

**THE CORPORATION OF THE TOWNSHIP OF
CHISHOLM**

BY-LAW NO. 2023-36

Being a By-law to regulate the administration of building permits and related matters

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

THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF CHISHOLM ENACTS AS FOLLOWS:

1. SHORT TITLE

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

2. DEFINITIONS AND WORD USAGE

In this by-law:

- (1) (a) *"Act" means the Building Code Act, 1992 as amended.*
 - (b) *"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 or buildings and anyone acting under the authority of such person or corporation.*
 - (c) *"Building" means a building as defined in Section 1(1) of the Act.*
 - (d) *"Building Code" means the regulation made under Section 34 of the Act.*
 - (e) *"Chief Building Official" means the Chief Building Official appointed by Council under Section 3 of the Act.*
 - (f) *"Designer" means a person or entity responsible for the design of a building as defined in the Ontario Building Code.*
 - (g) *"Owner" means the person or persons, firm partnership, company or Corporation whose name appears in the Registry Office and Land Titles Office for the District of Nipissing as being the owner or whose name appears on the last revised Assessment Roll for the Township of Chisholm as the assessed owner. For the purposes of this By-law it is sufficient to show the owner as being the registered owner or the assessed owner.*
 - (h) *"Permit" means written permission or written authorization from the Chief Building Official to perform work regulated by the by-law and the Act, or to change the use of a building or part of a building or parts thereof regulated by the Act.*
 - (i) *"Permit holder" means the person to whom the permit has been issued and who assumes the primary responsibility for complying with the Act and the Building Code.*
 - G) *"Plumbing" means plumbing as defined in Section 1(1) of the Act.*
- (2) *Terms not defined in this By-law shall have the meaning as described to them in the Act or the Building Code.*

3. CLASSES OF PERMITS

Classes of permits required for construction, demolition or change of use are set forth in the current Fees By-law appended to and forming part of this By-law.

4. PERMITS

Every application for a permit shall be submitted to the Chief Building Official, and contain the following information.

- (1) Where application is made for a construction permit under Subsection 8(1) of the Act, the application shall:
 - (a) use the provincial application form, "Application for a Permit to Construct Demolish" available from the office of the Chief Building Official or from the Ontario Building Code website, <https://www.ontario.ca/document/citizens-guide-land-use-planning/building-permits>, set forth in Schedule "A" appended to and forming part of this by-law, and
 - (b) include complete plans and specifications, documents and other information as required by the Chief Building Official, the Building Code and as described in this by-law for the work to be covered by the permit; and
- (2) Where application is made for a demolition permit under Subsection 8(1) of the Act, the application shall:
 - (a) use the provincial application form, "Application for a Permit to Construct Demolish" available from the office of the Chief Building Official or from the Ontario Building Code website, <https://www.ontario.ca/document/citizens-guide-land-use-planning/building-permits>, set forth in Schedule "A" appended to and forming part of this by-law, and
 - (b) include complete plans and specifications, documents and other information as required by the Chief Building Official, the Building Code and as described in this by-law for the work to be covered by the permit; and
- (3) 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 a Permit to Construct or Demolish" set forth in Schedule "A" appended to and forming part of this by-law;
 - (b) include complete plans and specifications, documents and other information as required by Sentence 2.4.1.3. of the Building Code, the Chief Building Official and as described 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; and
 - (e) state the time in which plans and specifications of the complete building will be filed with the Chief Building Official.
- (4) Where an application is made for a Change of Use permit under subsection 10.(1) of the Act an application shall be submitted to the Chief Building Official, and shall:
 - (a) describe the building in which the occupancy is to be changed, by a description that will readily identify and locate the building,
 - (b) identify and describe in detail the current and proposed occupancies of the building or part of a building for which the application is made,

- (c) include 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 load bearing capacities, details of the existing "sewage system", if any,
 - (d) be accompanied by the required fee,
 - (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.
- (5) The Chief Building Official shall, where conditions in subsection (4) above have been fulfilled, issue a permit for part of a building subject to compliance with the Act, the Building Code and any applicable law.
 - (6) The Chief Building Official may, where conditions in Subsection 8(3) to 8(5) of the Act and Subsection (4) and (5) have been fulfilled, issue a conditional permit for a building subject to compliance with the Act, the Building Code and any applicable law.
 - (7) The Chief Building Official shall not, by reason of the issuance of a permit or permits for a part or parts of the building issued under Subsections (4) and (5) be under any obligation to grant any further permit or permits therefore.
 - (8) 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 Building Official to have been abandoned and notice thereof shall be given to the applicant.
 - (9) 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 office of the municipality or from the Building Code website, <https://www.ontario.ca/document/citizens-guide-land-use-planning/building-permits>.

5. PLANS AND SPECIFICATIONS

- (1) Every applicant shall furnish,
 - (a) sufficient plans, specifications, documents and other information to enable the Chief Building Official to determine whether the proposed construction, demolition, or change of use conforms to the Act and the Building Code; and
 - (b) a site plan 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 the municipality unless this requirement is waived because the Chief Building 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. Site plan will include:
 - (i) lot size and dimensions of the property;
 - (ii) setbacks from existing and proposed buildings to property boundaries and to each other;
 - (iii) existing and finished ground levels or grades; and
 - (iv) existing rights of way, easements and municipal services
 - (v) area of dimensions of existing building and structures where applicable.
- (2) Plans submitted shall be legible and be drawn to scale upon paper or other suitable and durable material.
- (3) The Chief Building Official shall determine the number of plans, specifications, documents and other information required to be furnished with an application for a permit having regard for the requirements of any Act, Regulation or By-law respecting the examination or circulation of the application.

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

6. FEES

- (1) The Chief Building Official shall determine the required fees calculated in accordance with current Fees By-law for the work proposed and the applicant shall pay such fees. No permit shall be issued until the fees therefore have been paid in full.
- (2) Upon written request, the Chief Building Official shall determine the amount of fees, if any, that may be refunded in accordance with the current Fees By-law in the case of:
 - (a) withdrawal of an application,
 - (b) abandonment of an application pursuant to subsection 4(10) above,
 - (c) refusal to issue a permit, or
 - (d) request for revocation of a permit pursuant to Clause 8(10)(e) of the Act.
- (3) Subject to subsection 7(1), there shall be no refund of permit fees where a permit has been revoked.
- (4) If the Township of Chisholm proposes to change any fee imposed in this by-law for applications, for a permit or for issuance of a permit, the Township shall:
 - (a) give notice of the proposed changes in fees to such person as may be prescribed, and
 - (b) hold a public meeting concerning the proposed changes.

7. PERMIT REVOCATION, DEFERRAL OF REVOCATION AND TRANSFER

(1) Revocation of Permit

Prior to revoking a permit under Clauses 8(10)(b) and (c) of the Act, the Chief Building 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, the permit may be revoked without further notice and all submitted plans and other information may be disposed of.

(2) Deferral of Revocation

- (a) 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 of the notice to petition the Chief Building Official to defer the revocation of such permit.
- (b) 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.
- (c) Having considered the circumstances of the request and having determined that there have been no changes to the Act and the Building Code and any other applicable law which would have prevented the issuance of the original permit, the Chief Building Official may allow a deferral to a prescribed date and shall notify the permit holder.

(3) Transfer of Permit

- (a) Permits are transferrable only upon the new owner completing a permit application to the requirements of Section 4.
- (b) A fee, as prescribed in the current Fees By-law, shall be payable on a transfer of permit by the owner who shall thenceforth be the permit holder for the purpose of the Act and the Building Code.

8. NOTIFICATIONS

- (1) Notices for inspections respecting stages of construction required by the Building Code shall be given by the permit holder to the Chief Building Official at least twenty four hours in advance of each stage of construction specified therein not including weekends, holidays or other days where the office is not open to conduct business with the public.
- (2) A notice pursuant to this section is not effective until written or oral notice is received by the Chief Building Official.

9. CODE OF CONDUCT

The Chief Building Official and Building Inspector(s) shall conduct business in accordance with the Code of Conduct Policy set forth in Schedule "B" appended to and forming part of this By-law.


10. SEVERABILITY

- (1) Should any section, subsection, clause of 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

- (1) By-law Number 2005-21 of the Corporation of the Township of Chisholm and any other By-laws that are in conflict or inconsistent with this By-law are hereby repealed.

READ A FIRST SECOND AND THIRD TIME in open Council and passed this 28th day of November, 2023.



Mayor, Gail Degagne



CAO Clerk Treasurer, Jennistine Leblond

**THIS IS SCHEDULE "A" TO BY-LAW 2023-36
OF THE CORPORATION OF THE TOWNSHIP
OF CHISHOLM**

Application for a Permit to Construct or Demolish
This form is authorized (under subsection 8(1.1) of the Building Code Act, 1992)

For use by Principal Authority			
Application number:		Permit number (if different):	
Date received:		Roll number:	
Application submitted to: _____ <small>(Name of municipality, upper-tier municipality, board of health or conservation authority)</small>			
A. Project information			
Building number, street name		Unit number	Lot/con.
Municipality	Postal code	Plan number/other description	
Project value est. \$		Area of work (m ²)	
B. Purpose of application			
<input type="checkbox"/> New construction <input type="checkbox"/> Addition to an existing building <input type="checkbox"/> Alteration/repair <input type="checkbox"/> Demolition <input type="checkbox"/> Conditional Permit			
Proposed use of building		Current use of building	
Description of proposed work			
C. Applicant			
Applicant is:		<input type="checkbox"/> Owner or	<input type="checkbox"/> Authorized agent of owner
Last name		First name	Corporation or partnership
Street address		Unit number	Lot/con.
Municipality	Postal code	Province	E-mail
Telephone number		Fax	Cell number
D. Owner (if different from applicant)			
Last name		First name	Corporation or partnership
Street address		Unit number	Lot/con.
Municipality	Postal code	Province	E-mail
Telephone number		Fax	Cell number

E. Builder (optional)			
Last name		First name	Corporation or partnership (if applicable)
Street address		Unit number	Lot/con.
Municipality	Postal code	Province	E-mail
Telephone number		Fax	Cell number
F. Tarion Warranty Corporation (Ontario New Home Warranty Program)			
i. Is proposed construction for a new home as defined in the Ontario New Home Warranties Plan Act? If no, go to section G.		<input type="checkbox"/> Yes	<input type="checkbox"/> No
ii. Is registration required under the Ontario New Home Warranties Plan Act?		<input type="checkbox"/> Yes	<input type="checkbox"/> No
iii. If yes to (ii) provide registration number(s): _____			
G. Required Schedules			
i) Attach Schedule 1 for each individual who reviews and takes responsibility for design activities.			
ii) Attach Schedule 2 where application is to construct on-site, install or repair a sewage system.			
H. Completeness and compliance with applicable law			
i) This application meets all the requirements of clauses 1.3.1.3/6) (a) to (d) of Division C of the Building Code (the application is made in the correct form and by the owner or authorized agent, all applicable fields have been completed on the application and required schedules, and all required schedules are submitted). Payment has been made of all fees that are required, under the applicable by-law, resolution or regulation made under clause 7(1)(c) of the Building Code Act, 1992, to be paid when the application is made.		<input type="checkbox"/> Yes	<input type="checkbox"/> No
ii) This application is accompanied by the plans and specifications prescribed by the applicable by-law, resolution or regulation made under clause 7(1)(b) of the Building Code Act, 1992.		<input type="checkbox"/> Yes	<input type="checkbox"/> No
iii) This application is accompanied by the information and documents prescribed by the applicable by-law, resolution or regulation made under clause 7(1)(b) of the Building Code Act, 1992 which enable the chief building official to determine whether the proposed building, construction or demolition will contravene any applicable law.		<input type="checkbox"/> Yes	<input type="checkbox"/> No
iv) The proposed building, construction or demolition will not contravene any applicable law.		<input type="checkbox"/> Yes	<input type="checkbox"/> No
I. Declaration of applicant			
I, _____ declare that:			
<small>(print name)</small>			
1. The information contained in this application, attached schedules, attached plans and specifications, and other attached documentation is true to the best of my knowledge. 2. If the owner is a corporation or partnership, I have the authority to bind the corporation or partnership.			
Date		Signature of applicant	

Personal information contained in this form and schedules is collected under the authority of subsection 8(1.1) of the Building Code Act, 1992, and will be used in the administration and enforcement of the Building Code Act, 1992. Questions about the collection of personal information may be addressed to: a) the Chief Building Official of the municipality or upper-tier municipality to which this application is being made, or, b) the Inspector having the powers and duties of a chief building official in relation to sewage systems or plumbing for an upper-tier municipality, board of health or conservation authority to whom this application is made, or, c) Director, Building and Development Branch, Ministry of Municipal Affairs and Housing 777 Bay St., 2nd Floor, Toronto, M5G 2E5 (416) 585-6666.

THIS IS SCHEDULE "B" TO By-Law 2023-36
OF THE CORPORATION OF THE TOWNSHIP OF CHISHOLM

CODE OF CONDUCT FOR BUILDING OFFICIALS

1.01 INTRODUCTION

The Township of Chisholm maintains this code of conduct in accordance with the provisions of 'The Building Code Act'. Building Officials undertake building certification functions that ensure the quality, structural integrity and safety of buildings. Building Officials are exposed to potential conflicts of interest because of the special powers conferred on them. The conduct and behaviour of the Township of Chisholm Building Officials reflects the Building Department's commitment to the highest standards of professionalism, technical competence, skill, honesty, fairness and independence.

Building Officials observe both the letter and the spirit of this code of conduct as it pertains to situations that bear on their responsibilities.

2.01 PURPOSE

The purpose of this code of conduct are:

- To promote appropriate standards of behavior by building officials in the exercise of their power and performance of their duties.
- To prevent practices which may constitute an abuse of power, and
- To promote appropriate standards of honesty and integrity.

3.01 STANDARDS OF CONDUCT AND PROFESSIONALISM

In addition to any Policy with respect to any "Code of Ethics and Conduct applying to all municipal staff", the Township of Chisholm Building Official shall undertake at all times to:

1. Act in the public interest, particularly with regard to the safety of building works and structures;
2. Maintain their knowledge and understanding of the best current building practice, the building laws and regulations relevant to their building certifying functions;
3. Commit themselves to a process of continuous education so as to constantly be aware of developments in building design, practice and the law relevant to their duties;
4. Comply with the provisions of the *Building Code Act*, the Building Code and any other Act or Law that regulates or governs Building Officials or their functions;
5. Avoid situations where there may be, or where there may reasonably appear to be, a conflict between their duties to their clients, their profession, their peers and the public at large and their personal interests;
6. Not act beyond their level of competence or outside their area of expertise;
7. Apply all relevant building laws, regulations and standards strictly and without favour and independent of the influence of interested parties;
8. Perform their inspections and certifying duties impartially and in accordance with the highest professional standards;
9. Not divulge any confidential or sensitive information or material, that they became privy to in the performance of their duties, except in accordance with laws governing freedom of information and protection of privacy;
10. To avoid any conduct that could bring Building Officials of the Township of Chisholm into disrepute;
11. Extend professional courtesy to all;
12. Accept responsibility for the conduct of their subordinate employees;
13. Maintain current accreditation to perform the functions assigned to them; and
14. Take all reasonable steps to ascertain and document all available facts relevant to the performance of their duties.
15. Exemplify compliance with all regulations and standards that govern building construction, health & safety or other matters related to their status as a building official.

4.0 GUIDELINE FOR RESPONDING TO MISCONDUCT ALLEGATIONS

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, 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, Council will direct the investigation and make such recommendations as are reasonable. In determining the appropriate discipline, the Chief Building Official or Council will have regard to the relevance of the conduct to the official's powers and responsibilities as well as the severity of any misconduct.

Disciplinary Action arising from violations of this code of conduct is the responsibility of the Council of the Township of Chisholm and is subject to relevant collective agreements, employment laws and standards.