



BY-LAW 2021-XXX

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

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 2020-140 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*.

“*Infill Residential*” is defined as; a building containing not more than 2 dwelling units and where new construction replaces more than 50% of the existing building by demolition or by an addition that increases the gross floor area by more than 25% of new construction to an existing house;

“*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 occupancy permit*” means; an occupancy permit for the partial occupancy of a building prior to its completion as set out in the Ontario Building Code Division C, Part 1, Subsection 1.3.3.

“*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 Section 6 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 using the City's online permit inspection request system.
- 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 2020-140 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 2020-140 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 1st day of January 2022.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS
XXth DAY OF MONTH, 2021.

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, \$40 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 2.11 to 2.13 of this Schedule. Where a certified model includes an accessory apartment, the fee listed in Table 1, Section A, line A7 shall apply to the gross floor area of the dwelling unit and the accessory apartment.
- 2.6 Where an application for a new dwelling unit listed under Table 1, Section A, line A6 and A7 contains an accessory apartment, the fee listed in Table 1, Section A, line A7 shall apply to the gross floor area of dwelling unit and the accessory apartment.
- 2.7 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. *Supplementary submission* fees are nonrefundable.
- 2.8 Where *supplementary submissions* or *revised submissions* include certification of applicable law compliance, and in which compliance or applicability was incorrectly declared at the time of *permit* application, a fee of \$300 for each applicable law certification shall apply.
- 2.9 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.
- 2.10 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 \$3,000 for multiple-unit residential projects and

non-residential projects (per building) and \$800.00 for low rise residential (including singles, semis (per unit), townhouse (per unit), decks, porches, and sheds). Where a *supplementary submission* is made for an alternative solution, a flat fee of \$250.00 will apply and is due at the time of resubmission. Additional fees for outside consultants are due when applicable.

- 2.11 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.
- 2.12 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.
- 2.13 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.
- 2.14 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.
- 2.15 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:
 - 2.15.1 the area contained within a single rectangle encompassing all of the proposed work, or
 - 2.15.2 the actual area of the tenant space;
- 2.16 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.
- 2.17 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.
- 2.18 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.
- 2.19 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.
- 2.20 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 \$120;

- 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.
- 3.3 A flat fee of \$2000 will be added to fees listed in Table 1, Section E for private servicing of multiple lots.
- 3.4 A flat fee of \$500 will apply to the reinstallation of a previously approved air supported structure listed in Table 1, Section A, Line A31.

4. CALCULATION OF REFUNDS

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

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

- 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 50% if administrative functions, zoning review and/or all or part of the *Building Code* review have been performed; and
 - 4.2.3 65% 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 \$420 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 \$1,050 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 \$525 shall be paid where any Unsafe

Order is issued, and an additional non-refundable fee of \$1,050 shall be paid where any Order respecting Occupancy is issued. Where an Unsafe Order or an Order respecting Occupancy has been issued, every subsequent visit to the site required to determine compliance with the Order(s) will be charged at \$120 per hour with a minimum of 3 hours charged per visit during non-business hours. 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 Where construction has started prior to the issuance of a building permit and where an Order to Comply (OTC) and/or a Stop Work Order (SWO) has been issued, an additional fee equal to 50% of the total permit fee due up to a maximum of \$5,000 will be paid prior to the issuance of the permit. Payment of these fees does not relieve any person or corporation from complying with the Act, the Building Code or any applicable law.
- 5.4 Where construction has started prior to the issuance of a building permit and where an Order to Comply (OTC) and/or a Stop Work Order (SWO) has been issued, the *Owner* shall, if ordered to do so by the *Chief Building Official*,
 - 5.4.1 provide proof that the construction complies with this By-Law, the *Building Code* and any applicable law;
 - 5.4.2 carry out test and investigations by independent agencies, at the cost of the *Owner*, to determine if the construction complies with the *Building Code*;
 - 5.4.3 carry out test and investigations by independent agencies, at the cost of the *Owner*, to determine appropriate remedial measures to ensure construction complies with the *Building Code*;
 - 5.4.4 provide to the *Chief Building Official*, at the cost of the *Owner*, the result of any test and investigation ordered by the *Chief Building Official*, and
 - 5.4.5 provide documentation to the satisfaction of the *Chief Building Official* to establish that all remedial measures to ensure the construction complies with *Building Code* have been completed.
- 5.5 Where an Order issued under Sections 12(2), 13(1), 13(6), 14(1), 15.9 (4), 15.10.1 (2) or 18(1) of the Building Code Act and has been deemed Inactive, a maintenance fee of \$1,000 shall be charged immediately and \$1,000 per year thereafter until the Order has been deemed complied with by the Building Standards Department
- 5.6 Once a permit application has been accepted, the non-refundable fee to transfer the application to a new permit applicant or *permit holder* or to change the project address is \$300.
- 5.7 To transfer a *permit* from one *permit holder* to another, a non-refundable fee of \$300 shall be payable.
- 5.8 Except as provided in Section 5.10, for written requests for information concerning a property's compliance with the *Building Code* and applicable law, the non-refundable fee shall be \$200.
- 5.9 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.
- 5.10 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 \$120/hour.

- 5.11 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.
- 5.12 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.
- 5.13 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.
- 5.14 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.
 - 5.14.1 A minimum additional fee of \$3,000 and a maximum additional fee of \$6,000 applies to *conditional permits*.
 - 5.14.2 Where the conditions of the *conditional permit* agreement have not been met and the *conditional permit* expiration date is required to be extended, a non-refundable fee equal to the original conditional permit fee shall apply to each extension.
 - 5.14.3 Where there is an outstanding Order to Comply at the time of conditional permit extension, the non-refundable renewal fee will be equal to the original *conditional permit* fee plus 50%.
 - 5.14.4 In addition to the non-refundable fee, a letter of credit is required for every *conditional permit* or phased *conditional permit*.
- 5.15 Notwithstanding Subsection 2.7 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.
- 5.16 Where a permit is issued and construction has not seriously commenced within 12 months, the non-refundable fee to extend the permit will be \$500 or the permit fee paid, whichever is less.
- 5.17 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.
- 5.18 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*.
- 5.19 For review and approval of spatial separation agreements required by Division B of the *Building Code* a fee of \$500 per lot applies.
- 5.20 Fees for Zoning Preliminary Reviews will be as follows:
 - 5.20.1 \$250 for low rise residential (including singles, semis (per unit), townhouse (per unit), decks, porches, sheds, and driveways);
 - 5.20.2 \$500 for interior alterations (including parking calculation) (per unit);
 - 5.20.3 \$1000 for multiple-unit residential projects and non-residential projects (per building); and
 - 5.20.4 \$800 per proposed lot where the review is in support of a land division application.

- 5.21 The non-refundable fee shall be \$50 for written requests for information concerning a property's zoning designation, permitted uses and development standards.
- 5.22 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.
- 5.23 Where a building permit has been issued for an *infill residential* dwelling and where an occupancy permit has not been issued; a permit maintenance fee of \$2000 will be charged yearly commencing 24 months after the date of permit issuance.
- 5.24 *Partial Occupancy Permits* of unfinished buildings issued under Division C, Part 1, Section, 1.3.3 of the *building code* will be charged at \$150 per dwelling unit listed per certificate and \$1000 each for all other partial occupancy certificates.
- 5.24.1 The *Chief Building Official* may impose conditions on a partial occupancy permits;
- 5.24.2 The *Chief Building Official* may revoke a *partial occupancy permit* if the *Permit Holder* fails to comply with the conditions imposed by the *Chief Building Official*;
- 5.24.3 The *Chief Building Official* may revoke a *partial occupancy permit* if the *Owner* fails to comply with any permit relating to the building.

TABLE 1 - Calculation of Permit Fees				
1	2	3	4	5
Class of Permit, Occupancy Classification and Work Description			\$/m ²	Flat Fee
Section A: CONSTRUCTION of new buildings, additions to existing buildings, including Mezzanines or new intermediate floors				
A1	Group A Assembly	Transportation Terminals	\$21.20	
A2		Portable classrooms (each) (new or relocated)		\$649
A3		Outdoor Pool	\$14.80	
A4		All Other Assembly Occupancies	\$25.48	
A5	Group B: Institutional		\$27.58	
A6	Group C: Residential	Single Detached Dwelling (SDD)	\$19.26	
A7		Multiple Unit buildings less than 4 storeys high	\$23.92	
A8		Multiple Unit buildings greater than 3 storeys, less than 7 storeys	\$23.93	
A9		Multiple Unit buildings greater than 6 storeys high	\$17.77	
A10		Repeat of Previously approved <i>Certified Model</i>	\$15.79	
A11		Hotel / Motel	\$25.48	
A12		Unfinished Basement / Foundations	\$6.57	
A13		Detached or semi-detached garage/carport		\$618
A14		Garage incorporating a dwelling unit (GDU)		\$1,800
A15		Repeat of previously approved GDU		\$1,118
A16		Accessory utility building (ie. Garden shed, Gazebo) less than 20 m ²		\$134
A17		Accessory utility building (ie. Garden shed, Gazebo) 20 m ² or greater		\$850
A18		Deck / Balcony / Covered Porch (each)		\$134
A19	Group D: Business and Personal Services	Shell Only (including unfinished basement)	\$16.43	
A20		Partitioned / Finished / Mezzanine	\$21.20	
A21		Temporary Real Estate Sales Office		\$2,500
A22	Group E: Mercantile	Shell Only (including unfinished basement)	\$13.81	
A23		Partitioned / Finished / Mezzanine	\$18.08	
A24	Group F: Industrial	Shell Only (including unfinished basement)	\$10.68	
A25		Partitioned / Finished / Mezzanine	\$14.78	
A26		Gas Station / Canopy, Car Wash	\$13.65	
A27		Repair garage	\$14.78	
A28		Parking Garage (underground, open air)	\$10.68	
A29		Farm Building	\$5.84	
A30		Rack Storage Systems regulated by the Building Code	\$10.68	
A31	All Occupancies	Permanent Tent / Air supported structure	\$7.64	
A32		Repair / reclad wall or replace roof structure	\$1.97	
A33		Ceiling (new or replacement)	\$0.53	
A34		Mechanical Penthouse	\$10.68	
A35		Temporary Building (Tent, Stages)		\$275
A36		Shoring (/m of length)	\$16.43	
A37		Underpinning (/m of length)	\$16.43	
A38	Designated Structures	Communication Tower		\$393
A39		Crane Runway		\$585
A40		Exterior Storage Tank		\$393
A41		Pedestrian Bridge (/m of length)	\$45.53	
A42		Retaining Wall (/m of length)	\$22.76	
A43		Sign regulated by the Building Code		\$393
Section B: ALTERATION or repair to existing construction and CHANGE OF USE(as defined by the Ontario Building Code)				
B1	Group A: Assembly	Restaurant	\$10.64	
B2		All other assembly occupancies	\$7.35	
B3	Group B: Institutional		\$7.35	
B4	Group C: Residential	Accessory Apartment	\$19.26	
B5		All other Residential occupancies	\$7.35	
B6		Exterior door or door from garage into dwelling		\$435
B7		Below grade stair		\$435
B8		Elevator (Housing Permits only)		\$435
B9	Group D: Business and Personal Service		\$7.35	
B10	Group E: Mercantile	Restaurant	\$10.64	
B11		All other mercantile occupancies	\$7.35	
B12	Group F: Industrial		\$6.70	
B13	All Occupancies	Electromagnetic Locking Device (\$649 + \$132/additional device)	\$132	\$649
B14		Parking Structure Repair	\$1.97	
B15		Balcony Guard Replacement (/m of length)	\$2.38	
B16		Window Replacement or Enlargement (each)	\$8.21	
Section C: DEMOLITION				
C1	Group C: Residential Housing	Single / Semi-detached dwelling		\$662
C2	Group C: Residential Housing	Accessory building		\$221
C3	All Other Occupancies	Complete / Partial / Interior Demolition (\$1,092 minimum fee)	\$0.19	
Section D: MECHANICAL and FIRE PROTECTION WORK (Proposed as stand alone work)				
D1	All Occupancies	Heating, ventilation, air conditioning	\$1.28	
D2		Fire Alarm System (per storey)	\$428	
D3		Replacement Annunciator/Control Panel only (per storey served)	\$428	
D4		Sprinkler System	\$1.28	
D5		In-rack sprinkler System	\$1.28	
D6		Standpipe System (per riser)	\$168	
D7		Emergency Power		\$822
D8		Emergency Lighting (per storey)	\$220	
D9		Fireplace / Woodstove		\$134
D10		Heating plant replacement		\$215
D11		Special Ventilation Systems (each)		\$649
Section E: PLUMBING				
E1	Residential Service Connections	Service Connection (per lot)		\$200
E2	All Occupancies	Each fixture	\$19.50	
E3		Each Appliance	\$19.50	
E4		Each Rain Water Hopper	\$19.50	
E5		Conversion from Septic System to sewer		\$500
E6		Testable backflow preventer (\$300 +\$100/additional device)	\$100	\$300
E7		Water service (/length in m)	\$19.50	
E8		Building sanitary/storm drain and sanitary/storm sewers (/length in m)	\$19.50	
E9		Replacement or re-lining of water distribution piping (/length in m)	\$19.50	
E10		Each Manhole	\$57.50	
E11		Each Catchbasin	\$57.50	
E12		Each Area Drain	\$57.50	
E13		Each Backwater Valve / Sump Pump / Sewage Ejector	\$134	
Section F: ON-SITE SEWAGE SYSTEMS (Proposed separately or in conjunction with other construction)				
F1		New System		\$1,950
F2		Replacement of Leaching Bed		\$1,045
F3		Replacement of Septic Tank or Minor Repair of Part of a System		\$649
F4		Evaluation of System (no alterations required)		\$261
F5		Review of Clearances Only		\$261
Section G: GREEN ENERGY SYSTEMS (Proposed as stand alone work)				
G1		Solar domestic hot water systems (serving individual dwellings)		\$134
G2		Solar domestic hot water systems (serving all other buildings)		\$712
G3		Solar photovoltaic systems (serving individual dwellings)		\$134
G4		Solar photovoltaic systems (serving all other buildings)		\$712
G5		Geothermal Systems		\$431
G6		Wind Turbines (per turbine)		\$286
G7		Drain water heat recovery unit (serving individual dwellings)		\$134

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

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

Notes:

1. 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.
2. Documents marked with an asterisk (*) are available from the chief building official.
3. 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.