MARKHAM

Report to: Development Services Committee Date Report Authored: November 2, 2015

SUBJECT: Development Fee and Building Fee By-laws Update (2016)

PREPARED BY: Chris Bird, Director of Building Standards, Ext. 4712
Jamie Bosomworth, Manager of Strategy and Innovation, Ext. 2180

RECOMMENDATION:

1) That the Report titled "Development Fee and Building Fee By-laws Update (2016)", dated November 2, 2015 be received, and

2) That the proposed amendments be referred to the Development Services Committee Public Meeting to be held on December 1, 2015, and

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 proposed changes to fees that are applied to offset the projected costs associated with staff review and processing of applications for Building, Engineering and Planning and Urban Design Departments in 2016. The proposed fees will be enacted through amendments to the Development Fee By-law 211-83 and to Building By-law 2015-4. These by-laws set fees to be paid by applicants for development applications requiring planning, urban design and engineering services, and for building permits and their associated services. These by-laws are reviewed and updated annually.

The recommended increase in fees included in the Building By-law for 2016 is 5.0%. Within the Development fee by-law, the recommended fee increase for Planning and Urban Design is 10% and for Engineering it is 8%. This report seeks authorization to refer the proposed amendments to a Development Services Committee Public Meeting to be held on December 1, 2015.

BACKGROUND:

The Development Fee By-law and the Building By-law are reviewed each year to recover the anticipated reasonable costs associated with the administration of *Planning Act* applications 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 (5-year volume of activity model)
- increases 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 fees and development fees. The model is designed to cover direct and indirect costs based on the past five year average level of activity. In addition, transfers to a reserve for Building and a combined reserve for Engineering and Planning and Urban Design are included, as well as yearly specific capital costs.

OPTIONS/ DISCUSSION:

Reserve Forecast

As part of a Report approved at Development Services Committee November 18, 2014, (see attachment A). Staff prepared an analysis, projecting the reserve balances for the next 5-years for both the Building Reserve and Planning and Engineering Reserve. Based on that analysis, Council approved a 3.6% increase for Building, 15% increase for Planning and Urban Design and a 10% increase for Engineering fees for 2015. The 2014 report also identified forecast fee adjustments through 2019.

Staff have since updated the reserve balance analysis and due to the continued draw on reserves for Building and the negative balance for Planning and Engineering, Staff are recommending the proposed increases for 2016 as identified in last year's report.

The following two tables have been updated to this year's actual year end projections and revised 2016-2019 residential permits/year. The expenses assume a standard inflationary increase each year and revenue is based on the estimated residential permits per year as indicated under the building section. The amount of transfers to/from the reserve is based on the proposed fee increases as noted for each year.

Building Permit Fees

BUILDING RESERVE FORECAST ($ millions)					
Building	**2015 YE Projection**	**2016**	**2017**	**2018**	**2019**
Revenues	6.565	6.832	7.795	8.842	8.441
Less: Expenditures	7.965	8.700	8.874	9.051	9.232
Draw from Reserves	(1.400)	(1.868)	(1.078)	(0.209)	(0.791)
Building Reserve Beginning Balance	11.890	10.490	8.622	7.544	7.335
Building Reserve Ending Balance	**10.490**	**8.622**	**7.544**	**7.335**	**6.544**
2015 Approved/ 2016-2019 Proposed Building Fee Increase	**3.60%**	**5.00%**	**5.00%**	**5.00%**	**5.00%**
Estimated Residential Permits/Year		2,487	2,758	3,327	2,761

As can been seen in the above table, the 2016 recommended Building by-law fee increase is 5.0%. Even with this proposed increase, it is anticipated that there will be a draw from the reserve of $1.868M for 2016. For 2017-2019, a 5% per year increase has been applied; however, despite these increases there is a projected draw from the reserve each year. At the end of the 5 year period the reserve is projected to be at $6.544M or 55% of its starting position ($11.890M at the beginning of 2015).

Other than the proposed fee increases, editorial corrections and other minor adjustments, no new fees or adjustments are proposed in the Building By-law.

Development Fees (Planning and Urban Design and Engineering)

ENGINEERING/PLANNING COMBINED RESERVE FORECAST ($ millions)					
Planning	**2015 YE Projection**	**2016**	**2017**	**2018**	**2019**
Revenues	7.699	8.361	9.344	9.432	10.505
Less: Expenditures	7.599	8.057	8.218	8.382	8.550
Transfer to Reserves	0.100	0.304	1.126	1.050	1.955
2015 Approved/ 2016-2019 Proposed Planning Fee Increase	**15.00%**	**10.00%**	**7.00%**	**7.00%**	**7.00%**
Engineering	**2015 YE Projection**	**2016**	**2017**	**2018**	**2019**
Revenues	6.467	7.278	7.755	8.011	8.555
Less: Expenditures	6.567	6.698	6.832	6.969	7.108
Transfer to Reserves	(0.100)	0.580	0.923	1.042	1.446
2015 Approved/ 2016-2019 Proposed Engineering Fee Increase	**10.00%**	**8.00%**	**6.00%**	**6.00%**	**6.00%**
Plan/Eng Beginning Balance	(8.630)	(8.630)	(7.746)	(5.697)	(3.606)
Planning Transfer/Draw (from above)	0.100	0.304	1.126	1.050	1.955
Engineering Transfer/Draw (from above)	(0.100)	0.580	0.923	1.042	1.446
Plan/Eng Reserve Ending Balance	**(8.630)**	**(7.746)**	**(5.697)**	**(3.606)**	**(0.205)**

The Planning and Engineering combined reserve balance continues to be in a deficit, notwithstanding higher volume of activity in recent years. Staff are recommending a 10% increase to Planning and Urban Design and an 8% increase to Engineering fees for 2016. For 2017-2019, the projected fee increases are 7% per year for Planning and 6%/year for Engineering. Based on these projected increases and activity levels it is projected that the reserve will have a ($0.205M) deficit at the end of 2019, an improvement of $8.425M from the 2015 opening balance of the reserve.

Within the Development Fee By-law, staff are proposing to maintain fees at current levels for various types of minor applications. These include:

- Heritage Site Plan applications for additions, alterations and ground oriented dwellings;
- Site plan applications for alterations to residential driveways or parking areas or commercial façade for Heritage buildings or building in a Heritage District;
- Minor variance applications for development standards for residential properties and all other types of properties;
- Fee for Urban Design and Engineering for minor site plans;

In 2016, all other fees within the development fee by-law are recommended to increase by 10% for Planning and Urban Design, and 8% for Engineering, rounded up to the closest $50.

In addition to the flat rate increases, staff are recommending minor changes to fees and the fee by-law as outlined below:

- Move the Development Agreement requirement from the Consent section to the Supplementary Fee section, split the major and minor fees into the 3 different disciplines (Planning, Urban Design and Engineering) and reduce the amount for major agreements to $5,000 for each discipline and for minor agreements to $1,000
- Add Miscellaneous Fee to capture Peer Review and administration costs associated with appropriate required studies

Consultant's Review
A consultant has been retained by the City to complete a comprehensive review of Planning and Engineering application processes to update the development activities and the time for each staff member for all activities to ensure fees are sufficient to cover actual costs. This work will be completed in early 2016 and Staff will make changes associated with each application activity as required.

Consultation with the Development Community
The *Building Code Act* requires the City to hold at least one public meeting with respect to any changes in Building fees. Notice must be given to the general public and interested parties 21 days prior to the meeting. It is recommended that notice be placed on the City's website, in the Markham Economist and Sun and the Thornhill Liberal, and be mailed to the Urban Development Institute, the Toronto Home Builders Association, and development industry representatives listed on the City's "Developers Round Table" distribution list. Staff are recommending that the changes to the Development Fee and Building Fee By-laws be referred to the Development Services Committee Public Meeting to be held on December 1, 2015.

Fraser Institute Report
The Fraser Institute recently released a report titled "New Homes and Red Tape: Residential Land-Use Regulation in Ontario's Greater Golden Horseshoe", dated October, 2015. It is the third in a series of reports tallying survey data representing industry professional's experiences and opinion of how development is regulated in cities across Canada. The purpose is to provide a better understanding of how public policy affects the supply of new homes. The industry survey addressed a total of 25 municipalities from Durham, York, Peel and Halton Regions, and also included Toronto, Barrie and Bradford West Gwillimbury.

One category relevant to costs associated with developing lands in the GTA, is identified as the Cost and Fee Index. The survey was capturing costs associated with project approval and regulatory compliance processes with each municipality, including all administration, processing and direct compliance costs.

The survey results indicate that Markham in overall costs and fees being assessed to developments are comparable to a large number of municipalities and are slightly lower than the average for the municipalities surveyed.

FINANCIAL CONSIDERATIONS AND TEMPLATE: (external link)
The Finance Department has been working closely with Development Services Commission staff to ensure proper direct and indirect cost recovery and to incorporate the results into the proposed 2016 operating budget. The fee adjustments recommended in this report, 5.0% for Building, 10% for Planning & Urban Design and 8% for Engineering will assist in providing increased funding for projected direct and indirect costs, including contributions to Building, Planning and Engineering reserves. Finance and Development Services Staff will monitor financial performance against budget in 2016 and report back to Development Services Committee if any midyear adjustments to the Fee By-laws need to be contemplated along with a future year forecast.

Summary of Reserve Balances
Markham has experienced strong building activity over the past several years resulting in an appropriate reserve level for Building. This reserve has been utilized by the Building Department to invest in new processes and technologies, such as electronic plan review and a comprehensive zoning by-law project, and to withstand cyclical downturns without abrupt changes to capacity and service levels. Unfortunately the combined reserve balance for Planning and Engineering does not reflect the level of activity and remains in a deficit position. The following table provides a history of the balances in Building and the combined Planning and Engineering reserves:

Reserve Balances Surplus/(Deficit) ($ millions)		
Year End	**Building**	**Planning and Engineering**
2007	3.571	1.528
2008	2.412	(1.716)
2009	0.540	(5.632)
2010	(0.090)	(1.476)
2011	6.630	(2.455)
2012	11.887	(0.907)
2013	13.846	(3.959)
2014	11.890	(8.630)
2015 Forecast	10.490	(8.630)

Greenfield development has historically been the largest contributor to Planning and Engineering revenues, but subdivision activity has been declining in comparison to intensification and infill development in Markham. This trend is consistent with Council's Growth Strategy focus on infill and intensification, and is projected to continue. Intensification through complex rezoning and site plan applications is increasing, requiring more effort and additional fees to cover staff costs than previously received. With the overall increase in fees, and additional changes to the structure of this

by-law as proposed in this report, the Planning and Engineering Departments will be better positioned to offset costs through increased revenues. Further structural changes to the fee by-law may be required to achieve full cost recovery and to move towards a breakeven position and staff will report back on further adjustments in 2016.

HUMAN RESOURCES CONSIDERATIONS
Recoveries of direct and indirect costs, consistent with Provincial legislation.

ALIGNMENT WITH STRATEGIC PRIORITIES:
Growth Management and Municipal Services delivery.

BUSINESS UNITS CONSULTED AND AFFECTED:
Development Services Commission Departments and Finance Department were consulted.

RECOMMENDED BY:

Jim Baird, Commissioner of Development Services

Chris Bird, Director Building Standards

for Alan Brown, Director of Engineering

Biju Karumanchery, Director of Planning and Urban Design

ATTACHMENTS:

Attachment "A"	Development services Report dated November 18, 2014
Attachment "B"	Draft of amendment to Development Fee By-law 211-83
Attachment "C"	Draft of amendment to Building Fee By-law 2011-263

MARKHAM

Report to: Development Services Committee Date Report Authored: November 18, 2014

SUBJECT: Development Fee and Building Fee By-laws Update (2015)

PREPARED BY: Tim Moore, Director of Building Standards, Ext. 4712
Jamie Bosomworth, Manager of Strategy and Innovation, Ext. 2180

RECOMMENDATION:

1) That the Report titled "Development Fee and Building Fee By-laws Update (2015)", dated November 18, 2014 be received, and

2) That the proposed amendments be referred to the Development Services Committee Public Meeting to be held on December 9, 2014, and

3) That staff report back in 2015 with an update to the City's Fee Model to ensure appropriate fees are being collected to reasonably reflect anticipated costs associated with staff review and processing of development applications, and

4) 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 proposed changes to fees that are applied to offset the projected costs associated with staff review and processing of applications for Building, Engineering and Planning and Urban Design Departments in 2015. The proposed fees will be enacted through amendments to the Development Fee By-law 211-83 and to Building By-law 2013-225. These by-laws set fees to be paid by applicants for planning, urban design and engineering services, building permits and associated services, and are reviewed and updated annually.

The recommended increase of fees included in the Building by-law for 2015 is 3.6%. Within the Development fee by-law, the recommended fee increase for Planning and Urban Design is 15% and for Engineering it is 10%. This report seeks authorization to refer the proposed amendments to a Development Services Committee Public Meeting to be held on December 9, 2014.

BACKGROUND:

The Development Fee By-law and the Building By-law are reviewed each year to recover the anticipated reasonable costs associated with the administration of *Planning Act* applications 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 (5-year volume of activity model);
- refinements of existing fees to better reflect actual and anticipated costs of providing the related services; and
- new fees to capture new or previously underfunded services.

ATT. A

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 fees and development fees. The model is designed to cover direct and indirect costs based on the past five year average level of activity. In addition, transfers to a reserve for Building and a combined reserve for Engineering and Planning and Urban Design are included, as well as yearly specific capital costs.

OPTIONS/ DISCUSSION:

Reserve Forecast

The housing supply in the existing urban area is nearing full build out with regard to low density housing types. Staff anticipate building permits for development in the future urban area (ROPA 3 and new Markham Official Plan) will not be issued until 2018 due to work involved in processing background studies, secondary plans and development applications. Over the next few years, subdivision development is expected to be slower than in past years which means a lower volume of permit and fee activity for building and development services. This may be partially offset, given ample opportunities for residential intensification infill and redevelopment within the existing urban area, subject to the level of market demand for high density product.

To ensure that Building, Planning and Urban Design and Engineering Department revenues are sustainable, Development Services and Finance staff have put together a forecast for the next 5 years.

The following two tables indicate the forecasts of the two reserves over the next 5 years. The expenses assume a standard inflationary increase each year and revenue is based on the estimated residential permits per year as indicated under the building section. The amount of transfers to/from the reserve is based on the proposed fee increases as noted for each year.

Building Permit Fees

BUILDING RESERVE FORECAST ($ millions)					
Building	**2015**	**2016**	**2017**	**2018**	**2019**
Revenues	7.065	7.324	6.889	7.507	8.565
Less: Expenditures	8.554	8.725	8.899	9.077	9.259
Transfer to/(from) Reserves	(1.489)	(1.400)	(2.010)	(1.570)	(0.694)
Building Reserve Beginning Balance	11.825	10.336	8.936	6.926	5.356
Building Reserve Ending Balance	**10.336**	**8.936**	**6.926**	**5.356**	**4.662**
Proposed Building Fee Increase	**3.60%**	**5.00%**	**5.00%**	**5.00%**	**5.00%**
Estimated Residential Permits/Year	2,331	2,231	2,604	3,028	3,275

As can been seen in the above table, the 2015 recommended Building by-law fee increase is 3.6%. Even with this proposed increase it is anticipated that there will be a draw from the reserve of $1.489M. For 2016-2019, a 5%/year increase has been applied, however, despite these increases there is projected to be a draw from the reserve each year. At the

end of the 5 year period the reserve is projected to be at $4.662M or 39% of its starting position ($11.825M at the beginning of 2015).

Other than the proposed fee increases, editorial corrections and other minor adjustments, no new fees or adjustments are proposed in the Building By-law.

Development Fees (Planning and Urban Design and Engineering)

ENGINEERING/PLANNING COMBINED RESERVE FORECAST ($ millions)					
Planning	**2015**	**2016**	**2017**	**2018**	**2019**
Revenues	7.255	8.244	9.110	9.879	10.427
Less: Expenditures	7.829	7.986	8.145	8.308	8.474
Transfer to/(from) Reserves	(0.574)	0.258	0.965	1.571	1.953
Proposed Planning Fee Increase	**15.00%**	**10.00%**	**7.00%**	**7.00%**	**7.00%**
Engineering	**2015**	**2016**	**2017**	**2018**	**2019**
Revenues	6.610	7.077	7.522	7.970	8.373
Less: Expenditures	6.528	6.659	6.792	6.928	7.066
Transfer to/(from) Reserves	0.082	0.419	0.730	1.042	1.307
Proposed Engineering Fee Increase	**10.00%**	**8.00%**	**6.00%**	**6.00%**	**6.00%**
Plan/Eng Beginning Balance	(7.701)	(8.193)	(7.516)	(5.821)	(3.208)
Planning Transfer (from above)	(0.574)	0.258	0.965	1.571	1.953
Engineering Transfer (from above)	0.082	0.419	0.730	1.042	1.307
Plan/Eng Reserve Ending Balance	**(8.193)**	**(7.516)**	**(5.821)**	**(3.208)**	**0.052**

The Planning and Engineering combined reserve balance continues to be in a deficit, notwithstanding higher volume of activity in recent years. Staff are recommending a 15% increase to Planning and Urban Design and a 10% increase to Engineering fees for 2015. Even with these proposed increase it is anticipated there will be a net draw from the reserve of $0.492M in 2015. For 2016 the projected fee increases are 10% for Planning and 8% for Engineering. For 2017-2019, the projected fee increases are 7%/year for Planning and 6%/year for Engineering. Based on these projected increases and activity levels it is projected that the reserve may achieve a breakeven position at the end of 2019.

Within the Development Fee By-law, staff are proposing to maintain fees at current levels for various types of minor applications. These include:

- Heritage Site Plan applications for additions, alterations and ground oriented dwellings;
- Site plan applications for alterations to residential driveways or parking areas or commercial façade for Heritage buildings or building in a Heritage District;
- Minor variance applications for development standards for residential properties and all other types of properties;
- Fee for Urban Design and Engineering for minor site plans;

In 2015, all other fees within the development fee by-law are recommended to increase by 15% for Planning and Urban Design, and 10% for Engineering, rounded up to the closest $50.

In addition to the flat rate increases, staff are recommending minor changes to fees and the fee by-law as outlined below.

- Notes added to the General Term section to provide clarity and assistance
- The collection of Engineering fees for subdivisions is changing from 40% collected at submission to 60% and from 60% at the agreement stage to 40%
- The calculated GFA fee for Urban Design and Engineering for Site Plans has increased to be the same as Planning GFA fee
- A recirculation fee for Committee of Adjustment applications has been added into Supplementary Fees
- The inspection fees for Site Alteration Permit for both Urban Design and Engineering have been rolled into the base fee as one flat base fee. Any additional inspections that are more than two are subject to the additional inspection fee under Supplementary Fee section
- Additional Definitions have been added for Committee of Adjustment, Plan of Condominium and Engineering applications.

It is difficult to compare our development fees with other municipalities as each municipality has its own unique distribution of fees by Department and application type. However, the feedback generally received from the development community is that Markham is an excellent City with which to do business, and Markham Development Services staff are attentive and service oriented, and provide value added service.

Consultants Report
As recommended in the update to the fee by-laws in November, 2013, a financial consultant, BMA Management Consulting Inc. was retained in 2014 to undertake a review of the City's fee model, fee by-laws and reserve policies.

Costs Determination
The Consultant concluded the City is collecting Building and Development fees in accordance with the regulatory and legislative requirements of the *Building Code Act* and the *Planning Act* and the City is using appropriate best practices in the methodology in collecting the direct and indirect costs which are updated on an annual basis. The amount of indirect costs associated with each department is comparable to other municipalities within the Greater Toronto Area.

As our indirect costs are within the range of other municipalities, staff recommends no change to the methodology of cost determination.

Distribution of revenue sources
To ensure each Department's operating budget is cost recovered, each area of service being provided requires a revenue source to pay for those costs.

As all of the services provided in the Building Department are directly associated with the delivery of services associated with building permits and inspections, 100% of their costs are recovered from fees included within their fee by-law.

Engineering and Planning and Urban Design Departments provide services associated with not only development applications where costs are recovered through development fees, but also services that impact the whole city where costs are recovered from taxes and services associated with construction and review of development infrastructure (capital engineering projects, major development studies and park development) where costs are recovered from Development Charges.

The following table shows the revenue distribution of each department operating budgets for 2014:

Distribution of Revenue Sources				
Department	**Development or Building Fees**	**Tax**	**Development Charges**	**Total**
Building	100%	-	-	100%
Planning and U/D	53%	19%	28%	100%
Engineering	51%	8%	41%	100%

Further detailed review by development application type
The consultant observed that the distribution of staff time and costs across the various application types has not been updated since 2005 when the model was first developed. They recommend a comprehensive Planning and Engineering application process review be undertaken to update the development activities and the amount of time associated with each staff member for all activities to ensure fees are sufficient to cover actual costs.

Staff are proposing to update the fee model in 2015, including a detailed review of the distribution of costs and fees across the various application types.

Consultation with the Development Community
The *Building Code Act* requires the City to hold at least one public meeting with respect to any changes in Building fees. Notice must be given to the general public and interested parties 21 days prior to the meeting. It is recommended that notice be placed on the City's website, in the Markham Economist and Sun and the Thornhill Liberal, and be mailed to the Urban Development Institute, Toronto Home Builders Association, and development industry representatives listed on the City's "Developers Round Table" distribution list. Staff are recommending that the changes to the Development Fee and Building Fee By-laws be referred to the Development Services Committee Public Meeting to be held on December 9, 2014.

FINANCIAL CONSIDERATIONS AND TEMPLATE:
The Finance Department has been working closely with Development Services Commission staff to ensure proper direct and indirect cost recovery and to incorporate the results into the proposed 2015 operating budget. The fee adjustments recommended in this report, 3.6% for Building, 15% for Planning & Urban Design and 10% for Engineering will assist in providing increased funding for projected direct and indirect costs, including contributions to Building, Planning and Engineering. Finance and Development Services Staff will monitor financial performance against budget in 2015 and report back to Development Services Committee if any midyear adjustments to the Fee By-laws need to be contemplated along with a future year forecast.

Summary of Reserve Balances
Markham has experienced strong development activity over the past several years. Building permit revenues have been particularly strong and have resulted in the current reserve balance. This reserve has been utilized by the Building Department to invest in new processes and technologies, such as electronic plan review and a comprehensive zoning by-law project, and to withstand cyclical downturns without abrupt changes to capacity and service levels. Unfortunately the combined reserve balance for Planning and Engineering does not reflect the level of activity and remains in a deficit position. The following table provides a history of the balances in Building and the combined Planning and Engineering reserves:

Reserve Balances Surplus/(Deficit) ($ millions)		
Year End	**Building**	**Planning and Engineering**
2007	3.571	1.528
2008	2.412	(1.716)
2009	0.540	(5.632)
2010	(0.090)	(1.476)
2011	6.630	(2.455)
2012	11.887	(0.907)
2013	13.846	(3.959)
2014 Forecast	11.825	(7.701)

Greenfield development has historically been the largest contributor to Planning and Engineering revenues, but subdivision activity has been declining in comparison to intensification and infill development in Markham. This trend is consistent with Council's Growth Strategy focus on infill and intensification, and is projected to continue. Intensification through complex rezoning and site plan applications is increasing, requiring more effort and additional fees to cover staff costs than previously received. With the overall increase in fees, and additional changes to the structure of this by-law as proposed in this report, the Planning and Engineering Departments will be better positioned to offset costs through increased revenues. Further structural changes to

the fee by-law may be required to achieve full cost recovery and to move towards a breakeven position and staff will report back on further adjustments in 2015.

HUMAN RESOURCES CONSIDERATIONS
Recoveries of direct and indirect costs, consistent with Provincial legislation.

ALIGNMENT WITH STRATEGIC PRIORITIES:
Growth Management and Municipal Services delivery.

BUSINESS UNITS CONSULTED AND AFFECTED:
Development Services Commission Departments and Finance Department were consulted.

RECOMMENDED BY:

Jim Baird, Commissioner of Development Services

Tim Moore, Director Building Standards

Alan Brown, Director of Engineering

Biju Karumanchery, Acting Director of Planning and Urban Design

ATTACHMENTS:

Attachment "A" Draft of amendment to Development Fee By-law 211-83
Attachment "B" Draft of amendment to Building Fee By-law 2011-263

Attachment 'B'

BY-LAW 2015-???

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, 2016.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS
DAY OF DECEMBER, 2015.

CITY CLERK

MAYOR

ATTACHMENT "B"

SCHEDULE 'A'

TO BY-LAW 2015-???

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.

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:

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 (*Not applicable to Committee of Adjustment Applications*)	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) Reimbursement of fees as determined by the Director of Planning & Urban Design or designate and/or Director of Engineering or designate

d) For assistance contact - City of Markham, Development Services Commission,
101 Town Centre Blvd., Markham, Ontario, L3R 9W3.
Telephone: + (905) 475.4861 Fax: + (905) 479.776 Email: DevelopmentServices@markham.ca

DEVELOPMENT APPLICATION FEES

1.0. OFFICIAL PLAN/SECONDARY PLAN AMENDMENT

1.1. Minor amendment (see notes for definition)..... $17,020 per application

1.2. Major amendment (see notes for definition)..... $45,210 per application

2.0. ZONING BY-LAW AMENDMENT

2.1. Minor amendment (see notes for definition)..... $15,800 per application

2.2. Major amendment (see notes for definition)..... $31,750 per application

2.3. Removal of "H" (Holding) provision..... $5,340 per application

3.0. PLAN OF SUBDIVISION

3.1. Draft Plan of Subdivision

Fee shall include Planning, Urban Design and Engineering Review Fees as listed

3.1.1. **Planning** Review

(i) Base Fee..... $24,340 per application

(ii) Unit Fee..... $1,270 per unit
Single Detached, Semi Detached and/or Townhouse units within a block of 10 units or less
40% collected at submission of application and 60% collected at execution of agreement

(iii) Land Area Fee..... $12,540 per hectare
Area will include blocks containing Institutional, Commercial or Industrial (ICI) uses; Mixed-Use and Residential Blocks containing more than 10 units in each or any block.
(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).
40% collected at submission of application and 60% collected at execution of agreement

3.1.2. **Urban Design** Review

3.1.2.1. Community Planning Review

(i) Unit Fee..... $240 per unit
Single Detached, Semi Detached and/or Townhouse Units within a block of 10 units or less
40% collected at submission of application and 60% collected at execution of agreement

(ii) Land Area Fee..... $12,540 per hectare
Area will include blocks containing Institutional, Commercial or Industrial (ICI) uses; Mixed-Use and Residential Blocks containing more than 10 units in each or any block.
(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).
40% collected at submission of application and 60% collected at execution of agreement

3.1.2.2. Landscape Review

(i) Base Fee..... $5,500
Payable at first submission of Landscape drawings for each phase of the draft plan of

subdivision

(ii) Calculated Fee (whichever is higher)
Payable at execution of agreement

a. Percentage of estimated cost..... 8.4%
of construction of landscape works

b. Unit/Lot Fee..... $420 per unit or lot
up to 100 units/lots on plan of subdivision

3.1.3. **Engineering** Review

(i) Calculated Fee (whichever is higher)
60 % collected at submission of engineering drawings and 40% collected at execution of a pre-servicing (if applicable) or a subdivision agreement

a. Percentage of estimated construction cost..... 6.6%
of internal and external works within 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

b. Lot or Unit Fee..... $1,240 per lot or unit

3.2. **Extension** of Draft Plan Approval..... $5,320 per application

3.3. **Revision** of Draft Approved Plan and/or Draft Plan Conditions, at request of owner

3.3.1. Minor (does not require report to Committee)..... $3,300 per application

3.3.2. Major (requires report to Committee)..... $10,450 per application

3.4. Request for **Subdivision Agreement**

3.4.1. First phase of subdivision..... $35,010 per agreement

3.4.2. Subsequent phases..... $24,610 per agreement

4.0. PLAN OF CONDOMINIUM

4.1. **Standard Condominium** or **Vacant Land Condominium**..... $26,620 per application

4.2. All Condominium Types ..... $22,830 per application
(**other than** Standard or Vacant Land Condominium)

4.3. **Extension** of Condominium Draft Approval..... $5,340 per application

4.4. **Revision** of Condominium Draft Approved Plan ..... $7,210 per application
and/or Draft Plan Conditions and/or Amalgamation of multiple Condominiums, when requested by the owner

5.0. SITE PLAN CONTROL – NEW DEVELOPMENT/S

"New development" means the construction, erection or placing of one or more buildings or structures on land or associated parking area.
Fee shall be calculated as applicable, and shall include Planning, Urban Design **and** Engineering as listed: (including but not limited to new building/s in a Heritage Conservation District)

5.1. **Residential**

5.1.1. **Lots/ Blocks of 10 units or less**
Single Detached, Semi-Detached, Townhouse and/or Apartment Unit/s

(i) Planning Review Unit Fee..... $1,620 per unit

(ii) Urban Design Review Unit Fee..... $550 per unit
Payable at execution of agreement

(iii) Engineering Review Unit Fee..... $540 per unit
Payable at execution of agreement

5.1.2. **Blocks of 11 units or more** and/or
Mixed Use development

5.1.2.1. **Planning** Review

(i) Base Fee..... $7,430 per application

(ii) Unit Fee..... $1,270 per unit
Single Detached, Semi-Detached, Townhouse and/or Apartment Unit/s
40% collected at submission of application and 60% collected at execution of agreement

(iii) Calculated GFA Fee..... $3.19 per m² of GFA
Applicable to building/s with common areas (GFA of building/s minus GFA of Units)
40% collected at submission of application and 60% collected at execution of agreement

5.1.2.2. **Urban Design** Review

(i) Base Fee..... $3,040 per application

(ii) Percentage Fee 8.4%
(Estimated cost of construction of landscape works)
Payable at execution of agreement

(iii) Calculated GFA Fee..... $3.19 per m² of GFA
Exempt for buildings that neither have underground parking nor associated parking structure/s

GFA of building/s plus GFA of parking structure/s (if any)
(See notes for GFA definitions)
Payable at execution of agreement

5.1.2.3. **Engineering** Review
Includes Site Plan Works
(see notes for definition)

(i) Base Fee..... $5,400 per application

(ii) Percentage Fee 8.24%
(Estimated cost of internal and external works, see definitions)
Payable at execution of agreement

(iii) Calculated GFA Fee..... $3.13 per m² of GFA
Exempt for buildings that neither have underground parking nor associated parking structure/s

GFA of building/s plus GFA of parking structure/s (if any)
(See notes for GFA definitions)
Payable at execution of agreement

5.2. **Institutional, Commercial or Industrial (ICI)**

5.2.1. **Planning** Review

5.2.1.1. ICI development **without units** accommodating overnight or longer stay

(i) Base Fee..... $7,430 per application

(ii) GFA Fee..... $3.19 per m² of GFA
(Total GFA of the development)
40% collected at submission of application and 60% collected at execution of agreement

5.2.1.2. ICI development **having units** accommodating overnight or longer stay (e.g. Hotels, Senior Homes, etc.)

(i) Base Fee..... $7,430 per application

(ii) Unit Fee (accommodating overnight or longer stay) $1,270 per unit

(iii) Calculated GFA Fee..... $3.19 per m² of GFA
(GFA of building minus GFA of Units)

Item (ii) & (iii), 40% collected at submission of application and 60% collected at execution of agreement

5.2.2. **Urban Design** Review

(i) Base Fee..... $3,040 per application

(ii) Percentage Fee 8.4%
(Estimated cost of construction of landscape works)
Payable at execution of agreement

(iii) Calculated GFA Fee..... $3.19 per m² of GFA
Exempt for buildings that neither have underground parking nor associated parking structure/s

GFA of building/s plus GFA of parking structure/s (if any)
(See notes for GFA definitions)
Payable at execution of agreement

5.2.3. **Engineering** Review
Includes Site Plan Works (see notes for definition)

(i) Base Fee..... $5,000 per application

(ii) Percentage Fee 8.2%
(Estimated cost of internal and external works, see definitions)
Payable at execution of agreement

(iii) Calculated GFA Fee..... $3.19 per m² of GFA
Exempt for buildings that neither have underground parking nor associated parking structure/s

GFA of building/s plus GFA of parking structure/s (if any)
(See notes for GFA definitions)
Payable at execution of agreement

5.3. Parking Lot or Outdoor Patio to existing **ICI** development

5.3.1. Planning Review..... $2,700 per application

5.3.2. Urban Design Review..... $550 per application

5.3.3. Engineering Review..... $540 per application

5.4. **Extension** of Site Plan Endorsement ..... $1,340 per application
or Site Plan **Approval/ Agreement**

5.5. **Heritage ICI** – Less than 50m²..... $770 per application
For 50m² or larger *(item 5.2) is applicable*

6.0. SITE PLAN CONTROL – ADDITIONS OR ALTERATIONS

"Additions or Alterations" means the making of an addition or alteration to a building or structure or associated parking areas that has the effect of substantially increasing the size or usability thereof. Fee shall be calculated as applicable, and includes Planning **and/or** Urban Design **and/or** Engineering as listed: (including but not limited to additions/alterations to a building/s in a Heritage Conservation District)

6.1. **Residential**

6.1.1. **Lots / Blocks of 10 units or less**
Single Detached, Semi-Detached, Townhouse and/or Apartment Unit/s

6.1.1.1. Less than 50m²..... $100 per unit

6.1.1.2. 50m² or larger..... $550 per unit

6.1.1.3. If over 100 m²

6.1.1.3.1. Planning Review..... $550 per unit

6.1.1.3.2. Urban Design Review..... $330 per unit

6.1.1.3.3. Engineering Review..... $320 per unit

6.1.2. **Blocks of 11 units or more** and/or
Mixed Use development

6.1.2.1. Planning Review..... Item 5.1.2.1. is applicable

(New Development/s Fees are applicable)	
6.1.2.2. Urban Design Review ..... *(New Development/s Fees are applicable)*	Item 5.1.2.2. is applicable
6.1.2.3. Engineering Review..... *(New Development/s Fees are applicable)*	Item 5.1.2.3. is applicable
6.2 **Institutional, Commercial or Industrial (ICI)**	
6.2.1. Planning Review..... *(New Development/s Fees are applicable)*	Item 5.2.1. is applicable
6.2.2. Urban Design Review..... *(New Development/s Fees are applicable)*	Item 5.2.2. is applicable
6.2.3. Engineering Review..... *(New Development/s Fees are applicable)*	Item 5.2.3. is applicable
6.3. **Heritage ICI**	
6.3.1. Less than 50m² ..... For 50m² or larger *New Development Site Plan Fee (item 5.2) is applicable*	$700 per application
6.4. **ICI Façade** – Major or Minor as determined by the Director of Planning & Urban Design or designate	
6.4.1. Minor.....	$550 per application
6.4.2. Major.....	$2,700 per application
6.5. **Residential driveway** or **parking area**.....	$100 per application
6.6. **ICI parking area** or **outdoor patio**	
6.6.1. Planning Review.....	$1,340 per application
6.6.2. Urban Design Review.....	$550 per application
6.6.3. Engineering Review.....	$540 per application
6.7. **Minor changes to approved plans** as determined by the Director of Planning & Urban Design or designate and/or Director of Engineering or designate	
6.7.1. Planning Review.....	$2,700 per application
6.7.2. Urban Design Review.....	$550 per application
6.7.3. Engineering Review.....	$540 per application

7.0. COMMITTEE OF ADJUSTMENT

7.1. **Minor Variance**	
7.1.1. With respect to **Development Standards**	
7.1.1.1. **Residential** (Single Detached, Semi-Detached, and/or Townhouse excluding Apartments, Condominiums and Mixed Use Building/s)	$1,400 per application
7.1.1.2. **ICI & Residential** (Apartment, Condominium and Mixed Use Building/s)	$3,630 per application
7.1.2. With respect to **Use** or **both** (Development Standards **and** Use)	
7.1.2.1. **Residential & ICI** (including Mixed Use Building/s, and all other types)	$8,360 per application
7.1.3. **Technical Variances** to rectify existing conditions requiring minor review by staff, at the discretion of the Director of Planning and Urban Design or designate	$1,150 per application
7.1.4. **Multiple variances** related to Draft Plan of Subdivision	
(i) Base Fee.....	$6,080 per application
(ii) Unit Fee..... Number of actual Units/ Lots (Decimal numbers round off to the next greater number)	$1,270 per unit/lot
7.1.5. **By-law variance** in Heritage District..... or a Heritage Property where Heritage Staff or Heritage Markham has requested the implementation of a historic condition or feature	$0 per application (No Fee applicable)

7.2. **Consent to Sever**

7.2.1. Consent for **creation of one** or **more lots**

(i) Base Fee..... $8,360 per application

(ii) Unit/ Lot Fee..... $1,270 per unit/lot
Consent creating a new **Residential** lot (excluding Apartments, Condominiums and Mixed Use Building/s)
payable prior to finalization of consent

(iii) Land Area Fee..... $12,540 per hectare
Consent creating a parcel for **ICI, Residential** (Apartment, Condominium and Mixed Use Building/s), and **all other**, where the land area of the newly created parcel is considered
Payable prior to finalization of consent

7.2.2. Consent for establishment of an easement, partial discharge of mortgage, lease of 21 years or more, and validation of title — $4,370 per application

SUPPLEMENTARY FEES

The following are supplementary fees associated with all development applications:

1. **Additional Public Meeting**..... $5,130 per meeting
Due to revisions by owner/applicant
Payable before meeting

2. **Additional Report to Committee or Council** ..... $5,130 per report
Due to revisions by owner/applicant
Payable before Committee meeting

3. **Re-Circulation of Drawings** .....
Payable at circulation

3.1 For Consent to Sever, and Minor Variance Applications: Due to revisions by owner and/or after 1 year from the date of original application submission due to inaction by owner, or request for deferral by owner — $330 per circulation

3.2 For all other application types: Due to revisions by owner — $3,320 per circulation

4. **Four or more submissions of Drawings/Plans/Reports/Studies** ..... $4,070 per submission
(Planning or Urban Design & Landscape Plans or Engineering due to revisions by the owner or the owner's failure to revise drawings/plans/reports as requested by the City
Payable at submission stage

5. **More than two inspections are required** ..... $1,050 per inspection
Due to unaddressed deficiencies identified during earlier inspections
Payable before inspection

6. **Studies**
Payable at submission of studies

6.1. **Planning and Urban Design Studies**
Review and approval of large scale major studies
(Example: Community Design Plan, Precinct Plan 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)

6.1.1. Update or Amendment to an existing Study..... $16,530 per study

6.1.2. New Study..... $41,340 per study

6.2. **Engineering Studies**
Review and approval of large scale major studies
(Example: 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)

6.2.1. Update or Amendment to an existing Study.....	$7,236 per Study
6.2.2. New Study.....	21,600 per Study
6.3. **Administration towards Review of Studies** ..... Planning/ Urban Design/ Engineering using a Peer Review Consultant. (Percentage of estimated Consultant's cost)	19%
7. **Third Party Appeal** of an Approved Development Application to the Ontario Municipal Board: City's cost to retain outside Legal Counsel and Planning, Urban Design, Engineering, and other external consultants/experts determined to be necessary by the City Solicitor and Commissioner of Development Services. Fee shall be payable in accordance with a Cost Acknowledgement Agreement between the City and the Applicant.	Actual cost of legal counsel and consultants, plus an administration fee in the amount of 19% of the actual cost of legal counsel and consultants
8. Request for **Development Agreement**, Major or Minor as determined by the Director of Planning & Urban Design or designate and/or Director of Engineering or designate *Payable at execution of agreement*	
8.1. Planning	
8.1.1. Major.....	$5,000 per agreement
8.1.2. Minor.....	$1,000 per agreement
8.2. Urban Design	
8.2.1. Major.....	$5,000 per agreement
8.2.2. Minor.....	$1,000 per agreement
8.3. Engineering	
8.3.1. Major.....	$5,000 per agreement
8.3.2. Minor.....	$1,000 per agreement

MISCELLANEOUS FEES

The following fees are in addition to or independent of development application fees and supplementary fees:

1. **Review and comment on Minister's Zoning Orders**.....	$4,950 per application
2. **Deeming By-law**.....	$5,340 per application
3. **Exemption from Part Lot Control** ..... Where unit fees have not been received through a draft plan of subdivision application, they will apply through this application	$5,340 per M-plan
4. **Telecommunication Tower**	$12,870 per application
5. **Model Home/Sales trailer agreement** ..... *Payable at execution of agreement*	$3,430 per agreement
6. **Heritage Permit** for unauthorized work.....	$350 per application
7. **Townhouse Siting** – Unit Fee.....	$390 per unit
8. **Fence Variance**	
8.1. Residential.....	$1,540 per application
8.2. Industrial or Commercial.....	$5,126 per application
9. **Residential Service Connection** - Percentage fee..... (Total cost of Engineering work required within the municipal road allowance)	19.0%
10. **Site Alteration Permit**	
10.1. Urban Design	
(i) Base Fee.....	$3,580 per application
(ii) Area Fee.....	$740 per hectare
10.2. Engineering	
(i) Base Fee.....	$3,510 per application
(ii) Area Fee.....	$720 per hectare
11. **Construction Management Plan** and/or **Traffic Management Plan Review** and/or **Public Communication Plan/ Report** *Payable at submission of Plans*	$3,100 per application

12.	**Shoring and Hoarding Encroachment Plan Review**..... *Payable at execution of agreement*	$3,240 per application
13.	**Miscellaneous submissions** not identified under a fee category as determined by the Director of Planning & Urban Design or designate and/or Director of Engineering or designate.	8.4 %
	13.1. Percentage Fee (Estimate based on the cost of works).....	8.2%
	13.2. Estimated Hourly Rate.....	$160 per hour
	13.3. Peer Review associated with required study.....	Cost of peer review consultant retained by City plus admin fee (Item 6.3 is applicable)

NOTES/DEFINITIONS

OFFICIAL PLAN/SECONDARY PLAN AMENDMENT

Minor: An application for a minor, site specific and small scale amendment or exception to Official Plan policies and designations, having limited impact or policy implications beyond the subject lands as determined by the Director of Planning and Urban Design.

Major: An application to amend the Official Plan that is more significant in scale and scope than a minor official plan amendment, and which may have greater impact or policy implications beyond the subject lands as determined by the Director of Planning and Urban Design. Applications relating to more than one property would normally be in this category. A site specific application could also fall in this category, if considered to represent large scale redevelopment or significant change in use. An application involving significant changes to the text or policies of the Official Plan would also fall in this category.

ZONING BY-LAW AMENDMENT

Minor: 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:

- Request for additional permitted use, within an existing building with no significant impact on existing development standards;
- Changes in development standards to accommodate a residential severance to create one single family lot within an existing subdivision
- Application for Temporary Use

Major: An application for a Zoning By-law Amendment that is more significant in scale and scope than a minor zoning amendment, and which may have greater impact beyond the subject lands as determined by the Director of Planning and Urban Design. Major applications include:

- Applications relating to more than one property
- A site specific application, if considered to represent large scale redevelopment
- Any change in use and/or zone category
- An application involving significant changes to the development standards or general provisions of the by-law

CITY

The Corporation of the City of Markham

ICI

Institutional, Commercial, Industrial

GROSS FLOOR AREA (GFA)

Gross Floor Area (GFA) of building/s is 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.

Gross Floor Area (GFA) for parking structure/s defined as the total floor area (inside the building envelope, including the external walls, and excluding the roof) above and below grade.

PARKING STRUCTURE

A multi-storey car-park building designed for car parking where there are a number of floors or levels on which parking takes place. It is essentially a stacked car park.

HERITAGE

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

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.

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

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.

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).

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.

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.

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.

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.

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

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).

BY-LAW 2015-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 2013-225 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;*

"*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 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*;

"*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;

"*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 additional information in relation to building permit application documents previously filed and reviewed, that requires additional review to determine *Building Code* compliance;

"*City*" means The Corporation of the City of Markham.

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 *PERMIT*S

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 and *certified model* application must meet the requirements of this section and shall:

4.1.1. be made by an *applicant;*
4.1.2. be made in writing 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*; and
4.1.3. be accompanied by the required fees calculated in accordance with Schedule "A".

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*.

DRAFT

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.*

Applications for *Permits* to Construct

4.6. Every application for a *permit* to *construct* a building shall:

4.6.1. 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;
4.6.2. be accompanied by the plans, specifications, documents, forms and other information prescribed in section 5 and Schedule B of this by-law; and
4.6.3. 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*

4.7. Every application for a *permit* to *demolish* a building shall:

4.7.1. 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;
4.7.2. 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 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

4.8. In addition to the requirements of subsection 4.6, every application for a *partial permit* shall:

4.8.1. require a *permit* application for the entire project; and
4.8.2. 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*.

4.9. 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.

4.9.1. 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.

4.10. 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*.

DRAFT

Applications for *Conditional Permits*

4.11. In addition to the requirements of subsection 4.6, every application for a *conditional permit* shall:

4.11.1. include a written statement of the reasons why the chief building official believes unreasonable delays in construction would occur if a *conditional permit* is not granted; and

4.11.2. include a written statement of the necessary approvals which must be obtained in respect of the proposed building in order for the permit to be issued and the time in which such approvals will be obtained.

4.12. 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

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

4.13.1. 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*

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

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

4.15.1. be made on an application form prescribed by the *chief building official;* and

4.15.2. be accompanied by the plans, specifications, documents, forms and other information prescribed in section 5 of this By-law.

4.16. 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 *Permit* Applications

4.17. 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*

4.18. 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*.

4.19. Application for authorization of any substantial change shall constitute a *revised submission* or a *supplementary submission*.

DRAFT

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 submitted on paper or other suitable and durable material; 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 two sets of 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 proposed in either the application for a *permit*, or in a material change to a plan, specification, document or other information on the basis of which a *permit* was issued, the *applicant* shall submit:

DRAFT

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 3 of Schedule “A”.

8. TRANSFER OF *PERMITS*

8.1. *Permits* may not be transferred without the approval of the *chief building official*.

8.2. To transfer a *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 or by telephone using the City’s permit inspection request line which has 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:

DRAFT

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 commencement of any construction, demolition, or placement of materials or equipment on site, erect or cause to be erected fencing to the standards required by the *chief building official* to enclose the construction or demolition site for the purpose of preventing unauthorized entry on the site. 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.

DRAFT

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 2013-225, 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 2013-225 shall remain in force and effect for the purpose of that application.

16. EFFECTIVE DATE

16.1. This by-law shall come into force on the 1st day of January 2015.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS XXth DAY OF MONTH, 2014.

KIMBERLEY KITTERINGHAM TOWN CLERK	FRANK SCARPITTI MAYOR

DRAFT

SCHEDULE "A"

CLASSES OF *PERMITS*, FEES AND REFUNDS

1. CALCULATION OF *PERMIT* FEES

1.1 *Permit* fees shall be calculated using:
- 1.1.1 The flat rate where indicated in Column 5 of Table 1 of this Schedule;
- 1.1.2 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
- 1.1.3 where a fee is not listed in Table 1, a fee shall be paid in the amount of $15.00 for each $1000 or part thereof of the construction value prescribed by the chief building official.

1.2 Except for classes of *permits* subject to flat rates, fees shall be based on the appropriate measure of the floor area of the project.

1.3 Except where otherwise exempt, in addition to the fees calculated according to subsections 1.1 and 1.2 fees shall also be assessed according to the number of plumbing fixtures and the size of supply piping and drainage piping as applicable.

1.4 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 1.8 to 1.10 of this Schedule.

1.5 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 $100.00/hour spent determining compliance.

1.6 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 $250.00 for each applicable law certification shall apply.

1.7 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 $1000 or 10% of the permit fee, whichever is lesser.

1.8 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.

1.9 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.

1.10 Where incorporated with an application for a class of dwelling described in Rows 6 or 7 of Table 1, no additional fee is required for decks, fireplaces, unfinished basements, attached garages, heating or plumbing systems.

1.11 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 mechanical, fire protection or green technology systems that form part of the work proposed under the application.

DRAFT

1.12 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 :

1.12.1 the area contained within a single rectangle encompassing all of the proposed work, or
1.12.2 the actual area of the tenant space;

1.13 The occupancy classifications used in this By-law are based on the *Building Code* major 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.

1.14 For *permits* for change of use, the fee multiplier for the proposed occupancy applies.

1.15 Where a change of use *permit* is denied, the fees paid may be credited to an alteration *permit* which incorporates the construction required to accommodate the change of use.

1.16 Except for temporary buildings on construction sites for office or sales purposes, fees for temporary buildings, including tents, apply to buildings erected for less than 30 days.

2. MINIMUM FEE

2.1 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;
2.2 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 CALCULATION OF REFUNDS

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

Refund = [*Permit* Fee Paid] – [Total *Permit* Fees Payable x % *Permit* Fee Earned]

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

3.2.1 10% if administrative functions only have been performed;
3.2.2 20% if administrative functions and zoning review have been performed;
3.2.3 50% if administrative functions, zoning review and all or part of the *Building Code* review have been performed; and
3.2.4 60% if all administrative functions and reviews have been completed and the building permit has been issued or is available to be issued.

3.3 No refund is available for:
3.3.1 Flat fees prescribed in Column 5 of Table 1;
3.3.2 minimum fees prescribed in subsections 2.1 and 2.2 of this Schedule;
3.3.3 fees in the amount of $500 or less;
3.3.4 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, or,
3.3.5 applications or permits where construction or demolition has commenced

DRAFT

3.4 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.

4 ADMINISTRATIVE FEES

4.1 To offset additional investigative and administrative costs, a fee of $250.00 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 $350.00 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.

4.2 To offset additional costs associated with the investigation, inspection, administration and rectification of unsafe buildings pursuant to section 15.9 of the *Act*, a fee of $500 shall be paid where any Unsafe Order is issued, and an additional fee of $500 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.

4.3 To transfer a *permit* from one *permit holder* to another, an additional fee of $100.00 shall be payable.

4.4 Except as provided in 4.5, for written requests for information concerning a property's compliance with the *Building Code* and applicable law, the fee shall be $80.00.

4.5 For written requests for information to support Provincial license applications unrelated to a current *permit* or *permit* application, the fee shall be $250.00 Where there is a current *permit* or *permit* application, the fee shall be $80.00

4.6 For the reproduction of documents, the fee shall be $10.00 plus 110% of the cost of reproduction, plus a fee for *Town* staff preparation time at $100.00/hour.

4.7 Where a requested inspection reveals an infraction which was identified at a previous inspection and not remedied, an additional fee of $100.00 shall be payable prior to subsequent inspections being scheduled.

4.8 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 $100.00 shall be payable prior to subsequent inspections being scheduled.

4.9 For phased projects, in addition to the *permit* fee for the complete building, an additional fee of $500.00 for each phase shall be payable.

4.10 For *conditional permits*, the fee shall be the *permit* fee for the proposed construction plus an additional 10% of that fee. A minimum additional fee of $500.00 and a maximum of $3000.00 applies to *conditional permits*. Conditional *permit* fees are not refundable.

4.11 Notwithstanding subsection 1.5 of this Schedule, for changes of house models, an additional fee of $300.00 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.

4.12 When a *permit* is suspended or is deemed incomplete and an inspection is subsequently requested, an additional fee of $200.00 shall be paid for each such inspection.

DRAFT

4.13 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*.

DRAFT

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			
1	Group A Assembly	Transportation Terminals	$15.51	
2		Portable classrooms (each)		$473
3		Outdoor Pool	$10.83	
4		All Other Assembly Occupancies	$18.64	
5	Group B: Institutional		$20.18	
6	Group C: Residential	Single Detached Dwelling (SDD)	$14.09	
7		Multiple Unit buildings less than 4 stories high	$16.63	
8		Repeat of Previously approved *Certified Model*	$11.55	
9		Hotel/Motel	$18.64	
10		Apartment buildings	$11.18	
11		Unfinished Basement/Foundations	$4.81	
12		Detached or semi-detached carport/garage		$315
13		Garage incorporating a dwelling unit (GDU)		$977
14		Repeat of previously approved GDU		$840
15		Accessory utility building (ie. Garden shed, Gazebo)		$110
16		Deck/Covered Porch		$110
17	Group D: Business and Personal Services	Shell Only (including unfinished basement)	$12.02	
18		Partitioned/Finished/Mezzanine	$15.51	
19		Temporary Real Estate Sales Office		$1,000
20	Group E: Mercantile	Shell Only (including unfinished basement)	$10.10	
21		Partitioned/Finished/Mezzanine	$13.23	
22	Group F: Industrial	Shell Only (including unfinished basement)	$7.81	
23		Partitioned/Finished/Mezzanine	$10.82	
24		Gas Station/Canopy, Car Wash	$9.99	
25		Repair garage	$10.82	
26		Parking Garage (underground, open air)	$4.94	
27		Farm Building	$4.27	
28		Rack Storage Systems	$7.81	
29	All Occupancies	Permanent Tent/Air supported structure	$5.59	
30		Repair or reclad wall	$0.26	
31		Ceiling (new or replacement)	$0.39	
32		Mechanical Penthouse	$7.81	
33		Temporary Building		$150
34		Shoring (/m of length)	$12.02	
35		Underpinning (/m of length)	$12.02	
36	Designated Structures	Communication Tower		$300
37		Crane Runway		$450
38		Exterior Storage Tank		$300
39		Pedestrian Bridge (/m of length)	$33.31	
40		Retaining Wall (/m of length)	$16.65	
41		Sign regulated by the Building Code		$300
	Section B: ALTERATION or repair to existing construction and CHANGE OF USE(as defined by the Ontario Building Code)			
42	Group A: Assembly	Restaurant	$7.78	
43		All other assembly occupancies	$5.38	
44	Group B: Institutional		$5.38	
45	Group C: Residential	Accessory Apartment	$10.19	
46		All other Residential occupancies	$5.38	
47		Exterior door or door from garage into dwelling		$300
48		Below grade stair		$300
49	Group D: Business and Personal Service		$5.37	
50	Group E: Mercantile	Restaurant	$7.78	
51		All other mercantile occupancies	$5.37	
52	Group F: Industrial		$4.90	
53	All Occupancies	Electromagnetic Locking Device (each)	$215.00	
54		Parking Structure Repair	$1.44	
55		Balcony Guard Replacement (/m of length)	$1.74	
56		Window Replacement (each)	$6.01	
57		Remediation of premises used for production of illicit drugs		$6,895
	Section C: DEMOLITION			
58	Group C: Residential	Single/Semi-detached/accessory		$273
59	All Other Occupancies	Complete/ Partial/ Interior Demolition		$714
	Section D: MECHANICAL and FIRE PROTECTION WORK (Proposed as stand alone work)			
60	All Occupancies	Heating, ventilation, air conditioning	$0.90	
61		Fire Alarm System (per storey)	$312.06	
62		Replacement Annunciator/Control Panel only (per storey served)	$312.06	
63		Sprinkler System	$0.87	
64		In-rack sprinkler System	$0.87	
65		Standpipe System (per riser)	$120.24	
66		Emergency Power		$600
67		Emergency Lighting (per storey)	$159.31	
68		Fireplace/Woodstove		$110
69		Heating plant replacement		$158
70		Special Ventilation Systems (each)		$450
	Section E: PLUMBING			
71	Residential Service Connections	Service Connection (per lot)		$110
72	All Occupancies	Each fixture	$15.75	
73		Each Appliance	$15.75	
74		Each Rain Water Hopper	$15.75	
75		Conversion from Septic System to sewer		$137
76		Each Backflow preventer		$137
77		Water service (/length in m)	$15.75	
78		Building storm drain, building storm sewer (/length in m)	$15.75	
79		Each Manhole	$42.00	
80		Each Catchbasin	$42.00	
81		Each Area Drain	$42.00	
	Section F: ON-SITE SEWAGE SYSTEMS (Proposed separately or in conjunction with other construction)			
82		New System		$1,208
83		Replacement of Leaching Bed		$756
84		Replacement of Septic Tank or Minor Repair of Part of a System		$473
85		Evaluation of System (no alterations required)		$158
86		Review of Clearances Only		$116
	Section G: GREEN ENERGY SYSTEMS (Proposed as stand alone work)			
87		Solar domestic hot water systems (serving individusl dwellings)		$110
88		Solar domestic hot water systems (serving all other buildings)		$525
89		Solar photovoltaic systems (serving individual dwellings)		$110
90		Solar photovoltaic systems (serving all other buildings)		$525
91		Geothermal Systems		$315
92		Wind Turbines (per turbine)		$210

DRAFT

Schedule B

DOCUMENTS & DRAWINGS REQUIRED FOR A *COMPLETE APPLICATION*

Row	Class of *Permit*	Documents and Drawings Required
1 (a)	***Permit* to *Construct*** • **New Buildings** **Residential** • Detached Houses • Semi-detached Houses • Duplex/Triplex/Fourplex • Townhouse Blocks	**Documents** a. Approval documents required by an applicable law b. TARION 'Declaration of Applicant for Building Permit' c. Heat loss/heat gain/duct calculations (per dwelling unit) d. Residential Mechanical Ventilation Summary * **Drawings** a. Site Plan b. Site Grading Plan c. Architectural Drawings (including block floor plans for each floor, block roof plans and block elevations for townhouse blocks) d. Structural Drawings e. Roof truss / Pre-engineered floor system shop drawings (including block plans for townhouse blocks) f. HVAC Drawings (per dwelling unit) g. On-site *Sewage System* Drawings (including On-site *Sewage System* Statement of Design)
1 (b)	***Permit* to *Construct*** • **Additions/Alterations** • **Accessory Buildings** **Residential as in Row 1(a)**	**Documents** a. Approval documents required by an applicable law b. Heat loss/heat gain/duct calculations c. Residential Mechanical Ventilation Summary * **Drawings** a. Site Plan b. Site Grading Plan c. Architectural Drawings d. Structural Drawings e. HVAC Drawings f. On-site *Sewage System* Drawings (including On-site *Sewage System* Statement of Design)
2(a)	***Permit* to *Construct*** • **New Buildings** • **Additions** **Non-residential buildings** **Residential apartment buildings** **Mixed use buildings** **Other residential buildings not described in Row 1(a)**	**Documents** a. Approval documents required by an applicable law b. Commitment to General Reviews by Architects and Engineers * c. Subsurface investigation report d. Heat loss/heat gain/duct calculations e. Plumbing Data Form * f. Energy Efficiency Certification Form * **Drawings** a. Site Plan b. Site Servicing / Site Grading Plan c. Architectural Drawings d. Structural Drawings e. HVAC Drawings f. Plumbing Drawings g. Electrical Drawings h. Fire Protection System Drawings i. On-site *Sewage System* Drawings (including On-site *Sewage System* Statement of Design)

DRAFT

Row	Class of *Permit*	Documents and Drawings Required
2(b)	***Permit to Construct*** • ***Alterations*** • ***Tenant Improvements*** ***Non-residential buildings and other residential buildings not described in Row 1(a)***	**Documents** **a. Approval documents required by an applicable law** **b. Commitment to General Reviews by Architects and Engineers** **c. Heat loss/heat gain/duct calculations** **d. Plumbing Data Form *** **Drawings** **a. Site Plan** **b. Key Plan** **c. Architectural Drawings** **d. Structural Drawings** **e. HVAC Drawings** **f. Plumbing Drawings** **g. Electrical Drawings** **h. Fire Protection System Drawings** **i. On-site Sewage System Drawings (including On-site Sewage System Statement of Design)**

DRAFT

3	***Permit* to *Construct*** • **Tents/Air Supported Structures** • **Mechanical Only *Permits*** • **Plumbing Only *Permits*** • **Designated Structures** • **Farm Buildings** • **Green energy projects (solar, wind, geothermal etc.)** • **Other than Rows 1, 2 and 4**	**Documents** a. Approval documents required by an applicable law b. Documents from Rows 1(a) to 2(b) or other documents which are applicable to the scope of work proposed and required by the *chief building official* to determine compliance with the *Building Code* and other applicable law **Drawings** a. Drawings from Rows 1(a) to 2(b) which are applicable to the scope of work proposed and required by the *chief building official* to determine compliance with the *Building Code* and other applicable law
4	***Permit* for Change of Use**	**Documents** a. Approval documents required by an applicable law b. Commitment to General Reviews by Architects and Engineers **Drawings** a. Site Plan b. Key Plan c. Architectural Drawings d. HVAC Drawings
5	***Permit* to *Demolish***	**Documents** a. Approval documents required by an applicable law b. Commitment to General Reviews by Architects and Engineers **Drawings** a. Site Plan b. Demolition Plan (where required)

Notes:
1. Documents marked with an asterisk (*) are available from the chief building official.
2. 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 it's submission.

DRAFT