

**THE CORPORATION OF THE TOWN OF ORANGEVILLE**

**BY-LAW NO. 109-93**

*Amended by  
28-July  
110-2005  
56-2007*

**A BY-LAW under the Building Code Act, R.S.O. 1992, Chapter 23 respecting permits and related matters.**

**WHEREAS Section 7 of the Building Code Act, R.S.O. 1992 authorizes a municipal council to pass by-laws concerning the issuance of permits and related matters.**

**NOW THEREFORE THE CORPORATION OF THE TOWN OF ORANGEVILLE BY THE MUNICIPAL COUNCIL THEREOF ENACTS AS FOLLOWS:**

**SECTION 1            TITLE**

1.1    This By-law may be cited as the "Building Permit By-law".

**SECTION 2            DEFINITIONS AND WORD USAGE**

In this By-law:

- 2.1    "Act" means the Building Code Act, 1992, as amended.
- 2.2    "Applicant" means the owner of a building or property who applies for a permit or any person authorized by the owner to apply for a permit on the owner's behalf, or any person or corporation empowered by statute to cause the demolition of a building or buildings and anyone acting under the authority of such person or corporation.
- 2.3    "Building Code" means the regulation made under Section 34 of the Act.
- 2.4    "Chief Building Official" means the Chief Building Official appointed by Council under Section 3 of the Act.
- 2.5    "Inspector(s)" means such assistant Building Inspectors as may be appointed by by-law of the Corporation of the Town of Orangeville for the purpose of enforcement of the Act.
- 2.6    "Owner" means the registered owner of the land and includes a lessee, mortgagee in possession, and the person in charge of the property.
- 2.7    Where the word "his" is used it shall be understood that the words "her" or "their" may also be used without changing the meaning or requirements of the provisions set out herein.
- 2.8    "Permit" means permission or authorization given in writing by the Chief Building Official to perform work regulated by the Act and Building Code, or to occupy a building or part thereof.
- 2.9    "Permit Holder" means the person to whom the permit has been issued and who assumes the primary responsibility for complying with the Act and the Building Code.
- 2.10   "Prescribed Value" means, as determined by the Chief Building Official, the value of construction of a proposed building including the total value of all work, services and materials in respect of its construction and of all professional and related services. The prescribed value includes, but is not limited to:
  - (a)    materials and the supplying or furnishing and placing thereof;
  - (b)    equipment and the furnishing or supplying thereof;

- (c) the doing of any work and services for the purpose of the construction;
- (d) all monetary supplementary benefits to workmen whether by statute, contract, or collective bargaining agreement;
- (e) professional and other services related to the proposed construction; and
- (f) total invoiced costs and any other gross costs including overhead incurred for the purpose of and component to the proposed construction.

The prescribed value shall include all of the above whether paid for or supplied by the owner. The minimum prescribed values shall be in accordance with those set forth in Schedule "B" of this By-law, or as determined by the Chief Building Official if not covered in the said Schedule.

- 2.11 "Method of Measurement" for residential buildings shall be in accordance with Builder Bulletin No. 22 "Floor Area Calculations" by the Ontario New Home Warranty Program where applicable. The method of measurement for other classes of permits shall be in accordance with the most current means costing book or determined by the Chief Building Official where not otherwise referenced.
- 2.12 Terms not defined in this By-law shall have the meaning ascribed to them in the Act or the Building Code.

### **SECTION 3            CLASSES OF PERMITS**

- 3.1 Classes of permits required for construction, demolition or change of use are set forth in Schedule "A" appended to and forming part of this By-law.

### **SECTION 4            PERMITS**

- 4.1 To obtain a permit, an applicant shall file an application in writing on forms prescribed by and available from the Chief Building Official, and shall supply any other information relating to the application as required by the Chief Building Official.
- 4.2 Every building permit application shall:
  - (a) identify and describe in detail the work, use and occupancy to be covered by the permit for which the application is made;
  - (b) identify and describe in detail the existing use(s) and the proposed use(s) for which the premises are intended;
  - (c) describe the land on which the work is to be done, by a description that will readily identify and locate the site on which the building or demolition is to occur;
  - (d) be accompanied by plans and specifications as described in the By-law;
  - (e) be accompanied by the required fees as calculated in accordance with Schedule "A";
  - (f) state the names, addresses and telephone numbers of the owner, applicant, architect, engineer, or other designer, and the constructor or person hired to carry out the demolition or construction, as the case may be;

- (g) when Section 2.3 of the Building Code applies, be accompanied by a signed acknowledgement of the owner on a form prescribed by the Chief Building Official that an architect or professional engineer, or both, have been retained to carry out the general review of the construction or demolition of the building;
  - (h) when Section 2.3 of the Building Code applies, be accompanied by a signed statement of the architect or professional engineer, or both, on a form prescribed by the Chief Building Official, undertaking to provide a general review of the construction or demolition of the building;
  - (i) include, where applicable, the registration number of the builder or vendor as provided in the Ontario New Home Warranties Plan Act;
  - (j) state estimated valuation of the proposed work including material and labour; and
  - (k) be signed by the applicant who shall certify as to the truth of the contents of the application.
- 4.3 In addition to the requirements of subsection (4.2) above, every demolition permit application shall:
- (a) when Section 2.3 of the Building Code applies, be accompanied by structural design characteristics of building and the method and time schedule of the demolition; and
  - (b) be accompanied by satisfactory proof 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.
- 4.4 In addition to the requirements of subsection (4.2) above, every construction permit application for part of a building shall:
- (a) include an application for the entire project; and
  - (b) include plans and specifications covering the part of the work for which expeditious approval is desired, together with such information pertaining to the remainder of the work as may be required by the Chief Building Official.
- 4.5 In addition to the requirements of subsection (4.2) above, every conditional permit application for the construction of a building shall:
- (a) state the reasons why the applicant believes that unreasonable delays in construction would occur if a conditional permit is not granted; and
  - (b) state necessary approvals which must be obtained in respect of the proposed building and the time in which such approvals will be obtained.
- 4.6 In addition to the applicable requirements of subsection (4.2) above, every change of use permit application shall:
- (a) describe the building or part thereof in which the occupancy is to be changed; and
  - (b) include plans and specifications which show the current and proposed occupancy of all parts of the building, and which contain sufficient information to establish compliance with the requirements of the Building Code including, floor plans, detail of wall, floor and roof assemblies identifying required fire resistance rating and load bearing capacities.

- 4.7 The Chief Building Official shall, where conditions in subsection (4.4) above, have been fulfilled, issue a permit for part of a building subject to compliance with the Act, the Building Code and any applicable law.
- 4.8 The Chief Building Official may, where conditions in Subsection 8(3) to 8(5) of the Act and subsection (4.5) above have been fulfilled, issue a conditional permit for a building subject to compliance with the Act, the Building Code, and any applicable law.
- 4.9 The Chief Building Official shall not, by reason of the issuance of a permit or permits for a part or parts of the building issued under subsections (4.4) and (4.5) be under any obligation to grant any further permit or permits therefore.
- 4.10 Where an application for a permit remains incomplete or inactive for six months from the date the application was made, the application may be deemed by the Chief Building Official to have been abandoned and the application may be cancelled. If the applicant wishes to continue with the application prior to cancellation, it shall be in the form of a written request. The Chief Building Official may allow the application to remain and attach any conditions thereto.
- 4.11 Where a permit is issued and the construction or demolition has not commenced or is substantially suspended or discontinued for a period of time as prescribed in the Act, the permit may be revoked and notice thereof shall be given to the holder of the permit in accordance with Section 9. If the holder of the permit wishes to continue with the construction or demolition, a written request shall be submitted to the Chief Building Official. Upon receipt of the request, the Chief Building Official may allow the permit to continue in effect and attach any conditions thereto.

## **SECTION 5 PERMIT FOR PART OF A BUILDING**

- 5.1 Where a permit for a part of a building is desired prior to the issuance of a permit for the entire project, application shall be made and fees paid for the entire project, and plans and specifications covering the part of the work for which more expeditious approval is desired, together with such information pertaining to the remainder of the work as may be required by the Chief Building Official, shall be filed with the Chief Building Official.
- 5.2 The Chief Building Official may, where conditions in subsection 5.1 have been fulfilled, issue a permit for part of a building subject to compliance with applicable laws and payment of fees prescribed in Schedule "A".

## **SECTION 6 PLANS AND SPECIFICATIONS**

- 6.1 Every applicant shall furnish:
  - (a) sufficient plans, specifications, documents and other information to enable the Chief Building Official to determine whether the proposed construction, demolition, or change of use conforms to the Act and the Building Code; and
  - (b) a site plan referenced to a current survey certified by a registered Ontario Land Surveyor and a copy of such survey shall be filed with the municipality unless this requirement is waived because the Chief Building Official is able, without having a current plan of survey, to determine whether the proposed work conforms to the Act, the Building Code, and any other applicable law. Site plan will include some or all of the requirements listed below as determined by the Chief Building Official:

- i) lot size and dimensions of property;
  - ii) setbacks from existing and proposed buildings to property boundaries and to each other;
  - iii) existing and finished ground levels or grades; and
  - iv) existing rights-of-way, easements and municipal services.
- 6.2 Plans submitted shall be legible and be drawn to scale upon paper or other suitable and durable material.
- 6.3 The Chief Building Official shall determine the number of plans, specifications, documents and other information required to be furnished with an application for permit having regard for the requirements of any Act, regulation or by-law respecting the examination or circulation of the application.
- 6.4 On completion of the construction of a building, the Chief Building Official may require a set of "as constructed" plans, including a plan of survey showing the location of the building.
- 6.5 Plans and specifications furnished according to this By-law or otherwise required by the Act become the property of the municipality and will be disposed of or retained in accordance with relevant legislation.

## **SECTION 7                      OCCUPANCY CERTIFICATES FOR NEW RESIDENTIAL DWELLINGS**

- 7.1 Occupancy Certificates shall not be issued until the plan of subdivision has been registered.
- 7.2 Occupancy Certificates shall be issued in two stages, for each Building Permit issued, as set forth below:
- (a) the first stage of the Occupancy Certificate shall be issued to allow occupancy of the dwelling unit upon a final inspection of the unit being passed and approved by the Corporation of the Town of Orangeville's Building Department; and
  - (b) the second and final stage of occupancy shall be issued by the Public Works Department when a final stamped and approved lot grading certificate by the Owner's consulting engineer has been received and is acceptable to the Director of Public Works or his designate. A separate certificate is required for each dwelling unit.

## **SECTION 8                      FEES**

- 8.1 The Chief Building Official shall determine the required fees calculated in accordance with Schedule "A" for the work proposed and the applicant shall pay such fees. No permit shall be issued until the fees therefore have been paid in full.
- 8.2 The value of the proposed work, for the purpose of determining permit fees, shall include the cost components outlined in Schedule "C" of this By-law.
- 8.3 Upon written request, the Chief Building Official shall determine the amount of fees, if any that may be refunded in accordance with Schedule "A" in the case of:

- (a) withdrawal of an application,
  - (b) abandonment of an application pursuant to subsection 4.10 above,
  - (c) refusal to issue a permit, or
  - (d) request for revocation of a permit pursuant to Clause 8(10)(e) of the Act.
- 8.4 Subject to subsection 9.1, there shall be no refund of permit fees where a permit has been revoked.

## **SECTION 9            REVOCATION OF PERMIT**

- 9.1 Prior to revoking a permit under Clauses 8(10)(b) and (c) of the Act, the Chief Building Official shall give written notice of intention to revoke to the permit holder at his last known address and if on the expiration of thirty (30) days from the date of such notice, the ground(s) for revocation continues to exist, the permit may be revoked without further notice and all submitted plans and other information may be disposed of.

## **SECTION 10          DEFERRAL OF REVOCATION**

- 10.1 On receipt of notice of intention to revoke a permit, a permit holder may request in writing within thirty (30) days from the date thereof the Chief Building Official to defer the revocation of such permit.
- 10.2 A request for deferral shall set out the reasons why the permit should not be revoked and the date by which the work will be commenced or resumed.
- 10.3 Having considered the circumstances of the request and having determined that there have been no changes to the Act and the Building Code and any other applicable laws which would have prevented the issuance of the original permit, the Chief Building Official may allow a deferral to a prescribed date, and shall notify the permit holder.
- 10.4 A request for deferral of revocation is subject to a fee in accordance with Schedule "A".

## **SECTION 11          TRANSFER OF PERMIT**

- 11.1 Permits are transferable only upon the completion of a permit application form by the new owner or his agent in accordance with Section 4, and subject to approval by the Chief Building Official who may attach any conditions thereto.
- 11.2 A fee, as prescribed in Schedule "A" shall be payable on a transfer of permit by the new owner or his agent who shall thenceforth be the permit holder for the purpose of the Act and the Building Code.

## **SECTION 12          REFUNDS**

- 12.1 Where a building permit has not been acted upon and the holder of the permit returns it for cancellation prior to the commencement of the project, before such permit has expired or been revoked, the holder of the permit shall be entitled to a refund not to exceed one-half of the permit fee paid, provided however, that no refund shall be made which shall result in the retention by the Corporation of the Town of Orangeville of a sum less than the minimum fee payable as per Schedule "A".

- 12.2 Where the applicant for a building permit cancels the application prior to the issuance of the permit, the Chief Building Official may retain an amount of not less than one quarter of the permit fee payable, as is in his opinion appropriate, having regard for the stage to which the application has been processed, and the balance of the fees actually paid will be refunded to the applicant, provided that no refund will be made which shall result in the retention by the Corporation of the Town of Orangeville of a sum less than the minimum fee payable as per Schedule "A".

### SECTION 13 NOTIFICATIONS

- 13.1 Notices for inspections respecting stages of construction required by the Building Code shall be given by the permit holder or his agent to the Chief Building Official at least one business day in advance of each stage of construction specified therein.
- 13.2 A notice pursuant to this section is not effective until written or oral notice is received by the Chief Building Official.

### SECTION 14 SEVERABILITY

- 14.1 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 effect the validity of this By-law as a whole or any part thereof, other than the parts so declared to be invalid.


### SECTION 15 PENALTIES

- 15.1 Any person who contravenes this By-law is guilty of an offence and is liable to a penalty recoverable under the provisions of the Provincial Offences Act.

### SECTION 16 REPEAL

With the passing of this By-law, By-law No. 90-92 is hereby repealed.

PASSED IN OPEN COUNCIL THIS 13<sup>th</sup> day of December, A.D. 1993.



ACTING HEAD OF COUNCIL



CLERK

By-law read a first and second time this 13<sup>th</sup> day of December A.D., 1993.

By-law read a third time this 13<sup>th</sup> day of December A.D., 1993.

**THE CORPORATION OF THE TOWN OF ORANGEVILLE**

**SCHEDULE "A" TO BY-LAW NO. \_\_\_\_\_**

**CLASSES OF PERMITS AND PERMIT FEES**

**1. BUILDING PERMIT:**

**(To construct, extend, alter or repair a building.)**

- 1.1 \$8.00 per \$1,000 of value or part thereof with a minimum fee of \$50.00.**

**2. HEATING PERMIT:**

**(To install, construct, alter, add or replace: a heating, air conditioning or ventilating system, other than a window type air-conditioner or electric baseboard heating units; or a solid fuel-fired heating appliance, including a stove, range, spaceheater, masonry fireplace, factory built fireplace, boiler, furnace, service water heater, fireplace insert, or any other similar appliance; required when not a part of a Building Permit or other permits, where required.)**

- 2.1 \$8.00 per \$1,000 of value or part thereof with a minimum fee of \$50.00.**

**3. PLUMBING PERMIT:**

**(To construct, alter, add, install or replace any plumbing system or part thereof including connection of pool equipment to the sanitary or storm sewer system when not a part of a Building Permit or other permits, where required.)**

- 3.1 \$8.00 per \$1,000 of value or part thereof with a minimum fee of \$50.00.**

**4. DRAIN PERMIT:**

**(To construct, alter, add, install or replace any storm drain or sanitary drain when not a part of a Building Permit or other permits, where required.)**

- 4.1 \$8.00 per \$1,000 of value or part thereof with a minimum fee of \$50.00.**

**5. SEWER PERMIT:**

**(To construct, alter, add, install or replace any storm sewer or sanitary sewer outside a building or on vacant land when not as part of a Building Permit or other permits, where required.)**

- 5.1 \$8.00 per \$1,000 of value or part thereof with a minimum fee of \$50.00**

**6. DEMOLITION PERMIT:**

- 6.1 \$8.00 per \$1,000 of value or part thereof of the total demolition costs with a minimum fee of \$50.00.**



**7. FARM BUILDING PERMIT:**

(To construct, extend, alter or repair a building intended for farming purposes, other than residential occupancy.)

- 7.1 \$8.00 per \$1,000 of value or part thereof with a minimum fee of \$50.00.

**8. CHANGE OF USE PERMIT:**

(Issued for new use of a building; more restrictive classification of occupancy than previous use.)

- 8.1 \$8.00 per \$1,000 of value or part thereof with a minimum fee of \$50.00.

**9. INCREASE OF PERMIT FEE:**

- 9.1 Where an applicant for a Building Permit or other permit(s) makes material changes to plans, specifications or calculations, after submission to the Building Department for approval, the Chief Building Official may increase the required permit fee(s) by applying the rates in this schedule to the value of the changes and require payment of such increased fee(s) prior to the permit(s) being issued.

**10. TRANSFER OF PERMIT:**

- 10.1 Where the new owner or his agent makes application for a transfer of a permit(s), there shall be a \$50.00 administration fee for each permit.

THE CORPORATION OF THE TOWN OF ORANGEVILLE

SCHEDULE "B" TO BY-LAW NO. \_\_\_\_\_

PROJECT VALUATION

<u>CLASSIFICATION OF BUILDING</u>	<u>VALUE</u>
1. Residences (new construction, additions) Floor area not exceeding 3,500 sq.ft. per dwelling unit	\$ 55 per sq.ft.
2. Residences (new construction, additions) Floor area over 3,500 sq.ft., but not exceeding 5,000 sq.ft.	\$ 65 per sq.ft.
3. Residences (new construction, additions) Floor area exceeding 5,000 sq.ft.	\$75 per sq.ft.
4. Residences (alterations, renovations)	\$31.50 per sq.ft.
5. Garages for residences on individual lots	\$21 per sq.ft.
6. Agricultural buildings (barns, stables, etc.)	\$21 per sq.ft.
7. Decks	\$10.50 per sq.ft.
8. Commercial, public, industrial, and all other occupancies	sq.ft. cost to be based on the most current means costing book

NOTES TO THE PRECEDING

*Residences include single family dwellings, duplexes, and triplexes.*

*Values for a multiple unit building may be applied on a per unit basis.*

**THE CORPORATION OF THE TOWN OF ORANGEVILLE**

**SCHEDULE "C" TO BY-LAW NO. \_\_\_\_\_**

**LIST OF COST COMPONENTS FOR CONSTRUCTION TO BE INCLUDED  
IN THE AUDITED FINANCIAL STATEMENT REFERRED TO IN SECTION 8.3**

**DIRECT CONSTRUCTION COSTS**

Shall include but not be limited to the following:

- Site clearing and grading
- De-watering
- Soils and materials testing
- Excavation and backfill
- Sanitary, storm sewer & water costs
- Concrete forming, rebars
- Concrete supply pouring and finishing
- Structural steel floor and roof decks
- Masonry
- Roofing - framing
- Glass and glazing
- Drywall and acoustics
- Doors and hardware
- Painting
- Flooring
- Trim, millwork
- Miscellaneous metals, fabricating
- Hollow metal
- Mechanical
- Electrical, including transformer vault
- Plumbing
- Landscaping
- Paving for walkways, fire access routes
- Driveways for the building proper
- Elevators
- Fireproofing
- Sprinkler systems
- Window cleaning system
- Outside lighting
- Caulking
- Winter/weather conditions
- Architecture/Engineering
- Surveyors fees
- Completion surveys
- Special equipment
- Electricity and heating costs during construction

**ITEMS NOT INCLUDED**

- Land costs
- Land taxes
- Capital taxes
- Development Charges
- Municipal fees
- Tenant inducements
- Leasing commissions
- Legal fees
- Accounting fees
- Site office operation costs for developer and contractor(s)