

Township of Guelph/Eramosa

Building By-law No. 46/2005

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THE CORPORATION OF THE TOWNSHIP OF GUELPH/ERAMOSA

BY-LAW NO. 46/2005

**BEING A BY-LAW TO PROVIDE FOR CONSTRUCTION,
DEMOLITION, CHANGE OF USE PERMITS AND INSPECTIONS.**

WHEREAS Section 7 of the Building Code Act, 1992 S.O. 1992, Chapter 23, as amended, empowers Council to pass certain by-laws respecting construction, demolition, and change of use permits, inspections and related matters;

NOW THEREFORE, the Council of the Corporation of the Township of Guelph/Eramosa enacts as follows:

1.0 SHORT TITLE

This By-law may be cited as the Building By-Law.

2.0 DEFINITIONS

In this By-law:

“Act” means the Building Code Act 1992, S.O. 1992, c. 23, as amended

“As Constructed Plans” means As Constructed Plans as defined in the Building Code.

“Applicant” means the owner of a building or property who applies for a permit or any person authorized in writing by the owner to apply for a permit on the owner’s behalf, or any person or corporation empowered by statute to cause the construction or demolition of a building or buildings and anyone acting under the authority of such a person or corporation.

“Architect” means an Architect as defined in Part 1 of the Building Code.

“Building” means a Building as defined in the Act.

“Building Code” means the regulations made under Section 34 of the Act.

“Chief Building Official” means the Chief Building Official appointed by by-law by the Corporation of the Township of Guelph/Eramosa for the purposes of enforcement of the Act.

“Construct” means Construct as defined in Section 1 of the Act.

“Corporation” means The Corporation of the Township of Guelph/Eramosa.

“Demolish” means Demolish as defined in Section 1 of the Act.

“Farm Building” means a Farm Building as defined in the Building Code”

“Inspector” means an Inspector appointed by by-law by the Corporation of the Township of Guelph/Eramosa for the purposes of enforcement of the Act.

“Owner” includes, in respect of the property on which the construction or demolition will take place, the registered owner, a lessee and a mortgagee in possession.

“Permit” means permission or authorization given in writing from the Chief Building Official to perform work regulated by this by-law and the Act or to change the use of a Building or part of a Building or parts thereof as regulated by the Act.

“Permit Holder” means the Owner to whom a Permit has been issued or where a permit has been transferred, the new Owner to whom the Permit has been transferred.

“Plumbing” means plumbing as defined in Section 1 of the Act.

“Professional Engineer” or **“Engineer”** means a person who holds a license or a temporary license under the Professional Engineer’s Act.

“Sewage System” means a Sewage System as defined in the Building Code.

“Work” means construction or demolition of a building or part thereof, as the case may be.

Word / Term – not defined – Any word or term not defined in this By-law that is defined in the Act or Building Code shall have the meaning ascribed to it in the Act or the Building Code. Any word or term not defined in this by-law, the Act or the Building Code, shall have the meaning normally associated with it.

3.0 CLASSES OF PERMITS

No person shall Construct, alter or Demolish or cause to be constructed, altered or demolished a Building, nor install, alter or cause to be altered plumbing, nor change or cause to be changed the use of an existing Building in the Township unless a Permit has been issued therefor by the Chief Building Official, in accordance with this By-law.

4.0 REQUIREMENTS FOR PERMIT APPLICATIONS

4.1 Application - on Forms – Prescribed

To obtain a Permit, the Owner or an agent authorized in writing by the Owner, shall file an application in writing by completing either the provincially prescribed form or the form prescribed by the Chief Building Official, as the case may be, applicable to the class of permit sought. The provincially prescribed form is available from the Chief Building Official or from the Building Code website www.obc.mah.gov.on.ca.

4.2 Information – Submitted – to Chief Building Official

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

(1) Building Permit

Where application is made for a Building Permit under Section 8(1) of the Act, the application shall:

- a) use the provincial application form, “Application for Permit to

Construct or Demolish”;

- b) include complete plans and specifications, documents and other information, as required by Subsection 2.4.1 of the Building Code and as required in this By-law for the work to be covered by the Permit;
- c) include, where applicable, an individual lot grading and drainage plan, bearing the seal of a Professional Engineer or Ontario Land Surveyor who certifies thereon that the plan generally conforms with any approved overall subdivision or site plan development agreement grading and drainage plan;
- d) where application is made for construction or alteration of a Farm Building, the following additional information is required:
 - i) minimum distance separation calculation;
 - ii) nutrient management plan, as set out under the Nutrient Management Act, if required;
- e) include any other documents and information as required by the Chief Building Official.

(2) **Demolition Permit**

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

- a) use the provincial application form, “Application for Permit to Construct or Demolish”;
- b) include complete plans and specifications, documents and other information, as required by Subsection 2.4.1 and Sentence 2.4.1.1(2) of the Building Code and as required in this By-law for the work to be covered by the Permit;
- c) include a description of the structural design characteristics of the Building and a method of demolition prepared by a Professional Engineer where deemed necessary by the Chief Building Official;
- d) include information concerning the rehabilitation of the site to a graded, level and landscaped condition upon completion of the demolition.
- e) provide proof satisfactory to the Chief Building Official, that:
 - i. arrangements have been made with the proper authorities for the cutting off and plugging of all services;
 - ii. the site will be backfilled and graded with clean fill material to the satisfaction of the Chief Building Official and that all private drain connections will be excavated and properly sealed at the property line;
- f) include any other documents and information as required by the Chief Building Official.

(3) **Conditional Permit**

Where application is made for a Conditional Permit under Subsection 8 (3) of the Act, the application shall:

- a) use the provincial application form, "Application for Permit to Construct or demolish";
- b) include complete plans and specifications, documents and other information, as required by Subsection 2.4.1 of the Building Code and as required in this By-law for the work to be covered by the Permit;
- c) state the reasons why the applicant believes that unreasonable delays in construction would occur if a Conditional Permit is not granted;
- d) state the necessary approvals which must be obtained in respect of the proposed Building and the time in which such approvals will be obtained;
- e) state the time in which plans and specifications of the complete Building will be filed with the Chief Building Official;
- f) be accompanied with a completed Conditional Permit agreement and security deposit as prescribed by the Chief Building Official;
- g) include any other documents and information as required by the Chief Building Official.

(4) Change of Use

Where an application is made for a Change of Use Permit, under Section 10 of the Act, the application shall:

- a) use the Township of Guelph/Eramosa Building Permit Application form, as prescribed by the Chief Building Official
- b) include a description of the Building in which the occupancy is to be changed by a description that will readily identify and locate the building;
- 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;
- d) include complete plans and specifications showing 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 loading bearing capacities, details of the existing Sewage System, if any;
- e) state the name, address and telephone number of the Owner;
- f) be signed by the Owner or his or her authorized agent who shall certify the truth of the contents of the application;
- g) include any other documents and information as required by the Chief Building Official.

(5) Sewage System Permit

Every application for a Sewage System permit issued under Subsection 8 (1) of the Act shall:

- a) use the provincial application form, "Application for a Permit to Construct or Demolish"
- b) include complete plans and specifications, documents and other information as required under Subsection 2.4.1 of the Building Code and as required in this By-law for the work to be covered by the Permit;
- c) include a site evaluation prepared by a Professional Engineer which shall include all of the following items, unless otherwise specified by the Chief Building Official:
 - (i) the date the evaluation was done,
 - (ii) the name, address, telephone number and signature of the person who prepared the evaluation, and
 - (iii) soil properties, including soil permeability and soil conditions, including the potential for flooding;
- d) Include a scaled map of the site showing:
 - (i) the legal description, lot size, property dimensions, existing rights-of-way, easements or municipal / utility corridors,
 - (ii) the location of items listed in Column 1 of Tables 8.2.1.6.A., 8.2.1.6.B. and 8.2.1.6.C. of the Building Code,
 - (iii) the location of the proposed Sewage System,
 - (iv) the location of any unsuitable, disturbed or compacted areas,
 - (v) proposed access routes for system maintenance,
 - (vi) depth to bedrock,
 - (vii) depth to zones of soil saturation;
- e) include any other documents and information as required by the Chief Building Official.

4.3 **Partial Permit - Requirements**

When approval of a portion of the Building or project is desired prior to the issuance of a permit for the complete building or project:

- a) an application shall be made and all applicable fees paid for the complete project;
- b) complete plans and specifications covering the portion of the work for which immediate approval is desired, shall be filed with the Chief Building Official;
- c) any other documents and information as required by the Chief Building Official shall be provided.

4.4 **Partial Permit – Limitations**

Where a Permit is issued for part of a Building or project, this shall not be construed to authorize construction beyond the plans for which approval was given nor that approval will be granted for the entire building or project.

4.5 **Inactive Permit Application**

Where an application for a Permit remains incomplete or inactive for six (6) 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. If an application is deemed to be abandoned, a new application must be filed for the proposed work.

5.0 **PLANS AND SPECIFICATIONS**

5.1 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.

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

5.3 Plans shall be drawn to scale on paper, electronic media approved by the Corporation, or other durable material, and shall be legible and shall include such working drawings as set out below, unless otherwise specified by the Chief Building Official:

- a) Floor Plans
- b) Foundation Plans
- c) Framing Plans
- d) Roof Plans including layout and Professional Engineer designed truss drawings and specifications
- e) Sections and Details
- f) Building Elevations
- g) Electrical Drawings
- h) Heating, Ventilation and Air Conditioning Drawings
- i) Plumbing Drawings
- j) Septic Drawings

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

- a) lot size and dimensions of the property lines and setbacks to any existing or proposed buildings on the lot,
- b) existing and finished ground levels or grades,
- c) existing rights-of way, easements and municipal services,
- d) 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.

5.5 **As Constructed Plans**

On completion of the construction of a Building, the Chief Building Official may require a set of As Constructed Plans, including a plan of survey showing the location of the Building.

5.6 **Plans Property of Corporation**

Plans and specifications furnished according to this By-law, or otherwise required by the Act, become the property of the Corporation and will be disposed of or retained in accordance with relevant legislation.

6.0 **NOTICE OF CHANGE – (Revisions to Permit)**

After the issuance of a Permit under the Act, in accordance with Subsection 8(12), notice of any material change to a plan, specification, document or other information on the basis of which the Permit was issued, must be given in writing to the Chief Building Official together with the details of such change, which is not to be made without his or her written authorization.

7.0 **REVOCAION OF PERMITS**

The Chief Building Official, subject to provisions outlined in Subsection 8(10), has the authority to revoke a Permit issued under the Act.

8.0 **PAYMENT OF FEES**

8.1 Fees for a required permit shall be as set out in The Township of Guelph/Eramosa Rates and Fees By-law No. 59/2002, as amended, and are due and payable upon submission of an application for a Permit.

8.2 Where the fees payable, in respect of an application for construction or demolition Permit issued under Subsection 8(1) of the Act or Conditional Permit under Subsection 8(3) of the Act, are based on the construction cost valuation of the proposed work, the construction cost valuation of the proposed work shall mean the total cost of all work regulated by the Permit, including the cost of all material, labour, equipment, overhead and professional and related services.

8.3 Where the application is for a Conditional Permit, fees shall be paid for the complete project.

8.4 The Chief Building Official may place a valuation on the cost of the proposed work for the purposes of establishing the Permit fee, and where disputed by the Applicant, the Applicant shall pay the required fee under protest and, within six months of completion of the project, shall submit an audited statement of the actual costs and where the audited costs are determined to be less than the valuation, the Chief Building Official shall issue a refund.

8.5 All Permits issued under the authority of this By-law shall be given free of charge for any Township of Guelph/Eramosa building or demolition project under the jurisdiction of the Township of Guelph/Eramosa Council.

9.0 **TRANSFER OF PERMITS**

9.1 **Application – completed – by Owner**

A Permit may be transferred if the new land Owner completes the Permit application form in accordance with the requirements of Part 4.0 of this By-law.

9.2. **New Owner – Permit Holder – upon transfer**

The new Owner shall, upon a transfer of a Permit, be the Permit Holder for the purpose of the Act and the Building Code.

10.0 REQUIRED NOTICE FOR INSPECTIONS

10.1 **Notice Prior to Each Stage to Chief Building Official**

The Permit Holder shall notify the Chief Building Official of each stage of construction for which a mandatory notice is required under Article 2.4.5.1 of the Building Code and Section 11 of the Act.

10.2 **Time Periods – Inspection**

Upon receipt of proper notice, the Inspector shall undertake a site inspection of the Building to which the notices relate in accordance with the time periods stated in Article 2.4.5.3. of the Building Code and Section 11 of the Act.

11.0 SEVERABILITY

In the event that any provision of this By-law is declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the remaining provisions of this By-law.

12.0 OFFENCE

Every person who contravenes any provision of this By-law is guilty of an offence and on conviction is liable to a fine as provided in Section 36 of the Building Code Act, 1992, S.O. 1992, as amended.

13.0 REPEAL OF PREVIOUS BY-LAWS

This By-law repeals former Township of Guelph By-laws Nos. 34/93, 50/95 and 15/96; and

This By-law further repeals former Township of Pilkington By-law No. 97/19 and any former Township of Nichol Building By-laws, which may apply to the areas now within the Township of Guelph/Eramosa, that have been passed respecting construction, demolition and change of use permits and inspections.

READ three times and finally passed
this 7th day of **November, 2005**

Mayor

Clint Martin,

Janice Sheppard, Clerk