

THE CORPORATION OF THE TOWN OF DEEP RIVER

BY-LAW NUMBER 13-2023

A BY-LAW TO PROVIDE FOR THE ENFORCEMENT OF THE ONTARIO BUILDING CODE

WHEREAS authority for this by-law is contained in Subsection (2) of Section 5 of the *Building Code Act, 1992*;

NOW THEREFORE BE IT RESOLVED THAT The Council of The Corporation of the Town of Deep River hereby enacts as follows:

1. Definitions

In this by-law:

- 1.1 "Act" means the *Building Code Act, 1992*, including any amendments thereto;
- 1.2 "Building" means a building as defined in Section 1 of the Act;
- 1.3 "Chief Official" means the Chief Building Official appointed by By-Law of the Corporation of the Town of Deep River for the purposes of the enforcement of the Act and this By-Law;
- 1.4 "Fixture" means any receptacle or equipment that receives water, liquids or sewage and discharges water, liquids or sewage into drainage piping.
- 1.5 "Town" means the Corporation of the Town of Deep River;
- 1.6 "Gross Floor Area" means the sum of the space between the exterior walls of all storeys, including finished basement areas, but excluding attached garages and unfinished basement areas.
- 1.7 "Permit" means permission or authorization in writing from the Chief Official to perform any work regulated by this By-Law and the Act, or to change the use of a building, or, in the case of an occupancy permit, to occupy a building or part thereof;
- 1.8 "Code" means the regulations made under Section 34 of the Act, being Regulation 403 / 97, including any amendments thereto;
- 1.9 "Set of Building Plans" means all of the following drawings related to a particular building:
 - 1.9.1 site plan
 - 1.9.2 foundation plan
 - 1.9.3 elevation drawings of all sides

- 1.9.4 structural cross-section(s)
- 1.9.5 floor plans for each storey
- 1.9.6 mechanical drawings showing heating, ventilation, and plumbing;

such drawings being drawn to scale, properly dimensioned, and showing types, sizes, placement, and specifications of materials to be used in construction.

- 1.10 **"Storey"** means that portion of a building which is situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it.
- 1.11 **"Sewage System"** means a sewage system as defined in Section 1(1) of the Act.

2. Forms

The Chief Official will prescribe and approve the required forms for use as applications and permits, and may amend these from time to time to align with legislative requirements without requiring changes to this By-Law.

3. Classes of Permits

Classes of permits with respect to the construction and demolition of buildings shall be as set out in Schedule "A" to this By-Law.

4. Permit Applications

- 4.1 Every person required to obtain a permit under the Act, shall file an application in the prescribed form in the office of the Chief Official.
- 4.2 Every applicant for a permit shall submit sufficient information with each application to enable the Chief Official to determine whether the proposed work will conform to the Act, and whether it may affect adjacent property, and the Chief Official may require such information to be provided before issuing a permit.
- 4.3 Without limiting the generality of the above, except as otherwise permitted by the Chief Official, every application for a permit shall:
 - 4.3.1 identify and describe in detail the work and occupancy to be covered by the permit for which the application is made;
 - 4.3.2 describe the land on which the work is to be done, by a description that will readily identify and locate the building lot;
 - 4.3.3 show the occupancy of all parts of the building;

- 4.3.4 state the valuation of the proposed work and be accompanied by the required fee;
- 4.3.5 state the names, addresses and telephone numbers of the owner, architect, engineer or other designer and constructor;
- 4.3.6 be accompanied, where applicable, by a written acknowledgement of the owner that he has retained the architect or professional engineer or both to carry out the general review of the construction of the building as prescribed by Section 2.3.2.1 of the Code;
- 4.3.7 in the case of demolitions, be accompanied by satisfactory proof that arrangements have been made with the proper authorities for the cutting-off and plugging of all water, sewer, gas, electric and telephone services, and that the necessary health approval has been obtained;
- 4.3.8 be accompanied by evidence that such other permits or authorizations as may be necessary in the opinion of the Chief Official have been obtained;
- 4.3.9 be accompanied by two complete sets of building plans; and,
- 4.3.10 be signed by the owner or his authorized agent who shall certify the truth of the contents of the application.

4.4 Every application for a sewage system permit shall, in addition, contain the following information:

- 4.4.1 the name, address, telephone number and license number of the person installing the sewage system,
- 4.4.2 where the person named in 4.4.1 above requires a license under the Act and the Building Code,
 - a. the number and date of issuance of the license, and
 - b. the name of the qualified person supervising the work to be done under the sewage system permit
- 4.4.3 a site evaluation which shall include all of the following items, unless otherwise specified by the Chief Building Official:
 - a. the date the evaluation was done,
 - b. name, address, telephone number and signature of the person who prepared the evaluation,
 - c. 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 8.2.1.5.A., 8.2.1.5.B. and 8.2.1.5.C. of the Act,
 - iii. the location of the proposed sewage system,

- iv. the location of any unsuitable, disturbed or compacted areas and,
- v. proposed access routes for system maintenance,
- d. depth to bedrock,
- e. depth to zones of soil saturation,
- f. soil properties, including soil permeability, and
- g. soil conditions, including the potential for flooding

4.5 In lieu of separate specifications, the Chief Official may allow the essential information to be shown on the plans, but in no case shall such terms as "in accordance with the Act", "legal", or similar terms be used as substitutes for specific information.

4.6 An application for a permit is valid for a period of six months from the date on which it is submitted to the Chief Official, after which, if no permit has been issued, a new application shall be required.

5. Conditional Permits

5.1 When, in order to expedite work, an applicant desires approval of a portion of the building prior to the issuance of a permit for the complete project, the applicant shall make application and pay fees for the complete project and shall submit plans and specifications covering the portion of work for which immediate approval is desired to the Chief Official.

5.2 Issuance of a permit for part of a building shall not constitute approval of any work beyond the scope of such partial permit, and shall not be construed as assurance that a permit for further parts of the building or the complete project will be issued.

6. Revision to Permit

Any application for a revision to a permit shall be made in the same manner as for the original permit.

7. Assignment of Permit

Permits shall not be assigned without the approval of the Chief Official and the payment of the required fee.

8. Fees

8.1 Permit fees shall be as set out in Schedule 'A' hereto.

- 8.2 Where an application is made for a minor revision to a permit, and the Chief Official determines that the work involved in plan processing and enforcement is minor, no fee shall be charged for the revision.
- 8.3 The Chief Official shall determine the gross floor area of the proposed work for the purpose of establishing the permit fee in accordance with Schedule "A" hereto.
- 8.4 If, upon completion, the actual gross floor area of the work is less than the gross floor area determined by the Chief Official, the permit holder may submit an audited statement showing in detail the complete scope of the work, and the Chief Official shall, if satisfied that the statement shows the complete scope of the work, recalculate the permit fee in accordance with the statement, and the Town shall refund to the permit holder the difference between the fee paid and the recalculated fee.

9. Refund of Permit Fees

- 9.1 Where work on a project for which a permit is issued is abandoned or not commenced, the Chief Official shall determine the amount of refund of permit fees, if any, in accordance with subsection 9.2 hereof, but the minimum non-refundable portion of any permit fees shall be Forty-five Dollars (\$45.00).
- 9.2 The fees that may be refunded shall be a percentage of the fees payable under this by-law, as follows:
 - 9.2.1 thirty-five (35%) per cent if the permit has been issued and no field inspections have been performed subsequent to permit issuance,
 - 9.2.2 five (5%) per cent shall additionally be deducted for each field inspection that has been performed after the permit has been issued.
 - 9.2.3 Notwithstanding anything else in this section, no refund shall be made when the refund amount is calculated to be less than Ten Dollars (\$10.00).

10. Use of Professional Advisor

The Chief Official may engage the services of a professional engineer, architect or other qualified person to assist him in determining whether any works comply with the Code.

11. Time for Notice of Inspections

Notices required by the regulations shall be given to the Chief Official at least twenty-four (24) hours prior to the event unless otherwise approved by the Chief Official.

12. Penalties

Every person who contravenes any provision of this by-law is guilty of an offence and is liable to the penalties provided for in Section 36 of the Act.

13. Repeal of Existing By-law

By-laws numbers 42-1992, 08-1998, 22-2008, and all predecessor By-Laws are hereby repealed.


14. Short Title

This By-Law may be cited as "The Building By-law".

15. Effective Date

This By-law comes into force upon adoption by Council of the Corporation of the Town of Deep River.

READ a FIRST, SECOND AND THIRD TIME and finally passed this 12th day of April, 2023.


Suzanne D'Eon, Mayor


Jackie Mellon, Clerk

**BUILDING BYLAW: BUILDING PERMIT FEES
SCHEDULE "A" TO BY-LAW NUMBER 13-2023**

Class of Permit	Rate	Minimum fee
Residential – New construction (including additions and renovations)	\$1.01 / ft ²	\$45.00
Residential – Accessory Building	\$0.24 / ft ²	\$45.00
Commercial – New Construction and accessory	\$1.05 / ft ²	\$225.00
Industrial – New construction and accessory	\$1.05 / ft ²	\$225.00
Deck, Fence, Roofing		\$45.00 (fixed fee)
Demolition		\$60.00 (fixed fee)
Change of use		\$60.00 (fixed fee)