



THE CORPORATION OF THE TOWN OF ERIN Office Consolidation

By-Law #99-18

(amended by By-laws 02-24, 03-14, 04-16, 05-62, 14-32, 17-63, 19-60, 20-44, 21-32, 19-13)

Being a By-law respecting Construction, Demolition and
Change of Use Permits and Inspections.

For Reference Purpose Only. Not a legal document/By-law.

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

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWN OF ERIN ENACTS AS FOLLOWS:

1 DEFINITIONS

- 1.1 This By-law may be cited as the Building By-law.
- 1.2 "Act" means the Building Code Act, including amendments thereto.
- 1.3 "as constructed plans" means as constructed plans as defined in the Building Code.
- 1.4 "building" means a building as defined in Section 1(1) of the Act.
- 1.5 "Building Code" means the regulations made under Section 34 of the Act.
- 1.6 "Chief Building Official" means the Chief Building Official appointed by By-law of the Corporation of the Town of Erin for the purpose of enforcing the Act.
- 1.7 "Corporation" means The Corporation of the Town of Erin.
- 1.8 "farm building" means a farm building as defined in the Building Code.
- 1.9 "inspector" means any inspector appointed by By-law of the Corporation of the Town of Erin for the purpose of enforcing the Act.
- 1.10 "permit" means written permission or written authorization from the Chief Building Official to perform work regulated by this By-law and the Act and, in the case of an occupancy permit, to occupy any building or part thereof
- 1.11 "plumbing" means plumbing as defined in Subsection 1(1) of the Act.
- 1.12 "Regulations" means the regulations passed pursuant to the Act.
- 1.13 "Residential Construction Site" means any construction site in respect of which a permit has been issued for the construction of a new building consisting of a single dwelling unit except where the site is within a registered plan of subdivision which subdivision is being developed for the first time.

2 PERMITS

2.1 Classes of Permits / Fees

- 2.2.1 Classes of Permits with respect to the construction, demolition and change of use of buildings and Permit Fees shall be set out in Schedule A to this By-law.

2.2 Application for permit

2.2.1 To obtain a permit, the owner, or agent authorized in writing by the owner, shall file an application in writing by completing a prescribed form available at the offices of the municipality. The prescribed form shall be as set out in Schedule D to this By-law.

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

2.2.2.1 Where application is made for a building permit under subsection 8(1) of the Act, the application shall:

2.2.2.1.1. identify and describe in detail the work and occupancy to be covered by the permit for which application is made,

2.2.2.1.2. state the names, addresses and telephone numbers of the owner, architect, engineer or other designer and constructor,

2.2.2.1.3. describe the land on which the work is to be done, by description that will readily identify and locate the building lot,

2.2.2.1.4. state the valuation of the proposed work including materials and labour and be accompanied by the required fee,

2.2.2.1.5. include complete plans and specifications as described in this by-law for the work to be covered by the permit and show the occupancy of all parts of the building,

2.2.2.1.6. be accompanied by written proof of approval by the appropriate authority for the sewage disposal system and potable water supply, entrance to the property, construction in identified restricted land areas, and from any other authority that may have jurisdiction over the property or project,

2.2.2.1.7. be accompanied by a written acknowledgement of the owner that he has retained an architect or professional engineer to carry out the field review of the construction where required by the Building Code, and

2.2.2.1.8. be signed by the owner or his or her authorized agent who shall certify the truth of the contents of the application.

2.2.2.2 Where application is made for a **demolition permit** under subsection 8(1) of the Act, the application shall:

2.2.2.2.1. contain the information required by clauses 2.2.2.1.1 to 2.2.2.1.8 above, and

2.2.2.2.2. be accompanied by satisfactory proof that arrangements have been made with the proper authorities for the cutting off and plugging of all water, sewer, gas, electric, telephone or other utilities and services.

2.2.2.3 Where application is made for a conditional permit under subsection 8(3) of the Act, the application shall:

2.2.2.3.1 Contain the information required by clauses 2.2.2.1.1 to 2.2.2.1.8 above,

2.2.2.3.2 contain such other information, plans and specifications concerning the complete project as the Chief Building Official may require,

2.2.2.3.3 state the reasons why the applicant believes that unreasonable delays in construction would occur if a conditional permit is not granted,

2.2.2.3.4 state the necessary approvals which must be obtained in respect of the proposed building and the time in which such approvals will be obtained,

2.2.2.3.5 state the time in which plans and specifications of the complete building will be filed with the chief building official,

2.2.2.3.6 include the above and the applicant shall enter into a written agreement to the satisfaction of the Corporation as specified under article 8.(3)(c) of the Act, and

2.2.2.3.7 be accompanied by the security deposit fee as set out in the written agreement to ensure compliance with subclause (v) of s. 8(3) of the Act.

2.2.2.4 Where application is made for a **change of use permit** issued under subsection 10(1) of the Act, the application shall:

2.2.2.4.1 identify and describe in detail the current and proposed occupancies of the building or part of a building for which the application is made,

2.2.2.4.2 state the name, address and telephone number(s) of the owner, and where applicable, agent,

2.2.2.4.3 describe the building in which the occupancy is to be changed, by description that will readily identify and locate the building,

2.2.2.4.4 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, ceiling and roof assemblies identifying required fire

resistance ratings and load bearing capacities, and
2.2.2.4.5 be signed by the owner, or his or her
authorized agent, who shall certify the truth of the
contents of the application.

2.2.3 Where an application for a permit or for the authorization to make a material change to the plans, specifications, document or other information on the basis of which a permit is issued, contains an **equivalent material, system or building design** for which authorization under section 9 of the Act is requested, the following information shall be provided:

2.2.3.1 a description of the proposed material, system or building design for which authorization under section 9 of the Act is requested,

2.2.3.2 any applicable provisions of the Building Code, and

2.2.3.3 evidence that the proposed material, system or building design will provide the level of performance required by the Building Code.

2.3 Plans and Specifications

2.3.1 Sufficient information shall be submitted with each application for a permit to enable the Chief Building Official to determine whether or not the proposed construction, demolition or change of use will conform with the Act, the Building Code and any other applicable law.

2.3.2 Each application shall be accompanied by two complete sets of plans and specifications required under this By-law unless otherwise specified by the Chief Building Official.

2.3.3 Each application for assembly, institutional, multi-residential, business and personal services, mercantile, industrial occupancies and change of use shall be accompanied by two additional (4 in total) complete sets of plans and specifications required under this By-law and the Chief Building Official shall forward such plans to the Fire Department.

2.3.4 Plans shall be drawn to scale on paper, cloth or other durable material, shall be legible and without limiting the generality of the foregoing, shall include such working drawings as set out in Schedule B to this By-law unless otherwise specified by the Chief Building Official.

2.3.5 Site plans shall be referenced to an up-to-date survey as prepared by a licensed Land Surveyor in the Province of Ontario and, when required to demonstrate compliance with the Act, the Building Code or other applicable law, a copy of the survey shall be submitted to the Chief Building Official. Site plans shall show:

- 2.3.5.1 lot size and dimensions of property lines and setbacks to any existing or proposed buildings on the lot,
 - 2.3.5.2 existing and finished ground levels or grades,
 - 2.3.5.3 existing right-of-way, easements and municipal services, and
 - 2.3.5.4 setbacks of any proposed barn to any existing or proposed dwelling unit on an adjacent property and setbacks of any proposed non-farm building to any existing or proposed livestock or manure storage building.
- 2.3.6 In lieu of separate specifications, the Chief Building Official may allow all the essential information to be shown on the plans, but in no case shall such terms as "in accordance with the by-law", "legal" or similar terms be used as substitutes for specific information.
- 2.3.7 the granting of a permit, the approval of the drawings and specifications or inspections made by the authority having jurisdiction, shall not in any way relieve the owner of a building from full responsibility for carrying out the work or having the work carried out in accordance with the requirements of the Act, the Building Code or this by-law, including ensuring that the occupancy of the building, or any part thereof, is in accordance with the terms of the Certificate of Compliance and Occupancy.
- 2.3.8 Drawings or specifications for which a permit has been issued shall not be altered or modified unless such changes have been approved in writing by the Chief Building Official.
- 2.3.9 Where tests of any materials are made to ensure conformity with the requirements of this by-law, records of the test results shall be kept available for inspection during the construction of the building and for such a period thereafter as required by the Chief Building Official.
- 2.3.10 When a building or part thereof is in an unsafe condition, the owner shall forthwith take all necessary action to put the building in a safe condition.

3 FEES

- 3.1 Fees for a required permit shall be as set out in Schedule A to this By-law and are due and payable upon submission of an application for a permit.
- 3.2 Where fees payable in respect of an application for a building or demolition permit issued under subsection 8 (1) of the Act or a conditional permit issued under subsection 8(3) of the Act are based on floor area, floor area shall mean the total floor space of all storeys above grade (or below grade for underground home or living space or occupied space) measured as the horizontal area between the exterior walls of the building.

- 3.3 Where application is made for a "Conditional Permit" fees shall be paid for the complete project.
- 3.4 Where fees payable in respect of an application for a change of use permit issued under subsection 10(1) of the Act are based on floor area, floor area shall mean the total floor space of all storeys subject to the change of use.
- 3.5 In the case of withdrawal of an application or abandonment of all or a portion of the work or the non-commencement of any project, the Chief Building Official shall determine the amount of paid permit fees that may be refunded to the applicant, if any, in accordance with **Schedule C** attached to and forming part of this By-law.

Amended by
By-law 19-13

- 3.6 Each building permit application for construction of a single dwelling residential unit, unless set out in the provisions of a subdivision, condominium and/or site plan control agreement, at the discretion of the Chief Building Official, is required to be accompanied by a site works and grading deposit as outlined in the Fees and Charges By-law.

Upon completion of all building construction and site works, the applicant is required to submit a Final Grading Certificate, as found in Schedule D, Forms, for review and approval by the Town. An Ontario Land Surveyor or Professional Engineer on behalf of the applicant will be required to certify that the final grading of the lot and the related building construction are in conformity with the survey approved by the Town. This certification is to be carried out after the property has been graded and seeded or sodded, which is to occur within 12 months after the date of a positive inspection prior to occupancy is completed by the Town's Building Department.

Upon receipt and approval of a positive Final Grading Certificate and once the building permit file has been closed by the Town's Building Department, the applicant may apply for return of securities by submitting a completed Request for Site Works and Grading Refund as found in Schedule D, Forms.

4 NOTIFICATION

- 4.1 The owner or authorized agent shall notify the Chief Building Official at least one (1) business day prior to each stage of construction for which notice in advance is required under the Building Code.
- 4.2 The owner or authorized agent shall give written notice to the Chief Building Official at least ten (10) days prior to occupying, using, or permitting to be occupied or used, any building newly erected or installed or any building in which there is a change of use.

5 ABANDONMENT AND CANCELLATION OF APPLICATION

- 5.1 An application for a permit may be deemed to have been abandoned and

cancelled six months after the date of filing, unless such application is being seriously proceeded with.

6 FORMS

- 6.1 The forms prescribed for use as applications for permits, plan review, permits, orders, and for inspection reports shall be as set out in **Schedule D** to this By-law.

7 AS CONSTRUCTED PLANS

- 7.1 The Chief Building Official may require that a set of "as constructed plans" for any building or class of buildings be filed with the Chief Building Official on completion of construction under such conditions as may be prescribed in the Building Code.

8 FENCING

- 8.1 The person to whom a building permit has been issued in respect of construction which will take place at a Residential Construction Site shall erect or cause to erect and maintain a fence enclosing the Residential Construction Site in accordance with the provisions of this by-law.
- 8.2 Where there is fencing on or adjoining a Residential Construction Site erected prior to the application for a building permit in respect of that site, such fencing shall be deemed to be in compliance with this by-law provided it is extended along the entire perimeter of the Residential Construction Site as determined by the Chief Building Official and the extended fencing is erected in accordance with this By-law.
- 8.3 Despite sections 8.1 and 8.2 above, the requirements of this by-law do not apply where the building permit has been issued prior to this by-law coming into effect.
- 8.4 The height of every fence shall be a minimum of 1.2 metres (4 feet) and a maximum of 1.8 metres (6 feet), to be measured from the highest adjacent grade.
- 8.5 Every fence required under this by-law shall be located on the perimeter of the Residential Construction Site as determined by the Chief Building Official and constructed as follows:
- 8.5.1 If of chain link construction, the chain link shall be fastened to a 38 mm (1 ½ inches) diameter metal bar which is

securely fastened to metal posts at not more than 3 metres (9.8 feet) on centre and embedded into the ground to provide a rigid support;

8.5.2 If of wood construction, the exterior face shall be 12.5 mm (½ inches) exterior grade plywood, particle board or equivalent material that will not provide footholds for climbing. The fencing shall be supported by minimum 38 mm x 89 mm (2 inches x 4 inches) nominal size posts spaced at not more than 2.4 metres (8 feet) on centre and embedded into the ground to provide rigid support;

8.5.3 Other materials or methods may be substituted provided that there is an equivalent barrier between properties and an equivalent degree of safety provided.

8.6 The fence may provide for openings sufficient to accommodate construction vehicles, machines and any other equipment providing services to the Residential Construction Site provided that these openings are closed off when the site is shut down for the day.

9 SEVERABILITY

9.1 If any section, subsection, clause, paragraph or provision of this By-law is found by any board of competent jurisdiction to be invalid or beyond the powers of the Council to enact, such section, subsection clause, paragraph or provision shall be deemed to be severable from the remainder of this by-law and all other sections or parts of this By-law shall be deemed to be separate and independent there from and are enacted as such.

9 REPEAL CLAUSE

10.1 By-law Number 8-96 of the Corporation of the Township of Erin is hereby repealed.

10.2 By-law Number 95-45 of the Corporation of the Village of Erin is hereby repealed.

Read this first time this 6th day of April, 1999.

Read a second time this 6th day of April, 1999.

Read a third time, passed and numbered By-law 99 - 18 this 6th day of April, 1999.

Original Signed by Mayor and Clerk.

**THE CORPORATION OF THE TOWN OF ERIN
BY-LAW NUMBER 99-18
Schedule A**

Amended by By-law 02-
24, 03-14, 04-16, 05-62,
14-32, 17-63, 19-60, 20-
44, 21-32

**THE CORPORATION OF THE TOWN OF ERIN
BY-LAW NUMBER 99 - 18
Schedule B**

Plans and Specifications

List of Plans or Working Drawings to accompany applications for permits (in duplicate):

1. The Site Plan
2. Floor Plans
3. Foundation Plans
4. Framing Plans
5. Roof Plans including layout and Professional Engineer designed truss drawings and specifications.
6. Reflected Ceiling Plans
7. Sections and Details
8. Building Elevations
9. Electrical Drawings
10. Heating, Ventilation and Air Conditioning Drawings
11. Plumbing Drawings

Note: The Chief Building Official may authorize that not all the above mentioned plans are required to accompany an application for a permit.

**THE CORPORATION OF THE TOWN OF ERIN
BY-LAW NUMBER 99 - 18
Schedule C**

Refund of Permit Fees

1. The fees that may be refunded shall be a percentage of the fees payable under this by-law as follows:
 - 1.1 Eighty per cent if administrative functions only have been performed;
 - 1.2 Seventy percent if administrative and zoning functions only have been performed;
 - 1.3 Forty-five per cent if administrative, zoning and plan examination functions have been performed;
 - 1.4 Thirty-five per cent if the permit has been issued and no field inspections have been performed subsequent to permit issuance;
 - 1.5 Five per cent shall additionally be deducted for each field inspection that has been performed after the permit has been issued.
2. Notwithstanding the above, no refund shall be made of an amount less than \$50.00.
3. No refund shall be made unless a written application therefore is made by the owner or his agent and unless the permit is returned for cancellation.
4. Notwithstanding the above, no refund shall be made where the Chief Building Official has revoked a permit under subsection 8. (10) of the Act.

THE CORPORATION OF THE TOWN OF ERIN
BY-LAW NUMBER 99 - 18
Schedule D

Forms

- Form 1. Application for A Building Permit
- Form 2. Application for A Change in Use Permit
- Form 3. Application for A Conditional Permit
- Form 4. Application for A Demolition Permit
- Form 5. Application for An Occupancy Permit
- Form 6. Building Permit
- Form 7. Demolition Permit
- Form 8. Change of Use Permit
- Form 9. Conditional Building Permit
- Form 10. Occupancy Permit
- Form 11. Certificate of Compliance
- Form 12. Site Plan Form
- Form 13. Sewage System Design Summary
- Form 14. Residential Mechanical Ventilation Design Summary
- Form 15. Integrated Combo Heating System Design Summary
- Form 16. Letter of Undertaking
- Form 17. Declaration Regarding the Ontario New Home Warranty Program
- Form 18. Building Analysis
- Form 19. Notices and Inspection Guidelines
- Form 20. Inspection Report
- Form 21. Order to Comply
- Form 22. Order Not to Cover
- Form 23. Order to Uncover
- Form 24. Stop Work Order
- Form 25. Order to Remedy Unsafe Building
- Form 26. Order Prohibiting Occupancy of An Unsafe Building