

THE CORPORATION OF THE TOWN OF CALEDON

BY-LAW NO. 2011-156

A by-law to govern the issuance and administration of building permits and related matters and to repeal By-laws 2004-117, 2005-131 and 2007-10, as amended

WHEREAS the Council of The Corporation of the Town of Caledon deems it expedient to update the process and fees for building permit applications;

AND WHEREAS Section 7 of the Building Code Act, 1992, S.O. 1992, c. 23 authorizes a municipal council to pass by-laws concerning the issuance of permits and related matters;

NOW THEREFORE, the Council of The Corporation of the Town of Caledon ENACTS as follows:

DEFINITIONS

In this by-law,

1. "Act" means the *Building Code Act*, S.O. c.23, 1992, including amendments thereto:

"applicant" means the owner of lands and premises, building or structure who applies for a permit or the person authorized by the owner to apply for a permit on the owner's behalf:

"Building Code" means the regulations made under the Act:

"prescribed form" means the applicable forms set out in the Act:

"owner" means any person, firm or corporation who owns or controls the lands and premises, buildings or structures:

"permit holder" means the person, firm or corporation to whom a permit has been issued.

CLASSES OF PERMITS

2. The classes of permits for the construction, the demolition, the change of use, or the occupancy of a partially complete building are as set out in Schedule A.

PERMIT APPLICATIONS

3. (1) To obtain a permit, an applicant shall file an application in writing in the prescribed form.
- (2) Every building permit application shall
- (a) identify and describe in detail the proposed work, use and occupancy of the lands, buildings and structures to be included in the permit for which the application is made;
 - (b) identify and describe in detail the existing uses and the proposed use(s) for lands, buildings and structures included in the permit for which the application is made;
 - (c) include the legal description, the municipal address, and where appropriate the unit number, of the land, buildings or structures included in the permit for which the application is made;
 - (d) be accompanied by plans and specifications as set out in this by-law;
 - (e) be accompanied by the required fees as calculated in accordance with Schedules A, A-1 and B to this by-law;

- (f) state the name, address and telephone number of the owner, and where the owner is not the applicant, of the applicant, and where applicable, of the architect, engineer or other designer, and of the constructor or person hired to carry out the construction or demolition, as the case may be;
 - (g) where applicable, be accompanied by a signed acknowledgement of the owner on the required form that an architect or professional engineer, or both, have been retained to carry out the general review of the construction of the building;
 - (h) where applicable, be accompanied by a signed statement of the architect or professional engineer, or both, on the required form, undertaking to provide general review of the construction of the building;
 - (i) include, the applicant's registration number where an applicant is a builder or vendor as defined in the *Ontario New Home Warranties Plan Act*; and
 - (j) be signed by the applicant who shall certify as to the truth of the contents of the application.
- (3) In addition to the requirements of Subsection 3(2), every demolition permit application shall
- (a) where applicable, be accompanied by a signed acknowledgement of the owner on the required form that a professional engineer has been retained to carry out the general review of the demolition;
 - (b) where applicable, be accompanied by a signed statement of the professional engineer on the required form, undertaking to provide general review of the demolition;
 - (c) be accompanied by a Property Status Form.
- (4) In addition to the requirements of Subsection 3(2), every building permit application for part of a building except for a site servicing permit shall
- (a) include an application for the entire project;
 - (b) include plans and specifications covering the part of the work for which a permit application has been submitted, together with such information pertaining to the remainder of the work as may be required by the chief building official; and
 - (c) be accompanied by the required fee for the entire project and the required administrative fee for the partial permit as calculated in accordance with this by-law.
- (5) Where a permit has been issued for part of a project or building, the chief building official will issue a permit for the remainder of the project or building, except where the remainder of the proposed project or building will not comply with the requirements of the *Building Code Act* or the Building Code.
- (6) In addition to the requirements of Subsection 3(2), every conditional permit application for the construction of a building shall
- (a) contain such other information, plans and specifications concerning the complete project as the chief building official may require;
 - (b) state the reasons why the applicant believes that unreasonable delays in construction would occur if a conditional permit is not granted;
 - (c) state the necessary approvals which must be obtained in respect to the proposed buildings and structures and the time in which such approvals will be obtained; and
 - (d) require the owner and such other persons as the chief building official determines to enter into an agreement with the municipality in accordance with the *Building Code Act*.

- (7) In addition to the requirements to Subsection 3(2), every change of use permit application shall
- (a) describe the building or structure 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, details of wall, floor and roof assemblies identifying required fire resistance ratings and load bearing capacities.
- (8) In addition to the requirements of Subsection 3(2), every occupancy of an unfinished building permit application shall indicate
- (a) the total number of units proposed for occupancy,
 - (b) the total floor area proposed for occupancy, and
 - (c) floor plans indicating the area(s) of the proposed occupancy.
- (9) In addition to the requirements of Subsection 3(2), every application for a sewage system permit shall
- (a) include the name, address, telephone number and registration number of the person or company installing the sewage system;
 - (b) where the person named in paragraph 3(9)(a) is required to have the necessary qualifications and registration under the Act and the Building Code
 - (i) include the Building Code Identification Number (B.C.I.N.), and
 - (ii) include the name of the qualified person supervising the work to be done under the sewage system permit along with their B.C.I.N;
 - (c) include a site evaluation which contains all of the following information unless otherwise specified by the chief building official
 - (i) the date the evaluation was done,
 - (ii) the name, address, telephone and signature of the person who prepared the evaluation,
 - (iii) the percolation time results, soil properties and soil conditions including the potential for flooding, and
 - (iv) a scaled map of the site showing
 - A. the legal description, lot size, property dimensions, existing rights-of-way, easements or municipal/utility corridors,
 - B. the location of the proposed sewage system including the dimensions showing all the required clearances as required in the Building Code,
 - C. the location of any unsuitable, disturbed or compacted areas, and
 - D. proposed access routes for system maintenance.
- (10) In addition to the requirements of Subsection 3(2), every plumbing, water service and drain permit application shall
- (a) show the existing and proposed drains and sewers,
 - (b) show the number and type(s) of fixtures/appliances being installed, and
 - (c) show the elevations of storm and sanitary sewers, inverts, catch-basins and manholes.

PLANS AND SPECIFICATIONS

4. (1) Every applicant shall furnish 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, the Building Code, and any other applicable law.
- (2) Plans and specifications will include
 - (a) the full exterior/interior dimensions of any proposed building or structure,
 - (b) the proposed use of each room or floor area in the building or structure,
 - (c) elevations drawings of all the faces of the building or structure,
 - (d) a cross-section through the proposed building or structure, and
 - (e) floor plans for every level in the proposed building or structure.
- (3) (a) Site plans submitted shall be referenced to a current plan of survey that has been 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.
- (b) The site plan will include
 - (i) all existing and proposed buildings and structures on the lands on which the work is to be performed,
 - (ii) in respect of any lands abutting the lands on which work is to be performed, any information required by the chief building official,
 - (iii) the dimensions of the land upon which the proposed work is to be performed,
 - (iv) the distance from each lot line of all buildings or structures,
 - (v) the location of any existing building or structure on the lands on which the proposed work is to be performed,
 - (vi) all storm sewers, ditches and swales on the lands on which work is to be performed and on abutting lands and highways,
 - (vii) all natural features on the lands on which work is to be performed including, but not restricted to, marshes, wetlands and watercourses,
 - (viii) the location of all driveways on the lands on which work is to be performed,
 - (ix) the location of all easements and rights-of-ways over, under, across or through the lands on which work is to be performed,
 - (x) if applicable, the building envelope established by the zoning by-law, site plans, or other applicable law, and
 - (xi) the proposed final grading of the lands.
- (4) All plans submitted shall be legible and drawn to scale upon paper or other suitable and durable material.
- (5) 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) The chief building official may refuse to accept an application if any of the above is deemed to be incomplete or insufficient at the time of application.

- (7) (a) On completion of the construction of a building, the chief building official may require the person who is responsible for the construction submit to the chief building official a set of plans of the building or structure as constructed, including a plan of survey showing its location,
- (b) When the chief building official has required the production of "as constructed" drawings, the person who is responsible for the construction shall provide them within a reasonable time.
- (8) All plans and specifications provided to the chief building official pursuant to this by-law or the Act or the Building Code or otherwise required are the property of the chief building official and The Corporation of the Town of Caledon and will be disposed of or retained in accordance with the law.

FEES AND REFUNDS

- 5. (1) The chief building official shall determine the required fees for the work proposed in the application and the applicant shall pay the fees calculated in accordance with Schedules A and B.
- (2) In the case of the withdrawal or abandonment of an application, or the refusal or revocation of a permit, upon written request by the applicant, the chief building official shall determine the amount of fees, if any, that may be refunded, in accordance with Schedule A and A-1 to this by-law.

TRANSFER OF PERMIT

- 6. (1) Where land for which a permit has been issued changes ownership no work shall be done pursuant to the issued permit until such time as the new owner has completed to the satisfaction of the chief building official an application for building permit in the required form.
- (2) A fee shall be payable in accordance with Schedule A and A-1 on a transfer to the new owner.
- (3) Where the new owner has complied with the provisions of this section he shall be the permit holder for the purposes of this by-law, the Building Code and the Act.

CANCELLATION OF PERMIT

- 7. A person to whom a permit has been issued may apply in writing to the chief building official for the cancellation of the permit only if the work for which the permit was issued has not commenced.

NOTIFICATIONS

- 8. (1) The person to whom a demolition, public pool or public spa permit is issued under the Act shall notify the chief building official, or the registered code agency, if any, of
 - (a) substantial completion of site grading where the chief building official has issued a demolition permit, and
 - (b) substantial completion of the pool deck and dressing rooms for a public pool or public spa and readiness for inspection of the emergency stop system for a public pool or public spa, where the chief building official has issued a public pool or public spa permit.
- (2) Notices required by Sentence 1.3.5.1.(2) and Sentence 1.3.5.2.(1) of Division C of the Building Code shall be given by the permit holder to the chief building official at least two business days in advance of the stages of construction specified in the Code and in this by-law.
- (3) A notice pursuant to this section is not effective until written or oral notice is actually received by the chief building official, by a building inspector or a designate of the chief building official.

FENCING OF CONSTRUCTION SITES

9. (1) Where, in the reasonable opinion of the chief building official, a construction or demolition site presents a hazard to the public, he may require the erection of the fencing necessary to abate that hazard.
- (2) The height of the fence shall be a minimum of 1.2 metres (4 feet) and a maximum of 1.8 metres (6 feet), measured from the height of the adjacent grade.

ADMINISTRATION

10. (1) This by-law shall be enforced by the chief building official.
- (2) The chief building official is authorized to enter into agreements on behalf of the municipality in respect of conditional permits.
- (3) Where the Council of The Corporation of the Town of Caledon has authorized the municipality to enter into an agreement with a registered code agency, the chief building official is authorized to appoint the agency to perform specified functions from time to time in respect of the construction of a building or class of buildings.
- (4) Where the Council for The Corporation of the Town of Caledon has authorized the municipality to enter into an agreement with another municipality providing for
 - (a) the review for compliance with the Building Code of plans and specifications for construction of a building
 - (b) the expedited review for compliance with Building Code of plans and specifications for the construction of substantially similar buildings
 - (c) the allocation of responsibility for reviews for compliance with Building Code plans and specifications for construction of buildings
 - (d) the resolution of disagreements about whether plans and specifications comply with the Building Code, and
 - (e) indemnification

the chief building official is hereby authorized to make such decisions under the agreement as may be necessary for its implementation.

11. This by-law may be cited as the "Building By-law".
12. This by-law comes into effect on the 1st day of January, 2012.

REPEAL

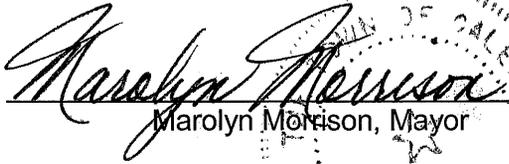
13. By-law 2004-117, as amended by By-laws 2005-131 and 2007-10 is repealed.

SCHEDULES

14. The following Schedules are attached to and form part of this by-law.

Schedule "A" – Classes of Permits and Fees
Schedule A-1 – Building Permit Fee Refunds
Schedule "B" – Building Classification and Permit Fees

**READ THREE TIMES AND FINALLY
PASSED IN OPEN COUNCIL
THIS 29th DAY OF NOVEMBER, 2011.**


Marilyn Morrison, Mayor


Karen Landry, Clerk

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**SCHEDULE A TO BY-LAW 2011-156
CLASS OF PERMITS AND FEES**

1. FEES

The minimum fee for a permit shall be \$125.00 for residential and \$200.00 for non-residential, unless stated otherwise.

1.1	<u>CLASS OF PERMIT</u>	<u>PERMIT FEE</u>
1.1.1	Construct a building as defined by Section 1 of the <i>Building Code Act</i> , including a building intended for farming purposes, may be divided into the following classes of permits:	See Schedule B for Building classifications and permit fees
1.1.1.1.	Complete Building For new building construction including additions and alterations to existing buildings (This permit includes associated drains, plumbing and mechanical works, but does not include mechanical site services that serve more than one building.)	See Schedule B for Building classifications and permit fees
1.1.1.2.	Foundation Component	See Schedule B for Building classifications and permit fees
1.1.1.3.	Foundation to Roof Component	See Schedule B for Building classifications and permit fees
1.1.1.4.	Plumbing Component	See Schedule B for Building classifications and permit fees
1.1.1.5.	Drain Component (This permit may include drains within a building and/or mechanical site services that serve one building only.)	See Schedule B for Building classifications and permit fees
1.1.1.6.	Mechanical Component For heating ventilation, air conditioning and air contaminant extraction systems.	See Schedule B for Building classifications and permit fees
1.1.1.7.	Designated Structures Includes all structures designated under the Building Code.	See Schedule B for Building classifications and permit fees
1.1.2.	For permits required in Article 1.1.1.1. when divided into partial permits.	\$200.00 additional fee for each partial permit, unless stated otherwise.
1.1.3.	Site services (for mechanical site services that serve more than one building.)	\$200.00 for each building or block of units serviced.
1.1.4.	Sewage System	\$412.00 for a new or replacement sewage system. \$206.00 for repairs to an existing sewage system.
1.1.5.	Demolish a building	\$10.30 per 100 square metres or portion thereof of gross floor area demolished, minimum \$125.00.
1.1.6.	Authorize occupancy of a building prior to its completion.	\$125.00 per dwelling unit or \$10.30 per 100 square metres or part thereof of a Commercial, Industrial or Institutional building.
1.1.7.	Material change (revision) to a plan, specification, or other information accompanying a permit application, or on the basis of which a permit was issued by the chief building official.	\$61.80 per hour or portion thereof of permit application review and site inspection required in relation thereto, if the hours are worked on regular time or \$92.70 per hour if worked on overtime.
1.1.8.	Permit for change of use (No construction proposed)	\$61.80 per hour or portion thereof of permit application review and inspection time,

		minimum \$185.40.
1.1.9.	Conditional Permit	\$515.00
1.1.10.	Transfer permit (to new owner)	\$125.00
1.2.	In order to compensate the Town of Caledon for additional work and expense in plan examination, if new, additional or revised information is submitted for a permit application which applies to some or all of the permit which has already been reviewed, the greater of \$92.70 or the additional review time spent, measured to the nearest whole hour, multiplied by the hourly rate of \$61.80, if the hours worked on regular time or \$92.70 per hour if worked on overtime.	
1.3.	Only applicants for building permits with a value of over \$5150.00 may elect to either:	
1.3.1.	Pay the full permit fee at the time of application; or	
1.3.2	Pay 50% of the full permit fee at the time of application to a maximum amount of \$10,000.00 and the balance at the time of permit issuance.	
1.4.	With respect to work commenced prior to permit issuance or permit application as described in Articles 1.1.1.1 to 1.1.1.7 and 1.1.3 to 1.1.6 above, to compensate the municipality for the additional expenditure required because of such unlawful commencement, the permit fee shall be increased by the greater of (a) \$60.00, or (b) with respect to work commenced before permit application 20%, or (c) with respect to work commenced after permit application but before permit issuance, 10% of the required permit fee based on the entire work to be performed and exclusive of any part into which the application for permit may be sub-divided. (d) In no case shall the maximum increase in permit fee exceed \$5000.00.	

**SCHEDULE A-1 TO BY-LAW 2011-156
BUILDING PERMIT FEE REFUNDS**

1. REFUNDS OF PERMIT FEES

- 1.1. Pursuant to this by-law, the portion of the total calculated permit fee that may be refunded shall be a percentage of the total fees payable under this by-law, calculated as follows in regard to functions undertaken by the municipality:
 - 1.1.1. 85% if administrative functions only have been performed;
 - 1.1.2. 70% if administrative and zoning or building code permit application review functions only have been performed;
 - 1.1.3. 55% if administrative, zoning and building code permit application review functions have been performed;
 - 1.1.4. 45% if the permit has been issued and no field inspections have been performed subsequent to permit issuance and;
 - 1.1.5. 5% shall additionally be deducted for each field inspection that has been performed subsequent to permit issuance.
 - 1.1.6. 0% after a period of not less than three (3) years from the date of application being received, if the application has not been cancelled, or the permit has not been issued, or an issued permit has not been acted upon.
 - 1.1.7. If the calculated refund is less than \$100.00, no refund shall be made for the fees paid.
- 1.2. The refund shall be returned to the person named on the fee receipt, unless such person advises the chief building official, in writing and prior to the release of the refund, of a change in name, in which case the refund shall be returned to the person then authorized to receive it.
- 1.3. The refund, if applicable, shall be the difference between total calculated fee for functions undertaken and the deposit made at time of permit application.
- 1.4. If an overpayment of a permit fee occurs on a permit application and the overpayment is less than \$50.00 the difference will not be refunded.
- 1.5. Where the applicant for a permit is The Corporation of the Town of Caledon, for the purpose of a Town-owned building or structure, no fees are payable.

**SCHEDULE B TO BY-LAW 2011-156
BUILDING CLASSIFICATION AND PERMIT FEES**

(1) CALCULATION OF PERMIT FEES

Permit fees shall be calculated based on the formula given below, unless otherwise specified in the schedule.

Permit Fee = Service Index (SI) x Total floor area (A), Where floor area (A) is measured to the outer face of exterior walls and to the centre of party walls or demising walls, except when calculating partition work.

(2) PERMIT FEES

Building Classification	Service Index (SI) \$/sq.m
(A) CONSTRUCTION	
New buildings and additions	
Group A: Assembly Occupancies	
Schools, libraries, churches, theatres, arenas, gymnasiums, pools, restaurants, recreation centre, bus terminals, banquet halls	\$15.60
Group B: Institutional Occupancies	
Hospital, nursing homes, care homes, etc.	\$18.70
Group C: Residential Occupancies	
Detached, semis, townhouses, duplexes	\$12.60
All other multiple unit apartment buildings	\$11.50
Hotels, motels	\$15.90
Addition (heated)	\$10.80
Addition (unheated)	\$10.20
Detached garage/shed building to single dwelling	\$4.75
Issued repeats to detached, semis, townhouses, duplexes	\$11.30
Group D: Business and Personal Service Occupancies	
Office buildings (shell)	\$13.30
Office buildings (finished)	\$16.00
Funeral homes, banks, medical clinic, fire halls, etc.	\$16.00
Group E: Mercantile Occupancies	
Retail stores (shell/strip plazas)	\$12.80
Retail stores (finished), supermarkets, department Stores	\$16.00
Group F: Industrial Occupancies	
Warehouses, factories (shell)(<600 sq.m)	\$8.70
Warehouses, factories (single tenancy, finished) (<600 sq.m)	\$10.00
Warehouses, factories, (shell)(>600 sq.m)	\$6.40
Warehouse, factories (single tenancy)(finished) (>600 sq.m)	\$7.10
Repair garages, car washes	\$10.20
Canopies over gas pumps, outside storage, etc.	\$4.70
Parking garages (underground & open air)	\$6.40
Offices in warehouses or factories	\$3.60
Agricultural Buildings(<600 sq. m)	\$1.10
Agricultural Buildings (>=600 sq. m)	\$1.50

Miscellaneous:

Permanent tents, air supported structures	\$4.10
Pedestrian bridges, crane runways, etc.	\$2.80
Repair or re clad (per surface area)	\$0.65
Ceiling (new or replacement)	\$0.65
Balcony repairs	\$1.40
Parking structure repairs	\$2.10
Sprinklers	\$4.20
Trailers or buildings on construction sites for Office or sales purpose	\$9.30

(B) ALTERATIONS/RENOVATIONS

Interior alterations and partitioning and Change of occupancy classification

Group A: Assembly occupancies (restaurants, churches, etc.)	\$4.20
Group B: Institutional occupancies	\$4.20
Group C: Residential occupancies	\$4.20
Group D: Business and personal services occupancies	\$4.20
Group E: Mercantile occupancies	\$4.20
Group F: Industrial occupancies	\$4.20

(C) OTHER MISCELLANEOUS WORK**Flat Fee**

New portable classrooms, new mobile homes, etc.	\$840.00	each
Moving or relocating a building (portable classrooms, etc.)	\$450.00	each
Temporary tents	\$160.00	each
Communication and transmission towers	\$270.00	each
Foundation for Tanks, Silos, Dust Collectors, etc.	\$270.00	each
Demising walls only	\$210.00	each
Fire alarms	\$210.00	each
Electromagnetic locks	\$125.00	each
Decks, porches, basement walkout, etc. to single dwelling	\$125.00	each
Fireplaces, wood stoves, etc.	\$125.00	each
Window replacements (except for single dwelling)	\$6.70	each
Underground and above ground storage tank	\$275.00	per tank
Balcony guard replacements (per lin. m.)	\$1.75	/m
Retaining walls (per lin. m.)	\$9.00	/m

(D) MECHANICAL COMPONENTS

Heating, ventilation, air conditioning, etc.
(work independent of building permit)

Group A: Assembly occupancies	\$0.95
Group B: Institutional occupancies	\$0.95
Group C: Residential occupancies	\$0.95
Group D: Business and personal service occupancies	\$0.95
Group E: Mercantile occupancies	\$0.95
Group F: Industrial occupancies	\$0.95

Miscellaneous Work**Flat Fee Per Unit**

Commercial kitchen exhaust (including related make-up air)	\$270.00
Spray booth, dust collector, etc.	\$270.00
Furnace replacement	\$125.00
Boiler replacement	\$270.00
Boiler replacement for single dwelling	\$125.00
Minor alterations to mechanical systems (duct work only, space heater, exhaust fan, unit heater, etc.)	\$125.00

(E) PLUMBING AND DRAIN COMPONENTS	Fee per Fixture
Plumbing Fixtures (work independent of Building Permit)	
Group A: Assembly occupancies	\$26.00
Group B: Institutional occupancies	\$26.00
Group C: Residential occupancies	\$26.00
Group D: Business and personal services occupancies	\$26.00
Group E: Mercantile occupancies	\$26.00
Group F: Industrial occupancies	\$26.00

Miscellaneous Work	\$/lin. m	
Inside sanitary and storm piping	\$1.70	
Outside water services, sanitary and storm piping** (when not included in complete building permit or permit for site services)	\$4.65	
Manholes, catch basins, interceptors, sumps, etc. (when not included in complete building permit or permit for site services)	\$26.00	each

**the maximum amount chargeable in fees in respect of anyone permit application for any water service, fire main and outside sanitary and storm piping for Residences, barns and other structures located on Agriculturally zoned properties is \$350.00

Early Review of House Model Drawings	\$1,200.00	per model
Duplicate Sets of Drawing (counter)	\$80.00	per hour

NOTES:

1. Fees for classes of permits not described or included in this schedule shall be determined by the chief building official
2. The occupancy classification shall be established in accordance with the occupancy definitions of the Ontario Building Code.
3. Except as provided in Item 5, the floor area is the sum of the areas of all floors including basement and shall be measured to the outer face of the walls.
4. No deductions shall be made for openings within the floor area; i.e., stairs, elevators, ducts, etc.
5. A garage serving only the dwelling unit to which it is attached or built in and an unfinished basement located within the dwelling unit shall not be included in the area calculations.
6. Issued models (house types) are referred to as "issued repeats". An "issued repeat application" is a repeat of the identical house design that the applicant builder has previously submitted as a model for which a building permit has been issued.
7. The maximum amount of payment that may be charged to a credit card is \$5000.00 per building permit application.