplete application in order to lock in fees and avoid future fee increases.

2.0. Fee Calculation

- 2.1. For each development application type, fee shall be calculated, and may include Development Application Fees, Supplementary Fees, and Miscellaneous Fees as listed in this by-law. Unless otherwise stated, fee subsections ending in roman numerals (ie. i), ii), iii), etc) form part of the overall subsection fee, and shall be applied cumulatively with the other fees ending in roman numerals within that subsection.
- 2.2. Fees shall be calculated at the rate in effect on the date paid. Applications for which fees have been paid in part, prior to the effective date of this by-law, shall be required to pay any additional fees established by this by-law.

3.0. Fee Payable in stages

- 3.1. Unless otherwise noted, fees are payable at time of application.
- 3.2. Where the fee payable in respect of an application is payable in stages, the fee owing at each stage shall be the fee, for such stage, in effect on the date the payment is made. No additional fee or increase in fee is payable in respect of stages for which a fee has already been paid.
  - 3.2.1. Where payment in full of all fees applicable to an application has been made, no additional fee, where established by this by-law, shall be payable.
  - 3.2.2. Other City of Markham fees may be applicable.

4.0. Fee Adjustments

- 4.1. Adjustments are made to fees to reflect changes in the total number of Units/Lots/ Parcels/ GFA/ Land Area/Estimated Cost of Works, Consultants Review Fees, etc.,
- 4.2. Adjustments to the total fee payable will be required at each payment stage.

5.0. Reimbursement of fees:

- 5.1. Fees shall be reimbursed upon applicant withdrawing the application, as determined by the Director of Planning & Urban Design or designate and/or Director of Engineering or designate:
  - 5.1.1. Refund percentage is based on all fees received.
  - 5.1.2. HST refund is calculated based on percentage of fee to be refunded.
  - 5.1.3. Refund percentage (%) is based on the application stage as follows:

5.1.3.1. Prior to circulation of application	75%
5.1.3.2. From circulation to completion of preliminary report and/or holding of a public meeting, if required	50%
5.1.3.3. Prior to Committee receiving recommendation report and/or prior to Site Plan Endorsement ( <i>Not applicable to Committee of Adjustment Applications</i> )	25%
5.1.3.4. After Site Plan Endorsement and/or after Recommendation Report/ Memorandum received by Committee	No refund

Notes:

- a) For all application fees calculated, **add HST** as applicable.
- b) All cheques shall be payable to ‘**City of Markham**’.
- c) For assistance contact - **City of Markham, Development Services Commission**,  
101 Town Centre Blvd., Markham, Ontario, L3R 9W3.  
Telephone: + (905) 475.4861 Fax: + (905) 479.7768 Email: [dsc@markham.ca](mailto:dsc@markham.ca)

**DEVELOPMENT APPLICATION FEE**

Table 1	Application for Pre Consultation	Fee	Rate
1.1	Pre-Consultation	\$750	Per Application

- 1. Fee does not apply where pre-consultation is not required or is waived.

Table 2	Official Plan/Secondary Plan Amendment (1)	Fee	Rate
1.1	Minor Amendment (2)	\$29,603	Per Application
1.2	Major Amendment (3)	\$78,581	Per Application

- 2. Unless authorized by the Director of Planning or their Designate, an Official Plan or Secondary Plan Amendment application shall be deemed to be Major
- 3. Minor Official Plan Amendment means an amendment that:
  - a. Proposes a small-scale exception to a specific Official Plan Standard (eg. Minor changes to the number of permitted units; building height; gross floor area; or to add a site-specific use limited in scale);
  - b. Proposes a minor change to a specific policy that is limited in scope and typically to one property;
  - c. Maintains the intent and purpose of the Official Plan;
  - d. Shall have limited impact or policy implications beyond the subject lands; and
  - e. Is authorized by the Director of Planning and Urban Design, or their Designates.
- 4. Major Official Plan Amendment means an amendment that:
  - a. Any proposed re-designation or change in land use for a property(ies)
  - b. Requires many changes to the policies and schedules of the Official Plan
  - c. Is more significant in scale and scope than a minor Official Plan amendment, and which may have a greater impact or policy implications beyond the subject lands. Applications related to more than one property would normally be in the category;
  - d. A site-specific application representing a large-scale development/redevelopment or a change in use. An application involving significant changes to the text or policies of the Official Plan would also fall in this category.

Table 3	Zoning By-Law Amendment (1)	Fee	Rate
1.1	Minor Amendment (2)	\$27,443	Per Application
1.2	Major Amendment (3)	\$55,204	Per Application
1.3	Removal of "H" (Holding) Provision	\$9,275	Per Application

- 1. Unless authorized by the Director of Planning or their Designate, an Zoning By-law Amendment application shall be deemed to be Major
- 2. An application for minor and small scale zoning amendment having no significant impact on adjoining lands as determined by the Director of Planning and Urban Design. Minor applications must be site specific and include:
  - a. Request for additional permitted use within an existing building, or a request to expand an existing building with no significant impact on existing development standards;
  - b. Changes in development standards to accommodate a residential severance to create one single detached lot within an existing subdivision;
  - c. An application for a temporary use
- 3. An application that is not deemed to be minor by Director of Planning or their Designate, a Zoning By-law Amendment application shall be deemed to be Major. Major applications include applications more significant in scale and scope than a minor zoning amendment, and which may have greater impact beyond the subject lands. Major applications include:
  - a. Applications relating to more than one property;
  - b. A site specific application if considered to be redevelop a site;
  - c. A change in use within a new development and / or a change in the zone category;
  - d. Any application involving significant changes to the development standards or general provisions of the by-law.

Table 4	Plan Of Subdivision	Fee	Rate
1	Draft Plan of Subdivision		
1.1	Planning Review		
1.1.1 i)	Base fee	\$42,308	Per Application
1.1.1 ii)	Unit Fee (1)	\$2,198	Per Unit/Lot
1.1.1 iii)	Land Area (2)	\$21,790	Per Hectare
1.2	Urban Design Review		
1.2.1	Community Planning Review		
1.2.1 i)	Unit Fee (1)	\$419	Per Unit/Lot
1.2.1 ii)	Land Area (2)	\$21,790	Per Hectare
1.2.2	Landscape Review		
1.2.2 i)	Base Fee (9)	\$9,593	Per Application
1.2.2 ii)	Calculated Fee (the greater of) (3)	\$725	Per Unit/Lot (4)
Or		15.2%	Construction Cost (5) (11)
1.3	Engineering Review		
	Engineering Review		
1.3.1	Calculated Fee (the greater of) (6)	\$2,160	Per Unit/Lot/Block (4)
Or		12.7%	Construction Cost (8) (10)
2	Extension of Draft Plan Approval	\$9,275	Per Application
3	Revision of Draft Approved Plan and/or Draft Plan Conditions (7)		
3.1	Minor (does not require report to Committee)	\$5,742	Per Application
3.2	Major (requires report to Committee)	\$18,168	Per Application
4	Request for Subdivision Agreement		
4.1 i)	First Phase of subdivision	\$60,857	Per Agreement
4.1 ii)	Subsequent Phases	\$42,753	Per Agreement

- 1 Unit fee applicable to Single Detached, Semi Detached and/or Freehold Townhouse units. To be collected as follows:  
40% collected at submission of application  
60% collected at execution of agreement
- 2 Applicable to blocks created for Residential, Mixed-Use, Institutional (including school blocks), Commercial or Industrial uses. (Excludes park blocks, valley lands, hazard lands, environmental buffer blocks, storm water management blocks, open space areas and public roads to be conveyed into public ownership). To be collected as follows:  
40% collected at submission of application  
60% collected at execution of agreement
- 3 Payable at the execution of agreement
- 4 Up to 100 units/lots on a plan of subdivision
- 5 Estimated cost of construction of landscape works
- 6 To be collected as follows:  
60% collected at submission of engineering drawings  
40% collected at execution of a pre-servicing agreement (if applicable) or a subdivision agreement
- 7 At the request of the owner
- 8 Estimated cost of internal and external works associated with the Plan of Subdivision, as prepared by the Consulting Engineer. Includes erosion and sediment controls, underground and above-ground works, streetlights, etc. plus a 10% contingency added to the estimate
- 9 Payable at first submission of Landscape drawings for each phase of the draft plan of subdivision
- 10 Where a construction agreement is require as a result of this application type, fees for the construction agreement will be calculated in accordance with this section

Table 5	Plan of Condominium	Fee	Rate
1.1	Condominium Fee (1)	\$46,310	Per Application
1.2	All other Condominium Types other than those above	\$39,704	Per Application
1.3	Extension of Condominium Draft Approval	\$9,275	Per Application
1.4	Revision of Condominium Draft Approved Plan (2)	\$12,515	Per Application

- 1 Includes standard, common element (POTL), and vacant land condominium application types
- 2 Includes Draft Plan Conditions and amalgamation of multiple condominiums where requested by the owner

Table 6.1	Site Plan Applications (Residential/Mixed Use)	Fee	Rate
1	<b>Residential (15)</b>		
1.1	<b>Small Developments (1)</b>		
1.1 i)	Planning Review fee	\$2,808	Per Unit
1.1 ii)	Urban Design Review (2)	\$953	Per Unit
1.1 iii)	Engineering Review Fee (2)	\$953	Per Unit
1.2	<b>Large Developments (3)</b>		
1.2.1	Planning Review		
1.2.1 i)	Base Fee	\$12,896	Per Application
1.2.1 ii)	Unit Fee (4) (5) (10)	\$2,198	Per Unit
1.2.1 iii)	Calculated GFA Fee (6) (10)	\$6	Per M <sup>2</sup>
1.2.2	Urban Design Review		
1.2.2 i)	Base Fee	\$5,273	Per Application
1.2.2 ii)	Percentage fee (2) (7)	15.2%	Percent (21)
1.2.2 iii)	GFA Fee (2) (11)	\$6	Per M <sup>2</sup>
1.2.3	Engineering review (8)		
1.2.3 i)	Base Fee	\$9,402	Per Application
1.2.3 ii)	Percentage fee (2) (9)	13.9	Percent (21)
1.2.3 iii)	GFA Fee (2) (11)	\$6	Per M <sup>2</sup>
1.3	<b>Additions or Alterations</b>		
1.3.1	<b>Small Developments (1)</b>		
1.3.1.1	Less than 50 square metres of GFA	\$191	Per Unit
1.3.1.2	50 to 100 square metres of GFA	\$953	Per Unit
1.3.1.3	Greater than 100 square metres of GFA		
1.3.1.3 i)	Planning Review fee	\$953	Per Unit
1.3.1.3 ii)	Urban Design Review	\$852	Per Unit
1.3.1.3 iii)	Engineering Review	\$852	Per Unit
1.4	<b>Residential Driveways or parking area</b>	\$191	Per Application

Table 6.2	Site Plan Applications (ICI) (17)	Fee	Rate
2	ICI without units accommodating overnight stay		
2.1	Planning Review		
2.1 i)	Base Fee	\$12,896	Per Application
2.1 ii)	Calculated GFA Fee (6) (10) (11)	\$6	Per M <sup>2</sup>
2.1.2	Urban Design Review		
2.1.1 i)	Base Fee	\$5,273	Per Application
2.1.1 ii)	Percentage Fee (7)	15.2%	Percent (21)
2.1.1 iii)	GFA Fee (2) (14)	\$6	Per M <sup>2</sup>
2.1.3	Engineering Review (8)		
2.1.3 i)	Base Fee	\$9,402	Per Application
2.1.3 ii)	Percentage Fee (9)	13.9%	Percent (21)
2.1.3 iii)	GFA Fee (2) (14)	\$6	Per M <sup>2</sup>
2.2	ICI with units accommodating overnight or longer stay (12)		
2.2.1	Planning Review		
2.2.1 i)	Base Fee	\$12,896	Per Application
2.2.1 ii)	Unit Fee (10)	\$2,198	Per Unit
2.2.1 iii)	Calculated GFA Fee (10) (13)	\$6	Per M <sup>2</sup>
2.2.2	Urban Design Review		
2.2.1 i)	Base Fee	\$5,273	Per Application
2.2.1 ii)	Percentage Fee (7)	15.2%	Percent (8)
2.2.1 iii)	Calculated GFA Fee (2) (14)	\$6	Per M <sup>2</sup>
2.2.3	Engineering Review (8)		
2.2.3 i)	Base Fee	\$9,402	Per Application
2.2.3 ii)	Percentage Fee (2) (9)	13.9%	Percent (8)
2.2.3 iii)	Calculated GFA Fee (2) (14)	\$6	Per M <sup>2</sup>
2.3	Parking Lot or Outdoor Patio		
2.3.1	New Parking Lot or Outdoor Patio		
2.3.1 i)	Planning Review Fee	\$4,688	Per Application
2.3.1 ii)	Urban Design Review	\$953	Per Application
2.3.1 iii)	Engineering Review	\$953	Per Application
2.3.2	Expansion/Alteration of Existing Parking Lot or Outdoor Patio		
2.3.2 i)	Planning Review Fee	\$2,337	Per Application
2.3.2 ii)	Urban Design Review	\$953	Per Application
2.3.2 iii)	Engineering Review	\$953	Per Application
Table 6.3	Extensions or Minor Applications	Fee	Rate
3.5	Extension of Site Plan Approval/Agreement	\$2,226	Per Application
3.6	Minor Applications (20)		
3.6 i)	Planning Review Fee (16)	\$4,059	Per Application
3.6 ii)	Urban Design Review	\$908	Per Application
Table 6.4	Heritage Site Plan	Fee	Rate
4	Heritage Site Plan		
4.1	Residential	Section 1	
4.2	ICI - Institutional, Commercial, or Industrial		
4.2.1	Less than 50m2	\$1,335	Per Application
4.2.2	50m2 or greater	Section 2	
4.3	Façade changes (17) (18) (19)	\$953	Per Application

- 1 Single Detached, Semi-Detached, Townhouse, and/or Apartment development with under 10 lots, blocks, or units total
- 2 To be collected as follows:

40% collected at submission of application

60% collected at the earlier of the execution of agreement or issuance of a conditional building permit
- 3 Mixed Development or Single Detached, Semi-Detached, Townhouse, and or Apartment

development with more than 10 lots, blocks, or units total

- 4 Unit fee applicable to Single Detached, Semi Detached , Townhouse and Apartment units
- 5 Applicable to buildings with common area(s)
- 6 Calculated GFA shall mean the total GFA of building(s) minus GFA of Apartment units and overnight or longer stay unit(s)
- 7 Estimated cost of construction of landscape work
- 8 Where a construction agreement is required as a result of this application type, fees for the construction agreement will be calculated in accordance with this section
- 9 Estimated cost of internal and external works associated with the Site Plan, as prepared by the Consulting Engineer. Includes erosion and sediment controls, underground and above ground works, streetlights, etc. plus a 10% contingency added to the estimate
- 10 To be collected as follows:  
40% collected at submission of application  
60% collected at execution of agreement
- 11 Total GFA of the development
- 12 Including but not limited to Hotels, Senior Homes, etc.
- 13 Applies to the GFA of the building, exclusive of the area of units identified in Table 5, section 2.2.1 ii)
- 14 Notwithstanding the definition of GFA, the subject fee shall include the GFA of areas underground dedicated to parking
- 15 Includes additions or alterations to developments of 11 units or greater
- 16 Includes Façade changes
- 17 When changes are funded in part or wholly by a Grant from Council
- 18 All other application types, including changes to approved drawings that are not subject to special provision 18, are subject to Table 5, Section 2.4
- 19 All other application types, including changes to approved drawings that are not subject to special provision 18, are subject to Table 5, Section 2.4
- 20 Engineering review of site plan requires Major Application submission

Table 7	Committee of Adjustment	Fee	Rate
1	Minor Variance		
1.1	Development Standards (1)	\$6,315	Per Application
1.2	Residential Small Scale (2)	\$2,681	Per Application
1.3	Variance with respect to use (3)	\$14,548	Per Application
1.4	Technical Variance (4)	\$2,198	Per Application
1.5	Multiple Variances (5)		
1.5 i)	Base Fee	\$10,545	Per Application
1.5 ii)	Unit Fee (6)	\$2,198	Per Unit
1.5.1	Notwithstanding 1.5 above, the total fee for a variance shall not exceed	\$55,204	Per Application
1.6	Heritage variance (7)		Per Application
2	Land Division		
2.1	Consent for creation of one or more lots		
2.1 i)	Base fee	\$14,548	Per Application
2.1 ii)	Unit Fee (8) (10)	\$2,198	Per Unit
2.1 iii)	Land Area Fee (9) (10)	\$21,790	Per Hectare
2.1.1	Notwithstanding 2.1 above, the total fee for a Land Division shall not exceed	\$42,308	Per Application
2.2	Other Consent (11)	\$7,623	Per Application
2.3	Change of Condition prior to final consent	\$1,918	Per Application
2.4	Re-Application of Provisionally approved Consent without completion of conditions within One year timeframe (12) (13)	\$6,098	Per Application
3	Sign Fee (14)	\$38	Per sign
4	Development Agreement		
4.1	Planning	\$1,918	per agreement
4.2	Urban Design	\$1,918	per agreement
4.3	Engineering	\$1,918	per agreement

- 1 Additions, alterations, or new dwellings 50m2 or greater, or apartment, condominium, mixed use buildings or ICI
- 2 Additions, Alterations, or new single, semi-detached, or townhouse dwellings, or to accessory buildings, structures or decks less than 50m2
- 3 Includes residential, ICI, and where use and development standard variances are requested
- 4 To rectify and existing site condition, at the discretion of the Director of Planning and Urban Design or their designates
- 5 Multiple lots on a Draft Plan of Subdivision, registered M-Plan, or multiple single, semi-detached, or townhouse dwellings on a site plan
- 6 Number of actual units or lots (any decimal number rounded off to the next greater number)
- 7 Applies to heritage buildings, or Heritage Properties where Heritage Staff or Heritage Markham has requested the implementation of a historic condition or feature, at the discretion of the Director of Planning or their Designate
- 8 Applies only to consents creating new residential lots, excluding apartments, condominiums, and mixed use buildings
- 9 Applies to all consents except those identified in Table 6, Section 2.1 ii)
- 10 Payable prior to finalization of consent
- 11 Includes consent for partial discharge of mortgage, easement, lease of 21 years or more, and validation of title
- 12 Application must be received within 6 months of the lapse of the original consent application
- 13 Proposed lot configuration and development must be identical to the lapsed application receiving provisional consent
- 14 One sign required on each public or private street upon which the subject site has frontage, as determined by the Secretary Treasurer of the Committee of Adjustment

Table 8	Supplementary Fee	Fee	Rate
1	Electronic submission fee (1)(19)	\$100	per application
2	Additional Public Meeting Fee (2) (3)	\$8,894	per meeting
3	Additional Report to Committee or Council (2) (3)	\$8,894	per report
4	<b>Re-Circulation of Drawings (3)</b>		
4.1	Minor Circulation (5)	\$572	per circulation
4.2	Major Circulation (2) (6) (7)	\$7,052	per circulation
5	More than two inspections (3) (8)	\$1,817	per inspection
6	<b>Studies (4)</b>		
6.1	Planning And Urban Design Studies		
6.1.1	Large Scale Major Studies (9)	\$71,847	per study
6.1.2	Update or Amendment to existing Study (10)	\$28,777	per study
6.2	Engineering Studies		
6.2.1	New Study (11)	\$37,544	per study
6.2.2	Update or Amendment to existing Study	\$12,578	per study
7	Hire/Retain a Consultant/Vendor (12)	(13)	
8	Third Party Appeal (14) (16)	(15)	

- 1 Required for all applications submitted electronically, excluding Heritage applications exempted under Table 7, Section 1.6, and Applications under Table 1.
- 2 Due to revisions by owner/applicant, or owner/applicant's failure to revise drawings/plans/reports as requested by the City
- 3 Payable prior to meeting, inspection, or circulations
- 4 Payable at submission of study
- 5 Includes Consent to Sever and Minor Variance Applications due to revisions or request for deferral by owner, and/or after 1 year from the original date of application submission due to inactivity
- 6 Payable at submission
- 7 Includes 4 or more submissions and re-circulations
- 8 Due to unaddressed deficiencies identified during earlier inspections
- 9 Includes review and approval of large scale major studies including but not limited to: Community Design Plans or Precinct Plans associated with a new secondary plan, major official plan amendment/Secondary Plan Amendment, Major Zoning or major site plan application on a large scale complex site
- 10 Includes review and approval of small scale studies at the discretion of the Director of Planning and Urban Design or their designates
- 11 Includes review and approval of large scale major studies including but not limited to: Master Transportation Study, Master Environmental Servicing Plan, Noise Study, Geotechnical Study, etc. associated with a new Secondary Plan, major Official Plan Amendment/Secondary Plan Amendment, major Zoning or major Site Plan application on a large scale complex site
- 12 Fees for the City to retain a consultant/Vendor for the review, implementation or monitoring related to an application, as determined by the Director of Planning and Urban Design and/or the director of Engineering, or their designate
- 13 Actual cost of Consultant/vendor plus an administrative fee in the amount of 31.7% of the actual cost of the consultant/vendor
- 14 City's cost to retain outside Legal Council, and other outside experts including but not limited to Planning, Urban Design, or Engineering consultants or experts as determined necessary by the City Solicitor and Commissioner of Development Services, where an approved development application is appealed to the Local Planning Appel Tribunal
- 15 Actual cost of legal counsel and consultants, plus an administrative fee in the amount of 33% of the actual cost of the consultant/vendor
- 16 Fees shall be payable in accordance with a Cost Acknowledgement Agreement between the City and the Applicant
- 17 Major or Minor application as determined by the Director of Planning and Urban Design or the Director of Engineering or their designates, and payable at the execution of the agreement
- 18 Does not apply to site plan applications for single detached dwellings
- 19 Digital uploads that are not submitted as applications within 30 days of initial upload will be cancelled and no refund will be provided.

Table 9	Miscellaneous Fees	Fee	Rate
1	Review and Comment on Minister's Zoning Order		
1.1	New Application	\$8,576	per application
1.2	Comment on extension of a temporary use	\$2,805	per application
2	Deeming By-law	\$9,275	per application
3	Exemption from Part Lot Control (1)	\$9,275	per M-Plan
4	Telecommunication Tower	\$22,361	per application
5	Model Home/Sales trailer agreement (2)	\$5,971	per agreement
6	Heritage Permit (3)	\$610	per application
7	Townhouse Siting	\$673	Per unit
8	Site Alteration Permit		
8.1	Urban Design		
8.1 i)	Base Fee	\$6,213	per application
8.1 ii)	Area Fee	\$1,283	per hectare
8.2	Engineering		
8.2 i)	Base Fee	\$6,213	per application
8.2 ii)	Area Fee	\$1,283	per hectare
9	Construction Management Plan and/or Traffic Management Plan Review and/or public Communication Plan/Report (5)	\$5,387	per application
10	Shoring and Hoarding Encroachment Plan (2)	\$5,628	per application
11	Miscellaneous Submission (6)		
11.1	Percentage Fee (7)	15.2%	Percent
11.2	Hourly Rate for Estimate Hours	\$292	per hour
12	GIS Hourly Rate	\$127	per hour

- 1
- Applicable to units that have not been captured through Draft Plan of Subdivision Application Fee
- 2
- Payable at the execution of an agreement
- 3
- For unauthorized work
- 4
- Percent of the total cost of the engineering work required within the municipal road allowance
- 5
- Payable at the submission of Plans
- 6
- Not identified under a fee category as determined by the director of Planning and Urban Design or Director of Engineering or their designates
- 7
- Estimated based on the cost of works

NOTES/DEFINITIONS

COMMITTEE OF ADJUSTMENT

**Technical Variance:** A minor variance related to an existing building or structure, but requires variance approval due to one or more minor siting errors. Determination of whether or not a variance is a Technical Variance is at the discretion of the Director of Planning and Urban Design, or designate.

**Development Standards:** Any requirement of a zoning by-law other than permitted use (i.e. yard setbacks, building height, lot coverage).

**Use:** Any requirement of a zoning by-law related to the types of uses permitted on a property.

**PLAN OF CONDOMINIUM**

**Standard Condominium:** A plan of condominium that consists of both individually owned units and common elements. Note that all condominiums that existed at the time that the Condominium Act, 1998 came into effect are deemed Standard Condominiums.

**Phased Condominium:** A form of Standard Condominium (*see above*) that permits individually owned units and common elements to be added to a condominium corporation in phases, over a maximum of ten (10) years.

**Common Element Condominium:** A plan of condominium that consist only of common elements (e.g. a laneway or a golf course), with no individually owned units. The owners of the common elements are owners of freehold parcels of tied land (POTLs) which are not part of the condominium property.

**Vacant Land Condominium:** A plan of condominium where individually owned units are effectively vacant lots upon which buildings will be located after the condominium is registered.

**Amalgamated Condominium:** A plan of condominium where two or more condominium corporations merge into one corporation.

**Leasehold Condominium:** A plan of condominium where individually owned units and common elements are leased by the landowner to purchasers who will never own the land. The purchasers buy a leasehold interest in the units and common elements for a fixed number of years.

**ENGINEERING****Definitions of internal and external works for site plan applications:**

Internal works - Include but are not limited to curbs, pavement, retaining walls, grading, water mains, sanitary sewers, storm sewers, manholes, catch basins and their leads, erosion and sediment controls and on site storm water management facilities (e.g., Oil Grit Separators (OGS), storage facilities, chambers, infiltration trenches/chambers, soakaway pits and bioretention systems).

External works - Include but are not limited to sanitary and storm sewer connections, manholes, water service, driveways, sidewalks, boulevard treatment and other road works (Pavement, curbs, catch basins and their leads, hydrants, streetlighting, hydro poles, traffic controls).

**Site Alteration:** Includes but not limited to, the removal of topsoil from land, placement or dumping of fill on land, the alteration of the grade of land or excavation by any means including the removal of vegetative cover, the compaction of soil or the creation of impervious surfaces, or any combination of these activities that would change the landform and natural vegetative characteristics of the land.

**Residential Service Connection:** A watermain, sanitary sewer or storm sewer that connects from a residential house/unit to a municipal watermain, sanitary sewer or storm sewer.

**Engineering Plans:** Technical plans that show sanitary, water and stormwater servicing schemes, grading, utilities location, erosion and sediment controls, shoring and construction details of the proposed development.

**Water Supply Analysis Report:** Provides detailed design for a water supply distribution system including mitigation measures to ensure adequate water supply flow and pressure for the proposed development.

**Construction Management Plan:** Technical plan that shows how construction works for a proposed development will be managed. The plan shows surface encroachment (e.g. vehicular lane, sidewalk, signage, utilities, trees and municipal easements), storage/loading areas, dewatering equipment, aerial/crane encroachment, vehicular and material access points, hoarding, traffic management, and possible impacts on properties (noise/vibration mitigation and construction condition surveys).

**Traffic Management Plan:** Shows how the alterations and disruptions to traffic caused by the construction activities of the proposed development, servicing infrastructure, or road shall be mitigated and managed.

**Shoring Encroachment and Hoarding Plan:** Technical plan that shows the design and installation of a shoring system consisting of piles and tie-back system, location of the utilities/services and hoarding, and any significant features pertinent to the municipal right-of-way encroachment, to facilitate the construction of underground and aboveground structures that are close to or within the municipal right-of-way. This plan helps ensure construction works do not impede pedestrian and vehicular traffic in any significant manner and do not impact any underground and aboveground utilities or infrastructures.

**Public Communication Plan/ Report:** Outlines the planned public communication process and actions to inform the travelling public, project stakeholders, emergency response agencies, and directly impacted businesses and local residents about the planned construction activities and changes to traffic operations due to proposed temporary road closure and alterations and disruptions to traffic necessary to safely complete construction of proposed development, municipal services and roads. The Plan/Report may consist of any of the following elements: notices to the impacted residents, businesses and travelling public placed in print media, project road signs including detour routes, changeable message signage, notices to the public placed on Internet web pages, brochures, direct mail outs to impacted businesses and local residents, and public meetings. The Plan is modified throughout the project life cycle to address issues as they arise.

## GENERAL

**City:** The Corporation of the City of Markham

**Committee:** Committee is a group of individuals appointed by Council, such as the Development Services Committee (DSC), Markham Heritage Committee, Committee of Adjustment or any other sub-committee; with a specific function to review, comment and/or approve the related development applications.

**Heritage:** Heritage designated building (Part IV designation) or any building located within the boundary of a Heritage Conservation District (Part V designation).

**ICI:** Institutional, Commercial, Industrial

**Townhouse Siting:** Review of the design aspects of townhouse blocks and ensures appropriate building placement and elevation treatments for specific townhouse blocks.

**Gross Floor Area (GFA) of Building(s):** Defined as the total floor area (inside the building envelope, including the external walls, and excluding the roof) above and below grade less area dedicated to underground parking.



# BY-LAW 2020-XXX

Being a By-law respecting Construction, Demolition,  
Change of Use Permits and Inspections

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**WHEREAS** Section 7 of the *Building Code Act, 1992*, S.O. 1992, c. 23, as amended, authorizes municipal council to pass by-laws respecting construction, demolition and change of use permits, inspections and related matters;

**AND WHEREAS** the Council of The Corporation of the City of Markham desires to repeal By-law 2019-136 and to enact a new building by-law for the issuance of permits and related matters, including the establishment of a fee schedule;

**NOW THEREFORE** THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM ENACTS AS FOLLOWS:

**1. SHORT TITLE**

1.1. This By-law may be cited as the “Building By-law”.

**2. DEFINITIONS**

2.1. In this By-law:

“*Act*” means the *Building Code Act, 1992*, S.O. 1992, c. 23, as amended;

“*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 *owner’s* 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;

“*Building Code*” means the regulation made under Section 34 of the *Act*;

“*certified model*” means a unique building design for a detached or semi-detached unit that 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*. A *certified model* approval is not itself a *permit*;

“*City*” means The Corporation of the City of Markham.

“*chief building official*” means the *chief building official* appointed by by-law by Council for the purposes of enforcement of the *Act*, the *Building Code* and this By-law;

“*complete application*” means an application that meets the requirements set out in the building code for applications where the *chief building official* is required to make a decision within a prescribed time period, and further that meets the requirements set out in Section 4 and Schedule B of this By-law;

“*conditional permit*” means a *permit* issued under Subsection 8(3) of the *Act*;

“*construct*” means construct as defined in Subsection 1(1) of the *Act*;

“*demolish*” means demolish as defined in Subsection 1(1) of the *Act*;

“*electronic submission*” means the filing of a *pre-application review* or an application for a building *permit*, *certified model* or alternative solution,

including all required forms, documents and drawings, submitted through an online application procedure approved by the *chief building official*.

“*owner*” means, in respect of the property on which the construction is to take place, the registered owner of the land and, except for *conditional permits*, may include a lessee, mortgagee in possession and the person acting as the owner’s authorized agent;

“*partial permit*” means a *permit* issued by the *chief building official* to construct part of a building;

“*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*;

“*permit holder*” means the *owner* to whom the *permit* has been issued or where a *permit* has been transferred, the new *owner* to whom the permit has been transferred;

“*pre-application review*” means the review of forms, documents and drawings which precedes the acceptance of a permit application to determine if it qualifies for an *electronic submission* for a permit;

“*pre permit consultation*” means the high level review of proposed plans to identify any applicable *Building Code* concerns in advance of a building *permit* application. Pre Permit Consultation does not confirm *Building Code* compliance.

“*Registered Code Agency*” means a registered code agency as defined in Subsection 1(1) of the *Act*;

“*revised submission*” means additional information filed with the *chief building official* which depicts one or more changes to the proposed or as-constructed design of a building or part of a building for which a permit has already been issued and for which approval by the *chief building official* is required;

“*sewage system*” means a sewage system as defined in Subsection 1.4.1. of Division A of the *Building Code*;

“*supplementary submission*” means a resubmission of information in relation to building permit documents previously reviewed or issued, that requires additional review to determine *Building Code* compliance;

“*zoning preliminary review*” means a review of plans and other documents to determine, prior to building permit or *Planning Act* applications, whether proposed designs comply with applicable zoning by-laws;

2.2. 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*

3.1. Classes of *permits* required for the construction, demolition or change of use of a building shall be set out in Schedule A to this By-law.

### 4. REQUIREMENTS FOR *PERMIT APPLICATIONS*

#### General Requirements

4.1. Every *permit* application, *certified model* application and application for an alternative solution must meet the requirements of this Section and shall:

4.1.1. be made by an *applicant*;

- 4.1.2. be submitted to the *chief building official* on forms prescribed by the Province of Ontario or when no form is prescribed, on a form prescribed by the *chief building official*;
- 4.1.3. be accompanied by the required fees calculated in accordance with Schedule A;
- 4.1.4. unless otherwise determined by the *chief building official*, be in the form of an *electronic submission*;
- 4.1.5. unless otherwise determined by the *chief building official*, shall not be accepted until a *pre-application review* has been completed to the satisfaction of the *chief building official*; and
- 4.2. To be considered a *complete application*, every *permit* application shall be accompanied by the approval documents issued by the agencies responsible for the applicable laws listed in the building code, where those agencies issue approval documents and the law applies to the construction or demolition being proposed.
- 4.3. An application for a *permit* may be refused by the *chief building official* where it is not a *complete application*.
- 4.4. The *chief building official* may, as the chief building official deems appropriate, provide prescribed forms in an electronic format and may allow for the electronic submission of completed *permit* application forms.
- 4.5. Notwithstanding Subsection 4.4, completed forms generated electronically shall be accepted subject to the endorsement by the *applicant*.
- 4.6. When filing an application, the *owner* and the *applicant* shall provide an electronic address(s) for the purpose of receiving communications from the *chief building official* regarding the construction, demolition or change of use associated with a permit application or issued *permit*. The owner or authorized agent of the owner shall inform the *chief building official* immediately in writing when the electronic address(s) provided change or become not functional.

#### **Applications for *Permits to Construct***

- 4.7. Every application for a *permit to construct* a building shall:
  - 4.7.1. identify and describe in detail the work to be done and the existing and proposed use and occupancy of the building, or part thereof, for which the building *permit* application is made;
  - 4.7.2. be accompanied by the plans, specifications, documents, forms and other information prescribed in Section 5 and Schedule B of this by-law; and
  - 4.7.3. be accompanied by acceptable proof of corporate identity and property ownership, unless such proof is determined by the *chief building official* to be unnecessary.

#### **Applications for *Permits to Demolish***

- 4.8. Every application for a *permit to demolish* a building shall:
  - 4.8.1. identify and describe in detail the work to be done and the existing use and occupancy of the building, or part thereof, for which the application for a *permit to demolish* is made, and the proposed use and occupancy of that part of the building, if any, that will remain upon completion of the demolition;
  - 4.8.2. be accompanied by the plans, specifications, documents, forms and other information prescribed in Section 5 and Schedule B of this By-law; and
  - 4.8.3. be accompanied by proof satisfactory to the *chief building official* 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.

**Applications for *Permits* to Construct Part of a Building**

4.9. In addition to the requirements of Subsection 4.7 , every application for a *partial permit* shall:

- 4.9.1. require a *permit* application for the entire project; and
- 4.9.2. be accompanied by plans, specifications, documents, forms and other information covering that part of the work for which application for a *partial permit* is made, together with such information pertaining to the remainder of the work as may be required by the *chief building official*.

4.10. The *chief building official* may issue a *partial permit* when the *chief building official* determines it is appropriate to expedite substantial construction before a *permit* for the entire building is available and where the relevant provisions of this By-law and the *Act* are met.

- 4.10.1. When determining whether to issue a *partial permit*, the *chief building official* shall have regard for the likelihood of subsequent approvals being available in a timely fashion such that a project is not interrupted and exposed to potential damage from the elements while awaiting subsequent approvals.

4.11. The *chief building official* shall not, by reason of the issuance of a *partial permit* pursuant to this By-law, be under any obligation to grant any additional *permits*.

**Applications for *Conditional Permits***

4.12. An application for a *conditional permit* cannot be filed until plans review of the scope of work is complete.

4.13. In addition to the requirements of Subsection 4.7, where a *conditional permit* is requested, the *applicant* shall:

- 4.13.1. complete an application on a form prescribed by the *chief building official*; and
- 4.13.2. submit documents and drawings prescribed in Schedule B of this By-law.

4.14. The *chief building official* may, at his or her discretion, issue a *conditional permit* where unreasonable delays are anticipated in obtaining all necessary approvals and where the relevant provisions of this By-law and the *Act* are met.

**Applications for *Permits* for Change of Use**

4.15. Every application for a *permit* for a change of use shall;

- 4.15.1. be accompanied by the plans, specifications, documents, forms and other information prescribed in Section 5 and Schedule B of this By-law;

**Application for a *Certified Model***

4.16. An *applicant* may file an application for a *certified model*.

4.17. Every application for a *certified model* shall;

- 4.17.1. be made on an application form prescribed by the *chief building official*; and
- 4.17.2. be accompanied by the plans, specifications, documents, forms and other information prescribed in Section 5 of this By-law.

4.18. Plans and specifications forming part of each *certified model* application shall be deemed to form part of the *permit* documents of each *permit* subsequently issued under the *Act*.

**Abandoned *Electronic Submissions* and *Permit Applications***

- 4.19. Where an electronic submission has not been completed within 20 business days of creation, the electronic submission may be deemed by the *chief building official* to have been abandoned.
- 4.20. Where an application for a *permit* was accepted and the estimated permit fees are unpaid for three months after the *applicant* was advised in writing of the estimated permit fees, the application may be deemed by the *chief building official* to have been abandoned and written notice of the cancellation thereof shall be given to the *applicant*.
- 4.21. Where an application for a *permit* remains incomplete and inactive for six months after the *applicant* has been advised in writing of all the reasons for refusal, the application may be deemed by the *chief building official* to have been abandoned and written notice of the cancellation thereof shall be given to the *applicant*.

**Revisions to *Permits***

- 4.22. After the issuance of a *permit* under the *Act*, the *applicant* shall give notice to the *chief building official* in writing of any material change to a plan, specification, document or other information upon which a *permit* was issued, together with the details of such change, which change shall not be made without the prior written authorization of the *chief building official*.
- 4.23. Application for authorization of any substantial change shall constitute a *revised submission* or a *supplementary submission*.

**5. PLANS AND SPECIFICATIONS**

- 5.1. As part of the application for a *permit* and in addition to the requirements of Section 4 of this by-law, every *applicant* shall submit to the *chief building official* the following:
- 5.1.1. sufficient plans, specifications, documents, forms and such other information as may be deemed necessary by 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;
  - 5.1.2. Where a site plan is required to satisfy Section 5.1.1, the site plan shall reference a current plan of survey certified by a registered Ontario Land Surveyor and shall include:
    - 5.1.2.1. lot size and dimensions of the property;
    - 5.1.2.2. setbacks from existing and proposed buildings to property boundaries and to each other;
    - 5.1.2.3. existing and finished ground levels or grades; and
    - 5.1.2.4. existing rights of way, easements and municipal services; and
    - 5.1.2.5. a copy of a current plan of survey, unless the *chief building official* waives this requirement.
- 5.2. As part of an application for a *certified model*, every applicant shall submit to the *chief building official* sufficient plans, specifications, documents, forms and such other information as may be deemed necessary by the *chief building official* to determine whether the proposed construction conforms to the *Building Code*.
- 5.3. Plans, specifications and other documents submitted by an *applicant* shall:
- 5.3.1. be fully coordinated among design disciplines and intended for construction, demolition or change of use;
  - 5.3.2. be fully dimensioned and drawn to a suitable scale that clearly depicts the proposed construction, demolition or change of use;

5.3.3. be in the form of an *electronic submission*; and

5.3.4. contain information and text that is clear and legible.

5.4. Unless otherwise deemed necessary by the *chief building official*, every application shall be accompanied by plans, specifications, forms, documents and other information required to facilitate the administration and enforcement of the *Building Code*.

5.5. On completion of the construction of a building, the *chief building official* may require the *applicant* to submit a set of as constructed plans, including a plan of survey showing the location of the building.

5.6. Plans and specifications submitted in accordance with this By-law or otherwise required by the *Act* become the property of the *City* and will be disposed of or retained in accordance with relevant legislation or by-law.

## **6. AUTHORIZATION OF ALTERNATIVE SOLUTIONS**

6.1. Where approval for an alternative solution under the *Building Code* is being sought, the *applicant* shall submit:

6.1.1. an application on a form prescribed by the *chief building official*;

6.1.2. supporting documentation demonstrating that the proposed alternative solution will provide the level of performance required by the *Building Code*; and

6.1.3. payment of the required fee prescribed by Schedule A.

## **7. FEES AND REFUNDS**

7.1. The *chief building official* shall determine the required application fees in accordance with Schedule A to this By-law.

7.2. The *chief building official* shall not issue a *permit* until fees required by this By-law have been paid in full by the *applicant*.

7.3. In addition to the fees paid at the time of building *permit* application, when an *applicant* makes *supplementary submissions* and *revised submissions*, the *applicant* shall pay the prescribed fee which shall be calculated in accordance with Schedule A.

7.4. In the case of withdrawal or abandonment of an application, or refusal or revocation of a *permit*, and upon written request by the *applicant*, the *chief building official* may refund any unearned fees which shall be calculated in accordance with Section 4 of Schedule A.

## **8. TRANSFER OF PERMITS**

8.1. Upon change of ownership, *permit* applications and *permits* must be transferred to the new *owner* with the approval of the *chief building official*.

8.2. To transfer a *permit* application or *permit*, the new *owner* shall complete and submit an application form in accordance with the requirements of Section 4 of this by-law and pay the required fee as prescribed by Schedule A.

8.3. Upon the transfer of the *permit* by the *chief building official*, the new *owner* shall be the *permit holder* for the purpose of this By-law, the *Act* and the *Building Code*.

## **9. NOTICES FOR INSPECTIONS**

9.1. Inspection notices required by the building code and this By-law shall be made in writing, by telephone using the *City's* permit inspection request line or online inspection request procedure which have been prescribed for this purpose.

- 9.2. Inspection notices are required a minimum of two business days prior to the stages of construction specified therein and shall be given in accordance with the requirements of Subsection 1.3.5 of Division C of the *Building Code*.
- 9.3. The person to whom the *permit* has been issued shall notify the *chief building official* or a *Registered Code Agency* where one is appointed, of each stage of construction for which a notice is prescribed by the *Building Code*.
- 9.4. Notwithstanding Section 10 of this By-law, the person to whom the *permit* has been issued shall notify the *chief building official* of the date of completion of the building or demolition work no more than two days after that date.
- 9.5. In addition to the notices prescribed in Article 1.3.5.1 of Division C of the *Building Code*, the person to whom a *permit* has been issued shall give the *chief building official* notice of the readiness for inspection for the following stages of construction, where applicable:
  - 9.5.1. commencement of construction of the building
  - 9.5.2. commencement of construction of:
    - 9.5.2.1. masonry fireplaces and masonry chimneys,
    - 9.5.2.2. factory-built fireplaces and allied chimneys,
    - 9.5.2.3. stoves, ranges, space heaters and add-on furnaces using solid fuels and allied chimneys
  - 9.5.3. substantial completion of interior finishes

## 10. REGISTERED CODE AGENCIES

- 10.1. 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 Article 1.3.1.3. of Division C of the *Building Code*.
- 10.2. A *Registered Code Agency* may be appointed to perform one or more of the specified functions described in Section 15.15 of the *Act*.

## 11. FENCING CONSTRUCTION SITES

- 11.1. 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.
- 11.2. 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:
  - 11.2.1. the proximity of the construction site to occupied dwellings;
  - 11.2.2. the proximity of the construction site to lands accessible to the public, including but not limited to streets, parks, and commercial and institutional activities;
  - 11.2.3. the hazards presented by the construction activities and materials;
  - 11.2.4. the feasibility and effectiveness of site fencing; and
  - 11.2.5. the duration of the hazard.
- 11.3. When the *chief building official* is of the opinion that fencing is required, the *permit holder* shall, prior to the issuance of any construction or demolition permit, erect or cause to be erected fencing to the following minimum standards:

- 11.3.1. Minimum of 1800 mm in height
- 11.3.2. Maximum of 2300 mm in height
- 11.3.3. Full height screening with a minimum opaqueness of 90%, and
- 11.3.4. Fencing must be located entirely within the subject property lines unless otherwise authorized.

11.4. 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. OFFENCES AND PENALTIES**

12.1. 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*.

**13. SEVERABILITY**

13.1. 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.

**14. MISCELLANEOUS**

- 14.1. All Schedules shall be and form part of this By-law.
- 14.2. A reference to the singular or to the masculine shall be deemed to refer to the plural or feminine as the context may require.

**15. REPEAL AND TRANSITION**

- 15.1. By-law Number 2019-136 is hereby repealed upon the date that this by-law comes into force.
- 15.2. Notwithstanding Sections 15.1 and 16.1 of this by-law, for any *complete application* received prior to the effective date of this by-law, the provisions of By-law Number 2019-136 shall remain in force and effect for the purpose of that application.
- 15.3. Applications that are not *complete applications* as defined in this by-law, shall be subject to the within by-law irrespective of the date the initial application was made.

**16. EFFECTIVE DATE**

16.1. This by-law shall come into force on the 1<sup>st</sup> day of January 2021.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS  
XX<sup>th</sup> DAY OF MONTH, 2020.

KIMBERLEY KITTERINGHAM  
CITY CLERK

FRANK SCARPITTI  
MAYOR



**SCHEDULE A****CLASSES OF *PERMITS*, FEES AND REFUNDS****1. FEES**

- 1.1 All fees shall be paid in full at the time of acceptance of the permit application.
- 1.2 The fee for the *pre-application review* of applications shall be \$100. This fee is non-refundable and a credit for this fee will be applied to the total building *permit* fee.

**2. CALCULATION OF *PERMIT* FEES**

- 2.1 *Permit* fees shall be calculated on the basis of:
  - 2.1.1 the flat rate where indicated in Column 5 of Table 1 of this Schedule;
  - 2.1.2 the product of the applicable fee multiplier in Column 4 of Table 1 of this Schedule and the related floor area or other measure specified in Column 3; or
  - 2.1.3 where a fee is not listed in Table 1, \$30 for each \$1,000 or part thereof of the construction value prescribed by the chief building official.
- 2.2 Except for classes of *permits* subject to flat rates, fees shall be based on the appropriate measure of the floor area of the project.
- 2.3 Except where otherwise exempt, in addition to the fees calculated according to Subsections 2.1 and 2.2 fees shall also be assessed according to the number of plumbing fixtures and the size of supply piping and drainage piping as applicable.
- 2.4 Section B of Table 1 of this Schedule applies where the scope of work does not affect any exterior wall or exterior roof assembly in existing construction.
- 2.5 Fees charged for the review of *certified models* shall be calculated using a fee multiplier equivalent to that applicable to Single or Semi Detached Dwellings determined in accordance with Subsections 2.9 to 2.11 of this Schedule.
- 2.6 In addition to the fees calculated in accordance with Table 1 paid at the time of building *permit* application, fees for *supplementary submissions* and *revised submissions* shall be calculated at \$120/hour spent determining compliance with the Building Code, applicable law and submission standards.
- 2.7 Where *supplementary submissions* or *revised submissions* include certification of applicable law compliance, which compliance or applicability was incorrectly declared at the time of *permit* application, a fee of \$250 for each applicable law certification shall apply. Where an application form other than an applicable law checklist is required to be revised to reflect incorrectly declared information, a fee of \$250 applies.
- 2.8 In addition to the fees calculated in accordance with Table 1, each application for consideration of an alternative solution shall be accompanied by a non-refundable fee of \$2,000. Additional fees for outside consultants are due when applicable. Where a *supplementary submission* is made for an alternative solution, a flat fee of \$500 will apply and is due at the time of resubmission.
- 2.9 When calculating fees based on floor areas, floor area is measured to the outer face of exterior walls and to the centreline of party walls or demising walls, except when calculating interior partition work. When measuring floor area for interior partitioning, corridors, lobbies, washrooms, lounges, and other similar facilities are to be included and classified according to the

major occupancy classification for the floor area with which they are associated. Where these areas are constructed in a shell-only building, fees shall be calculated at the applicable partitioned rate in Table 1.

- 2.10 When measuring floor area, no deductions shall be allowed for floor openings required for such facilities as stairs, elevators, escalators, shafts and ducts. Interconnected floor spaces and atriums above their lowest level may be deducted from measured floor area.
- 2.11 Where incorporated with an application for a class of dwelling described in Rows A6 or A7 of Table 1, no additional fee is required for decks, fireplaces, unfinished basements, attached garages, heating or plumbing systems.
- 2.12 Where incorporated with an application for a class of permit described under Section A and B of Table 1, no additional fee shall be levied for the scope of work described in Sections D and G of Table 1 that form part of the work proposed under the application.
- 2.13 For any permit application for a class of permit described under Section B of Table 1, floor area used for the calculation of fees shall be the lesser of:
  - 2.13.1 the area contained within a single rectangle encompassing all of the proposed work, or
  - 2.13.2 the actual area of the tenant space;
- 2.14 The occupancy classifications used in this By-law are based on the *Building Code* occupancy classifications. For mixed occupancy classifications, the total payable fee shall be calculated by applying the fee multiplier for each occupancy prescribed in Table 1 to the floor area measured for each individual occupancy and taking the sum of the fees calculated for each occupancy.
- 2.15 For *permits* for change of use, the fee multiplier for the proposed occupancy will be applied to the entire floor area subject to the change of use.
- 2.16 Where a change of use *permit* is denied, the fees paid may be credited to a building *permit* which incorporates the construction required to accommodate the change of use.
- 2.17 Except for temporary buildings on construction sites for offices, fees for temporary buildings, including tents, stages and bleachers, apply to buildings erected for less than 12 weeks.
- 2.18 The permit fee for the remediation, restoration, or demolition of premises used for the production of illicit substances is \$5,000. Administrative fees in accordance with Section 5 of this Schedule are in addition to this fee.

### **3. MINIMUM FEE**

- 3.1 Except where a flat fee applies, the minimum fee for any permit application for work proposed in Group C residential occupancies in Sections A, B, D, and E of Table 1 shall be \$100;
- 3.2 Except where a flat fee applies, the minimum fee for any permit application for work proposed in Group A, B, D, E and F occupancies in Sections A, B, D, and E of Table 1 shall be \$500.

**4. CALCULATION OF REFUNDS**

4.1 Pursuant to Section 7 of this By-law, refunds shall be calculated as follows:

$$\text{Refund} = [\text{Permit Fee Paid}] - [\text{Total Permit Fees Payable} \times \% \text{ Permit Fee Earned}]$$

4.2 The proportion of the total *permit* fee payable is earned according to the following schedule:

- 4.2.1 10% if administrative functions only have been performed;
- 4.2.2 20% if administrative functions and zoning review have been performed;
- 4.2.3 50% if administrative functions, zoning review and all or part of the *Building Code* review have been performed; and
- 4.2.4 60% if all administrative functions and reviews have been completed and the building permit has been issued or is available to be issued.

4.3 No refund is available for:

- 4.3.1 Flat fees prescribed in Column 5 of Table 1;
- 4.3.2 minimum fees prescribed in Section 3 of this Schedule;
- 4.3.3 fees in the amount of \$500 or less;
- 4.3.4 reduced area of work where the scope of work is reduced more than 2 business days after the application is filed;
- 4.3.5 incorrect work area declaration at the time of application;
- 4.3.6 where a permit is revoked, except where a permit is issued in error, or the applicant requests revocation no more than six months after the permit is issued;
- 4.3.7 applications or permits where construction or demolition has commenced;
- 4.3.8 applications cancelled more than 2 years after the *permit* application date; or
- 4.3.9 administrative fees listed in Section 5 of this Schedule.

4.4 Pursuant to Section 10 of this by-law, 20% of the applicable permit fee paid shall be refunded where an application was made using a Registered Code Agency appointed under a service agreement with the Chief Building Official, those services are fully paid for by the applicant and have been completed in accordance with the building code, and the Final Certificate as defined by the *Building Code Act* has been submitted to the Chief Building Official.

**5. ADMINISTRATIVE FEES**

5.1 To offset additional investigative and administrative costs, a non-refundable fee of \$400 shall be paid where any Order to Comply is issued pursuant to Section 12 or Section 13 of the *Act* and an additional fee of \$1,000 shall be paid where any Stop Work Order is issued pursuant to Section 14 of the *Act*. Payment of these fees does not relieve any person or corporation from complying with the *Act*, the *Building Code* or any applicable law.

5.2 To offset additional costs associated with the investigation, inspection, administration and rectification of unsafe buildings pursuant to Section 15.9 of the *Act*, a non-refundable fee of \$500 shall be paid where any Unsafe Order is issued, and an additional non-refundable fee of \$1,000 shall be paid 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.

5.3 Once a permit application has been accepted, the non-refundable fee to transfer the application to a new permit applicant or to change the project address is \$250.

- 5.4 To transfer a *permit* from one *permit holder* to another, a non-refundable fee of \$250 shall be payable.
- 5.5 Except as provided in Section 5.7, for written requests for information concerning a property's compliance with the *Building Code* and applicable law, the non-refundable fee shall be \$150.
- 5.6 For written requests for information to support Provincial license applications unrelated to a current *permit* or *permit* application, the non-refundable fee shall be \$500. Where there is a current *permit* or *permit* application, the non-refundable fee shall be \$250.
- 5.7 For the reproduction of documents, the fee shall be \$10 plus 110% of the cost of reproduction, plus a fee for *City* staff preparation time at \$100/hour.
- 5.8 Where a requested inspection reveals an infraction which was identified at a previous inspection and not remedied, an additional fee of \$150 shall be payable prior to subsequent inspections being scheduled.
- 5.9 Where an inspector determines that work for which an inspection has been requested is not sufficiently complete to allow proper inspection, an additional fee of \$150 shall be payable prior to subsequent inspections being scheduled.
- 5.10 For phased projects, in addition to the *permit* fee for the complete building, an additional fee of \$750 shall be payable for each phase not applied for at the time of the initial *permit* application.
- 5.11 For *conditional permits*, the conditional permit fee shall be the total *permit* fee for the proposed construction plus a non-refundable additional 10% of that fee.
  - 5.11.1 A minimum additional fee of \$3,000 and a maximum additional fee of \$6,000 applies to *conditional permits*.
  - 5.11.2 Where the *conditional permit* expiration date is extended at the request of the applicant, a non-refundable fee equal to the original conditional permit fee shall apply to each extension.
  - 5.11.3 In addition to the non-refundable fee, a letter of credit is required for every *conditional permit* or phased *conditional permit*.
- 5.12 Notwithstanding Subsection 2.6 of this Schedule, for changes of house models, an additional fee of \$300 plus the fee in Table 1 corresponding to new home construction for any resulting increase in floor area shall be payable. Where the floor area is reduced, no refund applies.
- 5.13 Where a permit is issued and construction has not seriously commenced within 12 months, the non-refundable fee to extend the permit will be \$200 or the permit fee paid, whichever is less.
- 5.14 When a *permit* is suspended or is deemed incomplete and an inspection is subsequently requested, an additional fee shall be required to be paid to re-activate the permit prior to any such inspection. For housing permits the re-activation fee is \$200 and for non-housing permits the fee is \$500.
- 5.15 Pursuant to Section 10 of this by-law, where an application is made using a Registered Code Agency appointed under a service agreement with the Chief Building Official, and those services are fully paid for by the applicant, the applicable fee shall be reduced by 20% at the time a complete application is filed with a Plan Review Certificate as defined by the *Building Code Act*.
- 5.16 For review and approval of spatial separation agreements required by Division B of the *Building Code* a fee of \$500 per lot applies.

5.17 Fees for Zoning Preliminary Reviews will be as follows:

5.17.1 \$250 for low rise residential (including singles, semis (per unit), townhouse (per unit), decks, porches, sheds, and driveways);

5.17.2 \$500 for interior alterations (including parking calculation) (per unit);

5.17.3 \$500 for multiple-unit residential projects and non-residential projects (per building); and

5.17.4 \$250 per proposed lot where the review is in support of a land division application.

5.18 The non-refundable fee shall be \$50 for written requests for information concerning a property's zoning designation, permitted uses and development standards.

5.19 Fees for *Pre Permit Consultation* shall be \$750 for the first review. Where a *supplementary submission* is made for a Pre Permit Consultation, a fee of \$250 will apply and is due at the time of resubmission.

TABLE 1 - Calculation of Permit Fees				
1	2	3	4	5
Class of Permit, Occupancy Classification and Work Description			\$/m²	Flat Fee
Section A: CONSTRUCTION of new buildings, additions to existing buildings, including Mezzanines or new intermediate floors				
A1	Group A: Assembly	Transportation Terminals	\$20.19	
A2		Portable classrooms (each) (new or relocated)		\$619
A3		Outdoor Pool	\$14.10	
A4		All Other Assembly Occupancies	\$24.27	
A5	Group B: Institutional		\$26.27	
A6	Group C: Residential	Single Detached Dwelling (SDD)	\$18.34	
A7		Multiple Unit buildings less than 4 storeys high	\$22.78	
A8		Multiple Unit buildings greater than 3 storeys, less than 7 storeys	\$22.79	
A9		Multiple Unit buildings greater than 6 storeys high	\$18.92	
A10		Repeat of Previously approved <i>Certified Model</i>	\$15.04	
A11		Hotel / Motel	\$24.27	
A12		Unfinished Basement / Foundations	\$6.26	
A13		Detached or semi-detached garage/carport		\$589
A14		Garage incorporating a dwelling unit (GDU)		\$1,417
A15		Repeat of previously approved GDU		\$1,065
A16		Accessory utility building (ie. Garden shed, Gazebo) less than 20 m²		\$128
A17		Accessory utility building (ie. Garden shed, Gazebo) 20 m² or greater		\$589
A18		Deck / Balcony / Covered Porch (each)		\$128
A19	Group D: Business and Personal Services	Shell Only (including unfinished basement)	\$15.65	
A20		Partitioned / Finished / Mezzanine	\$20.19	
A21		Temporary Real Estate Sales Office		\$1,298
A22	Group E: Mercantile	Shell Only (including unfinished basement)	\$13.15	
A23		Partitioned / Finished / Mezzanine	\$17.22	
A24	Group F: Industrial	Shell Only (including unfinished basement)	\$10.17	
A25		Partitioned / Finished / Mezzanine	\$14.08	
A26		Gas Station / Canopy, Car Wash	\$13.00	
A27		Repair garage	\$14.08	
A28		Parking Garage (underground, open air)	\$6.42	
A29		Farm Building	\$5.56	
A30		Rack Storage Systems regulated by the Building Code	\$10.17	
A31	All Occupancies	Permanent Tent / Air supported structure	\$7.27	
A32		Repair / re-clad wall or replace roof structure	\$1.87	
A33		Ceiling (new or replacement)	\$0.51	
A34		Mechanical Penthouse	\$10.17	
A35		Temporary Building (Tent, Stages)		\$262
A36		Shoring (/m of length)	\$15.65	
A37		Underpinning (/m of length)	\$15.65	
A38	Designated Structures	Communication Tower		\$375
A39		Crane Runway		\$558
A40		Exterior Storage Tank		\$375
A41		Pedestrian Bridge (/m of length)	\$43.36	
A42		Retaining Wall (/m of length)	\$21.68	
A43		Sign regulated by the Building Code		\$375
Section B: ALTERATION or repair to existing construction and CHANGE OF USE(as defined by the Ontario Building Code)				
B1	Group A: Assembly	Restaurant	\$10.13	
B2		All other assembly occupancies	\$7.00	
B3	Group B: Institutional		\$7.00	
B4	Group C: Residential	Accessory Apartment	\$13.26	
B5		All other Residential occupancies	\$7.00	
B6		Exterior door or door from garage into dwelling		\$415
B7		Below grade stair		\$415
B8		Elevator (Housing Permits only)		\$415
B9	Group D: Business and Personal Service		\$7.00	
B10	Group E: Mercantile	Restaurant	\$10.13	
B11		All other mercantile occupancies	\$7.00	
B12	Group F: Industrial		\$6.38	
B13	All Occupancies	Electromagnetic Locking Device (\$590 + \$120/additional device)	\$126	\$619
B14		Parking Structure Repair	\$1.87	
B15		Balcony Guard Replacement (/m of length)	\$2.27	
B16		Window Replacement or Enlargement (each)	\$7.82	
Section C: DEMOLITION				
C1	Group C: Residential Housing	Single / Semi-detached dwelling		\$630
C2	Group C: Residential Housing	Accessory building		\$210
C3	All Other Occupancies	Complete / Partial / Interior Demolition (\$1,040 minimum fee)	\$0.19	
Section D: MECHANICAL and FIRE PROTECTION WORK (Proposed as stand alone work)				
D1	All Occupancies	Heating, ventilation, air conditioning	\$1.22	
D2		Fire Alarm System (per storey)	\$408	
D3		Replacement Annunciator/Control Panel only (per storey served)	\$408	
D4		Sprinkler System	\$1.22	
D5		In-rack sprinkler System	\$1.22	
D6		Standpipe System (per riser)	\$160	
D7		Emergency Power		\$783
D8		Emergency Lighting (per storey)	\$210	
D9		Fireplace / Woodstove		\$128
D10		Heating plant replacement		\$205
D11		Special Ventilation Systems (each)		\$619
Section E: PLUMBING				
E1	Residential Service Connections	Service Connection (per lot)		\$128
E2	All Occupancies	Each fixture	\$19.00	
E3		Each Appliance	\$19.00	
E4		Each Rain Water Hopper	\$19.00	
E5		Conversion from Septic System to sewer		\$249
E6		Testable backflow preventer (\$300 +\$100/additional device)	\$100	\$300
E7		Water service (/length in m)	\$19.00	
E8		Building storm drain, building storm sewer (/length in m)	\$19.00	
E9		Replacement or re-lining of water distribution piping (/length in m)	\$19.00	
E10		Each Manhole	\$55.00	
E11		Each Catchbasin	\$55.00	
E12		Each Area Drain	\$55.00	
E13		Each Backwater Valve / Sump Pump / Sewage Ejector	\$128	
Section F: ON-SITE SEWAGE SYSTEMS (Proposed separately or in conjunction with other construction)				
F1		New System		\$1,858
F2		Replacement of Leaching Bed		\$996
F3		Replacement of Septic Tank or Minor Repair of Part of a System		\$619
F4		Evaluation of System (no alterations required)		\$249
F5		Review of Clearances Only		\$249
Section G: GREEN ENERGY SYSTEMS (Proposed as stand alone work)				
G1		Solar domestic hot water systems (serving individual dwellings)		\$128
G2		Solar domestic hot water systems (serving all other buildings)		\$679
G3		Solar photovoltaic systems (serving individual dwellings)		\$128
G4		Solar photovoltaic systems (serving all other buildings)		\$679
G5		Geothermal Systems		\$411
G6		Wind Turbines (per turbine)		\$273
G7		Drain water heat recovery unit (serving individual dwellings)		\$128

Schedule B

Documents & Drawings Required For A *Complete Application* (Paper or Digital Media).  
All digital media must comply with the Submission Standards approved by the Chief Building Official.

Row	Class of Permit	Documents and Drawings Required
1	<b>All Permits</b>	<b>Documents</b> <ul style="list-style-type: none"><li>a. Building Permit Application Form * (not required for <i>electronic submissions</i>)</li><li>b. Applicable Law Checklist *</li><li>c. Permit Applicant Authorization Form *</li></ul>
2	<b>Permit to Construct Housing</b> Detached Houses, Semi-detached Houses, Duplex/Triplex/Fourplex, Townhouse blocks less than 4 storeys, Accessory buildings <ul style="list-style-type: none"><li>• New Buildings</li><li>• Additions</li><li>• Alterations</li><li>• Accessory Buildings</li></ul>	<b>Documents</b> <ul style="list-style-type: none"><li>a. Schedule 1 *</li><li>b. Schedule 2 *</li><li>c. Energy Efficiency Design Summary Form *</li><li>d. Plumbing Data Housing Form *</li><li>e. Approval documents required by an applicable law</li><li>f. TARION Letter of Confirmation</li><li>g. Heat loss / heat gain / duct calculations (per dwelling unit)</li><li>h. Residential Mechanical Ventilation Summary</li></ul> <b>Drawings</b> <ul style="list-style-type: none"><li>i. Site Plan</li><li>j. Municipally Approved Site Grading Plan</li><li>k. Architectural Drawings (including block floor plans for each floor, block roof plans and block elevations for townhouse blocks)</li><li>l. Fire Separation / Fire-Resistance Rating Drawings (plan and section, for all multi-unit buildings)</li><li>m. Structural Drawings</li><li>n. Roof truss / Pre-engineered floor system shop drawings</li><li>o. HVAC Drawings</li><li>p. On-site <i>Sewage System</i> Drawings (including On-Site <i>Sewage System</i> Statement of Design)</li><li>q. Temporary shoring design for residential projects where the foundation wall of the new construction is 1.8 m or less from a property line or where otherwise determined by the <i>chief building official</i></li></ul>
3	<b>Permit to Construct Non-Housing – New Construction</b> Non-residential buildings, Residential Apartment Buildings, Mixed-Use Buildings <ul style="list-style-type: none"><li>• New Buildings</li><li>• Additions</li><li>• Change of Use</li></ul>	<b>Documents</b> <ul style="list-style-type: none"><li>a. Building and Land Use Declaration Form *</li><li>b. Schedule 1 *</li><li>c. Schedule 2 *</li><li>d. Commitment to General Review *</li><li>e. Energy Efficiency Form *</li><li>f. Plumbing Data Form *</li><li>g. Approval documents required by an applicable law</li><li>h. Subsurface Investigation Report</li><li>i. Heat loss / heat gain / duct calculations</li><li>j. Mechanical equipment and design specifications</li><li>k. Construction Site Fire Safety Plan (for mid-rise wood construction projects)</li></ul> <b>Drawings</b> <ul style="list-style-type: none"><li>a. Site Plan</li><li>b. Municipally Approved Site Servicing Plan indicating all services (domestic water, fire protection, sanitary and storm sewers, laterals servicing buildings) and clearly indicating the area(s) that are municipally and privately owned.</li><li>c. Architectural Drawings, including:<ul style="list-style-type: none"><li>i. Building Code Compliance Matrix</li><li>ii. Fire Separation / Fire-Resistance Rating Drawings (plan and section, for all multi-unit buildings)</li></ul></li><li>d. Structural Drawings</li><li>e. Electrical Drawings</li><li>f. Roof truss / Pre-engineered floor system shop drawings</li><li>g. Mechanical Drawings (HVAC, plumbing, fire protection systems)</li><li>h. On-site <i>Sewage System</i> Drawings (including On-Site <i>Sewage System</i> Statement of Design)</li></ul>

Row	Class of Permit	Documents and Drawings Required
4	<b>Permit to Construct</b> <b>Non-Housing – Alterations</b> Non-residential buildings, Residential Apartment Buildings, Mixed-Use Buildings <ul style="list-style-type: none"><li>Alterations</li><li>Tenant Improvements</li></ul>	<b>Documents</b> <ul style="list-style-type: none"><li>Building and Land Use Declaration Form *</li><li>Schedule 1 *</li><li>Commitment to General Review *</li><li>Energy Efficiency Form *</li><li>Plumbing Data Form *</li><li>Approval documents required by an applicable law</li><li>Heat loss / heat gain / duct calculations</li><li>Mechanical equipment and design specifications</li></ul> <b>Drawings</b> <ul style="list-style-type: none"><li>Site Plan</li><li>Key Plan</li><li>Architectural Drawings, including:<ul style="list-style-type: none"><li>Building Code Compliance Matrix</li><li>Fire Separation / Fire-Resistance Rating Drawings (plan and section, for all multi-unit buildings)</li></ul></li><li>Structural Drawings</li><li>Electrical Drawings</li><li>Mechanical Drawings (HVAC, plumbing, fire protection)</li></ul>
5	<b>Permit to Construct</b> <b>Temporary Event Structures</b> Tents, stages, bleachers	<b>Documents</b> <ul style="list-style-type: none"><li>Temporary Event Structure Authorization Form *</li><li>Commitment to General Review *</li><li>Approval documents required by an applicable law</li><li>Documentation confirming flame spread rating of tent material</li></ul> <b>Drawings</b> <ul style="list-style-type: none"><li>Site Plan</li><li>Shop Drawings</li></ul>
6	<b>Permit to Demolish</b>	<b>Documents</b> <ul style="list-style-type: none"><li>Commitment to General Review *</li><li>Approval documents required by an applicable law</li><li>Environmental Building Audit</li></ul> <b>Drawings</b> <ul style="list-style-type: none"><li>Site Plan including existing building to be demolished, construction fencing and gate access locations</li><li>Demolition Plan prepared in accordance with O.Reg. 260/08</li><li>Temporary shoring design for residential infill projects where the foundation wall of the new dwelling is 1.8 m or less from a property line, or the extent of excavation is within 1.2 m of the property line or where otherwise determined by the <i>chief building official</i></li></ul>
7	<b>Conditional Permit</b>	<b>Documents</b> <ul style="list-style-type: none"><li>Conditional Permit Addendum Form *</li><li>Deed</li><li>Construction Schedule</li></ul>

- Notes:**
- In addition to the forms listed in this table, the application may be required to submit any other form deemed mandatory by the chief building official.
  - Documents marked with an asterisk (\*) are available from the chief building official.
  - The chief building official may waive the requirement for any specified documents or drawings where the scope of work, applicable law or building code does not, in the opinion of the chief building official, necessitate its submission.

November 9, 2020

The Corporation of the City of Markham  
Development Services Commission  
Markham Civic Centre  
101 Town Centre Boulevard  
Markham, Ontario  
L3R 9W3

Attention: Mr. Arvin Prasad, Commissioner

Dear Sir:

**Re: Planning and Engineering Fees**

Further to our Zoom meeting of the Planning and Engineering Fees sub-committee held on November 3, 2020, this is to reiterate my position with respect to the City's proposed 5% fee increase for 2021. Specifically, this is to confirm my proposal, on behalf of TACC Developments to accept the City's proposed fee increase of 5% for 2021 on the basis that future increases for 2022 and 2023 do not exceed the rate of inflation for those years.

We note however that the recent BILD Municipal Benchmarking report by Altus Group clearly demonstrates that Markham has the highest Planning and Engineering fees for service in the GTA. This is not surprising given the double digit increases for the last several years. We are also very disappointed that notwithstanding previous commitments, the City did not engage the Development Community until very recently to review the City's fee structure prior to the 2021 increase. We feel that it is critical to investigate why Markham's fees are consistently the highest of all municipalities across the GTA. These types of increases year over year are not sustainable.


Furthermore, the proposed 5% increase for 2021 should come with a commensurate improvement in the level of service for certain areas of the development review process. This is another area that should be discussed and hopefully addressed during a comprehensive review of the fee bylaw jointly by the City and the Development Community.

We look forward to continued dialogue on this most important matter to bring resolve and fairness to the fees for service in the City.

Yours truly

**TACC DEVELOPMENTS INC.**

Per:

  
David Stewart, M.E.S., M.C.I.P., R.P.P.  
Vice President

Copy to: Paula Tenuta, Building Industry and Land Development Association (BILD)

**Yeh, John**

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**From:** Clay Leibel <clayl@bellnet.ca>  
**Sent:** Thursday, November 12, 2020 1:16 PM  
**To:** Lustig, Joel; Prasad, Arvin; Karumanchery, Biju; Cane, Trinela; Yeh, John  
**Cc:** Rick Mangotich  
**Subject:** Increase in Fees

CAUTION: This email originated from a source outside the City of Markham. DO NOT CLICK on any links or attachments, or reply unless you recognize the sender and know the content is safe.

Joel

On behalf of Forest Bay Homes/Minotar Holdings this is to confirm our support of the option for the fee increase presented by staff today.

We are very appreciative of the support and communication with staff now and on a go forward basis.

Thanks

Clay Leibel

**Yeh, John**

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**From:** Rick Mangotich <rickm@fieldgatedevelopments.com>  
**Sent:** Thursday, November 12, 2020 1:23 PM  
**To:** Prasad, Arvin; Karumanchery, Biju; Lee, Brian; Lustig, Joel  
**Subject:** Development Fees

Guys, thanks for the call today. I believe you wanted to have clarity so to confirm, we're on side with the proposal tabled today. I appreciate your efforts to enable us to understand the City's position and look forward to the review of charges in the new year.

Rick Mangotich  
**FIELDGATE DEVELOPMENTS**  
(416) 629-2927