

THE CORPORATION OF THE  
TOWNSHIP OF WHITEWATER REGION

BY-LAW #03-03-109

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**This By-Law shall be known and may be cited as “The Building By-Law”. This Bylaw shall repeal and supercede Bylaw # 01- 07 - 38**

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WHEREAS chapter M.45, section 210 subsection 164 to 176 Municipal Act R.S.O. 1990 as amended and Chapter c.23, part 7 of the Building Code Act. S.O. 1992 as amended authorize Councils of Municipalities to pass by-laws and regulations respecting the construction and/or demolition of buildings and the issuing of permits to govern the same;

NOW THEREFORE the Council of the Corporation of the Township of Whitewater Region enacts as follows:

1.1 **TITLE**

a) This By-Law shall be known and may be cited as “The Building By-Law”

2.1 **DEFINITIONS AND WORD USAGE**

a) “Act” means the Ontario Building Code Act, 1992, as amended.

b) “Applicant” means the owner of a building of property who applies for a permit of 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 of the Act.

d) “Chief Building Official” means the Chief Building Official appointed by Council under Section 3 of the act.

e) “Owner” means the registered owner of the land and includes a lessee, mortgagee in possession, and the person in charge of the property.

f) “Permit” means permission or authorization given in writing by the Chief Building Official to perform work regulated by the Act and the Building Code, or to occupy a building or part thereof.

g) “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.

2.2 Terms not defined in this By-Law shall have the meaning ascribed to them in the Act or the Building Code.

3.1 **CLASSES OF PERMITS**

Classes of permits required for construction/demolition/sewage system or change of use are set forth in Schedule “A” and Schedule “B” appended to and forming part of the By-Law.

3.2 Class of permits will be defined as per use of construction.

4.1 **PERMITS**

To obtain a permit, an applicant shall file an application in writing on forms prescribed by and available from the Chief Building Official, and shall supply any other information relating to the application as required by the Chief Building Official.

4.2 Every **building permit** 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 uses and the proposed use (s) for which the proposed 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, specifications and documentation as described in the By-Law
- (e) be accompanied by the required fees as calculated in accordance with Schedule "A" or Schedule "B"
- (f) state the names, addresses and telephone numbers of the owner, applicant, architect, engineer or other designer, sewage system installer, 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 acknowledgment of 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
- (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 Chief Building Official, 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; the registration number of the sewage system installer or the registration number of the H.V.A.C. Installer (Heater, Ventilation, Air Conditioning) as the case may be
- (j) state the estimated valuation of the proposed work including materials and labor
- (k) be signed by the applicant who shall certify as to the truth of the contents of the application

4.3 In addition to the requirements of section 4.2 above, every **demolition permit** application shall:

- (a) when Section 2.3 of the Building Code applies, be accompanied by structural design characteristics of the building and the method and time schedule of the demolition
- (b) be accompanied by satisfactory proof that arrangements have been made with the proper authorities for the termination and capping of all water, sewer, gas, electric, telephone or other utilities and services

4.4 In addition to the requirements of section 4.2 above, every construction permit application for part of a building shall:

- (a) include an application for the entire project
- (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

4.5 In addition to the requirements of section 4.2 above, every **conditional permit** application shall:

- (a) state the reason why the applicant believes that unreasonable delays would occur if a conditional permit is not granted
- (b) state necessary approvals which must be obtained in respect of the proposed building and time in which such approvals will be obtained
- (c) agree in writing with the Municipality to comply with Section 8.(3) of

the Act

4.6 In addition to the requirements of section 4.2 above, every **change of use permit** application 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

4.7 In addition to the requirements of section 4.2 above, every **sewage system permit** application shall:

(a) state the name, address, telephone number and license number of the Certified Sewage System Installer involved with the project

(b) include a site plan and specifications, drawn to scale and showing:

- (i) the true dimensions of the lot
- (ii) the location of all existing and proposed buildings and structures on the lot
- (iii) the proposed location, elevation and dimensions of the sewage system
- (iv) dimensions to the nearest wells, water courses and other sewage systems

4.8 The Chief Building Official may, where conditions in section 4.4 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

4.9 The Chief Building Official may, where conditions in subsection 8 (3) to 8 (5) of the Act and section 4.5 above have been fulfilled, issue a conditional permit for a building subject to compliance with the Act, the Building Code and any applicable law

4.10 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 sections 4.4 and 4.5 be under any obligation to grant any further permit or permits therefore

4.11 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

#### 5.1 **PLANS AND SPECIFICATIONS**

Every applicant shall furnish:

(a) two (2) complete sets of sufficient plans, specifications, documents and other information to enable the Chief Building Official to determine whether the proposed application conforms to the Act and the Building Code

(b) a site plan referenced to a current plan of survey 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.

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
- (iv) rights of ways, easements, septic systems, wells and municipal services existing and proposed

5.2 Plans submitted shall be legible and be drawn to scale upon paper or other suitable durable material

5.3 Copies of the building permit, provided by the Chief Building Official to the

applicant, shall be posted by the applicant in a location that is visible and conspicuous from the road or right of way providing access to the property and from bodies of water, where the work described on the permit is to take place

- 5.4 On completion of the construction of a building, the Chief Building Official may require a set of as constructed plans, including a building location survey
- 5.5 Plans and Specifications furnished according to this By-Law or otherwise required by the Act will be disposed of or retained in accordance with relevant legislation

## 6 FEES

- 6.1 The Chief Building Official shall determine the required fees calculated in accordance with Schedule "A" or Schedule "B" for the work proposed and the applicant shall pay such fees. No permit shall be issued until the fees have been paid in full
- 6.2 Except as permitted in section 4.5 above, all permit fees for permit applications received after work has begun shall be subject to a 20% surcharge
- 6.3 Upon written request, the Chief Building Official shall determine the amount the amount of fees, if any, that may be refunded in accordance with Schedule "A" or Schedule "B" on the case of:
- (a) withdrawal of an application
  - (b) abandonment of an application pursuant to section 4 (11) above
  - (c) refusal to issue a permit
  - (d) request for revocation of a permit pursuant to clause 9 (10)e of the Act
- 6.4 Subject to subsection 7 (1), there shall be no refund of permit fees where a permit has been revoked

## 7 PERMIT REVOCATION, DEFERRAL OR REVOCATION AND TRANSFER

### 7.1 Revocation of Permit

Prior to revoking a permit under Clauses 8 (10)(b) and (c) of the Act, the Chief Building Official shall give written notice of the intention to revoke to the permit holder at his last known address and, if on the expiration of thirty (30) days from the date of such notice, the ground for revocation continues to exist, the permit may be revoked without further notice and all submitted plans and other information may be disposed of.

### 7.2 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 the permit should not be revoked and the date by which the work will be commenced or resumed
- (c) having considered the circumstances of the request and having determined that there have been no changes to the Act and the Building Code and any 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.
- (d) a request for deferral of revocation is subject to a fee in accordance with Schedule "A" or Schedule "B"

### 7.3 Transfer of Permit

- (a) Permits are transferable only upon the new owner completing a permit application to the requirements of section 4
- (b) A fee, as prescribed in Schedule "A" or Schedule "B" shall be payable on

a transfer of a permit by the new owner who shall thenceforth be the permit holder for the purpose of the Act and Building Code

8 **NOTIFICATIONS**

(a) notices for inspections respecting stages of construction required by the Building Code shall be given by the permit holder to the Chief Building Official at least two (2) business days in advance of each stage of construction specified therein

(b) a notice pursuant to this section is not effective until written or oral notice is received by the Chief Building Official

9 **SEVERABILITY**

Should any section, Subsection, clause or provisions 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

10 **REPEAL**

All previous Building By-Laws are hereby repealed

11 **PENALTIES**

- a) As per Building Code Act Section 36
- b) Refer to schedule A & B for surcharges

This By-Law given its FIRST and SECOND reading this 19<sup>th</sup> day of March, 2003

This By-Law read a THIRD time and finally passed this 19<sup>th</sup> day of March, 2003

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REEVE

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**BUILDING PERMIT FEES**  
**SCHEDULE "A"**  
**TO BY-LAW NUMBER 03-03-109**

- a) Building Permit fees shall be as follows”
- (i) **Residential** - New, Additions or Extensive Renovations
    - .22 per square foot (plumbing permit included)
    - plus \$50.00 Administration Fee
    - plus \$25.00 for property identification sign for 911 purposes if required by the Chief Building Official
  - (ii) **Residential** - Accessory Buildings
    - .10 per square foot
    - plus \$50.00 Administration Fee
    - plus \$25.00 for property identification sign for 911 purposes if required by the Chief Building Official
  - (iii) **Commercial/Industrial/Institutional** - New, Additions or Extensive Renovations
    - .25 per square foot
    - plus \$50.00 Administration Fee
    - plus \$25.00 for property identification sign for 911 purposes if required by the Chief Building Official
  - (iv) **Commercial/Industrial/Institutional** - Accessory Buildings/Decks
    - .15 per square foot
    - plus \$50.00 Administration Fee
    - plus \$25.00 for property identification sign for 911 purposes if required by the Chief Building Official
  - (v) **Agricultural** - New Construction, Additions or Extensive Renovations
    - .10 per square foot (Maximum \$250.00)
    - plus \$50.00 Administration Fee
    - plus \$25.00 for property identification sign for 911 purposes if required by the Chief Building Official
  - (vi) **Agricultural** - Accessory Buildings - Storage Containers (Silos)
    - .08 per square foot (Maximum \$200.00)
    - plus \$50.00 Administration Fee
    - plus \$25.00 for property identification sign for 911 purposes if required by the Chief Building Official
  - (vii) **Agricultural** - Dry Storage Containers (Grain Silos) \$50.00
  - (viii) Installation of Solid Fuel Burning Appliance \$50.00

•	(ix)	Demolition Permits 600 square foot or less Plus \$2.00 for each additional 100 square feet	\$30.00
•	(x)	Additional Inspection	\$30.00
	(xi)	Occupancy Permit Or Final Inspection After Permit Has Been Revoked	\$50.00
	(xii)	Change Of Use	\$150.00
	(xiii)	Pool Permit	\$30.00
	(xiv)	Transfer of Permit	\$30.00
	(xv)	Deferral of Revocation of Permit	\$30.00
	(xvi)	Transmitter towers & equipment, Tele-communication towers & \$6.00 per thousand equipment, Pumping stations, Hydro sub-stations of construction value  • plus \$50.00 Administration Fee • plus \$25.00 for property identification sign for 911 purposes if required by the Chief Building Official	
	(xvii)	New Property Identification Sign and Post for 911 Purposes If Requested By Owner	\$25.00
	(xviii)	Residential patio decks less than 400 sq. ft.	\$50.00

b) **Plumbing Permit fees** - shall be as follows:

•	i)	Basic Plumbing Fee plus \$4.00 per fixture fixture includes: water closets, bathtubs, shower stalls, washbasin, kitchen sinks, slop sinks, urinals, automatic washers, laundry tubs, drinking fountains, floor drains, roof hoppers and rain water leaders	\$30.00
	(ii)	Repair or alteration of plumbing system	\$30.00
	(iii)	Additional Inspection	\$30.00

c) **Refunds** - Withdrawal of Application or Abandoned Application

90% - No Review  
50% - Plans Reviewed & Permit Issued  
Permit refunds of less than \$30.00 shall not be issued  
Reviewed Permits - No Refund

**Surcharge:** 20% surcharge applies to all of the above fees if permit application is received after work has begun.

**SEWAGE SYSTEM  
SCHEDULE "B"  
TO BY-LAW NUMBER 03-03-109**

TYPE OF APPLICATION	FEE
For approval of a plan of subdivision under the Planning Act R.S.O. 1990 CH. 13	\$75.00 for each lot or block shown on the proposed plan of subdivision
For approval of a condominium	\$125.00 for each on-site sewage system that is proposed for installed up to 10,000 L.
For Approval For Consents Under the Planning Act	\$100.00 for each severance application
Certificate of Approval for a class 2 sewage system	\$100.00
Certificate of Approval for a class 3 sewage system	\$100.00
Certificate of Approval for a class 4 sewage system using a leaching bed	\$175.00 for each bed installed using a leached bed
Certificate for a class 4 sewage system using a filter bed	\$200.00 for each bed installed using a filter bed
Certificate of Approval for a class 5 sewage system	\$150.00
File search fees	\$55.00
Investigations	\$30.00 per hour

Surcharge: 20% surcharge applied to all of the above fees if permit application is received after work has begun