

**THE CORPORATION OF THE TOWN OF MIDLAND
BY-LAW NO. 2005-51**

A by-law to regulate the issuance of permits for the construction, demolition, alteration of buildings and plumbing and sewage systems and all other related services within the boundaries of the Town of Midland, and to repeal By-laws 2002-9 and 2002-87.

WHEREAS the Building Code Act, 1992, S.O. 1992, c. 23, as amended, and the regulations made thereunder, provides that the Council of each municipality may pass by-laws and regulations respecting building permits;

AND WHEREAS the Council of The Corporation of the Town of Midland enacted By-law No. 2002-9 and amending By-law No. 2002-87 to regulate the issuance of permits for the construction, demolition, alteration of buildings and plumbing and all other related services within the boundaries of the Town of Midland;

AND WHEREAS the Council of The Corporation of the Town of Midland deems it necessary and desirable to pass a new By-law with respect to permits for the construction, demolition, alteration of buildings and plumbing and all other related services within the boundaries of the Town of Midland, and to repeal By-laws 2002-9 and 2002-87.

NOW THEREFORE BE IT RESOLVED THAT:

1. TERMS AND DEFINITIONS

1.1 Non-defined Terms

Definitions of words and phrases used in this by-law that are not included in the list of definitions in this Part shall have the meanings which are commonly assigned to them in the context in which they are used in this by-law taking into account the specialized use of terms with the various trades and professions to which the terminology applies.

1.2 Defined Terms

The words and terms in ***bold Italics*** in this Section have the following meaning for the purposes of this by-law,

Act means the Building Code Act, 1992, S.O. 1992, Chapter 23 as amended.

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.

As Constructed Plans is defined in Article 1.1.3.2. of the **Building Code**.

Architect means a holder of a license, a certificate of practice, or a temporary license under the Architect's Act as defined in the Building Code.

Authorized Agent means a person whom has been authorized by the owner in writing to act on the owners behalf for matters relating to application for permit.

Building means a building as defined in Section 1(1) of the **Act**.

Building Code means the regulations made under Section 34 of the **Act**.

Change Of Use means to change the use of a **building** or part of a **building** or permit the use to be changed if the change will result in an increase in hazard, as determined in accordance with the **Building Code**. No **construction** may necessarily be proposed or required.

Chief Building Official means the **Chief Building Official** appointed by the by-law of The Corporation of the Town of Midland for the purposes of enforcement of the Act.

Code means the Building Code Act, S.O. 1992, c.23 as amended.

Construct means to do anything in the erection, installation, extension or material alteration or repair of a building and includes the installation of a building unit fabricated or moved from elsewhere and "construction" has a corresponding meaning.

Corporation means The Corporation of the Town of Midland.

Demolish means to do anything in the removal of a building or any material part thereof and "demolition" has a corresponding meaning.

Farm Building means a farm building as defined in the building code.

Municipality means The Corporation of the Town of Midland.

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

Permit means written permission or written authorization from the **Chief Building Official** to perform work regulated by this by-law and the Act, or to change the use of a building or part of a building or parts thereof as regulated by the Act.

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**.

Plumbing means plumbing as defined in Section 1.- (1)of the *Act*.

Professional Engineer means a person who holds a license or a temporary license under the Professional Engineer’s Act, as defined in the *Building Code*.

Sewage System means a sewage system as defined in Section 1.- (1) of the *Act*.

Single Dwelling House means either a structure containing only one dwelling unit, or attached dwelling units, separated vertically and with each having an independent entrance directly to the exterior.

Temporary Structure means tents, park model trailers and portable classrooms as governed by the *Act* and the *Building Code*.

Total Area means gross area, as defined in Part 1 of the Ontario *Building Code*.

2. ADMINISTRATIVE PROCEDURES RELATING TO PERMITS

2.1 Permit Requirements

Pursuant to section 8.(1) of the Building Code Act, as amended;

No person shall;

- (a) construct or demolish or cause to be constructed or demolished a building;
- (b) occupy or use a building for which a permit is required; or
- (c) change the use of a building.

unless a Permit therefore has been issued by the *Chief Building Official*.

2.2 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* together with the details of such change, which is not to be made without his or her written authorization.

2.3 Time Limitations of Permits

Permits may be subject to revocation, as set out in clause 2.4 of this bylaw if:

- a) after six months after its issuance, the construction or demolition in respect of which it was issued has not, in the opinion of the *Chief Building Official*, been seriously commenced;
- b) if the construction or demolition of the building is, in the opinion of the *Chief Building Official*, substantially suspended or discontinued for a period of more than one year;

- c) notwithstanding Clause 2.3 (a) and (b), a building permit may expire, or be archived after 12 months after the last inspection undertaken by the building department.

2.4 Revocation of Permits

The **Chief Building Official**, subject to provisions outlined in subsection 8- (10) of the **Act** has the authority to revoke a building permit issued under the **Act**.

Prior to revoking a **permit**, the **Chief Building Official** may give written notice of intention to revoke to the **permit holder** at their last known address and if on the expiration of thirty (30) days from the date of such notice, all submitted plans and other information may be disposed of.

2.5 Transfer of Permits

When the lands on which a **permit** has been issued changes ownership, permits are transferable only upon the new **owner** completing a permit application to requirements of the section “Documentation Requirements to Support Permit Applications”. A fee, as described in Schedule “B” shall be payable on transfer of permit by the new **owner** who shall thenceforth be the **permit holder** for the purpose of the **Act** and the **Building Code**.

2.6 Posting of Permits

Every Permit holder shall post conspicuously on the work site, the Permit placard that is issued with the Permit and shall be responsible for the maintaining of the placard in a legible condition until the work allowed by the permit is complete.

2.7 Incomplete Applications

Where an application is found to be incomplete and does not comply with Sentence 2.4.1.1B(5) of the **Building Code**, the application may be accepted for processing if the applicant acknowledges same and completes the form as set out in Schedule “G” of this By-law.

2.8 Abandoned Permits

An application for a permit shall be deemed to have been abandoned by the applicant where:

- a) the application is incomplete and remains incomplete three (3) months after it was submitted; or
- b) the application is complete, a permit is available to be issued, and six (6) months has elapsed from the date upon which the owner was notified that the permit was available, and
- c) all incomplete and abandoned applications shall be considered void and all plans and documents may be destroyed.

3. CLASSES OF PERMITS

Classes of permits with respect to the construction, demolition and change of use of buildings shall be as set out in Schedule "A" to this By-law.

4. DOCUMENTATION REQUIREMENTS TO SUPPORT PERMIT APPLICATIONS

4.1 All Applications

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 Provincial form available at the offices of the *municipality* or from the *Building Code* website (www.obc.mah.gov.on.ca) and;

- a) completing any additional forms prescribed by the municipality under clause 7(f) of the *Act* shall be set out in Schedule "G" to this By-Law;
- b) submit all approvals required so that the proposed *building, construction* or *demolition* will not contravene any Applicable Law (Schedule "E"); and,
- c) be accompanied by the required fee.

4.2 Building and Demolition Permit Application

Every application, as described in section 4.1 of this by-law, for a building or demolition *permit* shall be submitted to the *Chief Building Official*, and contain the following additional information:

- a) include complete plans and specifications, documents and other information as required by Article 2.4.1.1B of the *Building Code* and as described in Schedule "C" – Plans and Documents of this by-law for the work to be covered by the *permit*

4.3 Conditional Permit Application

Every application, as described in section 4.1 of this by-law, for a conditional *permit* under subsection 8-(3) of the *Act*, shall be submitted to the *Chief Building Official*, and contain the following additional information:

- a) include complete plans and specifications, documents and other information as required by Article 2.4.1.1B of the *Building Code* and as described in Schedule "C" – Plans and Documents of this by-law for the work to be covered by the *permit*;
- b) state, in writing, the reasons why the applicant believes that unreasonable delays in construction would occur if a conditional *permit* is not granted;
- c) state, in writing, the necessary approvals which must be obtained in respect of the proposed *building* and the time in which such approvals will be obtained;
- d) state, in writing, the time in which plans and specifications of the complete *building* will be filed with the *Chief Building Official*;
- e) Include a written agreement, in the form approved by Council of the Town of Midland and provided by the *Chief Building Official*, executed by the applicant, the owner and such other necessary persons the *Chief Building Official* determines for the purposes set out in clause 8(3)(c) of the Act;

4.4 Change of Use Permit Application

Every application, as described in section 4.1 of this by-law, for a *change of use permit* issued under subsection 10.- (1) of the *Act*, shall be submitted to the *Chief Building Official*, and contain the following additional information:

- a) include complete plans and specifications, documents and other information as required by Article 2.4.1.1B of the *Building Code* and as described in Schedule “C” – Plans and Documents of this by-law for the work to be covered by the *permit*;
- b) describe the *building* in which the occupancy is to be changed, by a description that will readily identify and locate the *building*;
- c) identify and describe in detail the current and proposed occupancies of the *building* or part of a *building* for which the application is made;
- d) 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;
- 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.

4.5 Equivalents Application

Where an application, as described in section 4.1.1 of this by-law, 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:

- a) a description of the proposed material, system or building design for which authorization under section 9 of the *Act* is requested;
- b) any applicable provisions of the *Building Code*;
- c) evidence that the proposed material, system or building design will provide the level of performance required by the *Building Code*.

This information must accompany a *permit* application, or it may be incorporated into the request for authorization to make a material change to plans, specifications etc., on which basis a *permit* was issued.

4.6 Sewage System Permit Application

For every application, as described in section 4.1.1 of this by-law, for a sewage permit that is submitted to the *Chief Building Official*, the application shall:

- a) include complete plans and specifications, documents and other information as required by Article 2.4.1.1B of the **Building Code** and as described in Schedule “C” – Plans and Documents of this by-law for the work to be covered by the **permit**;
- b) include a site evaluation as described in Schedule “C” - Plans and Documentation, of this By-law.

4.7 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 and whether or not it may affect adjacent property.

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, or other durable material, shall be legible and, without limiting the generality of the foregoing shall include such working drawings as set out in Schedule “C” – Plans and Documents to this By-Law unless otherwise specified by the **Chief Building Official**.

4.8 The Site Plan

Prior to the issuance of a building permit for any new main building in Town, the **Chief Building Official** will require that a certificate from an Ontario Land Surveyor (O.L.S.) be submitted confirming that the surveyor has done a “Construction Reference Survey” that complies with the minimum setbacks of the zoning by-law.”

No person, having been issued a **Building permit** for any new main building in town, shall refuse to provide to the **Chief Building Official** on or before completion of the foundation walls, a “Plan of Survey”, prepared by an Ontario Land Surveyor (O.L.S.) showing the actual distances between the building “as constructed” complies with the Zoning By-law of the Town of Midland.

A site plan referenced to a current plan of survey certified by an Ontario Land Surveyor or a copy of such a survey shall be filed with the **municipality** unless this requirement is waived as in the case where the **Chief Building Official** is able to determine whether the proposed work conforms to the **Act**, the **Building Code**, and any other applicable law without benefit of having a current plan of survey available for review.

All Site plans shall show information as set out in Schedule “C” – Plans and Documents.

4.9 Payment of Fees

Fees for a required **permit** shall be as set out in Schedule "B" to this by-law and are due and payable upon submission of an application for a **permit**.

5. ISSUANCE OF PERMITS

5.1 Issuance of Permits

The **Chief Building Official**, subject to provisions outlined in subsection 8 of the **Act** has the authority to issue a:

Building Permit;
Conditional Permit;
Partial Permit;
Demolition Permit;
Change of Use Permit;
Sewage System Permit;
Temporary Structure;

as described in Schedule “A” of this By-law.

5.2 Issuance of Partial Permits

The **Chief Building Official**, subject to provisions outlined in subsection 7 and 8 of the **Act** has the authority to issue a Partial Permit, as described in Schedule “A” of this By-law.

5.3 Issuance of Conditional Permits

The **Chief Building Official**, subject to provisions outlined in subsection 8- (3) and 8- (5) of the **Act** has the authority to issue a Conditional Permit, as described in Schedule “A” of this By-law.

5.4 Notwithstanding Clause

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 this subsection, be under any obligation to grant any further **permit** or **permits** thereof.

6. NOTICE REQUIREMENTS FOR INSPECTIONS

6.1 Prescribed Notices and Inspections

A **permit holder** or his or her **authorized agent** shall notify the Building Department of the **municipality** at least two (2) business days in advance of the stages of **construction** specified under article 2.4.5.1 of the Ontario Building Code, as duplicated for reference set out in Schedule “D”

6.2 Time Frame for Mandatory Inspection After Notice is Given

After a mandatory inspection notice has been given under Article 2.4.5.1 of the **Building Code** an inspector shall undertake a site inspection not later than two days after the notice is given. In the case of site inspections of **sewage systems** the **municipality** is required to

undertake an inspection within 5 days. The time periods exclude Saturdays, holidays and all other days when the offices of the principal authority are not open for the transaction of business with the public.

6.3 Additional Notices

A **permit holder** or his or her **authorized agent** shall notify the Building Department of the **municipality** at least two (2) business days in advance of the stages of **construction** specified under article 2.4.5.2 of the Ontario Building Code, as duplicated for reference set out in Schedule “D”.

7. AS CONSTRUCTED PLANS

7.1 The **Chief Building Official**, at his or her discretion, 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**.

8. FENCING AT CONSTRUCTION AND DEMOLITION SITES

8.1 Where, in the opinion of the **Chief Building Official**, a construction or demolition site presents a particular hazard to the public, the **Chief Building Official** may require the erection of such fencing as he or she deems appropriate to the circumstances.

8.2 In considering the hazard presented by the construction or demolition site, the necessity of fencing and the height and characteristics of such fencing, the **Chief Building Official** shall have regard for:

- a) the proximity of the building site to other buildings;
- b) the proximity of the construction or demolition site to lands accessible to the public;
- c) the hazards presented by the construction or demolition activities and materials;
- d) the feasibility and effectiveness of such fences; and
- e) the duration of the hazard.

9. ADMINISTRATIVE PROCEDURES RELATING TO PERMIT FEES

9.1 Collection of Permit Fees

The **Chief Building Official**, subject to provisions outlined in subsection 7- (1)(c), 7- (2) of the **Act**, and section 2.23 of **Building Code** has the authority to collect and administer permit fees in accordance to Schedule “B” of this By-law for the purpose of:

- a) recovering direct and indirect costs of the administration and enforcement of the **Act**; and
- b) establishing a reserve fund for any purpose relating to the administration or enforcement of the **Act**.

9.2 Changing Permit Fees

Notice to the public, as outlined in Article 2.23.1.2 of the Ontario Building Code, shall be undertaken by the Municipality before passing a by-law under clause 7(c) of the *Act* to introduce or change a fee imposed for applications for permits or for the issuance of permits.

9.2 Reporting of Permit Fees and Costs of Building Code Enforcement

An annual report, as outlined in Article 2.23.1.1 of the *Building Code*, shall be prepared by the *Chief Building Official* and the Town Treasurer.

9.3 Refunds

In the case of withdrawal of an application or 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."

10. MISCELLANEOUS

10.1 If any court of competent jurisdiction finds that any provision of this By-law is unlawful, ultra vires the jurisdiction of the Council or are invalid for any other reason, such provisions shall be deemed to be severable and shall not invalidate any of the other provisions of the By-law which shall remain in full force and effect.

10.2 This By-law is to be read in conjunction with all the Statutes referred to in the preamble hereto and in the event that there is a conflict between the provisions of this By-law and the provisions of The Building Code Act as amended, or its regulations, then the provisions of The Building Code Act as amended prevail.

10.3 Council shall appoint a *Chief Building Official* and such Inspectors as are necessary for the carrying out of this By-law.

10.4 Schedule "A", "B", "C", "D" and "E" attached hereto shall form part of this By-law.

10.5 A Code of Conduct, as set out in Schedule "F", for the *Chief Building Official* and inspectors shall be maintained, in accordance with the provisions of the *Building Code Act*, by the Municipality. Schedule "F" attached hereto shall form part of this By-law.

10.6 The forms prescribed for use as applications for permits, for orders and for inspection reports as set out in Schedule "G" attached hereto shall form part of this By-law.

11. SHORT TITLE

11.1 This by-law may be cited as "The Building Permit By-law."

12. PENALTIES

In addition to any other penalties prescribed by law, every person who:

- a) knowingly furnishes false information in any application under this By-law; or
- b) contravenes any provision of this By-law,

is guilty of an offence and is subject to a penalty pursuant to the Provincial Offences Act, R.S.O.1990, c. P.33 in accordance with Section 36 of the Ontario Building Code Act, 1992, S.O. 1992, C.23, as amended.

The conviction of an offender upon the breach of any provisions of this By-law shall not operate as a bar to a prosecution against the same offender upon any continued or subsequent breach of any provision and a Judge may convict any offender repeatedly for continued or subsequent breaches of the By-law and the provisions of the *Building Code Act*, as amended from time to time, shall further apply to any continued or repeated breach of this By-law.

13. REPEAL OF BY-LAWS

Town of Midland By-laws 2002-9 and 2002-87 are hereby repealed;

14. ENACTMENT

That this By-law shall take force and effect upon June 27, 2005.

By-law read a first, second and third time and finally passed at a meeting of the Open Council held this Twenty-seventh day of June , 2005.

Mayor

Clerk

SCHEDULE "A"

“CLASSES OF PERMITS”

1. BUILDING PERMIT: To be for the purpose of allowing the construction of a **building**, including, but may not be limited to, the erection, installation, extension or material alteration or repair of a **building** and includes the installation of a **building** unit moved from elsewhere. This type of permit also includes permits for pools, plumbing, designated structures (as defined in Article 2.12 of the Ontario Building Code), signs and property entrances.
2. DEMOLITION PERMIT: To be used for the **demolition** of all or part of a **building** or structure.
3. CONDITIONAL PERMIT: Pertains to construction only and may be issued only in accordance with Section 8.-(3) of the **Building Code Act**.

The **Chief Building Official** is hereby authorized to execute the written agreement referred to in clause 5.2.2 herein on behalf of the Town of Midland where:
 - (i) the applicant has complied with Subsection 5.2.2 herein; and
 - (ii) the **Chief Building Official** is satisfied that the compliance required under Section 8 of the Act has been achieved.
4. CHANGE OF USE PERMIT: To comply with the requirements of Section 10. (1) of the **Building Code Act**.
5. SEWAGE SYSTEM PERMIT: To allow **construction** of a **sewage system** as per Part 8 of the **Ontario Building Code**.
6. PARTIAL PERMIT: When a Building Permit is applied for in accordance with the provisions of this By-law, particularly subsections 5.1.1, 5.2.1, 5.3.1, and 5.5.1 inclusively, and subsections 5.4.1, and 5.2.5 when applicable, in order to expedite work, the **Chief Building Official** may grant approval for **construction** to proceed for a portion of a **building** or project prior to the issuance of a Building Permit for the complete **building** or project. Such a permit shall be called a “Phase (No.) Permit”

Where a permit is issued for part of a *building* or project, this shall not be construed to authorize construction beyond the plans for which approval was given nor will that approval necessarily be granted for the entire *building* or project.

Partial permits should not be confused with Conditional Permits.

7. TEMPORARY STRUCTURE PERMIT: To permit the erection of a tent or temporary structure which exceeds 30 square meters. (323 square feet).

SCHEDULE "B"

“PERMIT FEES”

			Per Square Foot	Per Square Meter
1.	Minimum Fee			
		In no case shall a fee for a permit be less than \$80.00(non-refundable), unless otherwise noted herein	FLAT FEE	\$80.00
		A non refundable application fee for small projects. To be credited to applicable permit fees.		\$80.00
		A refundable application fee as per Sec. 28 for large projects where permit fees are assumed to be more than \$500.00. To be credited to applicable permit fees.		\$500.00
2.	Group A & B (Assembly & Institutional Occupancies)			
	a)	New Construction (includes plumbing and heating)	0.81	8.66
	b)	Additions	0.75	8.04
	c)	Renovations/Alterations	0.29	3.11
3.	Group C (Residential Occupancies)			
	a)	New Construction and Additions (includes plumbing)	0.99	10.64
	b)	Renovation/Alteration	0.31	3.34
	c)	Garage - Attached to House	0.31	3.34
	d)	Garage - Detached from House	0.58	6.19
	e)	Carport - Attached to House	FLAT FEE	80.00
	f)	Accessory Building (Garden Shed and/or Storage Shed under 200 square feet)	FLAT FEE	80.00
		over 200 square feet	0.46	4.95
	g)	Unenclosed Wood Deck/Porch/Veranda	0..12	1.23
		Roof Over or Enclosed Deck/Porch/Veranda	0.23	2.47
	h)	Finished Basements (creation of new living space in a Single Dwelling Only)	FLAT FEE	115.00
4.	Group D & E (Business and Mercantile Occupancies)			
	a)	New Construction (includes additions)	0.58	6.19
	b)	Restaurants (includes additions)	0.67	7.18
	c)	Renovations/Alteration	0.33	3.62

SCHEDULE "B"

“PERMIT FEES” - cont’d

			Per Square Foot	Per Square Meter
5.	Group F (Industrial Occupancies)			
	a)	New Construction (warehouse storage)	0.39	4.20
		(non warehouse storage i.e.: office)	0.58	6.19
	b)	Renovation/Alteration	0.23	2.48
		(non warehouse storage)	0.33	3.62
	c)	Additions	0.33	3.62
		(non warehouse storage i.e.: office)	0.58	6.19
6.	Demolition			
	6.1	Class “A” for part of a Structure	FLAT FEE	80.00
	6.2	Class “B” Buildings not requiring Professional Control	FLAT FEE	115.00
	6.3	Class “C” Buildings requiring Professional Control	FLAT FEE	172.50
7.	Conditional Permit			
	7.1	Full permit fee as calculated under Section 1 (Additional Permit Security may be required)		
	7.2	Designated Structure - Full permit fee as calculated under Section 1		
8.	Change of Use			
	8.1	Application Review	FLAT FEE	\$155.25
	8.2	Where a Building Permit is not required	FLAT FEE	\$86.25 refund
	8.3	Where a Building Permit is issued (with no Construction)		no refund
	8.4	Where a Building Permit is issued (with Construction)		applicable permit fees apply, less application review fee noted above

SCHEDULE "B"

“PERMIT FEES” - cont’d

			Per Square Foot	Per Square Meter
9.	Heating			
	9.1	Residential (where no other construction applies)	FLAT FEE	\$80.00
	9.2	Non-Residential		\$115.00 per appliance
10.	Plumbing			
	10.1	Fixture - Unit (where no other construction applies)		\$11.50 per fixture
	10.2	(individual in accordance with Building Code Table 7.4.9.3)	FLAT FEE	\$80.00
11.	Temporary Structure			
	11.1	Portable Buildings (School Portables, etc)	FLAT FEE	\$345.00
	11.2	Tents		
		a) Up to 2,420 sq. ft. (225 sq. m)	FLAT FEE	\$80.00
		b) Over 2,420 sq. ft. (225 sq. m)	FLAT FEE	\$115.00
12.	Agricultural & Farm Buildings			
	12.1	No Architect/Engineer	0.23	2.48
	12.2	Architect/Engineer required	0.29	3.09
13.	Pool Enclosure Fence			
	13.1	Above Ground	FLAT FEE	\$80.00
	13.2	In-Ground	FLAT FEE	\$115.00
14.	Signs/Billboards			
	14.1	Not Requiring Professional Control	FLAT FEE	\$80.00 per sign
	14.2	Requiring Professional Control	FLAT FEE	\$115.00 per sign
	14.3	Temporary Signs		\$30.00 for 30 days
		Note: Where multiple signs are to be installed on the same property, at the same time, the applicable permit fee noted above shall be applied to only one sign. The other signs shall be charged half the applicable permit fee noted above.		

SCHEDULE "B"

“PERMIT FEES” - cont’d

			Per Square Foot	Per Square Meter
15.	LLBO/LCBO Inspections and Letters for Occupant Loads			
			FLAT FEE	\$80.00
16.	Lot Grading Deposit			
		(on all new construction and/or renovations)	FLAT FEE	\$1,000.00 (refundable upon satisfactory inspection minus any applicable charges)
17.	Designated Structures Pursuant to subsection 2.1.3 of the Ontario Building Code			
	17.1	Retaining Walls	FLAT FEE	\$60.00 per 100 lineal foot or part thereof
	17.2	All other Structures	FLAT FEE	\$500.00 per structure
18.	On Site Sewage Inspection Services			
	18.1	New - Installation of a Class 4 or 5 system	FLAT FEE	\$460.00
	18.2	Site Inspections and/or detailed Plans review required for a CHANGE OF USE (to property) Includes New additions, Accessory Buildings and Pools		
	a)	Where NO alteration to existing sewage system will be required	FLAT FEE	\$115.00
	b)	Where an alteration to existing sewage system is required	FLAT FEE	\$345.00
	c)	Where a NEW sewage system is required	FLAT FEE	\$460.00
		Note: All Change of Use Permit Applications shall be accompanied by a base amount of \$100.00, additional fees, where required, will be due prior to the issuance of the permit.		
	18.3	CHANGE OF USE (simple confirmation via file records)	FLAT FEE	\$40.25

SCHEDULE "B"

“PERMIT FEES” - cont’d

			Per Square Foot	Per Square Meter
	18.4	Alteration or Repair (Where no Change of Use is proposed)	FLAT FEE	\$345.00
	18.5	New - Installation of a Class 2 or 3 system	FLAT FEE	\$345.00
19.	File Search			
		Applies to retrieval of information from archived permits Billing in 15 minute increments, with 1 hour minimum		\$60.00 per hour
20.	Reactivation of any Permit listed above that is Archived			
		A Permit is considered Archived where no Inspection has been requested within one year of the date upon which an Inspection has been last performed and where no Final Inspection has been completed		10% of the permit fee, Max. \$200.00 Min. \$80.00
21.	Consent Application Review			
			FLAT FEE	\$100.00
22.	On-Site Sewage Systems			
		Billing for Non Permit related compliance		\$60.00 per hour
23.	Revision			
		Review of revisions to documents submitted for permits listed above. Billing in 15 minute increments, with a 1 hour minimum		\$60.00 per hour
24.	Transfer of Permit			
		Upon sales transaction of property and where Building Permit Application or a Building Permit is active or archived and not closed.	FLAT FEE	\$80.00

SCHEDULE "B"

“PERMIT FEES” - cont’d

			Per Square Foot	Per Square Meter
25.	Inspections and Investigations			
	25.1	Additional Inspections		
		a) where a Mandatory Inspection is required of an assembly or service, the initial Inspection and one subsequent re-inspection are not subject to the additional Inspection Fee. All additional re-inspections required are subject to this fee, at the Chief Building Official’s discretion		\$50.00 per inspection
		b) an additional Inspections deposit will be required prior to the issuance of a building permit for the following - any new structure containing an assembly, commercial, industrial and dwelling uses - any renovation or addition to a structure containing an assembly, commercial, industrial and dwelling uses, where the Total Area of new construction will exceed 1/3 of the original buildings Total Area, or at the Chief Building Official’s discretion - any structure constructed under a conditional building permit	FLAT FEE	\$200.00 (non- refundable after twelve (12) months from date of permit issuance)
		c) charges for extra inspections or extraordinary permit application processing will be deducted from the deposit. Upon issuance of final inspection, any remaining funds will be returned to the applicant. Where a permit is archived, any funds remaining from the deposit shall be considered forfeited by the owner.		\$50.00 per inspection

SCHEDULE "B"

“PERMIT FEES” - cont’d

			Per Square Foot	Per Square Meter
26.	Special Investigation			
	26.1	When construction commenced prior to the issuance of permit listed above		Double the applicable permit fees (max. \$15,000.00)
	26.2	To remove an Order issued under the Building Code Act (with respect to building matters, not Property Standards 15.1, nor to be applied to an Order to Comply issued for constructing without a permit)		\$150.00 prior to charge laid or, recovery of costs to prosecute
27.	Clerical Processing			
	27.1	Conditional Building Permits All applicable Permit Fees plus cost recovery of outside professional services needed, based on a total of actual fee, plus 10%.		
	27.2	Extraordinary Permit Application Processing Applies to incomplete permit application submissions Billing in 15 minute increments, with 1 hour minimum		\$60.00/hour

SCHEDULE "B"

“PERMIT FEES” - cont’d

			Per Square Foot	Per Square Meter
28.	Refund of Permit Fees			
	28.1		Fees that may be refunded shall be a percentage of the fees payable under this By-law, as follows:	
		a)	80 percent if building administrative functions have been performed	
		b)	70 percent if building administrative and zoning functions have been performed	
		c)	45 percent if building administrative, zoning and plan examination functions have been performed	
		d)	30 percent if the permit has been issued and no field inspections have been performed subsequent to permit issuance	
		e)	5 percent shall additionally be deducted for each field inspection that has been performed after the permit has been issued	
	28.2	a)	Notwithstanding the provisions of paragraph 28.1 above, no refund shall be made of an amount less than \$80.00	

29. Notes to Schedule ‘B’

29.1 Determination of Area Calculations for Permit Fees

For the purpose of calculating the cost of permits, the following method establishing square footage shall be used:

- a) Each Floor area shall be measured between the outside surfaces of exterior walls, or between the outside surfaces of exterior walls and the centre line of Firewalls or Party Walls. For structures like mezzanines, decks/porches/verandas and loading docks, the area shall be measured between the platform edge to platform edge, or between the platform edge to an abutting wall face. The summation of these calculations shall be considered the Total Area;
- b) A basement or a crawlspace contained in whole below grade and with no interior finishes installed, or where no Use is proposed, shall not have a permit fee applied;

SCHEDULE "B"

“PERMIT FEES” - cont’d

- c) All walkout basements in Dwellings shall have half of their Total Area calculated for the applicable permit fee;
- d) No deductions shall be made for openings within a Floor, i.e. stairwells, elevator shafts, service shafts (ducts, etc.);
- e) A horizontal plane may be projected over sloping and stepped Floors to determine Floor area in lieu of actual surface area;
- f) Where an interior renovation with only minor changes to Structural, Life Safety, or Fire Prevention components is proposed, then the applicable permit fee found in the above table may be reduced to half the sum. This proviso does not apply to any portion of a building being renovated as part of, or to accommodate a new addition, to an existing structure;
- g) In buildings of multiple suites or tenancy, where more than one fee from the above table would apply. A separate Total Area calculation shall be performed for each of the different occupancies, defined in the Section 2.2, the appropriate fee shall be applied to this Total Area, with the summation of all fees resulting in the total Building Permit Fee.

29.2 Alternative Fee Calculations

Structures that are of an unusual shape, or where projects are unique in nature and where the application of Section 4 - Classes of Permits and the Fee Schedule noted above would be impractical, the Chief Building Official, at his discretion, may determine the value of the Building Permit Fee. The Chief Building Official may utilize some, all, or a combination thereof, of the following criteria to determine the Building Permit Fee.

- a) An estimation of staff time to be spent on the file, based on:
 - i) Plans Review/Clerical Processing - \$60.00 per hour;
 - ii) Inspections - \$50.00 per Inspection performed;
- b) Apply a fee or combination of fees listed in the above table that, in the judgement of the Chief Building Official, most closely reflects the proposed project.

29.3 Combined Permit Fees

- a) Except as permitted in Section 26.1(b) above, where a structure equipped with services or assemblies that are either required by The Ontario Building Code or are of a voluntary installation and for which a fee has been listed in the above table, the summation of all applicable fees shall result in the total Building Permit Fee.

SCHEDULE "C"

“Plans and Documentation”

Appendix 2: Documentary Requirements for Housing (New and Additions)

All permit applications for housing projects must be accompanied by sufficient information to show that the proposed work will conform to the Ontario Building Code and all applicable law.

All drawings must be drawn to scale and shall indicate the nature and extent of work or proposed occupancy in sufficient detail to establish that, when completed, the work and the proposed occupancy will conform to the Ontario Building Code.

The following summarizes the documentation that must be submitted at the time of a building permit application.

Permit applications will not be accepted where any of the required information is not submitted.

Site Plan (Two (2) sets)

- Property lines and lot area referenced to a current Survey
- Location of all proposed & existing buildings in relation to property lines & other buildings
- Overall dimensions (width/length) of all buildings
- Zoning summary (summary of permitted/proposed zoning provisions)
- Proposed and existing grades and the proposed finished first floor elevations of all buildings

Floor Plans (Two (2) sets of all floor levels)

- Drawn to scale and fully dimensioned
- Use of every room or space
- All structural framing
- Identification of all building materials and/or reference to a schedule or legend
- Proprietary floor system layout and manufacturer bearing professional Engineer seal
- Roof truss layout and shop drawings bearing professional Engineer seal
- Location of all plumbing fixtures
- Location of all fireplaces and type of fuel (wood or gas)
- Location of smoke alarms and carbon monoxide detectors

Elevations (Two (2) sets)

- Area of exposing building face, area & % of glazed openings and required limiting distance
- Exterior finishes (for Exterior Insulation Finish Systems, include name of manufacturer)
- Window/door type, locations and sizes including height of sills above floor
- Roof slope and finish
- Stairs, landings, guards and handrails

SCHEDULE "C"

“Plans and Documentation” - cont’d

Building Sections (Two (2) sets)

- Floor to floor and floor to ceiling heights
- Footing and foundation wall details including height of grade above basement floor
- Specifications of all floor, wall and roof assemblies
- Underpinning detail where required
- Stairs, landings, guards and handrails

Construction Details & Notes (Two (2) sets)

- Typical wall section from footings to roof
- Typical roof detail where cathedral ceilings are proposed
- Guard details (reference to SG details or drawings complying with Part 4 design)
- Specifications of all wall, floor and roof assemblies and building materials

Heating, Ventilation and Air-conditioning (Two (2) sets)

- Heat loss/heat gain/duct calculations
- HVAC drawings

On-site sewage system design

- Statement of Design
- System drawings and details

Appendix 3: Documentary Requirements for ICI buildings

All permit applications for ICI buildings must be accompanied by sufficient information to show that the proposed work will conform to the Ontario Building Code and all applicable law.

All drawings must be drawn to scale and shall indicate the nature and extent of work or proposed occupancy in sufficient detail to establish that, when completed, the work and the proposed occupancy will conform to the Ontario Building Code.

The following summarizes the documentation that must be submitted at the time of a building permit application.

Permit applications will not be accepted where any of the required information is not submitted.

Forms / Documents

- Commitment to General Review signed by all project team disciplines
- Building Code Data Matrix or Statement of Design (alternatively include on Architectural Site Plan)
- Land and Building Use Declaration (including identification of any hazardous materials)

SCHEDULE "C"

“Plans and Documentation” - cont’d

- ASHRAE 90.1 Energy Certification Form
- Flow Control Roof Drainage Form (to be filled out by Mechanical & Structural Engineer)
- Geotechnical Investigation Report

Architectural Site Plan (Three (3) copies)

- Property lines and lot area referenced to a current Survey
- Location of building in relation to property lines, streets, fire routes, parking areas and other buildings
- Overall dimensions (width/length) of all buildings, fire access routes, driveways and entrances
- Zoning summary (summary of permitted/proposed zoning provisions)
- Proposed and existing grades, landscaped areas, sidewalk elevations and proposed finished floor elevations of all buildings
- Barrier free curb cuts, parking and ramps and all associated details

Architectural Drawings (Three (3) sets (all to have Architect’s seal where required))

- Floor plans fully dimensioned, identifying rooms and spaces, wall construction & fire separations (ULC/WH #)
- Reflected ceiling plans and associated details (co-coordinated with Electrical consultant)
- Roof Plan & associated details including any screening requirements for mechanical roof top equipment
- Building Elevations (bearing Site Plan Approval stamp)
- Building cross sections
- Wall sections, Stair sections and plan and section construction details
- Enlarged detail plans (B/F washroom, stair enclosures) and associated details, millwork details
- Door and Room Finish Schedules (if not in specification)

Structural Drawings (Three (3) sets (all to have Professional Engineer’s seal where required))

- Design specifications c/w loading, deflection, wind uplift and earthquake analysis & reference to Geotechnical Report
- Foundation plan and associated details (piles & caissons)
- Floor framing plans c/w beam & column schedule
- Roof Framing plan (confirm control flow drainage design requirements)
- Details pertaining to structural connections, framing or any exterior canopy structures

Mechanical Drawings (Three (3) sets (all to have Professional Engineer’s seal where required))

- Site servicing drawing
- Floor plans for both HVAC and Plumbing c/w equipment schedule
- Roof plan showing drainage and equipment schedule for roof mounted equipment

Electrical Drawings (Three (3) sets (all to have Professional Engineer’s seal where required))

SCHEDULE "C"

“Plans and Documentation” - cont’d

- Electrical site servicing drawing where separate from Mechanical
- Floor plans showing lighting, power, emergency lighting, exit signage and electrical equipment
- Fire alarm system drawings (separate or combined with electrical drawings) including FA riser/zoning

Other Submissions (where applicable)

- Complete Construction Specifications (Architectural, Structural, Mechanical and Electrical)
- Security Hardware including Electromagnetic locking system drawings and details
- Industrial Rack Storage System drawings complete with BMEC authorization

Appendix 3: Documentary Requirements for On-site Sewage System Design, or Site Servicing Designs

The following summarizes the documentation that must be submitted at the time of a building permit application.

Permit applications will not be accepted where any of the required information is not submitted.

On-site Sewage System Design

- Statement of Design form as Prescribed in Schedule “G” of this By-law
- A Site Evaluation Report which shall include all of the following items:
 - include the date the evaluation was done;
 - include name, address, telephone number and signature of the person who prepared the evaluation;
 - include a scaled map of the site showing:
 - i. the legal description, lot size, property dimensions, existing rights-of-way, easements or municipal / utility corridors;
 - ii. the location of items listed in Column 1 of Tables 8.2.1.5.A., 8.2.1.5.B. and 8.2.1.5.C. of the Ontario Building Code;
 - iii. the location of the proposed *sewage system*;
 - iv. the location of any unsuitable, disturbed or compacted areas;
 - v. proposed access routes for system maintenance;
 - vi. depth to bedrock;
 - vii. depth to zones of soil saturation;
 - viii. soil properties, including soil permeability, and
 - ix. soil conditions, including the potential for flooding.
- System drawings and details.

Site Servicing Designs

- Location and sizing of, water service and fire service mains
- Location, sizing and minimum slope of sanitary and storm sewers, including cleanouts, maintenance holes and catchbasins
- Sewage and Storm Hydraulic load summary of each building serviced on site

SCHEDULE "C"

“Plans and Documentation” - cont’d

List of Plans or Working Drawings and documentation to accompany applications for permits:

1) **Site and Grading Plan** (two sets)

- lot size and the dimensions of property, and location/dimensions of all existing and proposed **buildings** (setbacks to property lines & distance to other **buildings**);
- location and dimensions of all proposed and existing, roads, rights-of-way, easements and municipal services;
- elevations of proposed and existing grades and the proposed finished first floor elevations of all buildings and;
- proposed and existing fire access routes and, fire hydrant locations or private fire fighting water supply and system.

2) **Site Servicing Plan** (three sets)

3) **Floor Plans** (two sets of all floor levels):

- drawn to scale and fully dimensioned;
- use of every room or space;
- all structural framing.
- proprietary floor system layout and manufacture bearing P.Eng. seal;
- location of all plumbing fixtures;
- location of all fireplaces and type of fuel (wood or gas);
- location of smoke alarms and carbon monoxide detectors;

4) **Roof Plans**

- drawn to scale and fully dimensioned;
- Roof Truss layout from manufacture; or
- Rafter and Ceiling Joist layout and design;
- projected snow shadow location and calculations.

5) **Reflected Ceiling Plans**

- drawn to scale and fully dimensioned;
- use of every room or space;
- location of all lighting, emergency lighting, and exit signage;
- location of all ceiling mounted Fire Alarm and Sprinkler system devices;
- location of all ceiling mounted HVAC devices.

SCHEDULE "C"

“Plans and Documentation” - cont’d

- 6) **Elevations** (two sets)
 - area of exposed building face, area and % of glazed openings and required limiting distance;
 - exterior finishes;
 - window/door type, locations and sizes including height of sills above floor;
 - roof slope and finish;
 - stairs, landings, guards and handrails.

- 7) **Building Sections** (two sets)
 - floor to floor and floor to ceiling heights;
 - footing and foundation wall details including height of grade above basement floor;
 - specifications of all floor, wall and roof assemblies;
 - underpinning detail where required;
 - stairs, landings guards and handrails.

- 8) **Construction Details** (two sets)
 - typical wall section from footings to roof;
 - typical roof detail where cathedral ceilings are proposed;
 - guard details (reference to SG details or drawings complying with Part 4 design);
 - specifications of all wall, floor and roof assemblies and building materials.

- 9) **Heating, Ventilation and Air Conditioning Drawings (two sets)**
 - heat loss/heat gain/duct calculations;
 - HVAC drawings.

- 10) **Plumbing drawings** (two sets)

- 11) **Sprinkler Plan (three sets)**
 - Water flow calculations;
 - Hydrolic load calculations;
 - Water service design information.

- 12) **Fire Alarm system** (three sets)

- 13) **On-site sewage system design**

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

SCHEDULE “D”

“Mandatory Inspections”

Readiness to construct footings, and may be cited as a “Footings Inspection”

Substantial completion of footings and foundations prior to commencement of backfilling, and may be cited as a “Backfill Inspection”

Substantial completion of framing, and may be cited as a “Framing Inspection”

Substantial completion of ductwork and piping for heating and air-conditioning systems, and may be cited as a “HVAC Rough-In Inspection”

Substantial completion of insulation, vapour barriers and air barriers, and may be cited as a “Insulation Inspection”

Substantial completion of all required fire separations and closures, and may be cited as a “Fire Separation Inspection”

and all fire protection systems including standpipe, sprinkler, fire alarm and emergency lighting systems, and may be cited as a “Fire/Life-Safety Devices Inspection”

Substantial completion of fire access routes

Readiness for inspection and testing of building sewers and building drains, water service pipes, fire service mains, drainage systems and venting systems, the water distribution system and plumbing fixtures and plumbing appliances

Readiness for inspection of suction and gravity outlets, covers and suction piping serving outlets of an outdoor pool described in Clause 2.1.2.1 (1)(h) of the *Ontario Building Code*, a public pool or a public spa

Substantial completion of the circulation/re-circulation system of an outdoor pool described in Clause 2.1.2.1 (1)(h) of the *Ontario Building Code*, a public pool or public spa and substantial completion of the pool before it is first filled with water

Readiness to construct the sewage system

Substantial completion of the installation of the sewage system before the commencement of backfilling

Substantial completion of installation of plumbing not located in a structure, before the commencement of backfilling

Completion of construction and installation of components required to permit the issue of an occupancy permit under Sentence 2.4.3.1 (2) of the *Ontario Building Code* or to permit occupancy under Sentence 2.4.3.2 (1) of the *Ontario Building Code* if the building or part of the building to be occupied is not fully completed

SCHEDULE "E"

"LIST OF APPLICABLE LAW"

- Cemeteries Act
- Charitable Institutions Act
- Day Nurseries Act
- Dead Animal Disposal Act
- Development Charges Act
- Education Act Section 194 (demolition of a school building)
- Education Act Section 195 (addition, alterations or improvements to a school building)
- Education Act Section 197 (addition to or alteration of buildings on a school site)
- Elderly Persons Centre Act
- Environmental Assessment Act
- Environmental Protection Act
- Funeral Directors and Establishments Act
- Home for the Aged and Rest Homes Act
- Milk Act
- Municipal Act
- Nursing Homes Act
- Ontario Heritage Act
- Planning Act
- Private Hospitals Act
- Public Hospitals Act
- Public Lands Act
- Public Transportation and Highway Improvement Act
- Conservation Authorities Act
- Nutrient Management Act
- Theaters Act
- By-laws made under any private Act that prohibit the construction or demolition of a building
- Other Applicable Law as defined in the Ontario Building Code, Part 1.1

Other authorities having jurisdiction:

- Town of Midland Public Works Department
- Town of Midland Fire Department
- Town of Midland Treasury Department
- Midland Heritage Committee
- Midland Power Utility Corporation
- Ontario Hydro
- Ministry of Transportation
- Simcoe County District Health Department
- County of Simcoe

SCHEDULE "F"

CODE OF CONDUCT FOR BUILDING OFFICIALS

(PURSUANT TO SECTION 7.1-(1) OF THE "BUILDING CODE ACT")

Preamble

The Code of Conduct applies to the *Chief Building Official* and Building Officials appointed under the Building Code Act in the exercise of a power or the performance of a duty under the Building Code Act or the Building Code. The purpose of the Code of Conduct is to promote appropriate standards of behaviour and enforcement actions to ensure Building Officials apply standards of honesty and integrity, and to prevent practices constituting an abuse of power, including unethical or illegal practices.

Standard of Conduct

Building Officials undertake to:

1. Always act in the public interest, particularly with regard to the safety of building works 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 and the public at large and their personal interests.
3. Apply all relevant building by-laws, codes and standards appropriately and without favour.
4. Perform their inspections and plans examination duties impartially and in accordance with the highest professional standards.
5. At all times abide by the highest moral and ethical standards, avoiding any conduct which could bring or tend to bring Building Officials into disrepute.
6. Comply with the provisions of the Building Code Act, the Ontario Building Code and other Acts or Laws that 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. Maintain current accreditation to act as an Ontario Building Official.
9. Maintain their knowledge and understanding of the best current building practices, the building laws and codes relevant to their inspection and plan examination function.
10. Extend professional courtesy to all.

Breaches of the Code of Conduct

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 of Conduct, 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*, the General Manager of Public Works will direct the investigation and make such recommendations as are reasonable.

SCHEDULE "F"

CODE OF CONDUCT FOR BUILDING OFFICIALS - cont'd

(PURSUANT TO SECTION 7.1-(1) OF THE "BUILDING CODE ACT")

In determining the appropriate discipline, the *Chief Building Official* or the General Manager of Public Works will have regard to the relevance of the conduct to the Official's power's and responsibilities as well as the severity of any misconduct.

Disciplinary action arising from violations of the Code of Conduct is the responsibility of The Corporation of the Town of Midland's administration and is subject to relevant collective agreements, employment laws and standards.

SCHEDULE "G"

"Prescribed Forms"

Building Permit Application
Change of Use Permit Application
Mechanical, Ventilation and Heating Application
Pool Application
Water Meter Application
Sanitary Lateral Application
Disposal Application
Property Entrance Application
Curb Cut Application
Sign Application
Septic Application
Tarion Application