

-2007

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 TOWN 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 therefore 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, 2008.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS
DAY OF NOVEMBER , 2007.

SHEILA BIRRELL, TOWN CLERK

FRANK SCARPITTI, MAYOR

ATTACHMENT "A"

SCHEDULE ‘A’

TO BY-LAW XXX-2007

TARIFF OF FEES FOR PROCESSING DEVELOPMENT APPLICATIONS

PLANNING AND URBAN DESIGN DEPARTMENT FEES	
- Fees shall be calculated at the rate in effect on the date paid. This provision applies to all applications, including those filed before February 1, 2007. 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. - 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. - 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. - Unless otherwise noted, Development application fees are payable at time of application. - Fees shall only be accepted in conjunction with the filing of a complete application as determined by the Director of Planning and Urban Design. - 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. - For categories 1 to 3, cost of notifications for meetings and hearings will be charged back to applicant	
1. OFFICIAL PLAN/SECONDARY PLAN AMENDMENT (a) Minor amendment (see notes for definition) (b) Major amendment (see notes for definition)	\$ 8,530 per application \$22,680 per application
2. ZONING BY-LAW AMENDMENT (a) Minor amendment (see notes for definition) Major amendment (see notes for definition) (b) Removal of “H” (Holding) provision (c) Minister’s Zoning Order (d) Deeming By-law (e) Additional Public meeting due to revisions by owner/applicant (payable before meeting) (f) Additional report to Committee or Council due to revisions by owner/applicant (payable before Committee meeting)	\$ 7,900 per application \$15,920 per application \$ 2,920 per application \$ 5,100 per application \$ 2,920 per application \$ 2,800 per meeting \$ 2,800 per report
3. SITE PLAN CONTROL <i>Note: Adjustments to the total fee payable will be required at each payment stage, to reflect increases in the total number of units and increases in fees, if any.</i> (a) Residential (i) New single detached or semi detached unit governed by Site Plan Control By-law # 262-94 as amended, (Heritage Districts and other specific areas) or as a condition of consent and ground oriented townhouse dwelling units within blocks of 10 units or less where no fee has been paid for the processing of the plan of subdivision in accordance with section 4 hereof. (ii) Ground oriented townhouse dwelling units within blocks of 10 units or less within a plan of subdivision where the applicable per unit planning processing fee has been paid through a subdivision application (iii) Blocks or buildings of 11 units or more, where the applicable per unit planning processing fee has not been paid through a subdivision or consent application (c) Base Fee: • Ground-Oriented Residential Uses (single detached, semi-detached, townhouses): 40 % collected at time of application and 60% collected at execution of agreement • Apartments: 40 % collected at time of application and 60% collected at execution of agreement (b) Residential Additions/ Alterations in Heritage Conservation Districts, Heritage Study Areas, Designated Buildings and in Heritage Estates • less than 50m² • 50m² or larger (c) Industrial, Commercial, Institutional (ICI) new or additions (increase in gfa) Base Fee Gross Floor Area, 40 % collected at time of application and 60% collected at execution of agreement or undertaking (d) Minor Site Plan Control Applications Minor site plan applications including but not limited to; changes to parking lots, revisions to facades, outdoor patios, amendments to existing agreements, etc (e) Telecommunication Towers (f) Recirculation of site plan drawings due to revisions by owner (where owner has failed to revise drawings as requested by Town)	\$1,150 per unit \$200 per unit \$3,800 per application \$690 per unit \$460 per unit \$50 per unit \$500 per unit \$3,800 per application \$1.71 m² of gfa \$3,960 per application \$7,080 per application \$1,150 per recirculation
4. DRAFT PLAN OF SUBDIVISION <i>Note: Adjustments to the total fee payable will be required at each payment stage, to reflect increases in the total number of units and increases in fees, if any.</i> (a) Plan of Subdivision (i) Base Fee	\$12,500 per application plus the fee payable according to s. 4(a) (ii) or (iii)

PLANNING AND URBAN DESIGN DEPARTMENT FEES (Continued)

(ii) Commercial, institutional, industrial (ICI), other non-residential uses, mixed-use (community amenity) and residential blocks containing more than 10 units in each or any block (excluding park blocks, valleylands, hazard lands, environmental buffer blocks, stormwater management blocks and open space areas to be conveyed into public ownership). 10% collected at time of application, 30% collected at draft plan approval and 60% collected at execution of agreement	\$3,440 per half hectare or part thereof
(iii) Ground-Oriented Residential Uses (single detached, semi detached, townhouses within a block of 10 units or less). 10% collected at time of application, 30% collected at draft plan approval and 60% collected at execution of agreement	\$690 per unit
(b) Extension of Draft Approval	\$2,920 per application
(c) Revision of draft approved plan and/or draft plan conditions, when requested by the owner	
Minor (no report required)	\$5,720 per application
Major (report required)	\$14,150 per application
(d) Request for subdivision agreement	
First phase of subdivision	\$19,280 per agreement
Subsequent phases	\$13,520 per agreement
(e) Model Home/Sales trailer agreement, payable at execution of agreement	\$1,880 per agreement
(f) Exemption from Part Lot Control	\$2,920 per M-plan
(g) Recirculation of draft plan not approved (when requested by owner)	\$1,250 per set of drawings
5. DRAFT PLAN OF CONDOMINIUM	
<i>Note: Adjustments to the total fee payable will be required at each payment stage, to reflect increases in the total number of units and increase in fees, if any</i>	
(a) All condominium types	\$11,440 per application
(b) Extension of draft approval	\$2,920 per application
(c) Revision of draft approved plan and/or draft plan conditions, when requested by owner	\$3,960 per application
6. COMMITTEE OF ADJUSTMENT	
(a) By-law variance, change in legal non conformity, and zoning interpretation for residential property, excluding apartments and condominiums	\$1,400.00 per application
(b) By-Law variance, change in legal non conformity, and zoning interpretation for all other property types, including apartments and condominiums	\$1,600.00 per application
(c) Consent	
(i) conveyance creating a new residential lot, payable prior to finalization of conveyance	\$2,200 per application; plus the fee payable according to s. 6 (c) (i) or (ii) \$690.00 per unit
(ii) conveyance creating a new industrial, commercial, or institutional lot, payable prior to finalization of conveyance, minimum fee \$3,300.00	\$3,440.00 per half hectare or part thereof of the newly created lot, \$2,400.00 per application
(iii) establishment of an easement, mortgage, etc.	\$5,720.00 per agreement,
(iv) preparation of development agreement, payable at registration of agreement	
(d) Technical Amendments	\$730.00 per application
Residential applications for variances to rectify existing conditions requiring minor review by staff, at the discretion of the Director of Planning	
(e) By-law variance, change in legal non conformity, zoning interpretation for all property types on a Draft Plan of Subdivision	\$3,330.00 per application; plus \$690.00 for the greater of; number of proposed lots and/or proposed units
7. URBAN DESIGN FEES	
• Unless otherwise noted, Urban Design fees are collected at execution of agreement.	
(a) Site plans	
Review and approval of landscape drawings and inspection of site. Minimum fee is \$1,670.00.	5.1% of the estimated cost of construction of the landscape works or \$1670 whichever is higher \$300.00 per agreement
Minor Applications requiring Short Form Agreements	
(b) Subdivision	
Review and approval of landscape drawings and inspection of site.	5.10% of estimated cost of construction of the landscaping works or \$690 per unit/lot on the plan of subdivision whichever is higher
	\$840 per application
	\$2,810.00 per application
	\$1,250 per submission
	\$570 per inspection
(c) Fence variance	
Residential	
Industrial or commercial	
(d) Fee for additional submission/review and inspections	
Where an owner files more than three submissions of landscape drawings, due to revisions by the owner or the owner's failure to revise drawings as requested by the Town, an additional fee will be charged.	
Where a third (or more) inspection is required, due to unaddressed deficiencies identified during earlier inspections, an additional fee will be charged	

ENGINEERING DEPARTMENT FEES

- Fees shall be calculated at the rate in effect on the date paid. This provision applies to all applications, including those filed before February 1, 2007. 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.
- 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.
- 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.
- Fees shall only be accepted in conjunction with the filing of a complete application.
- 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.
- Unless otherwise noted, Engineering Division fees are collected at agreement stage.

1. SITE PLAN WORKS

BASE FEE: Review and approval of internal and external drawings and inspections. 5.1% or \$2,900 whichever is higher

Fee is based on percentage of cost of internal works, including but not limited to; curbs, pavement, parking lot structure, retaining walls, grading, on site storm sewers and stormwater management facilities, etc. and external works, including but not limited to; sanitary and storm sewer connections, water service, driveways, sidewalks, boulevard treatment, road works, traffic controls, etc. Minimum fee of \$2,900.00. Payable either prior to conditional permit or execution of site plan agreement stage whichever is earlier.

PLUS: For multi storey residential applications only

2. PLAN OF SUBDIVISION

Review and approval of engineering drawings, inspection and administration of agreement. Fee is based on percentage of the estimated construction cost of public works plus 10% contingencies, including but not limited to; erosion and sedimentation controls, underground and above ground works, streetlights, etc. within the plan of subdivision, (both internal and external works) as prepared by the consulting engineer. 40 % payable at submission of engineering drawings and 60% payable at either pre-servicing stage or agreement stage, whichever is earlier.

3. RESIDENTIAL SERVICE CONNECTION

Fee is based on percentage of the total cost of engineering work required within the municipal road allowance 16.0%

4. FEE FOR ADDITIONAL SUBMISSION/REVIEW AND INSPECTIONS

Where an owner files more than three submissions of engineering drawings, due to revisions by the owner or the owner's failure to revise drawings as requested by the Town, an additional fee will be charged.

Where a third (or more) inspection is required, due to unaddressed deficiencies identified during earlier inspections, an additional fee will be charged

NOTES:

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 and 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



BY-LAW 2007-XXX

Being a By-law respecting Construction, Demolition
and 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 Town of Markham desires to repeal By-law 2007-16 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 TOWN 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 for applications set out in the *Building Code* 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 1.1 of the *Building Code*;

“*supplementary submission*” means information filed with the *chief building official* in relation to a building permit application and include voluntary submissions and submission that may be required to determine *Building Code* compliance;

“*Town*” means The Corporation of the Town 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 *PERMITS*

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

4. REQUIREMENTS FOR *PERMIT APPLICATIONS*

General Requirements

4.1. Every *permit* application 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. An application for a *permit* may be refused by the *chief building official* where it is not a *complete application*.

4.3. 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.

4.4. Notwithstanding subsection 4.3, completed forms generated electronically shall be accepted subject to the endorsement by the *applicant*. [*what is*

endorsement – execution of the form? The by-law should specify how an electronic form is endorsed. Or does the form itself identify how it shall be endorsed?]

Applications for Permits to Construct

- 4.5. Every application for a *permit* to *construct* a building shall:
- 4.5.1. 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;
 - 4.5.2. be accompanied by the plans, specifications, documents, forms and other information prescribed in section 5 and Schedule B of this By-law; and
 - 4.5.3. 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

- 4.6. Every application for a *permit* to *demolish* a building shall:
- 4.6.1. 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;
 - 4.6.2. 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 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

- 4.7. In addition to the requirements of subsection 4.5, every application for a *partial permit* shall:
- 4.7.1. require a *permit* application for the entire project; and
 - 4.7.2. 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*.
- 4.8. The *chief building official* may issue a *partial permit* when the *chief building official* determines it is necessary *[is it ever necessary? Or is it really “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.
- 4.8.1. 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.
- 4.9. The *chief building official* shall not, by reason of the issuance of a *partial permit* pursuant to this By-law, be under any obligation to grant any additional *permits*.

Applications for Conditional Permits

- 4.10. In addition to the requirements of subsection 4.5, every application for a *conditional permit* shall:
- 4.10.1. 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
 - 4.10.2. 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.
- 4.11. The *chief building official* may, at his or her discretion, issue a *conditional* *t* 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

- 4.12. Every application for a *permit* for a change of use shall;
- 4.12.1. 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

- 4.13. An *applicant* may file an application for a *certified model*.
- 4.14. Every application for a *certified model* shall;
- 4.14.1. be made on an application form prescribed by the *chief building official*; and
 - 4.14.2. be accompanied by the plans, specifications, documents, forms and other information prescribed in section 5 of this By-law.
- 4.15. 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

- 4.16. 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

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

5. PLANS AND SPECIFICATIONS

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

- 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 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".
- 7.5. For the purposes of subsection 7.4, the fees earned by the *Town* shall be the proportion of the total fees payable earned at the time of the request to be calculated in accordance with section 3 of Schedule "A".
- 7.6. There shall be no refund of *permit* fees where a *permit* has been revoked, except where the *permit* was issued in error or where the *applicant* requests revocation no more than six months after the *permit* is issued. In such cases, the amount of refund 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. Notices required by the *Building Code* or this By-law shall be made in writing and given by the *permit holder* to the *chief building official* a minimum of two business days prior to the stages of construction specified therein and shall be made in accordance with the requirements of section 2.4.5.1 of the *Building Code*.

9.2. 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*.

9.3. Notwithstanding section 10, 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.

9.4. In addition to the notices prescribed in section 2.4.5.1 of the *Building Code*, the person to whom a *permit* has been issued shall give the *chief building official* notice of the readiness for inspection for the following stages of construction, where applicable:

- 9.4.1. commencement of construction of the building
- 9.4.2. commencement of construction of:
 - 9.4.2.1. masonry fireplaces and masonry chimneys,
 - 9.4.2.2. factory-built fireplaces and allied chimneys,
 - 9.4.2.3. stoves, ranges, space heaters and add-on furnaces using solid fuels and allied chimneys
- 9.4.3. 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 subsection 2.4.1. 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.

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 2007-16, 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 2007-16 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, 2008.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS DAY
OF .2007.

SHEILA BIRRELL
TOWN CLERK

FRANK SCARPITTI
MAYOR

Note: Schedule "A" – Classes of *Permit* Fees and Refunds
Schedule "B" – Documents and Drawings Required for *Permit* Applications

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, or
 - 1.1.2 the product of the fee multiplier for each class of *permit* prescribed in Column 4 of Table 1 of this Schedule and the related floor area or other measure specified in Column 3.
- 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 subsection 1.1?, 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 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 \$80/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 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 \$300.
- 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 they serve single detached dwelling or multiple unit buildings less than 4 stories high, no additional fee shall be levied for decks, fireplaces, unfinished basements, attached garages, heating systems or plumbing systems proposed and constructed at the same time as the single dwelling they serve. The applicable shell-only fee in Table 1 applies to non-residential unfinished basements.

- 1.11 No additional fee shall be levied for sprinklers, fire alarms, electromagnetic locking devices, or other mechanical systems or equipment proposed and installed at the same time as the construction they serve.
- 1.12 For interior partitioning, floor areas used for the calculation of fees shall be the lesser of:
- 1.12.1 the area contained within a rectangle encompassing the partitions being erected, or
 - 1.12.2 the actual area of the tenant space;
 - 1.12.3 but in no case shall the floor area be less than 50m²
- 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 A minimum fee of \$60.00 shall be charged for any application unless otherwise provided in this Schedule or Table 1.

3. CALCULATION OF REFUNDS

- 3.1 Pursuant to section 6 of this By-law, refunds shall be calculated as follows:

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

- 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;
 - 3.2.4 55% if the *permit* has been issued and no inspections have been conducted; and
 - 3.2.5 An additional 10% for each inspection conducted whether or not construction is proceeding.
- 3.3 No refund is available for minimum fees paid pursuant to 2.1 of this Schedule.
- 3.4 No refund is available for flat fees prescribed in Table 1.

4. ADMINISTRATIVE FEES

- 4.1 For construction or demolition which has been commenced prior to *permit* issuance, to offset the additional investigative and administrative costs, the *permit* fee prescribed in Section 3 shall be increased by \$300.00 upon the issuance of each Order to Comply under the *Act*. This additional fee is not a penalty and shall not relieve any person or corporation from complying with the *Act*, the *Building Code* or any applicable law.
- 4.2 To transfer a *permit* from one *permit holder* to another, an additional fee of \$100.00 shall be payable.
- 4.3 For written requests for information of record concerning a property's compliance with the *Building Code* and applicable law, the fee shall be \$80.00.
- 4.4 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 \$80/hour.
- 4.5 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..
- 4.6 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.
- 4.7 For phased projects, in addition to the *permit* fee for the complete building, an additional fee of \$200.00 for each phase shall be payable.
- 4.8 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 \$100.00 and a maximum of \$1500.00 applies to *conditional permits*. Conditional *permit* fees are not refundable.
- 4.9 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.
- 4.10 When a *permit* is suspended or is deemed incomplete and an inspection is subsequently requested, an additional fee of \$150.00 shall be paid for each such inspection.

TABLE 1 - Calculation of Permit Fees				
1	2	3	4	5
Class of Permit, Occupancy Classification and Work Description				
(A) CONSTRUCTION: New buildings, additions to existing buildings, including Mezzanines or new intermediate floors				
1	Group A Assembly	Transportation Terminals	\$10.34	
2		Single, detached portable classrooms		\$312
3		Outdoor Pool	\$7.21	
4		All Other Assembly Occupancies	\$12.42	
5	Group B: Institutional		\$13.46	
6	Group C: Residential		\$9.39	
7		Single Detached Dwelling (SDD)	\$11.08	
8		Multiple Unit buildings less than 4 stories high	\$7.70	
9		Repeat of Previously approved SDD design	\$12.42	
10		Hotel/Motel	\$7.45	
11		Apartment buildings	\$3.21	
12		Unfinished Basement/Foundations		\$208
13		Detached or attached carport, garage/accessory building	\$9.39	
14		Detached Garage incorporating a dwelling unit (GDU)	\$7.70	
15		Repeat of previously approved GDU		
16		Unenclosed deck/porch	\$8.01	\$104
17	Group D: Business and Personal Services	Shell Only	\$10.34	
18		Partitioned/Finished/Mezzanine		
19		Temporary Real Estate Sales Office		\$555
20	Group E: Mercantile	Shell Only	\$6.73	
21		Partitioned/Finished/Mezzanine	\$8.82	
22		Shell Only	\$5.21	
23	Group F: Industrial	Partitioned/Finished/Mezzanine	\$6.65	
24		Gas Station/Canopy, Car Wash	\$7.21	
25		Repair garage	\$7.21	
26		Parking Garage (underground, open air)	\$3.29	
27		Farm Building	\$2.85	
28		Rack Storage Systems	\$5.21	
29	All Occupancies	Permanent Tent/Air supported structure	\$3.73	
30		Repair or reclad wall	\$0.18	
31		Ceiling (new or replacement)	\$0.26	
32		Mechanical Penthouse	\$5.21	
33		Temporary Building		\$111
34		Moving or relocating a building		\$555
35		Shoring (/m of length)	\$8.01	
36		Underpinning (/m of length)	\$8.01	
37	Designated Structures	Communication Tower		
38		Crane Runway		\$222
39		Exterior Storage Tank		\$333
40		Pedestrian Bridge (/m of length)	\$22.20	
41		Retaining Wall (/m of length)	\$11.10	
42		Satellite Dish/Solar Collector		\$111
43		Signs regulated by the Building Code s.3.14		\$222
(B) ALTERATION: Alteration or repair to existing construction and CHANGE OF USE: No				
44	Group A: Assembly	Restaurant	\$4.01	
45		All other assembly occupancies	\$2.40	
46	Group B: Institutional		\$2.40	
47	Group C: Residential	Accessory Apartment	\$5.61	
48		All other Residential occupancies	\$2.40	
49		Door leading to a basement from exterior or from garage		\$222
50		Below grade stair		\$222
51	Group D: Business and Personal Service			
52	Group E: Mercantile	Restaurant	\$2.40	
53		All other mercantile occupancies	\$4.00	
54	Group F: Industrial		\$2.16	
55	All Occupancies	Electromagnetic Locking Device (each)	\$2.08	
56		Parking Structure Repair	\$104.00	
57		Balcony Guard Replacement (/m of length)	\$0.96	
58		Window Replacement (each)	\$1.16	
59		Manjuaana Grow-op Remediation	\$4.01	\$2,000
(C) DEMOLITION:				
60	Group C: Residential	Single/Semi-detached/accessory		\$156
61		All Other Buildings	\$0.09	
(D) MECHANICAL/FIRE PROTECTION WORK:				
62	Group A: Assembly	Heating, ventilation, air conditioning	\$0.60	
63	Group B: Institutional	Heating, ventilation, air conditioning	\$0.60	
64	Group C: Residential	Heating, ventilation, air conditioning	\$0.43	
65	Group D: Business	Heating, ventilation, air conditioning	\$0.60	
66	Group E: Mercantile	Heating, ventilation, air conditioning	\$0.43	
67	Group F: Industrial	Heating, ventilation, air conditioning	\$0.43	
68	All Occupancies	Fire Alarm System (per storey)	\$208.00	
69		Replacement Annunciator/Control Panel only (per storey served)	\$208.00	
70		Sprinkler System	\$0.26	
71		In-track sprinkler System	\$0.26	
72		Standpipe System (per riser)	\$80.14	
73		Emergency Power		\$222
74		Emergency Lighting (per storey)	\$111.00	
75		Fireplace/Woodstove		\$67
76		Heating plant replacement		\$111
77		Special Ventilation Systems		\$333
(E) PLUMBING:				
78	All Occupancies	Each fixture	\$10.40	
79		Each Appliance	\$10.40	
80		Each Rain Water Hopper	\$10.40	
81		Conversion from Septic System to sewer		\$67
82		Testable backflow preventer		\$55
83		Other backflow preventer		\$11
84		Water service pipe (per length In m)	\$10.40	
85		Sanitary/storm drain & sanitary/storm sewer (per length In m)	\$10.40	
86		Manhole		\$22
87		Catchbasin		\$22
88		Area Drain		\$22
89		Special Inspection		\$55
(F) ON-SITE SEWAGE SYSTEMS: Proposed separately or in conjunction with other construction				
90		New System		\$832
91		Replacement of Part of a System		\$333
92		Evaluation of System (no alterations required)		\$111
93		Review of Clearances Only		\$67

Schedule B
DOCUMENTS & DRAWINGS REQUIRED FOR PERMIT APPLICATIONS

Row	Class of <i>Permit</i>	Documents and Drawings Required
1 (a)	<i>Permit to Construct</i> • New Buildings Residential • Detached Houses • Semi-detached Houses • Duplex/Triplex/Fourplex • Townhouse Blocks	Documents a. Applicable Law Checklist b. TARIION Declaration of <i>Applicant</i> for Building <i>Permit</i> c. Heat loss/heat gain/duct calculations * d. Residential Mechanical Ventilation Summary Drawings a. Site Plan b. Site Grading Plan c. Architectural Drawings (including block plans/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 g. On-site <i>Sewage System</i> Drawings (including On-site <i>Sewage System</i> Statement of Design)
1 (b)	<i>Permit to Construct</i> • Additions/Alterations • Accessory Buildings Residential as in Row 1(a)	Documents a. Applicable Law Checklist 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 <i>Sewage System</i> Drawings (including On-site <i>Sewage System</i> Statement of Design)
2(a)	<i>Permit to Construct</i> • New Buildings • Additions Non-residential buildings Residential apartment buildings Mixed use buildings Other residential buildings not described in Row 1(a)	Documents a. Applicable Law Checklist 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 <i>Sewage System</i> Drawings (including On-site <i>Sewage System</i> Statement of Design)

2(b)	<i>Permit to Construct</i> • Alterations • Tenant Improvements Non-residential buildings and other residential buildings not described in Row 1(a)	Documents a. Applicable Law Checklist 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)
3	<i>Permit to Construct</i> • Tents/Air Supported Structures • Mechanical Only <i>Permits</i> • Plumbing Only <i>Permits</i> • Designated Structures • Farm Buildings • Other than Rows 1, 2 and 4	Documents a. Applicable Law Checklist 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 <i>chief building official</i> to determine compliance with the <i>Building Code</i> 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 <i>chief building official</i> to determine compliance with the <i>Building Code</i> and other applicable law
4	<i>Permit for Change of Use</i>	Documents a. Applicable Law Checklist Drawings a. Site Plan b. Key Plan c. Architectural Drawings d. HVAC Drawings
5	<i>Permit to Demolish</i>	Documents a. Applicable Law Checklist b. Commitment to General Reviews by Architects and Engineers Drawings a. Site Plan

Notes:

1. Unless marked with an asterisk (*), 'Documents' described in this schedule are available from the *chief building official*.
2. The *chief building official* may waive the requirements for any specified documents or drawings where the scope of work, applicable law or *Building Code* requirements does not necessitate its submission.