

# THE CORPORATION OF THE TOWNSHIP OF MIDDLESEX CENTRE

## BY-LAW NUMBER 2005-099

### BEING A BY-LAW RESPECTING CONSTRUCTION, DEMOLITION, SEWAGE SYSTEM PERMITS, CHANGE OF USE PERMITS AND INSPECTIONS WITHIN THE TOWNSHIP OF MIDDLESEX CENTRE AND TO REPEAL BY-LAW 2002-102

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

NOW THEREFORE the Council of The Corporation of the Township of Middlesex Centre hereby enacts as follows:

1. Short Title

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

2. Definitions

In this by-law

- 2.1 2.1.1 "Act" means the Building Code Act, S.O. 1992, Chapter 23 including amendments thereto.
- 2.1.2 "Architect" means an architect as defined in the Building Code 1.1.3.2.
- 2.1.3 "Applicant" means the owner of a property or building, who applies for a permit or any person authorized by the owner to apply for a permit on the owner's behalf.
- 2.1.4 "as constructed plans" means as constructed plans as defined in the Building Code.
- 2.1.5 "building" means a building as defined in Section 1 (1) of the Act.
- 2.1.6 "building code" means the regulations made under Section 34 of the Act.
- 2.1.7 "chief building official" means the Chief Building Official appointed by by-law of The Corporation of the Township of Middlesex Centre for the purposes of enforcement of the Act.
- 2.1.8 "Corporation" means The Corporation of the Township of Middlesex Centre.
- 2.1.9 "Engineer" means a professional engineer as defined in the Building Code (1.1.3.2.).
- 2.1.10 "farm building" means a farm building as defined in the Building Code (1.1.3.2.).
- 2.1.11 "Permit" means written permission or written authorization from the Chief Building Official to perform work regulated by the by-law and the Building Code Act.
- 2.1.12 "plumbing" means plumbing as defined in Article 1.1.3.2 of Ontario REG. 403/97
- 2.1.13 "sewage system" shall mean a sewage system as defined in Article 1.1.3.2 of Ontario REG. 403/97.
- 2.2 Terms not defined in this by-law shall have the meaning ascribed to them in the Building Code Act 1(1) or the Building Code (1.1.3.2.).

### 3. Classes of Permits

Classes of permits with respect to the construction, demolition, sewage system permits and change of use of buildings and permit fees shall be as set out in the current Township Fee By-law.

#### 3.1 Building Permit

This permit is generally used for all types of construction governed by the Ontario Building Code, including renovation (Part 11), farm buildings (2.1.1.5 O.B.C.) heating, ventilation and air conditioning (Part 6) signs (3.14 O.B.C.) plumbing (Part 7) and sewage systems (Part 8).

#### 3.2 Demolition Permit (Section 8(1) of the Building Code Act)

This permit governs both the type and method of demolition under the Building Code.

#### 3.3 Partial Permit (Section 8(1) of the Building Code Act)

When, in order to expedite work, approval of a portion of the building or project is desired prior to the issuance of a permit for the complete building or project, application shall be made and fees paid for the complete project. Complete plans and specifications covering the portion of the work for which immediate approval is desired shall be filed with the Chief Building Official.

#### 3.4 Conditional Permit (Section 8(3) of the Building Code Act)

This permit may be issued at the discretion of the Chief Building Official to authorize any stage of construction, even though all of the requirements under Subsection 8(2) of the Act have not been met. The requirements of Subsection 8(3) clauses (a), (b), and (c) of the Act must, however, be complied with, before a conditional permit may be issued.

#### 3.5 Change of Use Permit (Section 10(1) of the Building Code Act)

This permit is used where a change in use resulting in an increase in hazard (as determined under Sentence 2.4.1.2 (1) of the Building Code) will take place, even though no construction is proposed.

### 4. Revision to Permit

After the issuance of a permit under the Act, notice of any material change to a plan, specification, document or other information on the basis of which the permit was issued, must be given in writing to the Chief Building Official - any such change is not to be made without written authorization from the Chief Building Official.

### 5. Application for Permit (Section 8(1) of the Building Code Act)

5.1 No person shall construct or demolish or cause to be constructed or demolished a building or install, alter, extend or repair a sewage system in the Township of Middlesex Centre unless a permit has been issued by the Chief Building Official.

5.2 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 from the Chief Building Official at the offices of the municipality. The prescribed forms shall be as set out in Schedule "C" to this by-law or from the Building Code website [www.obc.mah.gov.on.ca](http://www.obc.mah.gov.on.ca).

## 6. Building, Conditional, Demolition, Sewage System Permits

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

- 6.1 Where application is made for a building permit under Subsection 8(1) of the Act, the application shall:
  - 6.1.1 identify and describe in detail the work and occupancy to be covered by the permit for which application is made;
  - 6.1.2 describe the land on which the work is to be done, by a description that will readily identify and locate the building lot;
  - 6.1.3 include complete plans and specifications as described in this by-law for the work to be covered by the permit, and show the occupancy of all parts of the building;
  - 6.1.4 state the valuation of the proposed work including materials and labour;
  - 6.1.5 state the names, addresses and telephone numbers of the owner, architect or engineer, where applicable, or other designer or constructor;
  - 6.1.6 be accompanied by a written acknowledgement of the owner that he has retained an architect or professional engineer to carry out the field review of the construction as described in the regulations where required under the Act or Code;
  - 6.1.7 be signed by the owner or his or her authorized agent who shall certify the truth of the contents of the application.
  - 6.1.8 include the building code identification numbers (B.C.I.N.) for the architect, engineers, designers etc.
- 6.2 Where application is made for a demolition permit under Subsection 8 (1) of the Act, the application shall:
  - 6.2.1 contain the information required by Section 6.1 (6.1.1) to (6.1.8) above;
  - 6.2.2 be accompanied by satisfactory proof that arrangements have been made with the proper authorities for the cutting off and plugging of all water, sewer, gas, electric, telephone or other utilities and services; and
  - 6.2.3 describe method of demolition, including the methods of discarding waste material and location of where waste material is to be taken.
- 6.3 Where application is made for a conditional permit under Subsection 8(3) of the Act, the application shall:
  - 6.3.1 contain the information required by Section 6 (6.1.1 to 6.1.8) above;
  - 6.3.2 contain such other information, plans and specifications concerning the complete project as the Chief Building Official may require;
  - 6.3.3 state the reasons why the applicant believes that unreasonable delays in construction would occur if a conditional permit were not granted;
  - 6.3.4 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
  - 6.3.5 state the time in which plans and specifications of the complete building will be filed with the Chief Building Official.

- 6.4 Where an application is made for a conditional permit under 8(3) of the Act, the owner shall enter into a written agreement with the municipality prior to the issuance of the permit.
- 6.5 Where an application is made for a sewage system building permit, Subsection 8(1) of the Act, the application shall:
  - 6.5.1 contain information required by clauses 6.1 (6.1.1 to 6.1.8);
  - 6.5.2 include the name, address, telephone number and B.C.I.N. number of the person installing and designing the sewage system;
  - 6.5.3 contain a site evaluation, as described by Section 8.2.1.2 of the Ontario Building Code and sewage system design, to be prepared by a qualified geotechnical consultant. At the discretion of the Chief Building Official, this evaluation may be conducted by the homeowner or licenced sewage system contractor.
  - 6.5.4 include a completed Sewage System Design Criteria form (Schedule "C" Forms);
  - 6.4.5 include a completed Site Plan for Septic Systems form (Schedule "C" forms).

## 7. Change of Use Permits

Every application for a change of use permit issued under Subsection 10 (1) of the Act shall be submitted to the Chief Building Official, and shall:

- 7.1 describe the building in which the occupancy is to be changed, by a description that will readily identify and locate the building;
- 7.2 identify and describe in detail the current and proposed occupancies, of the building or part of a building for which the application is made;
- 7.3 include plans and specifications which 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, ceiling and roof assemblies identifying required fire resistance ratings and load bearing capacities;
- 7.4 be accompanied by the required fee;
- 7.5 state the name, address and telephone number of the owner;
- 7.6 be signed by the owner or his or her authorized agent who shall certify the truth of the contents of the application.

## 8. Equivalents

Where an 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 was 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:

- 8.1 a description of the proposed material, system or building design for which authorization under Section 9 is requested;
- 8.2 any applicable provisions of the Building Code (2.7); and
- 8.3 evidence that the proposed material, system or building design will provide the level of performance required by the Building Code.

## 9. Plans and Specifications

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 change of use will conform with the Act, the Building Code and any other applicable law.

Each application shall, unless otherwise specified by the Chief Building Official, be accompanied by two complete sets of the plans and specifications required under this by-law.

Plans shall be drawn to scale on paper, shall be legible and, without limiting the generality of the foregoing, shall include:

1. Site plan
2. Floor Plans
3. Foundation Plans
4. Framing Plans
5. Roof Plans
6. Reflected Ceiling Plans
7. Sections and Details
8. Building Elevations
9. Electrical Drawings
10. Heating, Ventilation and Air Conditioning
11. Plumbing Drawings
12. Sewage System Drawings

The Chief Building Official may specify that not all the above-mentioned plans are required to accompany an application for a permit.

## 10. The Site Plan

Site plans shall be referenced to an up-to-date survey and, when required to demonstrate compliance with the Act, the Building Code or other applicable law, a copy of the survey shall be submitted to the Chief Building Official.

Site Plans shall show:

1. lot size and the dimensions of property lines and setbacks to any existing or proposed buildings;
2. existing and finished ground levels or grades, and if required by the Chief Building Official, a foundation and lot grading plan be prepared by a Professional Engineer or Ontario Land Surveyor and certified by a Professional Engineer, or Ontario Land Surveyor.
3. existing rights-of-way, easements and municipal services.

## 11. Site Plan Certification

1. A professional engineer or the Ontario Land Surveyor shall at the footing and foundation stages of construction of the structure shall certify that the elevations are in general conformity with the Building Code and the approved grading plan.
2. A professional engineer or Ontario Land Surveyor shall at completion of construction certify that the final Building and ground elevations are in general conformity with the approved plan.

## 12. Payment of Fees

Fees for a required permit shall be as set out in the current Township Fee By-law and are to be paid in full prior to the issuance of a permit.

Where the fees payable in respect of an application for a construction permit issued under Subsection 8(1) of the Act or a conditional permit under Subsection 8(3) of the Act are based on the cost of valuation of the proposed work, the cost of valuation of the proposed work shall mean the total cost of all work regulated by the permit including the cost of all material, labour, equipment, overhead and

professional and related services provided that where application is made for a conditional permit, fees shall be paid for the complete project.

Where fees payable in respect of an application for a change of use permit issued under Subsection 10(1) of the Act are based on a floor area, floor area shall mean the total floor space of all stories subject to the change of use.

Where fees payable in respect of an application for a demolition or sewage system permit issued under Subsection 8(1) of the Act the fees shall be as set out as per the current Township Fee By-law.

The Chief Building Official may place a valuation on the cost of the proposed work for the purposes of establishing the permit fee, and where disputed by the applicant, the applicant shall pay the required fee under protest and, within six months of completion of the project, shall submit an audited statement of the actual costs, and where the audited costs are determined to be less than the valuation, the Chief Building Official shall issue a refund.

13. Permit Fees

The collection, reporting, changing and administration of fees shall be in accordance with section 7 of the Ontario Building Code Act.

14. Refunds

In the case of withdrawal of an application or the abandonment of all or a portion of the work or the non-commencement of any project, the Chief Building Official shall determine the amount of paid permit fees that may be refunded to the applicant, if any, in accordance with Schedule "B" attached to and forming part of this by-law.

15. Notice Requirements for Inspections

The owner or an authorized agent shall notify the Chief Building Official at least two business day(s) prior to each stage of construction for which notice in advance is required under the Building Code (2.4.5.1 and 2.4.5.2) and Schedule "A" of this by-law.

16. Prescribing Forms

The forms prescribed for use as applications for permits, for orders and for inspection reports shall be as set out in Schedule "C" to this by-law.

17. As Constructed Plans

The Chief Building Official may require that a set of plans of a building or any class of buildings as constructed be filed with the Chief Building Official on completion of construction under such conditions as may be prescribed in the Building Code.

18. Fencing

If so directed by the Chief Building Official the following are provisions concerning fences to be erected and maintained during construction authorized by the Building Code Act:

18.1 The person to whom a building permit is issued in respect of construction which will take place at a construction site shall erect or cause to be erected and maintained a fence enclosing the construction site in accordance with the provisions of this by-law.

18.2 Where there is fencing on or adjoining a construction site erected prior to the application for a building permit in respect of that site, such fencing shall be deemed to be in compliance with this by-law provided it is extended along the entire perimeter of the construction site as determined by the Chief Building Official and the extended fencing is erected in accordance with this by-law.

18.3 Despite Section 16.1 and 16.2 above, the requirements of this by-law do not apply where the building permit has been issued prior to this by-law coming into effect.

- 18.4 The height of every fence shall be a minimum of 4 feet (1.2 Metres) and a maximum of 6 feet (1.8 metres), to be measured from the highest adjacent grade.
- 18.5 Every fence required under this by-law shall be located on the perimeter of the construction site as determined by the Chief Building Official and constructed as follows:
- 18.5.1 If of chain link construction, the chain link shall be fastened to a 1½-in. diameter metal bar, which is securely fastened to metal posts at not over 10 ft. on centre and embedded into the ground to provide a rigid support;
- 18.5.2 If of wood construction, the exterior face shall be ½ in. exterior grade plywood, particle board or equivalent material that will not provide footholds for climbing. The facing shall be supported by 2 in. X 4 in. nominal size posts spaced at not more than 8 ft. on centre and embedded into the ground to provide a rigid support;
- 18.5.3 If the fence is of snow fence or plastic mesh type, the fencing should be securely fastened to T-bar posts at not over 10 ft. on centre and embedded into the ground to provide a rigid support;
- 18.5.4 Other materials or methods may be substituted provided that there is an equivalent barrier between properties and an equivalent degree of safety provided.
19. Revocation of Permits  
The Chief Building Official subject to provisions outlined in section 8(10) of the Act, has the authority to revoke a permit issued under the Act.
20. Transfer of Permits  
Permits are transferable only upon the new owner completing a permit application to the requirements of Section 5 of this by-law and in accordance with the Building Code Act.
21. Penalty  
Any person who contravenes any provision of this by-law is guilty of an offence and shall upon conviction be liable to a fine recoverable under the Provincial Offences Act in accordance with the Building Code Act.
22. Ultravirus Sections or Parts  
Should any section of this by-law including any part of section of the Schedules be declared by a court of competent jurisdiction to be ultravirus, the remaining parts shall nevertheless remain valid and binding and shall be read as if the offending section had been struck out.
23. The Repeal Clause  
By-law Number 2002-102 enacted by the Township of Middlesex Centre is hereby repealed and all by-laws or parts of by-laws inconsistent with this be and the same are hereby repealed.
24. Effective Date  
This by-law shall come into force and take effect on the day of the final passing thereof.
25. Code of Conduct  
The code of conduct and associated policies as required under section 7.1 of the Act are set out in schedule D of this by-law.

READ a FIRST, SECOND AND THIRD TIME and FINALLY PASSED on this 21st day of September, 2005.

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Mayor

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Clerk

**SCHEDULE "A"**  
**TO BY-LAW NUMBER 2005-099**

REQUIRED INSPECTION

The Chief Building Official shall be given two business days' notice for the following inspections:

1. Excavation before pouring footings
2. Sewage System prior to excavation
3. Water Service Connection and Pressure Test before backfill
4. Storm – Private Drain Connection Piping Material and test before backfill
5. Sanitary P.D.C. Piping material and test before backfill
6. Foundation for drainage layer, dampproofing drainage tiles, stone layer support- before backfill
7. Framing inspection of walls, floors, roof, bracing, exterior cladding, etc. before work is covered by insulation, drywall, etc.
8. Plumbing, basework, upper, lower, rough-ins, pressure tests
9. Insulation before boarding
10. Heating and Ventilation rough-in
11. Sewage System completion of installation before backfill
12. Final building and septic system completed prior to occupancy

**SCHEDULE "B"**  
**TO BY-LAW NUMBER 2005-099**

**REFUNDS**

<u>Status of Permit Application</u>	<u>Percentage of Fee Eligible for Refund</u>
1. Application Filed No processing or review of plans submitted	90 – 100%
2. Application Filed. Plans reviewed and permit issued	60 – 70%
3. Additional deduction from number 2 above for each field inspection	10%
4. Permits valued at less than \$2,000.00	0%

**SCHEDULE "C"**  
**TO BY-LAW NUMBER 2005-099**

**FORMS**

1. Application for a permit to construct or demolish (General, Conditional, Plumbing, Partial, Septic)
2. Application to Move a Building
3. Application for Change of Use
4. Application for Use of Equivalent Material
5. Building Permit
6. Demolition Permit
7. Change of Use Permit
8. Inspection Form
9. Order to Comply
10. Stop Work Order
11. Order to Remedy and Unsafe Building
12. Building Security Deposit
13. Order Requiring Tests and Samples
14. Order to Uncover
15. Order Not to Cover or Enclose

**SCHEDULE “D”  
TO BY-LAW NUMBER 2005-099**

**CODE OF CONDUCT FOR BUILDING OFFICIALS**

Preamble

The Code of Conduct applies to the Chief Building Official and Inspectors appointed under the Building Code Act in the exercise of a power or the performance of a duty under the Building Code Act of the Building Code.

Purpose

The purpose of the Code is to promote appropriate standards of behaviour and enforcement actions to ensure that building officials apply standards of honesty and integrity, and to prevent practices constituting an abuse of power, including unethical or illegal practices.

Standards of Conduct

Building Officials shall undertake:

1. To always act in the public interest, particularly with respect to the safety of buildings and structures.
2. Not to act where there may be or where there may reasonably appear to be a conflict between their duties to their employer, their profession, their peers, the public at large, and their personal interests.
3. To apply known relevant building by-laws, codes, and standards appropriately and without favour.
4. To perform their duties impartially and in accordance with the highest professional standards.
5. At all times to abide by the highest moral and ethical standards and to avoid any conduct which may bring Building Officials into disrepute.
6. To comply with the provisions of the Building Code Act, the Ontario Building Code, and other Acts or Laws which regulate or govern Building Officials or their functions.
7. Not to act beyond their personal level of competence or outside their area of expertise.
8. To maintain current accreditation to act as an Ontario Building Official.
9. To extend professional courtesy to all.

Breaches of the Code of Conduct

The Ontario Building Code Act provides that the performances of Building Officials will be measured against this Code of Conduct. The Municipal Administration will review allegations brought forward, in writing, that the Code of Conduct has been breached. Disciplinary action arising from violations of this Code of Conduct is the responsibility of the Municipality and will be based on the severity and frequency of the violations in accordance with relevant employment standards.