

THE CORPORATION OF THE TOWN OF WHITCHURCH-STOUFFVILLE

BY-LAW NUMBER 93 - 193

A By-Law under the Building Code Act  
Respecting Permits and Related Matters.

WHEREAS pursuant to the Building Code Act, as amended, the Lieutenant Governor in Council has established a Building Code which is in force throughout Ontario;

AND WHEREAS Subsection 5.-(2) of the Building Code Act authorizes a municipal council to pass by-laws concerning the issuance of permits and related matters.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF WHITCHURCH-STOUFFVILLE ENACTS AS FOLLOWS:

1. SHORT TITLE

This By-Law may be cited as the "Building Permits By-Law".

2. DEFINITIONS

2.1 In this By-Law:

2.1.1 "Act" means the Building Code Act, as amended.

2.1.2 "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.

2.1.3 "Building Code" means the regulation made under the Act.

2.1.4 "Chief Official" means the chief building official appointed under Subsection 3.-(2) of the Act.

2.1.5 "owner" means the registered owner of the land and includes a lessee, mortgagee in possession and the person in charge of the property.

2.1.6 "permit" means permission or authorization given in writing by the Chief Official to perform work regulated by the Act and Building Code, or to occupy a building or part thereof prior to its completion.

2.1.7 "permit holder" means the owner.

2.1.8 "enclosure" means a fence, wall or other structure, including doors and gates, surrounding a privately-owned outdoor swimming pool to restrict access thereto.

2.1.9 "farm building" means a building as defined by Standard Practice #92-012.

2.1.10 "gross floor area" means the total floor area of all floors above or below grade except unfinished basements in residential dwellings but including attached garages and underground parking areas.

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

3. CLASSES OF PERMITS

Classes of **permits** required for construction or demolition are set forth in Schedule "A" appended to and forming part of this by-law.

4. PERMIT APPLICATIONS

- 4.1 To obtain a **permit**, an **applicant** shall file an application in writing on forms available from the **Chief Official**.
- 4.2 Every application shall
- 4.2.1 identify and describe in detail the work, use and occupancy to be covered by the **permit** for which the application is made;
  - 4.2.2 identify and describe in detail the existing uses and the proposed use(s) for which the premises are intended;
  - 4.2.3 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;
  - 4.2.4 be accompanied by plans and specifications as described in the by-law;
  - 4.2.5 state the **applicant's** estimated valuation of the proposed work;
  - 4.2.6 state the **gross floor area** of the proposed **building**
  - 4.2.7 be accompanied by the fees based on the **gross floor area** calculated in accordance with Schedule "A";
  - 4.2.8 state the names, addresses, postal codes and telephone numbers of the **owner** and/or **applicant**;
  - 4.2.9 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 in Schedule "B", undertaking to provide general review of the construction or demolition of the building;
  - 4.2.10 include, where applicable, the **applicant's** registration number where an applicant is a builder as defined in the Ontario New Home Warranties Plan Act or a signed copy of the vendor/builder declaration form;
  - 4.2.11 state the estimated valuation of the proposed work including material and labour; and
  - 4.2.12 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 subsection 4.2, every demolition permit application shall:

- 4.3.1 when Section 2.3 of the Building Code applies, be accompanied by structural design characteristics of the building and the method of demolition; and
- 4.3.2 be accompanied by satisfactory proof that arrangements have been made with the proper authorities for the termination and capping of all the water, sewer, gas, electric or other utilities and services.

Note: The requirements in Section 4.3.1 and 4.3.2 may be waived if it is determined by the Chief Official that such requirements are not necessary.

- 4.4 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 Official** to have been abandoned and notice thereof shall be given to the **applicant** who may be entitled to a partial refund of fees as set out in Schedule "A" appended to and forming part of this By-law.

#### 5. PLANS AND SPECIFICATIONS

- 5.1 Every **applicant** shall furnish sufficient plans, specifications, documents and other information to enable the **Chief Official** to determine whether the proposed work conforms to the **Act**, the **Building Code**, and any other applicable law.
- 5.2 Plans submitted shall be drawn to scale upon paper, cloth or other suitable and durable material.
- 5.3 Site Plans submitted shall be referenced to a current plan of survey certified by a registered Ontario Land Surveyor and a copy of such a survey shall be filed with and retained by the municipality unless this requirement is waived because the **Chief 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.
- 5.4 The **Chief Official** shall determine the number of plans, specifications, documents and other information required to be furnished with an application for permit having regard for the requirements of any **Act**, regulation or by-law respecting the examination or circulation of the application.
- 5.5 On completion of the construction of a building, the **Chief Official** may require a set of plans of the building as constructed, including a plan of survey showing its location.

#### 6. PERMIT FOR PART OF A BUILDING

- 6.1 Where a **permit** for a part of a building is desired prior to the issuance of a **permit** for the entire project, application shall be made and fees paid for the entire project, and 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 Official**, shall be filed with the **Chief Official**.

- 6.2 The **Chief Official** shall, where conditions in Subsection (1) have been fulfilled, issue a permit for part of a building subject to compliance with applicable law and payment of fees as prescribed in Schedule "A".
- 6.3 The **Chief Official** shall not, by reason of the issuance of a **permit** or **permits** for a part or parts of the building, be under any obligation to grant any further **permit** or **permits** therefor.

7. **FEES**

- 7.1 The **Chief Official** shall determine the **gross floor area** of the work proposed and the **applicant** shall pay the fees based on such fee per square foot in accordance with Schedule "A" and no **permit** shall be issued until the fees therefor have been paid in full.
- 7.2 In the case of withdrawal or abandonment of an application, pursuant to Subsection 4(3), refusal or revocation of a **permit** and upon written request, the **Chief Official** shall determine the amount of fees, if any, that may be refunded, in accordance with Schedule "A" appended to and forming part of this by-law.

8. **PERMIT REVOCATION, DEFERRAL OF REVOCATION AND TRANSFER**

8.1 **Revocation of Permit**

8.1.1 Prior to revoking a **permit** under Subsection 6(4)(b) or (c) of the **Act**, the **Chief Official** shall give written notice of 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, subject to Subsection (2), the **permit** shall be revoked without further notice and all submitted plans and other information may be disposed of or, at request of the **permit** holder, returned as directed.

8.1.2 Notification under Subsection (a) shall be service either personally or by registered mail. Where notification is by registered mail, it shall be deemed to have been served on the third business day after the date of mailing.

8.2 **Deferral of Revocation**

8.2.1 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 Official** to defer the revocation of such **permit**.

8.2.2 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.

8.2.3 Having considered the circumstances of the request and having determined that there have been no changes to the **Building Code** and any other applicable law which would

have prevented the issuance of the original permit, the Chief Official may allow a deferral to a prescribed date, and shall notify the permit holder.

8.3 Transfer of Permit

8.3.1 Permits are transferable only upon the new owner completing a permit application form to the requirements of Section 4.

8.3.2 The minimum fee shall be payable on a transfer by the new owner who shall thenceforth be the permit holder for the purpose of the Act and the Building Code.

9. NOTIFICATIONS

9.1 Notices required by Subsection 2.4.5.1.(1) of the Building Code shall be given by the permit holder to the Chief Official at least one business day in advance of the stages of construction specified therein.

9.2 A notice pursuant to this section is not effective until written or oral notice is actually received by the Chief Official.

10. VALIDITY

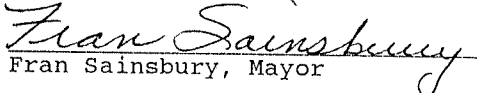
Should any section, subsection, clause or provision of this by-law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this by-law as a whole or any part thereof, other than the part so declared to be invalid.

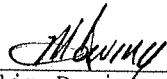
11. REPEAL

By-Law Number 93-07 is hereby repealed.

READ a first and second time this 14th day of December, 1993.

READ a third time and passed this 14th day of December, 1993.

  
Fran Sainsbury, Mayor

  
Merlin Dewing, Acting Clerk