

THE CORPORATION OF THE TOWN OF PETROLIA

BY-LAW NUMBER 53 OF 2011

Being a by-law respecting building permits and related matters

WHEREAS Section 7 of the Building Code Act, 1992, S.O. 1992, Chapter 23, as amended, authorizes the council of a municipality to pass by-laws applicable in the area in which the municipality has jurisdiction for the enforcement of the Building Code Act, 1992, S.O. 1992, Chapter 23;

NOW THEREFORE the Council of the Corporation of the Town of Petrolia enacts as follows:

1. **SHORT TITLE**

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

2. **DEFINITIONS AND WORD USAGE**

In this By-law:

- (1) (a) "Act" means the Building Code Act, 1992, S.O. 1992, Chapter 23, 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 Code" means the regulation made under Section 34(1) of the Act.
 - (d) "Chief Building Official" means the Chief Building Official appointed by Council under Section 3(2) of the Act.
 - (e) "Form" means any applicable form prescribed by the Province of Ontario or the Corporation of the Town of Petrolia.
 - (f) "Owner" means the registered owner of the land and includes a lessee, mortgagee in possession, and the person in charge of the property.
 - (g) "Permit" means permission or authorization given in writing by the Chief Building Official to perform work regulated by the Act and Building Code and this By-Law, or to occupy a building or part thereof prior to its completion as regulated by the Act.
 - (h) "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) 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**

- (1) To obtain a permit, an applicant shall file an application in writing on forms prescribed by the Province of Ontario and available from the Town of Petrolia and shall supply any other information relating to the application as required by the Chief Building Official.

(2) Every construction 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, 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 Province of Ontario 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 Province of Ontario, undertaking to provide 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.

(3) In addition to the requirements of subsection (2) above, every demolition permit application under Subsection 8(1) of the Act 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) In addition to the requirements of subsection (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 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.

- (5) In addition to the requirements of subsection (2) above, every conditional permit application under Subsection 8(3) of the Act 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;
 - (b) state necessary approvals which must be obtained in respect of the proposed building and the time in which such approvals will be obtained; and
 - (c) contain such other information, plans and specifications concerning the complete project as the Chief Building Official may require.
- (6) In addition to the applicable requirements of subsection (2) above, every change of use permit application under Subsection 10(1) of the Act shall:
 - (a) describe the building or part thereof in which the occupancy is to be changed;
 - (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 rating and load bearing capacities; and
 - (c) identify and describe in detail the current and proposed occupancies of the building or part of a building for which the application is made.
- (7) 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.
- (8) 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.
- (9) The Chief Building Official shall not, by reason of the issuance of a permit or permits for part or parts of the building issued under subsections (4) and (5) be under any obligation to grant any further permit or permits, therefore.
- (10) 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.

5. REVISIONS TO PERMITS

Under Section 8(12) of the Act, no person shall make a material change or cause a material change to be made to a plan, specification, document or other information on the basis of which a permit was issued without notifying, filing details with and obtaining the authorization of the Chief Building Official. Notification of such changes and applications for revisions to issued permits shall be submitted in writing to the Chief Building Official.

6. 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

- (b) 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 or survey, to determine whether the proposed work conforms to the Act, the Building Code and any other applicable law. The site plan will include:
 - 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.
 - v) where applicable, method of site drainage
- (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 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 built 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.

7. 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 such fees have been paid in full.
- (2) Where application is made for a conditional permit, the Chief building Official may require that fees be paid for the complete project.
- (3) Upon written request, the Town shall determine the amount of fees, if any, that may be refunded in accordance with the following:
 - (a) Application filed. No processing or review of submitted plans. 90% of fee refunded
 - (b) Application filed. Plans reviewed and permit issued. 60% of fee refunded
 - (c) Additional deduction for each inspection that has been performed. 10% of fee deducted
 - (d) Permits valued less than \$156.34 0% refunded

8. PERMIT REVOCATION, DEFERRAL OR REVOCATION AND TRANSFER

(1) Revocation of Permit

- (a) Prior to revoking a permit under Section 8(10) 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, subject to Section 11(2) of this By-law, their permit shall be revoked

without further notice and all submitted plans and other information may be disposed of or, at the request of the permit holder, returned as directed.

- (b) Notification under paragraph (a) above shall be served either personally or by registered mail. Where notification is by registered mail, it shall be deemed to have been served on the third business day after the day of mailing or via Courier Service.

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 thereof, the Chief Building Official to defer the revocation of such permit.
- (b) A request for deferral shall set out the reasons why there 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 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

Permits are transferable only upon the new owner completing a permit application form in accordance with the requirements of Section 4(2) of this by-law and paying the required fee.

9. NOTIFICATIONS WITH RESPECT TO INSPECTIONS

- (1) The person to whom a permit has been issued under Section 8 of the Act shall give notice to the Chief Building Official of the readiness for inspection at the various stages of construction set out in Section 2.4.5.1 of the Building Code.
- (2) After a mandatory inspection notice has been received under Section 2.4.5.1 of the Building Code, an inspector shall undertake a site inspection in accordance with the time frames prescribed in Section 2.4.5.3, of the Building Code being:
- Two (2) business days after the receipt of the notice.
- (3) In addition to the mandatory inspection notices prescribed in Section 2.4.5.1 of the Building Code, the owner or authorized agent shall provide the Chief Building Official with “additional notices” as set out in Section 2.4.5.2 of the Building Code by notifying the Chief Building Official or an inspector at least two (2) businesses days prior to each stage of construction listed in Section 2.4.5.2 of the Building Code.
- (4) A notice pursuant to this section is not effective until written or oral notice is actually received by the Chief Building Official.

10. PRESCRIBED FORMS

- (1) The provincially prescribed forms and those prepared by the municipality under Section 7(f) of the Act prescribed for use as applications for permits are set out in Schedule “B” to this By-Law.
- (2) The provincially mandated forms under Section 7(f) of the Act prescribed for use as orders are set out in Schedule “C” to this By-Law.

11. SEVERABILITY

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

12. SCHEDULES

The following Schedules are attached to and form part of this By-Law:

- Schedule A Classes of permits and fees
- Schedule B Application forms
- Schedule C Order forms

13. EFFECTIVE DATE

This by-law shall come into force and take effect on September 6, 2011 at which all by-laws and / or provisions of by-laws found to be inconsistent with the provisions of this by-law shall be and are hereby repealed.

Read a first, second and third time and finally passed this 6th day of September, 2011.

Mayor

CAO/ Clerk

