

**THE CORPORATION OF THE UNITED TOWNSHIPS  
OF DYSART, DUDLEY, HARCOURT, GUILFORD,  
HARBURN, BRUTON, HAVELOCK, EYRE AND CLYDE**

**BY-LAW NO. 2005-77**

**BEING A BY-LAW RESPECTING CONSTRUCTION, DEMOLITION AND  
CHANGE OF USE PERMITS AND INSPECTIONS**

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

**NOW THEREFORE** the Council of the Corporation of the Municipality of Dysart et al enacts as follows:

1. **SHORT TITLE**

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

2. **DEFINITIONS** in this by-law:

- a) *Act* means the Ontario Building Code Act 1992, S.O. 1992 C. 23, as amended.
- b) *As constructed plans* means as constructed plans as defined in the Building Code.
- c) *Building* means building as defined in Section 1(1) of the *Act*.
- d) *Building Code* means the regulations made under Section 34 of the *Act*.
- e) *Chief Building Official* means the Chief Building Official appointed by by-law of the Corporation of the Municipality of Dysart et al.
- f) *Construct* means to do anything in the erection, installation, extension or material alteration or repair of a *building* and includes the installation of a *building* unit fabricated or moved from elsewhere and construction has a corresponding meaning.
- g) *Corporation* means the Corporation of the Municipality of Dysart et al.
- h) *Demolition* means to do anything in the removal of a *building* or any material part thereof and demolish has a corresponding meaning.
- i) *Permit* means written permission or written authorization 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*.
- j) *Plumbing* means plumbing as defined in Section 1(1) of the *Act*.

3. **CLASSES OF PERMITS AND FEES**

- 1. Classes of *permits* and fees required for construction, demolition or change of use are set forth in Schedule A appended to and forming part of this by-law and are due and payable upon submission of an application for a *permit*.
- 2. The *Chief Building Official* shall calculate the required fee in accordance with Schedule A.
- 3. When construction has commenced prior to the issuance of the building *permit* the *permit* fee shall be double the amount provided for in Schedule A.

4. In the case of withdrawal of an application or abandonment of all or a portion of the work or non-commencement of any project the applicant may request in writing that the *Chief Building Official* determines the amount of paid *permit* fees that may be refunded to the applicant, if any in accordance with Schedule A of this by-law.
5. Transfer of *Permits*; a *permit* may be transferred to a new owner by submitting an up to date deed, by completing a Transfer of *Permit* Application and by submitting the required fee.

#### 4. **REQUIREMENTS FOR APPLICATIONS**

1. To obtain a *permit*, the owner or an agent authorized in writing by the owner shall file an application in writing by completing a prescribed form available at the offices of the Municipality or from the building code website [www.obc.mah.gov.on.ca](http://www.obc.mah.gov.on.ca) or by completing an application as provided by the *Chief Building Official* for a Change of Use *Permit* or Transfer of *Permit*.
2. Every application for a construction or demolition *permit* under Subsection 8(1) of the *Act* shall be submitted to the *Chief Building Official* and contain the following:
  - a) a completed provincial form "Application for a *Permit* to Construct or Demolish";
  - b) complete plans and specifications, documents and other information as required by Article 2.4.1.1B of the Building Code and as described in this by-law for the work to be covered by this *permit*;
  - c) required fees as calculated in accordance with Schedule "A"; and
  - d) any information requested by the *Chief Building Official* to enable him/her to determine that the proposal complies with any other applicable law.
3. When, in order to expedite work, approval of a portion of the *building* project is desired prior to the issuance of a *permit* for the complete project, application shall be made and the fees paid for the complete project. Where a *permit* is issued for part of a *building* project, this shall not be construed to authorize construction beyond the plans for which approval was given nor will that approval necessarily be granted for the entire *building* or project.
4. In addition to the requirements of subsection (2) above, every application for a conditional *permit* under subsection 8(3) of the *Act* shall:
  - a) state the reasons why the applicant believes that unreasonable delays in construction would occur if a conditional *permit* is not granted;
  - b) state the necessary approvals which must be obtained in respect of the proposed *building* and the time in which such approvals will be obtained;
  - c) state the time in which plans and specifications of the complete *building* will be filed with the *Chief Building Official*; and
  - d) include an agreement signed by the applicant in accordance with Building Code Act.
5. Every application for a change of use *permit* issued under section 10(1) of the *Act* shall be submitted to the *Chief Building Official* and shall include:
  - a) a completed application form as provided by the *Chief Building Official*;
  - b) a description of the *building* in which the occupancy is to be changed;
  - c) identification and description in detail of the current and proposed occupancies of the *building* or part of a *building* for which the application is made;
  - d) plans and specifications showing the current and proposed occupancy of all parts of the *building*, and which contains 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 load bearing capacities; and
  - e) the required fee.
6. Where application for a *permit* or for authorization to make a material change to a plan, specification, document or other information on the basis of which a *permit* is issued, contains an equivalent material, system or *building* design for which authorization under Section 9 of the *Act* is requested, the following information shall be provided:
  - a) a description of the proposed material, system or *building* design for which authorization under Section 9 of the *Act* is requested;
  - b) any applicable provisions of the *Building Code*; and
  - c) evidence that the proposed material, system or *building* design will provide the level of performance required by the *Building Code*.

5. PLANS AND SPECIFICATIONS

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 changes of use will conform with the *Act* the Building Code and any other applicable laws and shall include the following:
  - a) Two sets of plans drawn to scale and shall include: floor plans, foundation plans, framing plans, roof plans, *building* elevations, *plumbing* plans, heating and ventilation plans, except *plumbing* and heating and ventilation plans are not required for a detached house, semi-detached house or house containing not more than 2 dwelling units.
  - b) A Site Plan referenced to an up to date survey when available or to a drawing of the lot, neatly drawn, which shall indicate:
    - i. the dimensions of the lot (length, width);
    - ii. the location and size of the proposed *buildings* & all existing *buildings*;
    - iii. location of well, septic, easements (hydro, right of way etc) & entrance; and
    - iv. the setbacks of proposed *building* or addition from all lot lines, road, other *buildings* within 3 metres, the highwater mark, and the well and septic system.
  - c) If the application is for a Partial *Permit* the applicant shall provide a Site Plan as per Section b) and two sets of plans for that part of the *building* to be *constructed*. Construction shall not proceed beyond that part of the *building* that has been approved, until a complete set of plans has been submitted and written approval has been received from the *Chief Building Official*.
  - d) Plans submitted shall be legible in English, drawn to scale upon paper or durable material.
  - e) Plans and specifications furnished become the property of the *Corporation* and will be disposed of or retained in accordance with relevant legislation.
  - f) After the issuance of a *permit* under the *Act*, notice of any material change to a plan, specification or 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.
  - g) The *Chief Building Official* may require that a set of *as constructed plans* be filed with the *Corporation* on completion of construction.

**READ** a first, second and third time, signed and the Corporate Seal attached hereto this 12<sup>th</sup> day of September, 2005.

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REEVE: Murray Fearrey

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CAO/CLERK: Tammy McKelvey

**Schedule "A" to Bylaw 2005-77 as amended by By-law 2010-32**

**Classes of Permits and Fees**

**1. Building Permits**

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|--|------------------|
| a) Dwellings, additions + buildings used for human habitation (bunkies, private cabins, multi residential) | \$ .50 per sq ft |
| b) Commercial and institutional buildings and additions (office space, stores, restaurants, schools etc)   | \$ .65 per sq ft |
| c) Industrial Buildings and additions  | \$ .55 per sq ft |
| d) Accessory Buildings and additions Garages, sheds etc  | \$ .35 per sq ft |

**Calculation of Fees:**

Fees for 1. a) b) c) d): when calculating area (sq. ft.), take the sum total of the areas of every floor measured from the outside of the exterior walls (including covered porches), excluding basements. No additional fee to be added for decks, open porches, plumbing, HVAC shown on plans at time of application.

- |  |                  |
|--|------------------|
| e) Renovations/New Foundation under an existing building   | \$ .35 per sq ft |
| f) Minimum Permit fee including:<br>Decks any size<br>HVAC (includes wood stoves)<br>Outdoor pools | \$100.00         |
| g) Demolition Permit   | \$100.00         |

**2. Conditional Permit** \$100.00 + applicable **Building Permit** fees

**3. Partial Building Permit** \$100.00 + applicable **Building Permit** fees for the complete project.

**4. Change of Use** \$100.00 + any applicable **Building Permit** Fees

**5. Transfer of Permit** \$100.00

**6. Re-inspections** including inspections for permits issued more than 5 years ago & changes to plans that requires written approval \$100.00

**7. Refunds:**

Requests for refunds must be provided in writing from the applicant.

No refunds shall be made for a permit that has been revoked.

Any application that has not been processed 100% is refundable.

Any application that has been reviewed for building & zoning compliance even if permit has been issued 75% of fee is refundable.

Permit issued and any inspections performed no refund .