

# THE CORPORATION OF THE TOWNSHIP OF TINY

## BY-LAW NUMBER 22-030

### Being a By-law respecting 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, change of use permits, transfer of permits, inspections and the setting and refund of fees and related matters.

**WHEREAS** Section 1 of the Building Code Act, 1992 S.O. 1992, Chapter 23 as amended permits the Chief Building Official to establish operational policies for the enforcement of the Building Code Act and the Ontario Building Code within the Township of Tiny.

**NOW THEREFORE** The Council of The Corporation of the Township of Tiny enacts as follows; Pursuant to Section 7 of the Building Code Act, 1992 S.O. 1992, Chapter 23, as amended:

#### **1.0 Definitions:**

In this By-law,

“Act” – means the Ontario Building Code Act, 1992 S.O. 1992, Chapter 23 as amended being the current edition of the Ontario Building Code Act.

“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(s) and anyone acting under the authority of such person or corporation.

“Architect” – means a holder of a license under the Architect’s Act of Ontario.

“Authorized Agent” – means a person(s) whom has been authorized by the owner to act on the owner’s behalf for matters relating to application for a permit.

“Building” – means a structure occupying an area greater than 10m<sup>2</sup> consisting of a wall, roof and floor or any of them or a structural system serving the function thereof including all plumbing, works, fixtures and service system appurtenant thereto; a structure occupying an area of 10m<sup>2</sup> or less that contains plumbing, including the plumbing appurtenant thereto; plumbing not located in a structure; a sewage system or structure designated in the Ontario Building Code.

“Building Code” – means the most current edition of the Ontario Building Code.

“Building Official” - means a building official/inspector appointed by a By-law of the Corporation of the Township of Tiny for purposes of enforcement of the Act.

“Chief Building Official” – means the Chief Building Official or their delegate, appointed by a By-law of The Corporation of the Township of Tiny for the purposes of enforcement of the Act.

“Complete Application” – means an application that meets the requirements set out in the Building Code and this By-law for applications where the Chief Building Official is required to make a decision within a prescribed time period.

“Director of Planning and Development” – means the person who holds the title of Director of Planning and Development for the Township of Tiny.

“Municipality” – means The Corporation of the Township of Tiny.

“Owner” – means the registered owner(s) of the land.

“Pergola” – means a structure consisting of parallel columns supporting an open roof with beams and cross members used to create shade but not intended to provide protection from the elements.

“Permit” – means written authorization from the Chief Building Official to perform work regulated by this By-law and the Act.

“Professional Engineer” – means a person who holds a license under the Professional Engineer’s Act of Ontario.

“Projecting Sign” – means a sign attached to a building with the face not parallel to the vertical surface of the building. Projecting signs include signs projecting directly from walls, or signs hanging from porch ceilings or other support structures.

“Qualified Person” – a Professional Engineer or Architect licensed in the Province of Ontario.

“Sewage System” – means a sewage system as defined in the Act.

“Sign Face Area” – means the area of one side of a sign where copy can be placed.

“Sign Height” – means the vertical height of a sign from the lowest point to finished grad to the highest part of the sign.

“Surveyor” – means an Ontario Land Surveyor who is a professional member of the Association of Ontario Land Surveyors.

## **2.0 Classes of Permits:**

Classes of Permits are set out in the Township Fee Schedule By-law.

## **3.0 Administrative Procedures Relating to Permits:**

### **3.1 Revision to Drawings/Documentation/Information**

After the issuance of a permit under the Act, notice of any change to a plan, specification, document or other information on the basis of which the permit was issued, must be given to the Building Department together with the details of such change, which is not to be made without the Chief Building Official’s authorization. The approved copy of the plan(s), document(s) or other information along with copies of the proposed revision(s) must be submitted to the Building Department for review and approval. If the change or addition requires review by a Building Official for compliance to the Act or Code the applicable revision fees apply.

If, after an application for a building permit has been made but prior to issuance of a building permit a revision, change or addition is made to the plans, specifications, documents or other information, a copy of the revision must be submitted to the Building Department for review and approval. If the change or addition requires review by a Building Official for compliance to the Act or Code the applicable revision fees apply.

### **3.2 Revocation of Permits**

Prior to revoking a permit, the Chief Building Official shall give written notice of intention to revoke the building permit to the permit holder at their 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 plan(s) and other information may be disposed of. The

permit holder shall be responsible for requesting, in writing, a refund of fees paid, if applicable.

### 3.3 Deferral of Revocation

A permit holder, may, within thirty (30) days from the date of service of a notice under subsection 3.2 (Revocation of Permits) of this By-law request in writing to the Chief Building Official to defer the revocation of the permit by stating reason(s) why the permit should not be revoked and a time when construction will commence. The Chief Building Official having regard to any changes to the Act, the Building Code or other applicable law may allow the deferral at their sole discretion.

### 3.4 Abandoned Permits

An application for a permit shall be deemed to have been abandoned by the applicant where the application is deemed incomplete and remains incomplete three (3) months after it was submitted. All incomplete and/or abandoned applications shall be considered void and all plans and documents may be returned to the owner(s) or applicant or may be destroyed. It is the responsibility of the applicant to request, in writing, a refund of any fees paid, if applicable.

### 3.5 Incomplete Applications

An application for a building permit may be refused by the Chief Building Official where it is not a complete application.

### 3.6 Archived Permits

Where a building permit has not had a site inspection performed within a calendar year, the building permit file, at the discretion of the Chief Building Official, shall become archived. A letter may be sent to the building permit holder advising of the building permit status and the applicable fee shall be paid.

## **4.0 Requirements for Applications:**

### 4.1 The Application

To obtain a permit, the owner or an authorized agent shall file an application by completing the necessary approval documents issued by the agencies responsible for applicable laws, submitting the required plans, documents and any additional information required by the Chief Building Official and paying the applicable fees as set out in the Township Fee Schedule By-law.

The Chief Building Official is delegated the authority to create and/or adopt for usage, forms (other than those prescribed by the Act or the Building Code) which provide for the collection of specific information in relation to building permit applications which information is necessary for the administration and enforcement of the Act or the Building Code.

### 4.2 Building Permits

Every application for a permit shall be submitted to the Building Department and contain the following completed information:

- a) All necessary forms required by the Province of Ontario, County of Simcoe and the Township of Tiny.
- b) Plans, documents and other information as required by the Building Code and as described in Schedule "A" for the work to be covered by the building permit.
- c) A site plan.
- d) A lot grading plan as per the Township's Lot Grading Plan Procedure.

All building permits will be issued in the name of the property owner where the construction is to take place who therefore assumes the primary responsibility for compliance with the Act and the Building Code.

#### 4.3 Sewage System Permits

For every application for a sewage system permit that is submitted to the Sewage Inspector with Powers of the Chief Building Official, the completed application shall:

- a) include complete plans and specifications, documents, lot grading plan/drainage plan, floor plans and other information as required under the Building Code and as described in this By-law for the work to be covered by the permit.
- b) include a site evaluation which shall provide all of the following items, unless otherwise specified by the Sewage Inspector with Powers of 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) include a scaled map of the site showing:
    - the legal description, lot size, property boundary dimensions, existing rights-of-way, easements or municipal/utility corridor(s);
    - the location of items listed in the Building Code;
    - the location of the proposed sewage system;
    - the location of any unsuitable, disturbed or compacted soil areas;
    - proposed access routes for equipment maintenance;
    - depth to bedrock;
    - depth to zones of soil saturation;
    - soil properties, including soil permeability;
    - soil conditions, including the potential for flooding; and
    - Existing buildings, water courses and topography.
- c) Include a completed Sewage System Application Supplementary page.
- d) A zoning review may be required for a Sewage System Permit that does not accompany a building permit application.

The Sewage Inspector with Powers of the Chief Building Official may waive some of the above requirements at their discretion.

#### 4.4 Plans and Specifications

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 to the Act, the Building Code and any other applicable law.

Any design under Division B, Part 4 of the Building Code or any design of a structural component under Division B, Part 9 not verifiable for compliance to Division B, Part 9 of the Building Code by the Chief Building Official except for Pre-engineered elements shall be reviewed and sealed by a qualified person.

All engineered roof truss drawings shall be sealed by a Professional Engineer.

Upon completion of the construction of a building and prior to an occupancy inspection, the Chief Building Official may require the applicant to submit a set of as-constructed plans prior to issuance of an occupancy permit.

#### 4.5 The Site Plan

A site plan to scale referenced to a plan of survey prepared by an Ontario/Canada Land Surveyor or a copy of such a survey shall be filed with the Municipality unless

requirement is waived as in the case where the Chief Building Official or is able to determine whether the proposed work conforms to the Act, the Building Code, and any other applicable law without benefit of having a current plan of survey available for review. The site plan shall show:

- a) lot size and property boundaries and dimensions and setbacks to any existing or proposed building(s);
- b) existing and finished ground levels or grades, water courses, streams, public utilities, existing street name(s) and driveways and entrances, and all components of the sewage system;
- c) existing public and private rights-of-way, easements and municipal services;
- d) proposed fire access routes and existing fire hydrant locations if applicable;
- e) "north" indicated; and,
- f) the 178.0 metre G.S.C. elevation, if applicable.

Upon construction of a building and prior to an occupancy inspection, the Chief Building Official or Director of Planning and Development may require the applicant to submit confirmation from a surveyor that building approved setbacks and/or height are being complied to.

#### 4.6 Pergolas:

A pergola which is attached or detached from any building and exceeds 18.6m<sup>2</sup> (200 ft<sup>2</sup>) is subject to a building permit and documentation require is detailed in schedule A of this by-law.

#### 4.7 Signs:

The construction or alteration of a sign that requires a Building Permit and must be designed by a qualified person would be one which fall under one or more of the requirements below:

- a) a ground mounted sign that exceeds 6m<sup>2</sup> in face area;
- b) a ground sign that exceeds 7.5 m in height above the adjacent finished grade;
- c) a projecting sign that weighs more than 115kg; or,
- d) a roof sign that has any face that is more than 10m<sup>2</sup>.

The changing of movable parts of signs that are designed for change, or the repainting of display matter shall not be deemed to be alterations.

A sign shall not be located so as to obstruct openings required for light and ventilation, any required means of egress or required access for firefighting.

### 5.0 Inspections:

#### 5.1 Additional Notices

The permit holder or his/her authorized agent shall notify the Building Department of the Municipality at least two (2) business days in advance of pergola footings (prior to pour), pergola framing, sign footings (prior to pour), sign framing or the commencement of construction of masonry fireplaces and masonry chimneys; factory-built fireplaces and allied chimneys, stoves, ranges, space heaters and add-on furnaces using solid fuels and allied chimneys.

#### 5.2 Field Inspections

Plans or portions thereof sealed by a qualified person shall require field review inspections by a qualified person at such stages of construction as determined by the Chief Building Official.

### 5.3 On Site Documentation

It is the responsibility of the owner or applicant to have the approved set of plans, any specific reports relating to the construction and all copies of site inspections performed by the Municipality on site for every inspection. A Building Official has the right to fail an inspection if these conditions are not met. The applicable re-inspection fee would apply.

### 5.4 Occupancy Inspections

A Permission to Occupy inspection (Occupancy permit) will not be granted if, in the opinion of the Building Official, the building for which a permit has been issued has been occupied.

### 5.5 Completion of Sewage System

For a sewage system to be considered complete and operational for the purpose of occupancy of a building that the sewage system serves, a final inspection (after covering) is required and a compliance letter

### 6.0 Transfer of Permits:

If the owner of the land changes subsequent to the issuance of a building permit and prior to the occupancy inspection related thereto, the building permit may be transferred to the new owner of the subject lands upon the submission of an application in accordance with the requirements of this By-law, and such application is accompanied by the following:

- a) Proof of ownership of the subject lands;
- b) Written confirmation from the designer(s) referenced in the original application that such person(s) or firm(s) have been retained to continue to provide the stated services in respect of the application (if such services are continued to be required under the Act or Building Code);
- c) The applicable fee.

### 7.0 Code of Conduct:

A Code of Conduct, as set out in Schedule "B" to this By-law, for the Chief Building Official and Building Officials shall be maintained, in accordance to the provisions of the Act, by the Municipality.

### 8.0 Schedules:

That Schedules "A" and "B" attached hereto form part of this By-law.

### 9.0 Fees:

Fees for permits and services shall be as per the Township's current Fee Schedule By-law. Fees not paid within 30 days will be added to the taxes for the property.

### 10.0 Title:

That this By-law be referred to as the "Township Building By-law".

### 11.0 Repealing By-law:

That By-law 15-095 is hereby repealed.

### 12.0 Effective Date:

This By-law shall come into force and effect on May 18, 2022.

READ A FIRST AND SECOND TIME THIS 18<sup>th</sup> DAY OF MAY 2022.

READ A THIRD TIME AND FINALLY PASSED THIS 18<sup>th</sup> DAY OF MAY 2022.

THE CORPORATION OF THE TOWNSHIP OF TINY



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MAYOR, George Cornell



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CLERK, Sue Walton

**SCHEDULE "A"**  
**BY-LAW 22-030**

**DRAWINGS AND DOCUMENTATION**

List of Plans Drawings and documentation to accompany applications for building permits, drawn to scale with the scale identified, fully dimensioned and legible, maximum drawing size is 11" by 17" paper or PDF format through Cloudpermit.

- a) **Lot Grading Plan/Drainage Plan**
- In conformance with the Township's Lot Grading Plan Procedure.
- b) **Floor Plans**
- Plan view of all floor levels including the basement, garage, deck etc.
  - Use of every room or space labelled.
  - All structural framing.
  - Proprietary floor system layout and manufacture bearing a Professional Engineer's (Ontario) seal.
  - Location of all plumbing fixtures.
  - Location of all fireplaces and type of fuel (wood or gas).
  - Location of smoke alarms and carbon monoxide detectors.
  - Size of all lintels individually labelled.
- c) **Elevations**
- Area of exposed building face, area and percentage of glazed openings and required limiting distance indicated on the drawing.
  - Exterior finishes.
  - Window/door type, locations and sizes including height of sills above floor and grade.
  - Roof slope and finish.
  - Stairs, landings, guards and handrails.
- d) **Building Sections**
- Floor to floor and floor to ceiling heights.
  - Footing and foundation wall details including height of grade above basement floor.
  - Specifications of all floor, wall and roof assemblies.
  - Underpinning detail or tying into existing footing details.
  - Stairs, landings guards and handrails.
- e) **Construction Details**
- typical wall section from footings to roof.
  - typical roof detail.
  - guard details.
  - specifications of all wall(s), floor and roof assemblies and building materials.
- f) **Heating, Ventilation and Air Conditioning Drawings**
- heat loss/heat gain/duct sizing calculations.
  - Heating, Ventilation and Air Conditioning duct layout drawings.
- g) **On-site Sewage System Design**

The Chief Building Official may, at their discretion, not require some or all the above-mentioned plans to accompany an application for a building permit.



**SCHEDULE "B"**  
**BY-LAW 22-030**

**CODE OF CONDUCT**

**Preamble**

The Code of Conduct applies to the Chief Building Official and all Building Officials appointed by the Municipality under the Building Code Act in the exercise of a power or the performance of a duty under the Building Code Act or the Building Code. The purpose of the Code of Conduct is to promote appropriate standards of behaviour and enforcement actions to ensure Building Officials apply standards of honesty and integrity, and to prevent practices constituting an abuse of power including unethical or illegal practices.

**Standard of Conduct**

The Chief Building Official and all Building Officials undertake to:

1. Always act in the public interest, particularly with regard to the safety of building works and structures.
2. Not to act where there may be or where there may reasonably appear to be a conflict between their duties to their employer, their profession, their peers and the public at large and their personal interests.
3. Apply all relevant building by-laws, codes and standards appropriately and without favour.
4. Perform their inspections and plan examination duties impartially and in accordance with the highest professional standards.
5. At all times abide by the highest moral and ethical standards and avoiding any conduct, which could bring or tend to bring Building Officials into disrepute.
6. Comply with the provisions of the Building Code Act, the Ontario Building Code and other Acts or Laws that regulate or govern Building Officials or their functions.
7. Not to act beyond their personal level of competence or outside their area of expertise.
8. Maintain current accreditation to act as an Ontario Building Official.
9. Maintain their knowledge and understanding of the best current building practices, building laws and Codes relevant to their inspection and plan examination function.
10. Extend professional courtesy to all.

**Breaches of the Code of Conduct**

The Building Code Act provides that the performance of Building Officials will be measured against this code of conduct. In response to any allegation of a breach of this code against a Building Official, the Chief Building Official shall direct an investigation and where appropriate, recommend disciplinary action against any Building Official who fails to comply with this code of conduct. Where the allegation is against the Chief Building Official, the Chief Building Official's immediate supervisor will direct the investigation and make such recommendations as are reasonable.

In determining the appropriate discipline, the Chief Building Official or the Chief Building Official's immediate supervisor will have regard to the relevance of the conduct to the official's power's and responsibilities as well as the severity of any misconduct.

Disciplinary action arising from violations of the code of conduct is the responsibility of The Corporation of the Township of Tiny's administration and is subject to relevant collective agreements, employment laws and standards.