

THE CORPORATION OF THE TOWN OF GRIMSBY

BY-LAW NO. 26-25

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

Whereas pursuant to the Building Code Act, S.O. 1992 c.23 as amended, the Lieutenant Governor in Council has established a Building Code which is in force throughout Ontario; and

Whereas Subsection 3(1) of the Building Code Act, S.O. 1992 c.23 as amended provides that the Council of the municipality is responsible for the enforcement of the Act in the municipality; and

Whereas Subsection 7(1) of the Building Code Act, 1992, SO. 1992, c.23, authorizes Council to pass By-laws concerning the issuance of permits and related matters; and

Whereas Subsection 7(2) of the Building Code Act, S.O. 1992 c.23 as amended provides that the total amount of the fees authorized must not exceed the anticipated reasonable costs of the municipality to administer and enforce the Act; and

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF GRIMSBY HEREBY ENACTS AS FOLLOWS:

1. SHORT TITLE

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

2. DEFINITIONS

2.1. In this By-law:

- i. "Act" means the Building Code Act, 1992, S.O. 1992, c.23, as amended;
- ii. "After-Hour Services" as available means, when authorized by the Chief Building Official, an expedited plan examination service conducted outside the normal review process with no guarantee of earlier permit issuance.
- iii. "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;
- iv. "Architect" means a holder of a licence, a certificate of practice, or a temporary licence under the Architects Act;
- v. "As constructed plans" means as constructed plans as defined in the Building Code;
- vi. "Building" means a Building as defined in Subsection 1(1) of the Act;
- vii. "Building Code" means the regulation under Section 34 of the Act;
- viii. "Change of use permit" means a permit issued under Subsection 10(1) of the Act;
- ix. "Chief Building Official" means the Chief Building Official appointed by Council under Subsection 3(2) of the Act;
- x. "Complete application" means an application that meets the minimum requirements set out in the Building Code and the requirements of this By-law;

- xi. "Conditional permit" means a building permit issued by the Chief Building Official under Subsection 8(3) of the Act;
- xii. "Construct" means construct as defined in Subsection 1(1) of the Act;
- xiii. "Demolish" means to do anything in the removal of a building or any material part thereof as defined in Subsection 1(1) of the Act;
- xiv. "Electronic submission" means the filing of a pre-application review or an application for a building permit, certified model or an alternative solution, including all required forms, documents, drawings and specifications, submitted through an electronic application procedure approved by the Chief Building Official;
- xv. "House" means a detached house, semi-detached house or row house containing not more than two dwelling units.
- xvi. "Inspector" means an inspector appointed pursuant to Subsection 3(2) of the Act and appointed by By-law of the Corporation of the Town of Grimsby for the purposes of enforcement of the Act;
- xvii. "Owner" means, in respect of the property on which construction is to take place, the registered owner of the land, save and except for conditional permits, may include a lessee, a mortgagee in possession and the person acting as the owner's authorized agent;
- xviii. "Partial permit" means a permit issued by the Chief Building Official to construct part of a building;
- xix. "Permit" means written permission or authorization from the Chief Building Official in either written or electronic form to perform work regulated by this By-law, the Act or to change the use of a building or part of a building or parts therefor, or to occupy a building or part thereof, as regulated by the Act and the Building Code;
- xx. "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;
- xxi. "Plans and specifications" means documentation in support of a permit application in either physical paper or electronically generated as further described in this Bylaw;
- xxii. "Plumbing" means plumbing as defined in Subsection 1(1) of the Act;
- xxiii. "Professional Engineer" means a person who holds a licence or a temporary licence under the Professional Engineers Act;
- xxiv. "Sewage system" means a sewage system as defined in Subsection 1(1) of the Act;
- xxv. "Supplementary submission" means the submission of additional information in relation to a building permit application previously filed and under review, upon which is required by the Chief Building Official to determine Building Code compliance prior to the issuance of a permit;
- xxvi. "Town" means the Corporation of the Town of Grimsby;
- xxvii. "Work" means construction or demolition of a building or part thereof.

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

3. LIST OF SCHEDULES

3.1. The following schedules are attached to and form a part of this By-law:

- 3.1.1. Schedule "A", "Permit Fees", being the general formula for calculation of fees, minimum fees, classes of permits required for construction, demolition or change of use, refunds and administrative fees;
- 3.1.2. Schedule "B", "Building Permit Submission Requirements", being the information required to submit a building permit application for various types of permit applications to be considered a complete application pursuant to Division B, Section 1.3 of the Building Code;
- 3.1.3. Schedule "C", "Documents and Forms", being the list of permit forms prescribed for use as applications for permits, orders, permits, inspection reports, and administrative matters.

4. CLASSES OF PERMITS

Classes of permits required for construction, demolition or change of use of a building are set forth in Schedule "A" appended to and forming part of this By-law and include the following:

4.1. Building Permit

This permit is required under Subsection 8(1) of the Act and may include plumbing, heating, ventilation and air conditioning systems, sewage systems, farm buildings and designated structures as set out in Division A, Sentence 1.3.1.1.(1) of the Building Code and signs as set out in Division B, Section 3.15. of the Building Code.

4.2. Demolition Permit

This permit is required under Subsection 8(1) of the Act.

4.3. Change of Use Permit

This permit is required under Subsection 10(1) of the Act when a change in use of a building or parts thereof will result in an increase in hazard as determined under the Building Code even though no construction is proposed.

4.4. Conditional Permit

This permit may be issued by the Chief Building Official in accordance with Subsection 8(3) of the Act to authorize any stage of construction, even though all of the requirements under Subsection 8(2) of the Act have not been met.

4.5. Occupancy Permit

This permit is required under Division C, Subsection 1.3.3. of the Building Code where all or part of a building will be occupied.

5. INFORMATION REQUIRED FOR ALL PERMIT APPLICATIONS

5.1. General Requirements for Permit Applications

5.1.1. In addition to the general requirements above to obtain a permit, the owner or an agent authorized in writing by the owner shall file with the Chief Building Official:

- (a) an application on the prescribed form entitled "Application for a Permit to Construct or Demolish",
- (b) be accompanied by the required fees as set out in Schedule "A"; and
- (c) complete plans and specifications, documents and other information as required in this By-law and Schedule "B".

5.1.2. An application shall, unless otherwise determined by the Chief Building Official, be submitted electronically.

- 5.1.3. All applications for a permit to be submitted shall not constitute an acceptance of the application by the Chief Building Official until a pre-screening has been completed as determined by the Chief Building Official.
- 5.1.4. Notwithstanding any other provision in this By-law, for electronically submitted permit applications, all requirements as set out in this By-law shall be submitted electronically unless otherwise authorized by the Chief Building Official.
- 5.1.5. The Chief Building Official may provide prescribed forms in electronic format and may allow for the electronic submission of completed application forms and related documents.
- 5.1.6. When filing an application, the owner and the applicant shall provide an email address for the purpose of receiving communications from the Chief Building Official regarding the construction, demolition or change of use associated with the permit application or permit. The owner or authorized agent of the owner shall inform the Chief Building Official immediately in writing when the email address provided change or become not functional.
- 5.1.7. Notwithstanding the requirements of this Subsection, completed forms generated electronically or submitted through the Town website shall be subject to the endorsement of the applicant.
- 5.1.8. To be considered a complete application, every permit application shall be accompanied by the approval documents issued by the agencies responsible for the applicable laws listed in the Building Code, where those agencies issue approval documents and the law apply to the construction or demolition being proposed.
- 5.1.9. An application for a permit may be refused by the Chief Building Official where it is deemed not to be a complete application.

5.2. Application for Permit to Construct

- 5.2.1. In addition to the general requirements above, where an application is made for a permit to construct under Subsection 8(1) of the Act, the owner shall file the following information:
 - (a) identify and describe in detail the work to be done and the existing and proposed use and occupancy of the building, or part thereof, for which the building permit application is made;
 - (b) be accompanied by the plans and specifications, documents, forms and other information prescribed in section 7 and Schedule B of this by-law; and
 - (c) be accompanied by acceptable proof of corporate identity and property ownership, unless such proof is determined by the Chief Building Official to be unnecessary.

5.3. Application for Permit to Demolish

- 5.3.1. In addition to the general requirements above, where an application is made for a permit to demolish under Subsection 8(1) of the Act, the owner shall file the following information:
 - (a) identify and describe in detail the work to be done and the existing use and occupancy of the building, or part thereof, for which the application for a permit to demolish is made, and the proposed use and occupancy of that part of the building, if any, that will remain upon completion of the demolition;
 - (b) be accompanied by written proof satisfactory to the Chief Building Official that arrangements have been made with the proper authorities for termination and capping of all the water, sewer, gas, electric, telephone or other utilities and services; the completed "Demolition Clearance Form" as prescribed by the Chief Building Official; and

- (c) evidence satisfactory to the Chief Building Official that the building or structure that is the subject of the permit application is not affected by Section(s) 30, 33, 34 or 42 of the Ontario Heritage Act.

5.4. Application for a Change of Use Permit

5.4.1. In addition to the general requirements above, where an application is made for a change of use permit issued under Subsection 10(1) of the Act, the owner shall file the following information:

- (a) show 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, floor and roof assemblies identifying required fire resistance ratings and load bearing capacities,
- (b) a completed OBC Data Matrix Form,
- (c) a report from a qualified person as prescribed by the Building Code confirming that the change of use will safely occur within the existing building or portion thereof without the need to upgrade any construction, as permitted under Part 10 of the Building Code.

5.5. Application for a Private On-Site Sewage System Permit

5.5.1. Where application is made for a sewage system permit issued under subsection 8(1) of the Act, the application shall:

- (a) use the provincial application form, "Application for a Permit to Construct or Demolish";
- (b) include complete plans and specifications, documents and other information as required under Division C, 1.3.1.3.(5) of the Building Code and as described in this By-law for the work to be covered by the permit;
- (c) include a site evaluation which shall include the information specified in Schedule "C";
- (d) provide all applicable documentation as set out in Schedule "C" attached to this By-law.

5.6. Application for a Conditional Permit

5.6.1. In addition to the general requirements above, a request provided to the Chief Building Official to consider the issuance of a conditional permit in association with a pending application for a permit to construct under Subsection 8(3) of the Act, shall include:

- (a) a written statement of the reasons why the applicant believes that unreasonable delays in construction would occur if a conditional permit is not granted;
- (b) a statement of the necessary approvals which must be obtained in respect of the proposed building and the time in which such approvals will be obtained;
- (c) statement of the time in which plans and specifications of the complete building will be filed with the Chief Building Official;
- (d) a copy of the executed conditional permit agreement signed by the owner and Chief Building Official.
- (e) for new construction and additions to existing buildings for Industrial, Commercial, Institutional, and Multi-Residential properties; a copy of the draft Site Plan Control Agreement or Undertaking with the Town, where applicable, and
- (f) be accompanied by the required fees or partial payment calculated in accordance with Schedule "A".

5.7. Additional Information

5.7.1. The acceptance or processing of an application under this By-law shall not be deemed to prohibit the Chief Building Official from requiring the

applicant to supply further information, plans and specifications or details as may be necessary to:

- (a) determine compliance with the Act, Building Code, this By-law or other applicable law, or
- (b) determine the fees required to be calculated under this By-law.

5.7.2. Without the applicant supplying such information as requested by the Chief Building Official, the application may be determined to be incomplete or denied.

6. INCOMPLETE APPLICATIONS

- 6.1. Where a proposed application does not contain enough information to enable the Chief Building Official to determine whether the proposed construction, demolition, change of use or transfer of permit will conform to the Act, the Building Code and any other applicable law, the application will be considered to be incomplete and may not be accepted.
- 6.2. Where an application is determined to be incomplete in accordance with the Building Code or this By-law, the Chief Building Official may accept and process the application where the applicant acknowledges that the application is incomplete by completing the prescribed acknowledgment form, "Acknowledgement of An Incomplete Application Form".
- 6.3. Incomplete applications, where accepted, will be reviewed as time and staff resources allow and shall not be subject to applicable complete application timeframes prescribed by the Building Code for permit issuance.

7. INACTIVE PERMIT APPLICATIONS

- 7.1. Where an application for a permit remains incomplete or inactive for six (6) months from the date the application was received, the application may be deemed by the Chief Building Official to have been abandoned and notice of cancellation shall be given to the applicant.
- 7.2. Prior to cancelling an application, the Chief Building Official may serve a notice to the applicant by regular mail or electronic service to the address indicated on the permit application form and following a thirty (30) day period from the date of service, the Chief Building Official may cancel the application without any further notice.
- 7.3. Where notice is served by electronic or mail service, the permit holder shall be conclusively deemed for all purposes to have been served with the notice on the fifth day after the day of delivery.
- 7.4. An owner may within thirty (30) days from the date of service of a notice under this Part, request in writing that the Chief Building Official defer the cancellation by stating in writing the reasons why the application should not be cancelled.
- 7.5. The Chief Building Official having regard to any changes to the Act, Building Code or other applicable law may allow the deferral, applicable to a period of no later than six (6) months from the date of the deferral.
- 7.6. The owner may, by written notice to the Chief Building Official, withdraw his or her application.
- 7.7. Upon cancellation of the application or in the event of withdrawal of the application by the owner, the Chief Building Official shall, determine the amount of fees, if any, that may be refunded in accordance with Schedule "A".

8. PLANS AND SPECIFICATIONS

- 8.1. Every applicant shall submit sufficient information, including plans and specifications, documents and other information 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.
- 8.2. Each application shall, unless otherwise determined by the Chief Building Official, be accompanied by electronic copy of plans and specifications required under this By-law.
- 8.3. Plans shall be drawn to scale, shall be legible and, without limiting the generality of the foregoing, shall include such working drawings as set out in Schedule "B" attached to this By-law.
- 8.4. Site Plans submitted shall be referenced to a current plan of survey certified by a registered Ontario Land Surveyor and a copy of such survey shall be filed with the Town unless this requirement is waived by the Chief Building Official because he or she is able, without having a current plan of survey, to determine whether the proposed work is in compliance with the Act, the Building Code, and any other applicable law.
- 8.5. Where required, a grading plan as required in this By-law shall be prepared by a Professional Engineer or an Ontario Land Surveyor in accordance with the Lot Grading and Drainage requirements of the Building Code, in addition to good engineering practice.
- 8.6. In the case of a lot in respect of which an accepted master overall grading plan has been filed with the Town, (such as Subdivision agreement, or other multiple lot agreement) and not yet assumed by the Town, a detailed Lot Grading Plan approved by the developer's Professional Engineer who is responsible for the overall subdivision grading design, certifying thereon that the detailed Lot Grading Plan conforms to the master overall grading plan filed with the Town.
- 8.7. In the case of:
 - (a) A lot in respect of which no accepted master grading plan or other grading plan has been filed with the Town, or
 - (b) A lot in respect of which an accepted overall master grading plan has been filed with the Town in which the developer is no longer responsible for the development of the subdivision, or
 - (c) A lot in respect of which an accepted single lot grading plan has been filed with the Town (such as a single lot development or grading agreement);a detailed Lot Grading Plan approved by a Professional Engineer or an Ontario Land Surveyor, certifying that the detailed Lot Grading Plan conforms with the grading plan filed with the Town, or that the drainage scheme depicted on the detailed Lot Grading Plan will be compatible with the existing drainage patterns, in the case there is no grading plan filed with the Town.

9. AS CONSTRUCTED PLANS

- 9.1. The Chief Building Official may require that a set of as constructed plans of a building be filed with the Chief Building Official up on completion of construction under such conditions as may be prescribed in the Building Code.
- 9.2. Top of Foundation Wall Certification
 - 9.2.1. Upon completion of construction, prior to occupancy for a house, a certificate from an Ontario Land Surveyor, Professional Engineer,

Architect or a Certified Engineering Technologist may be required to be submitted to the Chief Building Official confirming that the elevation(s) of the foundation conforms to the Building Code and to the applicable subdivision grading plan or lot grading plan approved by the Town.

- 9.2.2. Occupancy of a house may not be granted until the elevation(s) of the foundation wall have been certified, unless otherwise approved by the Chief Building Official.

10. REVISIONS TO APPLICATIONS AND PERMITS

- 10.1. After the issuance of a permit under the Act, the applicant shall give written notice to the Chief Building Official in writing of any material change to a plan and specification, document or other information upon which a permit was issued, complete with the details of the changes. Such changes shall not be made without obtaining written authorization of the Chief Building Official.
- 10.2. Where in the opinion of the Chief Building Official a proposed building design of a permit application has substantially changed after the examinations of the plans and specifications have been completed, a re-examination fee as set out in Schedule "A" in this By-law shall apply to the revised plans and specifications.
- 10.3. Where a permit holder has deviated from the plans, specifications or other documents filed and in respect of which a permit has been issued, and either has been directed by the Inspector to submit an "Application for Revision to Permit" of the as-built construction, or the permit holder seeks to obtain approval for proposed revision, for consideration and authorization by the Chief Building Official, the permit holder shall file the following information:
- (a) the prescribed application form entitled Application for a Permit to Construct or Demolish;
 - (b) revised plans and specifications, documents and other information as required in this By-law; and
 - (c) the additional non-refundable fee for "Revision to Permit" as set out in Schedule "A".

11. ALTERNATIVE SOLUTIONS

- 11.1. Where an approval for an equivalent material, system or building under Division C, Part 2 of the Building Code is proposed for either the application for a permit or a material change to a plan, specification, documents or other information on the basis for which a permit was issued, the applicant shall submit:
- (a) an application on a form prescribed by the Chief Building Official;
 - (b) all supporting documentation and calculations demonstrating that the proposed equivalent or alternative solution will provide the level of performance required by the Building Code; and
 - (c) payment of the required fee as prescribed in Schedule "A".
- 11.2. The Chief Building Official may accept or reject a proposed equivalent or an alternative solution and may impose conditions and/or limitations on their approved use.
- 11.3. Equivalents or alternative solutions that are accepted by the Chief Building Official shall be applicable only to the location described in the permit application and are not transferrable to any other building permit unless authorized by the Chief Building Official.

12. FEES, COST RECOVERY AND FINANCIAL ADMINISTRATION

- 12.1. Council shall establish and impose fees under this By-law in accordance with Section 7(1) of the Act, and such fees under Section 7(2) shall not

exceed the anticipated reasonable costs of administering and enforcing the Act within the jurisdiction of the Town. For further clarity:

- (a) All fees imposed under this By-law are intended solely to recover the anticipated reasonable direct and indirect costs incurred by the Town in carrying out its responsibilities under the Act.
- (b) Permit fee revenues shall not be used to subsidize municipal services, programs, or capital expenditures unrelated to the administration and enforcement of the Act.
- (c) No fee established under this By-law shall be imposed for the purpose of generating revenue in excess of that permitted under subsection 7(2) of the Act.

12.2. Recoverable costs may include direct and indirect costs reasonably attributable to the administration and enforcement of the Act;

Direct costs may include, but are not limited to:

- (a) permit application intake and processing,
- (b) plans examination and technical review,
- (c) permit issuance,
- (d) inspections and re-inspections,
- (e) enforcement activities, including Orders issued under the Act,
- (f) review of alternative solutions,
- (g) clerical and technical support directly related to Building Services operations related to Building Code enforcement,
- (h) mandatory training, certification and qualification maintenance required under the Act,
- (i) administration of agreements authorized under the Act.

Indirect costs may include, but are not limited to:

- (a) supervisory and management oversight attributable to Building Services,
- (b) information technology systems, digital permitting platforms, software licensing and electronic document management systems supporting Building Services,
- (c) office accommodation, utilities, equipment, and facilities costs proportionate to Building Services operations,
- (d) legal services directly related to Building Code administration and enforcement,
- (e) finance, human resources, procurement and corporate administrative services proportionately allocated to Building Services,
- (f) and records retention and legislative compliance costs.

12.3. Indirect costs shall be limited to those demonstrably and reasonably attributable to Building Services based on actual service levels, usage, or other activity-based drivers. Allocations shall not be based solely on generalized corporate overhead percentages or methodologies that do not reflect the proportional consumption of services by Building Services.

12.4 Determination and Payment of Fees

12.4.1 The Chief Building Official shall determine the applicable permit fees in accordance with Schedule "A" of this By-law.

12.4.2 No permit shall be issued and no service shall be provided until all required fees have been paid in full.

12.4.3 Where supplementary submissions, revised submissions, or additional review time is required, additional fees shall be payable in accordance with Schedule "A".

12.4.4 Where the applicant for a building permit requests an After-Hour Service, additional fees as detailed in Schedule "A" attached to this By-law shall apply.

12.5 Construction Without a Permit

12.5.1 Where construction, demolition or a change of use has commenced prior to the issuance of a permit required under the Act, the applicable permit fee shall be increased by 100 percent of the required permit fee.

12.5.2 The surcharge imposed under subsection 12.5.1 is intended to recover additional administrative and enforcement costs incurred by the Town.

12.5.3 Notwithstanding subsection 12.5.1, the total surcharge shall not exceed \$25,000 above the regular permit fee.

12.6 Building Reserve Fund

12.6.1 All fees collected beyond operating expenses under this By-law shall be credited to the Building Reserve Fund.

12.6.2 The Reserve Fund shall be used solely to:

- a) offset annual operating deficits related to the administration and enforcement of the Act;
- b) stabilize permit fees over time; and
- c) fund investments directly supporting Building Services operations consistent with the Act.

12.6.3 Funds in the Building Reserve Fund shall be used for the administration and enforcement of the Act and shall not be transferred to general municipal revenues except in accordance with the Act.

12.7 Annual Financial Reporting

12.7.1. The Treasurer shall prepare an annual report to Council in accordance with subsection 7(4) of the Act.

12.7.2. The report shall include:

- a) total fees collected during the preceding fiscal year;
- b) total costs incurred in administering and enforcing the Act;
- c) the amount of any annual surplus or deficit;
- d) the balance of the Building Code Reserve Fund; and
- e) such additional information as Council may require.

12.7.3 Where a surplus or deficit is identified, Council shall consider whether adjustments to fees are necessary to maintain compliance with subsection 7(2) of the Act.

12.8 Fee Review

12.8.1 In addition to annual indexing provided elsewhere in this By-law, Council may periodically undertake a comprehensive fee review to ensure continued compliance with the Act.

12.8.2 Nothing in this Section limits Council's authority to amend Schedule "A".

12.9 Review of Budgetary Changes Affecting Building Code Administration

12.9.1. Where any proposed municipal budget, allocation methodology, cost transfer, corporate overhead adjustment, staffing change, or financial decision may materially affect the direct or indirect costs associated with the administration and enforcement of the Act, such proposal shall be reviewed by the Chief Building Official prior to Council approval.

12.9.2. The Chief Building Official shall provide a written report to Council confirming whether the proposed change:

- a) is reasonably attributable to the administration and enforcement of the Act;
- b) is consistent with subsection 7(2) of the Building Code Act, 1992; and
- c) may require an adjustment to permit fees to maintain statutory compliance.

12.9.3. No transfer from the Building Reserve Fund nor any reallocation of costs materially affecting Building Services operations shall be implemented without prior review and written comment from the Chief Building Official.

12.9.4. Nothing in this Section limits Council's authority under the Municipal Act, 2001; however, Council shall have regard to the statutory responsibilities of the Chief Building Official under the Act when considering such matters.

13. REFUND OF FEES

13.1 In the case of withdrawal or abandonment of an application for a permit or abandonment of all or a portion of the work or the non-commencement of any project, the Chief Building Official shall, upon written request of the Owner or Applicant, determine the amount of paid Permit fees that may be refunded to the Owner or Applicant, if any, in accordance with Schedule "A" of this By-law.

13.2 Subject to Subsection 7(1) of the Act, there shall be no refund of permit fees where a permit has been revoked, except where the permit was issued in error or where the applicant requests revocation no more than six months after the permit is issued. In such cases the amount of refund shall be calculated in accordance with Schedule "A" of this By-law.

14. REVOCATION OF PERMITS

14.1 Prior to revoking a permit under Subsection 8(10) of the Act, the Chief Building Official may serve a written notice at the last known address to the permit holder of intention to revoke 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.

14.2 The person, to whom the permit was issued, may within thirty (30) days from the date of service of a notice under this Part, request in writing the Chief Building Official to defer the revocation by stating reasons why the permit should not be revoked. The Chief Building Official having regard to any changes to the Act, Building Code or other applicable law may allow the deferral, in writing.

14.3 A request for deferral of revocation is subject to a fee in accordance with Schedule A.

15. TRANSFER OF PERMITS AND APPLICATIONS

15.1 Permits shall not be transferred to a new owner without the approval of the Chief Building Official.

15.2 Where the ownership changes after a permit application has been submitted and fees paid or where a permit has been issued, the applicant

for the permit or the person to whom the permit was issued, may submit a request to the Chief Building Official requesting a transfer of the permit application and fees or the permit as identified in Clause 7(1)(h) of the Act by submitting the following information.

- (a) the prescribed application form entitled "Application for a Permit to Construct or Demolish",
- (b) the name and address of the person to whom the permit application and fees or the permit are to be transferred;
- (c) the name and address of any contractors that have changed from those listed on the permit application or the permit; and
- (d) the name and address of architect(s) and Professional Engineer(s) responsible for the design and field review of the construction that have changed from those listed on the permit application or the permit; and
- (e) name and address of the person who paid the permit fees.

15.3 Payment of the required fee, as prescribed in Schedule "A", shall be payable on a transfer of permit by the new owner who shall thenceforth be the permit holder for the purpose of the Act and the Building Code.

16. NOTIFICATION FOR INSPECTIONS

16.1 Every permit holder shall notify the Chief Building Official of each stage of construction for which a notice is required under this By-law and Division C, Article 1.3.5.1. and 1.3.5.2. of the Building Code.

16.2 Inspection notices are required a minimum of two (2) business days prior to the stages of construction specified herein and shall be given in accordance with the requirements Division C, Article 1.3.5.3. of the Building Code.

16.3 Notices respecting stages of construction required by the Building Code and this By-law shall be given by the permit holder to the Chief Building Official by:

- (a) the municipal building permit software through which a permit was issued,
- (b) written notice through email at building@grimsby.ca ; or
- (c) the Town website at www.grimsby.ca where available, or by
- (d) verbal notice via the inspection request line at (905) 309-2022

16.4 A notice is not effective until such notice is actually received by the Chief Building Official.

16.5 At the discretion of the Chief Building Official, the permit holder shall notify the Chief Building Official of the following additional stages of construction as required under Division C, Sentence 1.3.5.2.(1) of the Building Code:

- (a) substantial completion of structural framing for each storey, if the building is a type of building that is within the scope of Division B, other than Part 9,
- (b) substantial completion of site grading,
- (c) substantial completion of the pool deck and dressing rooms for a public pool or public spa and readiness for inspection of the emergency stop systems for a public pool or public spa, and
- (d) completion of a building for which an occupancy permit is required under Article 1.3.3.4 or 1.3.3.5

16.6 Upon receipt of proper notice, the Chief Building Official shall undertake a site inspection of the building to which the notice relates in accordance with the prescribed time periods set out in Section 11 of the Act and in accordance with Division C, Article 1.3.5.3. of the Building Code.

- 16.7 In the event that the Chief Building Official is not notified in accordance with the above criteria, the Chief Building Official may deem construction to not have seriously commenced or been substantially suspended, resulting in the permit becoming dormant or revoked in accordance with Section 8(10) of the Act.

17. FENCING OF CONSTRUCTION AND DEMOLITION SITES

- 17.1 Where a construction site may present a hazard to the public, the owner of the construction site shall ensure that the construction site is suitably fenced to prevent public access onto the construction site prior to the commencement of any construction or demolition or placement of any materials or equipment.
- 17.2 The height of every fence shall be a minimum of 4 feet (1.2 meters) and a maximum of 6 feet (1.8 meters), to be measured from the highest adjacent grade and, shall be of a description as determined by the Chief Building Official.
- 17.3 Where fencing has not been provided in accordance with this By-law and in the opinion of the Chief Building Official, the construction site presents a particular hazard to the public, the Chief Building Official may direct the owner and the permit holder to erect such fencing as he/she deems appropriate.
- 17.4 In considering the hazard presented by a construction site and the necessary fencing, the Chief Building Official shall have regard for the:
- (a) proximity of the construction site to occupied dwellings;
 - (b) proximity of the construction site to lands accessible to the public including but not limited to streets, parks and commercial and institutional activities;
 - (c) hazards presented by the construction activities and materials;
 - (d) feasibility and effectiveness of site fencing; and
 - (e) duration of the hazard.

18. REGISTERED CODE AGENCIES

- 18.1. The Chief Building Official is authorized to enter into and sign contracts for service agreements with Registered Code Agencies and appoint them to perform specified functions from time to time in order to maintain the time periods for permit prescribed in Division C, Article 1.3.1.3. of the Building Code.
- 18.2. A Registered Code Agency may be appointed to perform one or more of the specified functions in Section 15.15. of the Act.

19. OTHER BY-LAWS, LICENCES, PERMITS AND REGULATIONS

Nothing in this By-law shall exempt any person from complying with the requirements of any other By-law in force within the limits of the Corporation, or from applying for and obtaining any permit, licence, permission, authority or approval required by this or any other By-law or regulation of the Corporation or any other law in force from time to time.

20. PLANS PROPERTY OF TOWN

Plans and specifications furnished in accordance with the requirements of this By-law or otherwise required by the Act become the property of the Town and shall be retained or disposed of in accordance with the relevant legislation and the Town's Records Retention By-law.

21. USE OF ELECTRONIC TECHNOLOGIES

Nothing in this By-law shall be deemed to limit the authority of the Chief Building Official make use of on-line services for the display, use and submission of application forms, other forms used in the processing of applications, educational handouts, referrals, and nothing in this By-law shall limit the use of

electronic technologies for data and information storage and file management integral to building permit and inspection services.

22. PRESCRIBED FORMS

The forms prescribed for use as applications for permits, for orders, for permits, for inspection reports and for administrative matters shall be as set out in Schedule "C" attached to and forming part of this By-law. This By-law shall not be deemed to limit the use of any form which is prescribed by the Chief Building Official or provincial regulation notwithstanding that the form it is not listed, revised or updated from time to time as set out in Schedule "C" to this By-law.

23. INDEXING OF PERMIT FEES

All fees described in this By-law and those listed in Schedule "A" attached to this Bylaw shall be adjusted annually on January 1st in accordance with the most recent Building Permit Fee Study, as approved by Council.

24. APPOINTED DESIGNATE

This By-law shall not be deemed to limit the appointment of a designate who may perform or execute any authority of the Chief Building Official where authorized by the Act, provided such designate, where required, is duly appointed by By-law under the Act.

25. CODE OF CONDUCT FOR BUILDING OFFICIALS

Building Officials appointed by the Town for the enforcement of the Act and the Building Code shall be governed in accordance to the Code of Conduct for Building Officials as in By-law 2019-100.

26. SEVERABILITY

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 or any part thereof, other than the part so declared to be invalid.

27. CONTRAVENTION

Every person who contravenes any provision of this By-law is guilty of an offense and on conviction is liable to a fine as provided for in the Act.

28. REPEAL

By-law No. 93-62 and By-law No. 96-14 are hereby repealed.

29. ENACTMENT

This By-law shall come into full force and effect on the date of final passage hereof at which time all By-laws and/or resolutions that are inconsistent with the provisions of this By-law and the same are hereby repealed or rescinded insofar as it is necessary to give effect to the provisions of this By-law.

Read a first time, considered, and passed this 27th day of April, 2026.

J.A. Jordan, Mayor

V. Steele, Town Clerk

**By-law No. 26-25
SCHEDULE A
Building Permit Fees**

For current Building Fees, please refer to applicable Building Fee schedule and notes under "User Fees and Charges By-Law".

By-law No. 26-25
SCHEDULE B
Building Permit Submission Requirements

1. Plans and Specifications

Unless otherwise specified by the Chief Building Official the following list of drawings, specifications and documents are required to be submitted in order for the various types of Building Permit Applications listed to be considered a complete application pursuant to Clause 7(1)(b) of the Act, 1992 as amended.

1.1. Accessory Apartment Unit

- (a) Site Plan (property survey)
- (b) Floor Plan (one per floor)
- (c) Floor and Roof Framing Plans
- (d) Building Elevations (min. 2)
- (e) Building Section (min. 1)
- (f) Mechanical Ventilation Form

1.2. Accessory Buildings

- (a) Site plan (property survey)
- (b) Foundation plan / engineered floor slab
- (c) Floor plan (one per floor & include framing)
- (d) Building elevations (min. 4)
- (e) Building section (min. 1)

1.3. Addition or Renovation Permit

- (a) Site plan (property survey)
- (b) Foundation plan
- (c) Floor plan (one per floor & include framing)
- (d) Building elevations (min. 3)
- (e) Building section (min. 1)
- (f) Private sewage system evaluation where applicable
- (g) Energy Efficiency Design Summary where applicable
- (h) Heat loss / heat gain calculations and furnace make/model and duct design layout (where applicable)

1.4. Backflow Prevention Device

- (a) Floor plan/Plumbing layout
- (b) Backflow Prevention device specifications: manufacturer, model name and details
- (c) A copy of the Notification Letter from Water Services Division.

1.5. Commercial Exhaust Hood (NFPA 96)

- (a) Floor plan
- (b) Mechanical drawings, details, sections and calculations
- (c) Make up air calculations
- (d) All cooking equipment type and specifications

1.6. Deck or Porch Permit

- (a) Site plan (property survey)
- (b) Foundation plan
- (c) Floor plan (framing)
- (d) Elevation(s)
- (e) Cross-section and detail of guards

1.7. Detached Garage

- (a) Site plan (property survey)
- (b) Foundation plan / engineered floor slab
- (c) Floor plan (one per floor & include framing)
- (d) Building elevations (min. 4)
- (e) Building section (min. 1)
- (f) Foundation plan
- (g) Floor plan (framing) (h) Elevation(s)

1.8. Designated Structures

- (a) Drawings and details prepared and stamped by a Professional Engineer
- (b) Lot grading and drainage plan
- (c) Site plan (property survey)
- (d) Elevations (where applicable)
- (e) Sections and details

1.9. Electro-Magnetic Locking Devices

- (a) Floor plan
- (b) Electrical Drawings, details of inter-face with fire alarm system

1.10. New House and Multi-Unit Dwellings Under 600m²

- (a) Site Plan (property survey)
- (b) Lot Grading and Drainage Plan
- (c) Where applicable, a complete On-Site Sewage System Permit
- (d) Floor Plan (one per floor)
- (e) Floor and Roof Framing Plans
- (f) Building Elevations (4)
- (g) Building Section (min. 1)
- (h) Energy Efficiency Design Summary
- (i) Mechanical Ventilation Form
- (j) Heat Loss / Heat Gain Calculations and Furnace make /model
- (k) Deed; when lot is created via severance

1.11. New Multi Residential Unit Building

- (a) Approved Site Plan (as approved under Site Plan Control process)
- (b) Site and Key Plan
- (c) Geotechnical Investigation Report
- (d) Site Servicing Drawings
- (e) Architectural Drawings
- (f) Structural Drawings
- (g) Mechanical Drawings (plumbing & HVAC)
- (h) Energy Efficiency Design Summary
- (i) Electrical Drawings (general lighting, emergency/exit lighting, and fire alarm system)
- (j) Automatic Sprinkler and Standpipe Drawings where applicable

1.12. New Non-Residential Building or Addition (Part 3 or 9 Building)

- (a) Approved Site Plan (as approved under Site Plan Control process)
- (b) Site and Key Plan
- (c) Geotechnical Investigation Report
- (d) Site Servicing Drawings where applicable
- (e) Architectural Drawings
- (f) Structural Drawings
- (g) Mechanical Drawings (plumbing & HVAC)
- (h) Energy Efficiency Design Summary

- (i) Electrical Drawings (general lighting, emergency/exit lighting, and fire alarm system)
- (j) Automatic Sprinkler and Standpipe Drawings where applicable
- (k) On-Site Sewage System Evaluation where applicable

1.13. Non-Residential Renovation (Part 3 or 9 Building)

- (a) Site and Key Plan
- (b) Floor Plan(s)
- (c) Door and Hardware Schedule
- (d) Building Elevations if exterior work proposed
- (e) Building Section if exterior work proposed;
- (f) Architectural Drawings where applicable
- (g) Structural Drawings where applicable
- (h) Mechanical Drawings (plumbing & HVAC)
- (i) Electrical Drawings (general lighting, emergency/exit lighting, and fire alarm system)
- (j) Automatic Sprinkler and Standpipe Drawings where applicable

1.14. Private Water & Service Systems Permits (Site Services)

- (a) The approved Site Plan or Partial Site Plan Control Approval (Agreement and drawings)
- (b) The approved Pre-Servicing Agreement where applicable
- (c) Property Survey (Architectural Site Plan)
- (d) Site service drawings showing water, storm sewers, sanitary sewers, catch basins, manholes and connection to municipal system
- (e) Fire service mains and all specifications and details sealed by a Professional Engineer
- (f) Cross sections & profiles sealed by a Professional Engineer
- (g) Details and general notes sealed by a Professional Engineer
- (h) Water and drain layout at each floor level and plumbing risers
- (i) Material, equipment and fixture specifications

2. Required Information for Plans and Working Drawings

Unless otherwise specified by the Chief Building Official plans or working drawings showing and detailing the following information shall accompany all building permit applications.; a building permit application is not complete until such plans are attached to it:

2.1. The Site and Key Plan shall include:

- (a) Property lines and lot area referenced to a current survey
- (b) Location of all existing and proposed buildings including setbacks to property boundary lines, parking spaces, distance to other buildings, and other features in relation to property boundaries
- (c) Overall dimensions of all buildings
- (d) Summary of permitted and proposed zoning provisions
- (e) Location of easements and/or rights-of-way
- (f) Location of septic bed, connection to existing system, septic tank and other equipment
- (g) Key plan showing location of existing and proposed construction
- (h) Barrier free information including depressed curbs, ramps, parking and associated details
- (i) Fire route, fire department connections and fire hydrants

2.2. The Grading and Drainage Plan shall include:

- (a) The legal description of the property
- (b) The location and orientation of all relevant property lines
- (c) The location and elevations of controlling benchmark or survey monument.
- (d) The compass orientation of the property
- (e) The location and names of adjacent streets

- (f) The outline of all existing and proposed buildings and structures on the property, the distances between the buildings and the distanced from the buildings to the property lines
- (g) All existing right-of-way and easements
- (h) Existing and proposed grade elevations at all lot corners, midpoints, points of grade change, driveways and drainage structures
- (i) Existing and proposed slope and surface direction runoff, culvert conditions
- (j) Existing and proposed finished floor, top of foundation, underside of footing and basement slab elevations
- (k) Location and elevation of a septic bed where applicable

2.3. The Private On-Site Sewage System Site Evaluation and Report shall include:

- (a) The name, address, telephone number and signature of the person who prepared the evaluation
- (b) The date the evaluation was completed
- (c) A scaled site plan showing:
 - i. The legal description, lot size, property dimensions, existing rights-of way,
 - ii. Easements, municipal utility corridors, water service location, water wells;
 - iii. The location of items listed in Column 1 of Tables 8.2.1.6.A., 8.2.1.6.B. and 8.2.1.6.C. of the Building Code;
 - iv. The location of the proposed sewage system;
 - v. The location of any unsuitable, disturbed, compacted areas, or slopes greater than 4:1;
 - vi. Proposed access routes for system maintenance;
- (d) Soil investigation including:
 - i. Depth to bedrock;
 - ii. Depth to zones of soil saturation;
 - iii. Soil properties, including soil permeability;
 - iv. Grade conditions; and
 - v. The potential for flooding

2.4. Floor and Roof Plans shall include:

- (a) Basement floor plan including foundation information and use of space
- (b) Floor plan of every upper level showing use of all spaces
- (c) Floor plan of every upper level showing structural framing above
- (d) Roof truss engineered drawings stamped by a Professional Engineer
- (e) Proprietary engineer floor system layout
- (f) Location of all plumbing fixtures
- (g) Location of all solid fuel burning appliances
- (h) Location of smoke alarms and carbon monoxide detectors

2.5. Building Sections shall include:

- (a) Floor to floor and floor to ceiling heights
- (b) Footing and foundation wall details including height of grade above basement floor
- (c) Specifications of all floor, wall and roof assemblies, tall wall details
- (d) Shoring and underpinning details
- (e) Stairs, landings, guards and handrails

2.6. Architectural Drawings shall include:

- (a) Building Code Data Matrix
- (b) Floor plans identifying rooms including use of all spaces, wall construction and fire separations
- (c) Reflected ceiling plans and associated details
- (d) Roof plan and associated details including any screening requirements for mechanical roof top equipment
- (e) Building elevations

- (f) Building cross sections
- (g) Wall sections and details. Stair sections, plan and details
- (h) Enlarged detail plans and associated details
- (i) Door, window and room finish schedules if not in specifications (j) Specifications where applicable

2.7. Structural Drawings shall include:

- (a) Design information including loading, deflection, wind uplift, earthquake analysis and control flow drainage design on roof
- (b) Shoring and underpinning plans and details
- (c) Foundation plan and associated details
- (d) Floor and roof framing plans including beam and column schedule
- (e) Exterior canopy or other structural framing information (f) Specifications where applicable

2.8. Mechanical and Electrical Drawings shall include:

- (a) Mechanical drawings are to show the plumbing, heating, ventilation and air conditioning including legends and schedules for compliance with the Building Code. For Part 9 buildings, if room allows this information can be shown on the same plan as the architectural;
- (b) Electrical drawings are to show lighting, emergency lighting, exit signs, fire alarm systems and their legends and schedules for compliance with the Building Code, For Part 9 buildings, if room allows this information can be shown on the same plan as the architectural;
- (c) Sprinkler and Standpipe drawings are to include floor plans and riser diagrams to locate the entire system including connections, sprinkler heads and water entry schematic
- (d) Specifications where applicable

By-law No. 26-25
SCHEDULE C
Documents and Forms

The following are forms prescribed for use in permits applications, orders, permit templates, inspection reports, and administrative matters:

1. Application for a Permit to Construct or Demolish
2. Application for an Alternative Solution
3. Applicable Law Checklist
4. ASHRAE 90.1 & SB-IO- Project Information
5. Building Inspection Report
6. Building Permit
7. Certificate of Non-Residential Occupancy
8. Certificate of Residential Occupancy
9. Commitment to General Reviews by Architects and Engineers
10. Conditional Building Permit
11. Contractor's Material and Test Certificate for Aboveground Piping (NFPA13)
12. Contractor's Material and Test Certificate for Underground Piping (NFPA 24)
13. Demolition — Supplementary Information Form
14. Demolition Clearance Form
15. Demolition Permit
16. Emergency Order
17. Energy Efficiency Design Summary Form (Part 9 Residential)
18. Fireplace/Wood Stove Installers Form (WETT Certification)
19. HRAI Ventilation Form
20. Building Code Data Matrix
21. Order to Comply
22. Order to Remedy an Unsafe Building
23. Order to Uncover
24. Order Not to Cover or Enclose
25. Order Prohibiting Use or Occupancy
26. Order Requiring Test and Samples
31. Stop Work Order
32. Class 5 Sewage System (Holding Tank) Agreement
33. Sewage System Specifications
34. Water Pipe Sizing Form
35. Supplementary Standard SB-10 Form

NOTE: Forms are prescribed by the Chief Building Official and are not attached to this schedule. The forms may be amended from time to time to reflect changes to provincial legislation and operational requirements of Building Services. Forms are available at Building Services, 160 Livingston Ave., Grimsby or on the Town website at www.grimsby.ca.