

# BY-LAW NO. 79-98

(as amended by By-law 213-03)

A By-law under the Building Code Act  
Respecting Permits and Related Matters.

WHEREAS pursuant to the Building Code Act, 1992, the Lieutenant Governor in Council has established a Building Code which is in force throughout Ontario;

AND WHEREAS Section 7 of the Building Code Act authorizes a municipal council to pass by-laws concerning the issuance of permits and related matters;

AND WHEREAS Council at its meeting of \_\_\_\_\_, 1998 adopted the recommendation of the Finance, Administration and Fire Committee meeting of April 7, 1998 in Staff Report SRB.98.026 pertaining to the Building Permits By-law;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF RICHMOND HILL ENACTS AS FOLLOWS:**

## 1. SHORT TITLE

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

## 2. DEFINITIONS

2.1. In this By-law:

2.1.1. "**Act**" means the Building Code Act, 1992.

2.1.2. "**applicant**" means the **owner** of a building or property who applies for a **permit** or any person authorized to apply for a **permit** on the owner's behalf.

2.1.3. "**Building Code**" means the regulation made under Section 34 of the **Act**.

2.1.4. "**Chief Building Official**" means the chief building official appointed under Section 3 of the **Act**.

2.1.5. "**owner**" means the registered owner of the land and includes a lessee, mortgagee in possession and the person in charge of the property.

2.1.6. "**permit**" means the 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 prior to its completion.

2.1.7. "**permit holder**" means the **owner**.

2.1.8. "*Sales Office/Pavilion*" means a building or group of buildings built adjacent to each other, for the purpose of the sale of residential or commercial suites or dwelling units for a temporary period of time and may include up to five (5) model homes".

2.2. 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

3.1. The classes of **permits** are:

3.1.1. **permit** to erect, install, extend or materially alter or repair a building and includes new buildings, additions and existing buildings;

- 3.1.2. **permit** to demolish a building;
- 3.1.3. **permit** for change of ownership;
- 3.1.4. **permit** to revise an issued permit;
- 3.1.5. conditional **permit** under Section 8(3) of the **Act**;
- 3.1.6. **permit** for temporary buildings and structures;
- 3.1.7. **permit** for on-site sewage systems as regulated by Part 8 of the **Building Code**; and,
- 3.1.8. **permit** for change of use as required under subsection 10(1) of the **Act**.

#### 4. PERMIT APPLICATIONS

- 4.1. To obtain a **permit**, an **applicant** shall file an application in writing on forms available from the **Chief Building Official**.
- 4.2. Every **permit** application shall:
  - 4.2.1. identify and describe in detail the work, use and occupancy to be covered by the permit for which the application is made;
  - 4.2.2. identify and describe in detail the existing use(s) and the proposed use(s) for which the premises are intended;
  - 4.2.3. 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;
  - 4.2.4. be accompanied by plans and specifications as described in Section 5 of this By-law;
  - 4.2.5. be accompanied by the required fees as calculated in accordance with Schedule "A";
  - 4.2.6. 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;
  - 4.2.7. be accompanied by acceptable proof of corporate identity and property ownership, unless such proof is determined by the **Chief Building Official** to be unnecessary;
  - 4.2.8. when Section 2.3 of the **Building Code** applies, or as required by the **Chief Building Official**, be accompanied by a signed acknowledgment from 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;
  - 4.2.9. when Section 2.3 of the **Building Code** applies, or as required by the **Chief Building Official**, be accompanied by a signed statement from an architect or professional engineer, or both, on a form prescribed by the **Chief Building Official**, undertaking to provide general review of the construction or demolition of the building;
  - 4.2.10. include, where applicable, the registration number of the builder or vendor as provided in the Ontario New Home Warranties Plan Act;
  - 4.2.11. state the estimated valuation of the proposed work including material and labour; and
  - 4.2.12. be signed by the **applicant** who shall certify as to the truth of the contents of the application.

## DEMOLITION PERMIT

- 4.3. In addition to the requirements of Subsection 4.2, every demolition **permit** application shall:
- 4.3.1. when Section 2.3 of the **Building Code** applies, be accompanied by structural design characteristics of the building and the method of demolition; and
  - 4.3.2. 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 or other utilities and services.

## PERMIT FOR PART OF A BUILDING

- 4.4. In addition to the requirements of Subsection 4.2, every building **permit** application for part of a building shall:
- 4.4.1. include an application for the entire project;
  - 4.4.2. 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**; and
  - 4.4.3. be accompanied by the required fee for the entire project and required administrative fee for partial permit as calculated in accordance with Schedule "A".

## CONDITIONAL PERMITS

- 4.5. In addition to the requirements of Subsection 4.2, every conditional **permit** application for the construction of a building shall:
- 4.5.1. state the reasons why the **applicant** believes that unreasonable delays in construction would occur if a conditional **permit** is not granted;
  - 4.5.2. 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
  - 4.5.3. be subject to the applicant entering into an agreement as provided for in the **Act**.

## CHANGE OF USE PERMITS

- 4.6. In addition to the applicable requirements of Subsection 4.2, every change of use **permit** application shall 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;
- 4.7. 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 **permits** therefore.
- 4.8. Where an application for a **permit** remains incomplete and 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. PLANS AND SPECIFICATIONS

- 5.1. Every **applicant** shall furnish sufficient plans, specifications, calculations, documents and other information to enable the **Chief Building Official** to determine whether the proposed work conforms to the **Act**, the **Building Code**, and any other applicable law.

The **Chief Building Official** may require, where deemed appropriate, that a professional engineer design and review work for all or part of the work.

- 5.2. Plans submitted shall be copies of originals drawn to scale upon paper, or other suitable and durable material.
- 5.3. Site Plans submitted shall be 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 and retained by 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 Plans must include:

- i) lot size and dimensions of the property;
  - ii) setbacks from existing and proposed buildings to property boundaries and to each other;
  - iii) location of egress points and the number of exterior risers;
  - iv) existing and finished ground elevations, including grades, pattern of drainage and swale and sloped grading details;
  - v) existing and proposed elevations of underside of footings, finished basement slab, top of foundation wall and finished first floor; and
  - vi) existing rights of way, easements and municipal services.
- 5.4. 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 **permit** application.
  - 5.5. On completion of the construction of a building, the **Chief Building Official** may require a set of plans of the building as constructed, including a plan of survey showing its location.
  - 5.6. The **Chief Building Official** may refuse a **permit** application if any of the above is deemed to be incomplete or insufficient at the time of application.
  - 5.7. 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

- 6.1. The **Chief Building Official** shall determine the required fees in accordance with Schedule "A" and the **applicant** shall pay the fees so calculated. No **permit** shall be issued until the fees therefore have been paid in full.
- 6.2. In the case of withdrawal or abandonment of a **permit** application, or refusal for issuance of a **permit**, and upon written request, the **Chief Building Official** shall determine the amount of fees, if any, that may be refunded, in accordance with Schedule "A".
- 6.3. There shall be no refund of **permit** fees where a **permit** has been revoked, except where the **permit** was issued in error, or where the applicant requests revocation no more than six months after the **permit** is issued. In such cases, the amount of refund shall be calculated in accordance with the Schedule "A".

## 7. TRANSFER

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

## 8. NOTIFICATIONS

- 8.1. Notices respecting stages of construction required by Subsection 2.4.5 of the **Building Code** shall be given by the **permit holder** to the **Chief Building Official**, or his designate, at least 48 hours in advance of the stages of construction specified therein.
- 8.2. A notice pursuant to this section is not effective until written or oral notice is actually received by the **Chief Building Official** or his designate.

## 9. FENCING - CONSTRUCTION SITES

- 9.1. Where a construction site presents a hazard to the public, the **owner** of the construction site shall ensure that the construction site is suitably fenced to prevent public access onto the construction site.
- 9.2. If fencing has not been provided in accordance with Subsection 9.1 and, if in the opinion of the **Chief Building Official**, the construction site presents a particular hazard to the public, the **Chief Building Official** may require the **owner** to erect such fencing as he deems appropriate to the circumstances such as described in the National Building Code, Section 8.2.
- 9.3. In considering the hazard presented by a construction site and the necessary fencing, the **Chief Building Official** shall have regard for:
  - (a) the proximity of the construction site to occupied dwellings;
  - (b) the proximity of the construction site to lands accessible to the public, including but not limited to streets, parks and commercial and institutional activities;
  - (c) the hazards presented by the construction activities and materials;
  - (d) the feasibility and effectiveness of site fencing; and
  - (e) the duration of the hazard.

## 10. VALIDITY

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.

## 11. TRANSITION

11.1. Subject to Subsection 11.2, this by-law shall apply to:

- (a) any application for a **permit** that is accepted by the **Chief Building Official** on or after the date of the coming into force of this by-law; and,
- (b) any written request for information concerning compliance with the **Building Code** and applicable law accepted by the **Chief Building Official** on or after the date of the coming into force of this by-law.

11.2. Notwithstanding the repeal of By-law No. 149-95, as amended by By-law 68-98, that by-law continues to apply to an application for a **permit** for a work that was accepted by the **Chief Building Official** prior to the date of the coming into force of this by-law.

*11.3 Notwithstanding the provision of this By-law the provisions of By-law 79-98 shall continue to apply to an application for a permit that is accepted by the Chief Building Official prior to the date of the coming into force of this By-law.*

## 12. COMMENCEMENT

*12.1 This by-law comes into force on May 19, 1998.*

*12.2 The provisions of this By-law (213-03) come into force on November 3, 2003.*

## 13. REPEAL

Upon this By-law coming into force, By-law No. 149-95, as amended by By-law 68-98, is repealed.

## 14. SCHEDULES

Schedule "A" forms part of this by-law.

READ A FIRST AND SECOND TIME THIS \_\_\_ DAY OF APRIL, 1998.

READ A THIRD TIME AND PASSED THIS \_\_\_ DAY OF APRIL, 1998.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

## SCHEDULE "A" TO BY-LAW NO. 79-98

### PERMIT FEES AND REFUNDS

#### (1) CALCULATION OF PERMIT FEES

- (a) **Permit** fees payable shall be the product of the fee multiplier prescribed in (3) **PERMIT** fees for the class of construction involved and the appropriate measure of the floor area of the project. For certain classes of construction the fee is a flat rate.
- (b) Fees for major revisions, partial renovations, building reclassification, and for classes of **permits** or construction not described or included in this schedule shall be determined by the **Chief Building Official** who shall have regard to the complexity and amount of service required relative to the classes of construction described herein.
- (c) Floor area is measured to the outer face of exterior walls and to the centre of party walls or demising walls, except when calculating interior partition work. In calculating floor area for interior partitioning, corridors, lobbies, washrooms, lounges, etc. are to be included and classified according to the major occupancy classification for the floor area with which they are associated. Where these areas are constructed in a "shell only" building, fees shall be calculated at the "partitioned" rate in (3)(A).
- (d) No deductions shall be allowed for floor openings required for such facilities as stairs, elevators, escalators, shafts and ducts. Interconnected floor spaces and atriums above their lowest level may be deducted from the calculated floor area.
- (e) Where they serve single dwelling units, no additional fee applies for decks, fireplaces, unfinished basements and attached garages proposed and constructed at the same time as the single dwelling they serve. The appropriate "shell only" fee in (3)(A) applies to nonresidential unfinished basements.
- (f) No additional fee applies for sprinklers, fire alarms, electromagnetic locks, or other mechanical systems or equipment proposed and installed at the same time as the construction they serve.
- (g) For interior partitioning, floor areas used for the calculation of fees shall be the lessor of:
  - i) the area contained within a rectangle encompassing the partitions being erected, or
  - ii) the actual area of the tenant space;but in no case shall the fee be less than \$150.00.
- (h) The occupancy classifications used in this by-law are based on the **Building Code** major occupancy classifications. For mixed occupancy floor areas, the fee multiplier for the area of each occupancy applies.
- (i) Where a change of occupancy from one classification to another classification of a higher hazard is proposed, the fee multiplier for the proposed occupancy applies. Where a change of use **permit** is denied, fees paid may be credited to an alteration **permit** which incorporates the construction required to accommodate the change of use.
- (j) Except for temporary buildings on construction sites for office or sales purposes, fees for temporary buildings, including tents, apply to buildings erected for less than 30 days.

#### (2) MINIMUM FEE

- (a) A minimum fee of \$75 shall be charged for all residential work and \$150.00 for all nonresidential work unless otherwise stated in this schedule.
- (b) Only applicants for building **permits** with a **permit** fee equal to or in excess of \$20,000 may elect to either:
  - i) pay the full **permit** fee at the time of application, or
  - ii) pay 50% of the **permit** fee at the time of application and the balance at the time of **permit** issuance (minimum amount to be paid \$10,000).

## (3) PERMIT FEES

Class of Permit, Occupancy classification and work description		Fee Multiplier (\$/m <sup>2</sup> of floor area or as otherwise specified)
<b>(A) CONSTRUCTION: New buildings, additions to existing buildings</b>		
Group A: Assembly	Transit Station, Bus Terminal	11.60
	Portable Classroom(s)	\$200/portable classroom (Flat Fee) Maximum \$1,000
	Other assembly occupancies-Shell only	10.85
	Other assembly occupancies-Partitioned and/or finished	13.75
Group B: Institutional	Shell only	12.10
	Partitioned and/or finished	15.00
Group C: Residential	Single/semi-detached dwelling, townhouse, duplex (less than or equal to 325 square metres in floor area)	9.50
	Single/semi-detached dwelling, townhouse, duplex (greater than 325 square metres in floor area)	10.55
	Hotel, Motel	13.95
	All other multiple unit residential buildings	8.35
	Unfinished basement to accommodate a building moved from elsewhere	3.60
	Finishing Basement	2.50
	Attached or detached garage or other detached structure less than 50 square metres in Floor Area accessory to a single/semi-detached dwelling, townhouse or duplex	\$100 (Flat Fee)
	Attached or detached garage or other detached structure greater than or equal to 50 square metres in Floor Area accessory to a single/semi-detached dwelling, townhouse or duplex	\$200 (Flat Fee)
	Unenclosed deck or porch attached to a single/semi-detached dwelling or townhouse	\$50 (Flat Fee)
	Structures accessory to all other residential occupancies	3.55
Group D: Business & Personal Services	Shell only	8.70
	Partitioned and/or finished	11.60
Group E: Mercantile	Shell only	7.10
	Partitioned and/or finished	10.00
Group F: Industrial	Shell only	5.60
	Partitioned and/or finished	8.10
	Gas station, Car wash	7.20
	Parking Garage (underground, aboveground, open air)	3.70
	Farm Building	3.10
Miscellaneous	Sales Trailer	6.00
	<i>Sales Office/Pavilion</i>	10.55
	Permanent Tent, air supported structure	4.20
	Mezzanines	per intended occupancy
	Mechanical Penthouse	5.85
	<i>Temporary Building/Structure (less than 30 days) or temporary tents.</i>	\$150 (Flat Fee)
	Moving or relocating a building	\$150 (Flat Fee)
	Communication Tower	\$200 (Flat Fee)
	Retaining Wall	\$7/m of length maximum \$300
<b>(B) ALTERATION: Alteration or repair to existing construction and partitioning of new or previously occupied construction, and</b>		
<b>CHANGE OF USE: No construction proposed and change of use results in an increase in hazard</b>		
Group A: Assembly	Restaurant	5.00
	All other assembly occupancies	3.00

Group B: Institutional		3.00
Group C: Residential	Accessory Apartment	\$50 (Flat Fee)
	All other residential occupancies	3.00
Group D: Business & Personal Services		3.00
Group E: Mercantile		2.70
Group F: Industrial		2.60
All Occupancies (other than Single Family Dwelling)	Parking Structure Repair	1.20
	Balcony Guard Replacement	\$1.45/m of length
<b>(C) DEMOLITION:</b>		
Group C: Residential	Single or semi-detached dwellings and accessory structures	\$100 (Flat Fee)
	All other residential buildings	\$300 (Flat Fee)
All other occupancies		\$300 (Flat Fee)
<b>(D) MECHANICAL WORK: Heating, ventilation, air conditioning and fire protection not proposed with original building</b>		
Group A: Assembly	Heating, ventilation, air conditioning	0.75
Group B: Institutional	Heating, ventilation, air conditioning	0.75
Group C: Residential	Heating, ventilation, air conditioning	0.54
Group D: Business & Personal Services	Heating, ventilation, air conditioning	0.75
Group E: Mercantile	Heating, ventilation, air conditioning	0.54
Group F: Industrial	Heating, ventilation, air conditioning	0.54
All Occupancies	Fire Alarm	\$150 (Flat Fee)
	Sprinkler System	\$300 (Flat Fee)
	Kitchen Exhaust, Spray booth, Dust Collector	\$300 (Flat Fee)
	Electromagnetic Lock	\$30 each minimum \$150 maximum \$300
	Fireplace, Woodstove	\$60 each
	Heating plant replacement	\$150 (Flat Fee)
<b>(E) MISCELLANEOUS</b>		
Occupancy of a building prior to completion	Building Code 2.4.3.	\$150 (Flat Fee)
Storage tanks	Underground	\$50/tank (Flat Fee)
Storage tanks	Aboveground	\$300/tank (Flat Fee)
Swimming pool enclosure		\$150 (Flat Fee)
Signs		As per Sign By-law
Fire retrofit permits		\$50.00 (Flat Fee)
Canopies for gas station pumps		\$4.50/m <sup>2</sup>
<b>(F) SEWAGE SYSTEMS</b>		
Residential, Farm, Commercial, Industrial or Institutional Structures		\$500.00 (Flat Fee) for each application where the structure is 185 square metres or less, or, where the structure is greater than 185 square metres, \$3.00 for each square metre of the structure to a maximum of \$3,000.00
Communal subsurface sewage disposal systems		\$500.00 (Flat Fee) for each application where the structure is 185 square metres or less, or, where the structure is greater than 185 square metres, \$3.00 for each square metre of the structure to a maximum of \$3,000.00
Minor alterations or repairs to a sewage disposal system.		\$200.00 (Flat Fee)
Replacement of sewage system		\$200 (Flat Fee)

(4) ADMINISTRATIVE FEES

(a)	Construction, alteration, demolition, mechanical work commenced prior to issuance of permit and where Stop Work Order has been issued, the permit fee prescribed in (3) shall be increased by the greater of \$100 or 25 percent.	
(b)	Transfer of permit from permit holder to another person.	\$100 (Flat Fee)
(c)	With respect to written requests for information concerning compliance with the Building Code and applicable law.	regular service \$75 48 hours \$120
(d)	With respect to minor revisions of plans already examined.	\$100 (Flat Fee)
(e)	With respect to major revisions of plans already examined.	as determined by the Chief Building Official minimum \$300
(f)	With respect to phased projects, in addition to the fee for the complete building, an additional fee of \$100 for each phased permit shall be levied.	
(g)	<i>Conditional permits</i>	\$5000 (Flat Fee)
(h)	With respect to changes of house models within a plan of subdivision where permits have been issued for both models involved, the fee shall be \$300 plus \$9.50/square metre of increased floor area. Where the floor area is reduced, no refund applies.	
(i)	Where upon request, an inspection reveals an infraction identified at a previous inspection and not remedied or, an inspection reveals that the stage of construction requested to be inspected is not substantially completed, the fee shall be \$100 per inspection, payable upon receipt of a written invoice.	
(j)	With respect to the review of plans for compliance with the Ontario Building Code prior to application for building permit.	in accordance with the fees set out in Schedule "A" of this By-law

(5) REFUNDS OF PERMIT FEES / TRANSFER OF FEES

- (a) Pursuant to Section 6 of this by-law the fees that may be refunded shall be a percentage of the fees payable under this by-law, calculated as follows:
- i) 80 percent if administrative functions only have been performed;
  - ii) 70 percent if administrative and zoning functions only have been performed;
  - iii) 50 percent if administrative, zoning and plans examination functions have been performed;
  - iv) 40 percent if the **permit** has been issued and no field inspections have been performed subsequent to **permit** issuance;
  - v) 5 percent shall additionally be deducted for each field inspection that has been performed after the **permit** has been issued.

Where the **Chief Building Official** deems it appropriate, a refund of other than specified in (a) may be granted.

- (b) If the calculated refund is less than the minimum fee applicable, no refund shall be made of the fees paid. No refund shall be issued where a minimum permit fee has been charged.
- (c) 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.
- (d) Refund provisions are not applicable where **permit** has been signed off and occupancy inspection completed.
- (e) With respect to fees paid in accordance with Schedule "A", Section (4)(j):
  - i) 80 percent if administrative functions only have been performed;
  - ii) 50 percent if Ontario Building Code review has been performed.

Where the **Chief Building Official** deems it appropriate, a refund of other than specified in (e) may be granted.

- (f) Fees paid for a specific project in accordance with Schedule "A", Section (4)(j), may be applied to **permit** fees required in accordance with Section 6 of this By-law for the same project.