



NOTICE OF PUBLIC MEETING

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

- Building By-law 2011-263, being a by-law respecting construction, demolition and change of use permits and inspections, and
- Development By-law 211-83, being a by-law for the tariff of fees for processing development applications.

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

DATE: Monday, December 9, 2013
TIME: 6:30 p.m.
PLACE: Council Chambers
Anthony Roman Centre
101 Town Centre Boulevard
Markham, Ontario, L3R 9W3

BUILDING BY-LAW

The City of Markham proposes to repeal By-law 2011-263 enacted under section 7 of the *Building Code Act*, and to enact a new building by-law for the issuance of permits and related matters, including the establishment of a revised fee schedule.

The City reviews and adjusts building permit fees annually, to ensure they meet but do not exceed the anticipated reasonable costs to administer and enforce the *Act* within its jurisdiction. The Town's fee model includes a thorough analysis of the direct and indirect costs associated with the administration and enforcement of the building code. The proposed amendment will adjust fees to reflect anticipated costs in 2014.

Purpose and Effect of the Proposed Changes

1. An increase of 5.00% from the 2013 fees, to reflect the anticipated costs of administering and enforcing the building code, to maintain a reserve and to cover capital costs to initiate a comprehensive electronic system for applications and plan review and a comprehensive zoning by-law project.
2. Inclusion of agreement and changes to fees for the introduction of Registered Code Agents (RCA) as permitted in the *Building Code Act*.

DEVELOPMENT BY-LAW

Under the Planning Act, a municipality can charge fees for anticipated costs in providing a service. Our projected costs for administering planning applications have increased from the previous year.

The Town of Markham is proposing to amend By-law 211-83 to increase the majority of our fees to ensure we cover our increase in costs and to maintain an adequate reserve. The increase in fees covering the Engineering and Planning/Urban Design Departments is 10.00% from our 2013 fees. Other minor changes to the structure of the by-law are also being proposed.

ADDITIONAL INFORMATION

Additional information relating to the Building By-law is available from Tim Moore, Director Building Standards (905-475-4712) and for the Development Fee by-law is available from Jamie Bosomworth, Manager of Strategy and Innovation (905-477-7000, extension 2180).

**Suggested Resolution for Consideration
at the Development Services Committee Public Meeting
December 9, 2013**

THAT the Record of the Public Meeting held on December 9, 2013, with respect to the proposed amendments to the Development and Building Fee By-laws be received;

That the amendment to the "Tariff of Fees for Processing Planning Applications," By-law 211-83, substantially in the form attached as Attachment "A", be enacted;

And that By-law 2011-263 be repealed and the attached "By-law respecting Construction, Demolition and Change of Use Permits and Inspections," attached as Attachment "B", be enacted;

And that the By-laws come into force and take effect on January 1, 2014.



2013-

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, 2014.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS
DAY OF DECEMBER, 2013.

CITY CLERK

MAYOR

SCHEDULE 'A'

TO BY-LAW XXX-2013 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 as applicable, and may include Development Application Fees, Supplementary Fees, and Miscellaneous Fees as listed in this by-law.
- 2.2. All fees are HST applicable.
- 2.3. 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	25%
5.1.3.4. After Site Plan Endorsement and/or after Recommendation Report received by Committee	No refund

DEVELOPMENT APPLICATION FEES

1.0. OFFICIAL PLAN/SECONDARY PLAN AMENDMENT

- | | |
|--|--------------------------|
| 1.1. Minor amendment (see notes for definition)..... | \$13,450 per application |
| 1.2. Major amendment (see notes for definition)..... | \$35,750 per application |

2.0. ZONING BY-LAW AMENDMENT

- | | |
|--|--------------------------|
| 2.1. Minor amendment (see notes for definition)..... | \$12,500 per application |
| 2.2. Major amendment (see notes for definition)..... | \$25,100 per application |
| 2.3. Removal of "H" (Holding) provision..... | \$4,200 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..... | \$19,250 per application |
| (ii) Unit Fee..... | \$1,000 per unit |
| Single Detached, Semi Detached and/or Townhouse units within a block of 10 units or less
<i>40% collected at submission of application and 60% collected at execution of agreement</i> | |
| (iii) Land Area Fee..... | \$9,900 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).
<i>40% collected at submission of application and 60% collected at execution of agreement</i> | |

3.1.2. Urban Design Review

3.1.2.1. Community Planning Review

- | | |
|--|---------------------|
| (i) Unit Fee..... | \$190 per unit |
| Single Detached, Semi Detached and/or Townhouse Units within a block of 10 units or less
<i>40% collected at submission of application and 60% collected at execution of agreement</i> | |
| (ii) Land Area Fee..... | \$9,900 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).
<i>40% collected at submission of application and 60% collected at execution of agreement</i> | |

3.1.2.2. Landscape Review

- | | |
|--|---------|
| (i) Base Fee..... | \$4,400 |
| <i>Payable at first submission of Landscape drawings for each phase of the draft plan of</i> | |

subdivision

(ii) Calculated Fee (whichever is higher) <i>Payable at execution of agreement</i>	
a. Percentage of estimated cost..... of construction of landscape works	6.6%
b. Unit/Lot Fee..... up to 100 units/lots on plan of subdivision	\$330 per unit or lot
3.1.3. Engineering Review	
(i) Calculated Fee (whichever is higher) <i>40 % collected at submission of engineering drawings and 60% collected at execution of an agreement</i>	
a. Percentage of estimated construction cost..... 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	5.5%
b. Lot or Unit Fee.....	\$800.00 per lot or unit
3.2. Extension of Draft Plan Approval.....	\$4,200 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).....	\$2,600 per application
3.3.2. Major (requires report to Committee).....	\$8,250 per application
3.4. Request for Subdivision Agreement	
3.4.1. First phase of subdivision.....	\$27,700 per agreement
3.4.2. Subsequent phases.....	\$19,450 per agreement

4.0. PLAN OF CONDOMINIUM

4.1. Common Element or Vacant Land Condominium.....	\$21,050 per application
4.2. All Condominium Types other than Common Element or Vacant Land	\$18,050 per application
4.3. Extension of Condominium Draft Approval.....	\$4,200 per application
4.4. Revision of Condominium Draft Approved Plan and/or Draft Plan Conditions and/or Amalgamation of multiple Condominiums, when requested by the owner	\$5,700 per application

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.....	\$1,470 per unit
(ii) Urban Design Review Unit Fee..... <i>Payable at execution of agreement</i>	\$500 per unit
(iii) Engineering Review Unit Fee..... <i>Payable at execution of agreement</i>	\$300 per unit

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

5.1.2.1. Planning Review

(i) Base Fee.....	\$5,850 per application
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(ii) Unit Fee.....		\$1,000 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) Non-Residential GFA Fee.....		\$2.51 per m ² of GFA
Applicable to mixed use building/s		
(GFA of building 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.....		\$2,400 per application
(ii) Percentage Fee		6.6%
(Estimated cost of construction of landscape works)		
Payable at execution of agreement		
(iii) Calculated GFA Fee.....		\$1.10 per m ² 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.....		\$4,200 per application
(ii) Percentage Fee		6.6%
(Estimated cost of internal and external works, see definitions)		
Payable at execution of agreement		
(iii) Calculated GFA Fee.....		\$1.10 per m ² 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.....		\$5,850 per application
(ii) GFA Fee.....		\$2.51 per m ² 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.....		\$5,850 per application
(ii) Unit Fee (accommodating overnight or longer stay)		\$1,000 per unit
(iii) Calculated GFA Fee.....		\$2.51 per m ² 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..... \$2,400 per application
- (ii) Percentage Fee 6.6%
(Estimated cost of construction of landscape works)
Payable at execution of agreement
- (iii) Calculated GFA Fee..... \$1.10 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..... \$4,200 per application
- (ii) Percentage Fee 6.6%
(Estimated cost of internal and external works, see definitions)
Payable at execution of agreement
- (iii) Calculated GFA Fee..... \$1.10 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..... \$2,450 per application
- 5.3.2. Urban Design Review..... \$500 per application
- 5.3.3. Engineering Review..... \$500 per application

5.4. Extension of Site Plan Endorsement..... \$1,220 per application

5.5. Heritage ICI – Less than 50m²..... \$700 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..... \$500 per unit
- 6.1.1.3. If over 100 m²
 - 6.1.1.3.1. Planning Review..... \$500 per unit
 - 6.1.1.3.2. Urban Design Review..... \$300 per unit
 - 6.1.1.3.3. Engineering Review..... \$100 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

	<i>(New Development/s Fees are applicable)</i>	
6.1.2.2.	Urban Design Review <i>(New Development/s Fees are applicable)</i>	Item 5.1.2.2. is applicable
6.1.2.3.	Engineering Review..... <i>(New Development/s Fees are applicable)</i>	Item 5.1.2.3. is applicable
6.2	Institutional, Commercial or Industrial (ICI)	
6.2.1.	Planning Review..... <i>(New Development/s Fees are applicable)</i>	Item 5.2.1. is applicable
6.2.2.	Urban Design Review..... <i>(New Development/s Fees are applicable)</i>	Item 5.2.2. is applicable
6.2.3.	Engineering Review..... <i>(New Development/s Fees are applicable)</i>	Item 5.2.3. is applicable
6.3.	Heritage ICI	
6.3.1.	Less than 50m ² For 50m ² or larger <i>New Development Site Plan Fee (item 5.2) is applicable</i>	\$700 per application
6.4.	ICI Façade – Major or Minor as determined by the Director of Planning & Urban Design or designate and/or Director of Engineering or designate	
6.4.1.	Minor.....	\$500 per application
6.4.2.	Major.....	\$2,450 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.....	\$1,220 per application
6.6.2.	Urban Design Review.....	\$500 per application
6.6.3.	Engineering Review.....	\$500 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.....	\$2,450 per application
6.7.2.	Urban Design Review.....	\$500 per application
6.7.3.	Engineering Review.....	\$500 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 buildings)	\$1,400 per application
7.1.1.2.	Residential (Apartment, Condominium and Mixed Use Building/s) & ICI	\$3,300 per application
7.1.2.	With respect to Use	
7.1.2.1.	All types (Residential & ICI).....	\$6,600 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	\$1,000 per application
7.1.4.	Multiple variances related to Draft Plan of Subdivision	
(i)	Base Fee.....	\$4,800 per application
(ii)	Unit Fee..... Number of actual Units/ Lots (Decimal numbers round off to the next greater number)	\$1,000 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..... \$6,600 per application
- (ii) Unit/ Lot Fee..... \$1,000 per unit/lot
Conveyance creating a new residential lot
(excluding apartments, residential
condominiums and mixed use buildings)
payable prior to finalization of conveyance
- (iii) Land Area Fee..... \$9,900 per hectare
All other conveyances creating a parcel, where
the land area of the newly created parcel is
considered
Payable prior to finalization of conveyance

7.2.2. Establishment of an easement..... \$3,450 per application mortgage, lease, validation of title, etc

7.2.3. 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*

7.2.3.1. Major..... \$7,000 per agreement

7.2.3.2. Minor..... \$1,000 per agreement

7.2.4. Re-circulation of drawings when initiated by the Owner.. \$300 per circulation

SUPPLEMENTARY FEES

The following are supplementary fees associated with all development applications:

1. **Additional Public Meeting**..... \$4,050 per meeting
Due to revisions by owner/applicant
Payable before meeting
2. **Additional Report to Committee or Council** \$4,050 per report
Due to revisions by owner/applicant
Payable before Committee meeting
3. **Re-Circulation of Drawings** \$2,600 per circulation
Due to revisions by owner
Payable at circulation
4. **Four or more submissions of Drawings/Plans/Reports/Studies** \$3,200 per submission
(Eg: Urban Design & Landscape Plans, Engineering Drawings, etc.),
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** \$820 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..... \$13,100 per study
 - 6.1.2. New Study..... \$32,700 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.....	\$6,100 per Study
6.2.2. New Study.....	18,150 per Study
6.3. Administration towards Review of Studies	15%
(Planning/ Urban Design or Engineering) using a Peer Review Consultant. (Percentage of estimated Consultant's cost)	
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.	Actual cost of legal counsel and consultants, plus an administration fee in the amount of 15% of the actual cost of legal counsel and consultants
Fee shall be payable in accordance with a Cost Acknowledgement Agreement between the City and the Applicant.	

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.....	\$3,900 per application
2. Deeming By-law.....	\$4,200 per application
3. Exemption from Part Lot Control	\$4,200 per M-plan
Where unit fees have not been received through a draft plan of subdivision application, they will apply through this application	
4. Telecommunication Tower	\$10,200 per application
5. Model Home/Sales trailer agreement	\$2,700 per agreement
<i>Payable at execution of agreement</i>	
6. Heritage Permit for unauthorized work.....	\$320 per application
7. Townhouse Siting – Unit Fee.....	\$300 per unit
8. Fence Variance	
8.1. Residential.....	\$1,200 per application
8.2. Industrial or Commercial.....	\$4,050 per application
9. Residential Service Connection - Percentage fee.....	16.0%
(Total cost of engineering work required within the municipal road allowance)	
10. Site Alteration Permit	
10.1. Urban Design	
(i) Base Fee.....	\$2,000 per application
(ii) Area Fee.....	\$600 per hectare
10.2. Engineering	
(i) Base Fee.....	\$2,000 per application
(ii) Area Fee.....	\$600 per hectare
10.3. Site Inspections (Urban Design or Engineering).....	\$150 per visit
11. Construction Management Plan and/or Traffic Management Plan Review	\$2,500 per application
<i>Payable at submission of Plans</i>	
12. Shoring and Hoarding Encroachment Plan Review.....	\$2,800 per application
<i>Payable at execution of agreement</i>	
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	
13.1. Percentage Fee (Estimate based on the cost of works).....	6.6%
13.2. Estimated Hourly Rate.....	\$130 per hour

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

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.

COMMITTEE

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

HERITAGE

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

ICI

Institutional, Commercial, Industrial

ENGINEERING

Definitions of internal and external works for site plan applications:

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

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



DRAFT

BY-LAW 2013-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 2011-236 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 1.1 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 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. To be considered a *complete application*, every *permit* application shall be accompanied by the approval documents issued by the agencies responsible for the applicable laws listed in the building code, where those agencies issue approval documents and the law applies to the construction or demolition being proposed.

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

4.4. The *chief building official* may, as the chief building official deems appropriate, provide prescribed forms in an electronic format and may allow for the electronic submission of completed *permit* application forms.

- 4.5. Notwithstanding subsection 4.4, completed forms generated electronically shall be accepted subject to the endorsement by the *applicant*.

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*.

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*.

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 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 Town'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:

- 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.

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 2011-236, 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 2011-236 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 2014.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS
1st DAY OF NOVEMBER, 2013.

KIMBERLEY KITTERINGHAM
TOWN CLERK

FRANK SCARPITTI
MAYOR

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 \$12 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 \$80.00/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.
- 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:

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

- 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; 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
- 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 \$200 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 \$300 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 \$200.00 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 \$80.00/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 \$100.00 and a maximum of \$2000.00 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.
- 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*.

Class of Permt. Occupancy Classification and Work Description		\$/m ²	Flat Fee
Section A: CONSTRUCTION of new buildings, additions to existing buildings, including Mezzanines or new intermediate floors			
1 Group A Assembly	Transportation Terminals	\$14.20	
2	Single, detached portable classrooms		\$420
3	Outdoor Pool	\$9.95	
4	All Other Assembly Occupancies	\$17.14	
5 Group B Institutional		\$18.55	
6 Group C Residential	Single Detached Dwelling (SDD)	\$12.98	
7	Multiple Unit buildings less than 4 stories high	\$15.29	
8	Repeat of Previously approved SDD design	\$10.62	
9	Hotel/Motel	\$17.14	
10	Apartment buildings	\$10.28	
11	Unfinished Basement/Foundations	\$4.42	
12	Detached or semi-detached carport/garage		\$300
13	Garage incorporating a dwelling unit (GDU)		\$925
14	Repeat of previously approved GDU		\$800
15	Accessory utility building (ie. Garden shed, Gazebo)		\$105
16	Unenclosed deck/porch		\$105
17 Group D Business and Personal Services	Shell Only (including unfinished basement)	\$11.06	
18	Partitioned/Finished Mezzanine	\$14.28	
19	Temporary Real Estate Sales Office		\$750
20 Group E Mercantile	Shell Only (including unfinished basement)	\$9.28	
21	Partitioned/Finished Mezzanine	\$12.16	
22 Group F Industrial	Shell Only (including unfinished basement)	\$7.18	
23	Partitioned/Finished Mezzanine	\$9.94	
24	Gas Station/Canopy, Car Wash	\$9.18	
25	Repair garage	\$9.94	
26	Parking Garage (underground, open air)	\$4.54	
27	Farm Building	\$3.93	
28	Rack Storage Systems	\$7.18	
29 All Occupancies	Permanent Tent/Air supported structure	\$5.13	
30	Repair or re-clad wall	\$6.24	
31	Ceiling (new or replacement)	\$0.38	
32	Mechanical Penthouse	\$7.18	
33	Temporary Building		\$150
34	Shoring (1m of length)	\$11.06	
35	Underpinning (1m of length)	\$11.00	
36 Designated Structures	Communication Tower		\$300
37	Crane Runway		\$450
38	Exterior Storage Tank		\$300
39	Pedestrian Bridge (1m of length)	\$30.62	
40	Retaining Wall (1m of length)	\$15.31	
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	\$7.15	
43	All other assembly occupancies	\$4.95	
44 Group B Institutional		\$4.95	
45 Group C Residential	Accessory Apartment	\$9.37	
46	All other Residential occupancies	\$4.95	
47	Door leading to a basement from exterior or from garage		\$300
48	Below grade stair		\$300
49 Group D Business and Personal Service		\$4.94	
50 Group E Mercantile	Restaurant	\$7.15	
51	All other mercantile occupancies	\$4.61	
52 Group F Industrial		\$4.50	
53 All Occupancies	Electromagnetic Locking Device (each)	\$210.00	
54	Parking Structure Repair	\$1.32	
55	Balcony Guard Replacement (1m of length)	\$1.61	
56	Window Replacement (each)	\$5.52	
57	Remediation of premises used for production of illicit drugs		\$6,895
Section C: DEMOLITION			
58 Group C Residential	Single/Semi-detached/accessory		\$250
59	All Other Buildings		\$650
Section D: MECHANICAL and FIRE PROTECTION WORK (Proposed as stand alone work)			
60 All Occupancies	Heating, ventilation, air conditioning	\$0.83	
61	Fire Alarm System (per storey)	\$286.87	
62	Replacement Annunciator/Control Panel only (per storey served)	\$286.87	
63	Sprinkler System	\$0.80	
64	In-rack sprinkler System	\$0.80	
65	Standpipe System (per riser)	\$110.53	
66	Emergency Power		\$600
67	Emergency Lighting (per storey)	\$146.44	
68	Fireplace/Woodstove		\$105
69	Heating plant replacement		\$150
70	Special Ventilation Systems (each)		\$430
Section E: PLUMBING			
71 Residential Service Connections	Service Connection (per lot)		\$105
72 All Occupancies	Each fixture	\$14.34	
73	Each Appliance	\$14.34	
74	Each Rain Water Hopper	\$14.34	
75	Conversion from Septic System to sewer		\$130
76	Each Backflow preventer		\$130
77	Water service (length in m)	\$14.34	
78	Building storm drain, building storm sewer (length in m)	\$14.34	
79	Each Manhole	\$30.62	
80	Each Catchbasin	\$30.62	
81	Each Area Drain	\$30.62	
Section F: ON-SITE SEWAGE SYSTEMS (Proposed separately or in conjunction with other construction)			
82	New System		\$1,150
83	Replacement of Leaching Bed		\$720
84	Replacement of Septic Tank or Minor Repair of Part of a System		\$450
85	Evaluation of System (no alterations required)		\$150
86	Review of Clearances Only		\$100
Section G: GREEN ENERGY SYSTEMS (Proposed as stand alone work)			
87	Solar domestic hot water systems (serving individual dwellings)		\$105
88	Solar domestic hot water systems (serving all other buildings)		\$525
89	Solar photovoltaic systems (serving individual dwellings)		\$105
90	Solar photovoltaic systems (serving all other buildings)		\$525
91	Geothermal Systems		\$315
92	Wind Turbines (per turbine)		\$210

DOCUMENTS & DRAWINGS REQUIRED FOR A *COMPLETE APPLICATION*

Row	Class of Permit	Documents and Drawings Required
1 (a)	Permit to Construct <ul style="list-style-type: none"> New Buildings Residential <ul style="list-style-type: none"> Detached Houses Semi-detached Houses Duplex/Triplex/Fourplex Townhouse Blocks 	Documents <ol style="list-style-type: none"> Approval documents required by an applicable law TARION 'Declaration of Applicant for Building Permit' Heat loss/heat gain/duct calculations (per dwelling unit) Residential Mechanical Ventilation Summary * Drawings <ol style="list-style-type: none"> Site Plan Site Grading Plan Architectural Drawings (including block floor plans for each floor, block roof plans and block elevations for townhouse blocks) Structural Drawings Roof truss / Pre-engineered floor system shop drawings (including block plans for townhouse blocks) HVAC Drawings (per dwelling unit) On-site <i>Sewage System</i> Drawings (including On-site <i>Sewage System</i> Statement of Design)
1 (b)	Permit to Construct <ul style="list-style-type: none"> Additions/Alterations Accessory Buildings Residential as in Row 1(a)	Documents <ol style="list-style-type: none"> Approval documents required by an applicable law Heat loss/heat gain/duct calculations Residential Mechanical Ventilation Summary * Drawings <ol style="list-style-type: none"> Site Plan Site Grading Plan Architectural Drawings Structural Drawings HVAC Drawings On-site <i>Sewage System</i> Drawings (including On-site <i>Sewage System</i> Statement of Design)
2(a)	Permit to Construct <ul style="list-style-type: none"> New Buildings Additions Non-residential buildings Residential apartment buildings Mixed use buildings Other residential buildings not described in Row 1(a)	Documents <ol style="list-style-type: none"> Approval documents required by an applicable law Commitment to General Reviews by Architects and Engineers * Subsurface investigation report Heat loss/heat gain/duct calculations Plumbing Data Form * Energy Efficiency Certification Form * Drawings <ol style="list-style-type: none"> Site Plan Site Servicing / Site Grading Plan Architectural Drawings Structural Drawings HVAC Drawings Plumbing Drawings Electrical Drawings Fire Protection System Drawings On-site <i>Sewage System</i> Drawings (including On-site <i>Sewage System</i> Statement of Design)

2(b)	<p>Permit to Construct</p> <ul style="list-style-type: none"> • Alterations • Tenant Improvements <p>Non-residential buildings and other residential buildings not described in Row 1(a)</p>	<p>Documents</p> <ul style="list-style-type: none"> 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 * <p>Drawings</p> <ul style="list-style-type: none"> 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	<p>Permit to Construct</p> <ul style="list-style-type: none"> • 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 	<p>Documents</p> <ul style="list-style-type: none"> 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 <i>chief building official</i> to determine compliance with the <i>Building Code</i> and other applicable law <p>Drawings</p> <ul style="list-style-type: none"> 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	<p>Permit for Change of Use</p>	<p>Documents</p> <ul style="list-style-type: none"> a. Approval documents required by an applicable law b. Commitment to General Reviews by Architects and Engineers <p>Drawings</p> <ul style="list-style-type: none"> a. Site Plan b. Key Plan c. Architectural Drawings d. HVAC Drawings
5	<p>Permit to Demolish</p>	<p>Documents</p> <ul style="list-style-type: none"> a. Approval documents required by an applicable law b. Commitment to General Reviews by Architects and Engineers <p>Drawings</p> <ul style="list-style-type: none"> 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 its submission.

THE CORPORATION OF THE CITY OF MARKHAM

**EXTRACT CONTAINING ITEM #0009 OF THE DEVELOPMENT SERVICES COMMITTEE
OF (Nov 05, 2013)****9. DEVELOPMENT FEE AND BUILDING FEE BY-LAWS UPDATE (2014) (10.0)****Report Attachment**

Jim Baird, Commissioner of Development Services, advised of pending updates to the Development Fee and Building Fee By-laws. A Public Meeting will be scheduled for December, 2013 with the anticipation that the by-laws will be approved and take effect shortly after.

The Committee and staff discussed the proposed adjustments to the fee model and the changing building trends since the introduction of new by-laws several years ago. Staff are proposing a review of the by-laws and their structure and will report back to the Committee in early 2014. The Committee requested comparables from across the Region when this matter comes forward.

Moved by: Councillor Logan Kanapathi

Seconded by: Councillor Alex Chiu

- 1) That the Report titled "Development Fee and Building Fee By-laws Update (2014)", dated November 5, 2013 be received; and,**
- 2) That the proposed amendments be referred to the Development Services Committee Public Meeting to be held on December 3, 2013; and further,**
- 3) That Staff be authorized and directed to do all things necessary to give effect to this resolution.**

CARRIED

