

**THE CORPORATION OF THE
TOWNSHIP OF CHISHOLM
BY-LAW NO. 2005-21**

Being a By-law to regulate the administration of building permits and related matters

WHEREAS Section 7 of the Building Code Act, 1992, S.O. 1992, Chapter 23, empowers Council to pass certain by-laws respecting construction, demolition and change of use permits and inspections.

THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF CHISHOLM ENACTS AS FOLLOWS:

1. SHORT TITLE

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

2. DEFINITIONS AND WORD USAGE

In this by-law:

- (1) (a) "Act" means the Building Code Act, 1992 as amended.
 - (b) "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.
 - (c) "Building" means a building as defined in Section 1(1) of the Act.
 - (d) "Building Code" means the regulation made under Section 34 of the Act.
 - (e) "Chief Building Official" means the Chief Building Official appointed by Council under Section 3 of the Act.
 - (f) "Designer" means a person or entity responsible for the design of a building as defined in the Ontario Building Code.
 - (g) "Owner" means the person or persons, firm partnership, company or Corporation whose name appears in the Registry Office and Land Titles Office for the District of Nipissing as being the owner or whose name appears on the last revised Assessment Roll for the Township of Chisholm as the assessed owner. For the purposes of this By-law it is sufficient to show the owner as being the registered owner or the assessed owner.
 - (h) "Permit" means written permission or written authorization from the Chief Building Official to perform work regulated by the by-law and the Act, or to change the use of a building or part of a building or parts thereof regulated by the Act.
 - (i) "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.
 - (j) "Plumbing" means plumbing as defined in Section 1(1) of the Act.
- (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

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.

4. PERMITS

Every application for a permit shall be submitted to the Chief Building Official, and contain the following information.

- (1) Where application is made for a construction permit under Subsection 8(1) of the Act, the application shall:
 - (a) use the provincial application form, "Application for a Permit to Construct Demolish" available from the office of the Chief Building Official or from the Ontario Building Code website www.obc.mah.gov.on.ca, set forth in Schedule "C" appended to and forming part of this by-law, and
 - (b) include complete plans and specifications, documents and other information as required by the Chief Building Official, the Building Code and as described in this by-law for the work to be covered by the permit; and
- (2) Where application is made for a demolition permit under Subsection 8(1) of the Act, the application shall:
 - (a) use the provincial application form, "Application for a Permit to Construct Demolish" available from the office of the Chief Building Official or from the Ontario Building Code website www.obc.mah.gov.on.ca, set forth in Schedule "C" appended to and forming part of this by-law, and
 - (b) include complete plans and specifications, documents and other information as required by the Chief Building Official, the Building Code and as described in this by-law for the work to be covered by the permit; and
- (3) Where application is made for a conditional permit under Subsection 8(3) of the Act, the application shall:
 - (a) use the provincial application form, "Application for a Permit to Construct or Demolish" set forth in Schedule "C" appended to and forming part of this by-law;
 - (b) include complete plans and specifications, documents and other information as required by Sentence 2.4.1.3. of the Building Code, the Chief Building Official and as described in this by-law for the work to be covered by the permit;
 - (c) state the reasons why the applicant believes that unreasonable delays in construction would occur if a conditional permit is not granted;
 - (d) state the necessary approvals which must be obtained in respect of the proposed building and the time in which such approvals will be obtained; and
 - (e) state the time in which plans and specifications of the complete building will be filed with the Chief Building Official.
- (4) Where an application is made for a Change of Use permit under subsection 10.(1) of the Act an application shall be submitted to the Chief Building Official, and shall:
 - (a) describe the building in which the occupancy is to be changed, by a description that will readily identify and locate the building,
 - (b) identify and describe in detail the current and proposed occupancies of the building or part of a building for which the application is made,

- (c) include plans and specifications showing 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; details of wall, ceiling and roof assemblies identifying required fire resistance ratings and load bearing capacities, details of the existing "sewage system", if any,
 - (d) be accompanied by the required fee,
 - (e) state the name, address and telephone number of the owner.
 - (f) be signed by the owner or his or her authorized agent who shall certify the truth of the contents of the application.
- (5) The Chief Building Official shall, where conditions in subsection (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.
- (6) The Chief Building Official may, where conditions in Subsection 8(3) to 8(5) of the Act and Subsection (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.
- (7) The Chief Building Official shall not, by reason of the issuance of a permit or permits for a part of parts of the building issued under Subsections (4) and (5) be under any obligation to grant any further permit or permits therefore.
- (8) Where an application for a permit remains incomplete or inactive for six months after it is made, the application may be deemed by the Chief Building Official to have been abandoned and notice thereof shall be given to the applicant.
- (9) To obtain a permit, the owner or an agent authorized in writing by the owner shall file an application in writing by completing a prescribed form available at the office of the municipality or from the Building Code website www.obc.mah.gov.on.ca.

5. PLANS AND SPECIFICATIONS

- (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
 - (a) a site plan referenced to a current plan of survey certified by a registered Ontario Land Surveyor and a copy of such a 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:
 - (i) lot size and dimensions of the 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
 - (v) area of dimensions of existing building and structures where applicable.
- (2) Plans submitted shall be legible and be drawn to scale upon paper or other suitable and durable material.
- (3) The Chief Building Official shall determine the number of plans, specifications, documents and other information required to be furnished with an application for a permit having regard for the requirements of any Act, Regulation or By-law respecting the examination or circulation of the application.

- (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.
- (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.

6. FEES

- (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.
- (2) Upon written request, the Chief Building Official shall determine the amount of fees, if any, that may be refunded in accordance with Schedule "B" 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.
- (3) Subject to subsection 7(1), there shall be no refund of permit fees where a permit has been revoked.
- (4) If the Township of Chisholm proposes to change any fee imposed in this by-law for applications, for a permit or for issuance of a permit, the Township shall:
 - (a) give notice of the proposed changes in fees to such person as may be prescribed, and
 - (b) hold a public meeting concerning the proposed changes.

7. PERMIT REVOCATION, DEFERRAL OF REVOCATION AND TRANSFER

(1) Revocation of Permit

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 for revocation continues to exist, the permit may be revoked without further notice and all submitted plans and other information may be disposed of.

(2) Deferral of Revocation

- (a) On receipt of a notice of intention to revoke a permit, a permit holder may request in writing within thirty (30) days from the date of the notice to petition the Chief Building Official to defer the revocation of such permit.
- (b) 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.
- (c) 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 law 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.

(3) Transfer of Permit

- (a) Permits are transferrable only upon the new owner completing a permit application to the requirements of Section 4.
- (b) A fee, as prescribed in Schedule "A" shall be payable on a transfer of permit by the owner who shall thenceforth be the permit holder for the purpose of the Act and the Building Code.

8. NOTIFICATIONS

- (1) Notices for inspections respecting stages of construction required by the Building Code shall be given by the permit holder to the Chief Building Official at least twenty four hours in advance of each stage of construction specified therein not including weekends, holidays or other days where the office is not open to conduct business with the public.
- (2) A notice pursuant to this section is not effective until written or oral notice is received by the Chief Building Official.

10. CODE OF CONDUCT

The Chief Building Official and Building Inspector(s) shall conduct business in accordance with the Code of Conduct Policy set forth in Schedule "D" appended to and forming part of this By-law.

10. SEVERABILITY

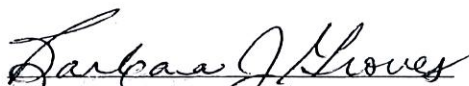
- (1) Should any section, subsection, clause of provision of this By-law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this By-law as a whole or any part thereof, other than the part so declared to be invalid.

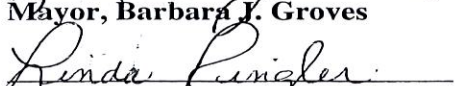
11. REPEAL

- (1) By-law Number 2005-03 of the Corporation of the Township of Chisholm and any other By-laws that are in conflict or inconsistent with this By-law are hereby repealed.

READ A FIRST TIME in open Council this 11th day of October, 2005.

READ A SECOND AND THIRD TIME in open Council and finally passed this 11th day of October, 2005.


Mayor, Barbara J. Groves


Clerk-Treasurer, Linda Ringler

**THIS IS SCHEDULE "A" TO BY-LAW 2005-21 OF THE CORPORATION OF THE
TOWNSHIP OF CHISHOLM.**

CLASSES OF PERMITS AND PERMIT FEES

CLASS OF PERMIT

PERMIT FEE

Building Permit Fees

New buildings and additions
except for accessory buildings

\$465 for first 500 square feet or part
thereof;
\$31 for each additional 100 square feet or part
thereof.

Alterations to all types of buildings

\$77.50 minimum for first \$1,000 of estimated
value or part thereof;
\$15.50 for each additional \$1,000 of estimated
value or part thereof.

Accessory buildings which includes
garages, storage buildings, porches,
carports, sundecks, balconies,
Solariums, and sunrooms.

\$54.25 minimum for first 100 square
feet or part thereof;
\$31 per 100 square feet or part thereof.

** Farm Buildings

** 30% of new building rate

Silos

\$62

Swimming Pools

\$77.50

Occupancy Permit

\$38.75

Plumbing Permit

\$31 plus \$7.75/fixture up to 10 fixtures, then
\$1.55 for each additional fixture.

Moving a building into, within, or
out of Township

\$77.50, plus applicable building permit fee.

Demolition Permits

\$77.50 for all buildings

Inspection for installation of Solid Fuel
Fired Appliances (wood stoves)

\$77.50

Renewal Permit


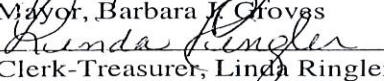
10% of original cost of permit or \$38.75
minimum, whichever is greater.

Note: (1) For the purposes of this Schedule, building area means the total area of all floors above grade measured between the outside surfaces of exterior walls or between the outside surfaces of exterior walls and the centre line of firewalls and where the natural terrain permits a walkout basement, 25% of the floor area of the walkout basement will be included.

(2) For the purposes of this Schedule, building value shall be determined as follows:

Accessory buildings - garages, storage buildings	\$23.25 / sq. ft.
- porches, carports, decks, balconies	\$15.50 / sq. ft.
- solariums, sunrooms	\$62.00 / sq. ft.


**Permit not required for any building under 106 square feet, or for free standing decks.

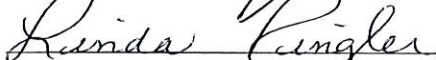

Mayor, Barbara J. Groves

Clerk-Treasurer, Linda Ringler

**THIS IS SCHEDULE "B" TO BY-LAW 2005-21 OF THE CORPORATION OF THE
TOWNSHIP OF CHISHOLM.**

SCHEDULE OF REFUNDS

Status of Permit Application	Percentage of Fee Eligible for Refund
(1) Application filed, plans reviewed, application withdrawn	75% of fee refundable subject to a minimum non-refundable fee of \$35
(2) Application filed, plans reviewed, permit refused	75% of fee refundable subject to a minimum non-refundable fee of \$35
(3) Application filed, plan reviewed, permit issued and works abandoned prior to completion of foundation stage	50% of fee refundable subject to a minimum non-refundable fee of \$35
(4) Application filed, plans reviewed, permit issued and works abandoned after completion of foundation stage	0%
(5) Permit revoked	0%


Mayor, Barbara J. Groves


Clerk-Treasurer, Linda Rigler

THIS IS SCHEDULE "C" TO BY-LAW 2005-21 OF THE CORPORATION OF THE TOWNSHIP OF CHISHOLM

Application for a Permit to Construct or Demolish

This form is authorized under the Building Code Sentence 2.4.1.1A.(2).

Application number		Permit number (if different)	
Date received		Roll number	

Application submitted to: _____
(Name of municipality, upper-tier municipality, board of health or conservation authority)

A. Project information			
Building number, street name		Unit number	Lot/con.
Municipality	Postal code	Plan number/other description	
Project value est. \$	Area of work (m ²)		
B. Applicant			
Last name	First name	Corporation or partnership	
Street address		Unit number	Lot/con.
Municipality	Postal code	Province	E-mail
Telephone number ()	Fax ()	Cell number ()	
C. Owner (if different from applicant)			
Last name	First name	Corporation or partnership	
Street address		Unit number	Lot/con.
Municipality	Postal code	Province	E-mail
Telephone number ()	Fax ()	Cell number ()	
D. Builder (optional)			
Last name	First name	Corporation or partnership (if applicable)	
Street address		Unit number	Lot/con.
Municipality	Postal code	Province	E-mail
Telephone number ()	Fax ()	Cell number ()	
E. Purpose of application			
<input type="checkbox"/> New construction <input type="checkbox"/> Addition to an existing building <input type="checkbox"/> Alteration/repair <input type="checkbox"/> Demolition <input type="checkbox"/> Conditional Permit			
Proposed use of building		Current use of building	
Description of proposed work			
F. Tarion Warranty Corporation (Ontario New Home Warranty Program)			
i. Is proposed construction for a new home as defined in the Ontario New Home Warranties Plan Act? If no, go to section G.		<input type="checkbox"/> Yes	<input type="checkbox"/> No
ii. Is registration required under the Ontario New Home Warranties Plan Act?		<input type="checkbox"/> Yes	<input type="checkbox"/> No
iii. If yes to (ii) provide registration number(s):			
G. Attachments			
i. Attach documents establishing compliance with applicable law as set out in Article 1.1.3.3.			
ii. Attach Schedule 1 for each individual who reviews and takes responsibility for design activities.			
iii. Attach Schedule 2 where application is to construct on-site, install or repair a sewage system.			
iv. Attach types and quantities of plans and specifications for the proposed construction or demolition that are prescribed by the by-law, resolution, or regulation of the municipality, upper-tier municipality, board of health or conservation authority to which this application is made.			
H. Declaration of applicant			
I _____ (print name)		_____ certify that:	
1. The information contained in this application, attached schedules, attached plans and specifications, and other attached documentation is true to the best of my knowledge.			
2. I have authority to bind the corporation or partnership (if applicable).			
_____ Date	_____ Signature of applicant		

Personal information contained in this form and schedules is collected under the authority of subsection 8(1.1) of the Building Code Act, 1992, and will be used in the administration and enforcement of the Building Code Act, 1992. Questions about the collection of personal information may be addressed to: a) the Chief Building Official of the municipality or upper-tier municipality to which this application is being made, or, b) the inspector having the powers and duties of a chief building official in relation to sewage systems or plumbing for an upper-tier municipality, board of health or conservation authority to whom this application is made, or, c) Director, Building and Development Branch, Ministry of Municipal Affairs and Housing 777 Bay St., 2nd Floor, Toronto, M5G 2E5 (416) 585-6666.

Schedule 1: Designer Information

Use one form for each individual who reviews and takes responsibility for design activities with respect to the project.

A. Project Information				
Building number, street name			Unit no.	Lot/con.
Municipality	Postal code	Plan number/ other description		
B. Individual who reviews and takes responsibility for design activities				
Name		Firm		
Street address			Unit no.	Lot/con.
Municipality	Postal code	Province	E-mail	
Telephone number ()	Fax number ()	Cell number ()		
C. Design activities undertaken by the individual in Section B				
<input type="checkbox"/> House	<input type="checkbox"/> HVAC – House	<input type="checkbox"/> Building Structural		
<input type="checkbox"/> Small Buildings	<input type="checkbox"/> Building Services	<input type="checkbox"/> Plumbing – House		
<input type="checkbox"/> Large Buildings	<input type="checkbox"/> Detection, Lighting and Power	<input type="checkbox"/> Plumbing – All Buildings		
<input type="checkbox"/> Complex Buildings	<input type="checkbox"/> Fire Protection	<input type="checkbox"/> On-site Sewage Systems		
Description of designer's work				
D. Declaration of Designer				
I, _____ (print name) declare that (choose one as appropriate):				
<input type="checkbox"/> I review and take responsibility for the design work on behalf of a firm registered under subsection 2.17.4. of the Building Code. I am qualified, and the firm is registered, in the appropriate classes/categories. Individual BCIN: _____ Firm BCIN: _____				
<input type="checkbox"/> I review and take responsibility for the design work and am qualified in the appropriate category as an "other designer" under subsection 2.17.5. of the Building Code. Individual BCIN: _____ Basis for exemption from registration: _____				
<input type="checkbox"/> The design work is exempt from the registration and qualification requirements of the Building Code. Basis for exemption from registration and qualification: _____				
I certify that:				
1. The information contained in this schedule is true to the best of my knowledge.				
2. I have authority to bind the corporation or partnership (if applicable).				
Date			Signature of Designer	

*For the purposes of this form, "individual" means the "person" referred to in Clause 2.17.4.7.(1)(d), Article 2.17.5.1. and all other persons who are exempt from qualification under Subsections 2.17.4. and 2.17.5.

NOTE:

1. Firm and Individual BCIN numbers are not required for building permit applications submitted prior to January 1, 2006
2. Schedule 1 does not need to be completed by architects, or holders of a Certificate of Practice or a Temporary License under the *Architects Act*.

Application for a Permit to Construct or Demolish Schedule 1 06/07/05

Barbara J. Groves
 Mayor, Barbara J. Groves

Linda Ringler
 Clerk-Treasurer, Linda Ringler