

**THE CORPORATION OF THE TOWN OF MIDLAND
BY-LAW 2018-xx**

A By-law to amend By-law 2005-51 being a by-law to regulate the issuance of permits for the construction, demolition, alteration of buildings, plumbing and sewage systems.

WHEREAS the Municipal Council of The Corporation of the Town of Midland passed By-law 2005-51 on the Twenty-seventh day of June, 2005 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 WHEREAS Council deems it necessary to amend "Schedule B" of By-law 2005-51 to provide for revised permit fees to harmonize said fees with the Town of Penetanguishene;

AND WHEREAS notice was given of the proposed revised permit fees in the local newspaper and was placed on the Town's website and notice board all in accordance with the Building Code Act and By-law 2009-20 being the Notice By-law;

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

1. That Schedule "B" to By-law 2005-51 be hereby deleted in its entirety and further that Schedule "A" attached hereto be inserted as the new Schedule "B" to By-law 2005-51;
2. That the fees as set out in "Schedule A" of this By-law shall come into force and effect on the 1st day of July, 2018.

BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS XX DAY OF XXXXXXXX, 2018.

THE CORPORATION OF THE TOWN OF MIDLAND

MAYOR, Gord McKay

CLERK, Karen Desroches

SCHEDULE "B" BY-LAW 2018-xx

**SCHEDULE "B"
BY-LAW 2005-51**

PERMIT FEES AND ADMINISTRATIVE CHARGES

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PART 1 - TERMS AND DEFINITIONS

1.1 Non-defined terms.

- (1) Definitions of words and phrases used in this Schedule 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 Schedule taking into account the specialized use of terms with the various trades and professions to which the terminology applies.

1.2 Defined Terms.

- (1) The following words and terms in this Schedule have the following meaning for the purposes of this Schedule.

Archived Permit means when an active permit is considered archived where no inspection has been requested (by the permit holder) within one year of the date upon which the last Building Inspection had been performed by the Building Department.

High Density Residential means apartment buildings (3 units or more), and non-dwelling "C" type occupancies such as hotels, motels, dormitories, lodging, rooming house, etc.

Low Density Residential means singles, semis, town, row house units, and duplex dwellings

Project Value means the total estimate value of construction cost, which includes the cost of construction, professional designer compensation, and other similar charges.

PART 2 - FEE CALCULATION GUIDE

2.1 Minimum Permit Fee Calculation

- (1) Except where a *flat fee* applies, the minimum fee for any permit application for work proposed with a Low Density Group C residential occupancy shall be;
 - a) \$1500.00 – New Building, except for accessory buildings
 - b) \$300.00 – Additions and alterations over 20m², except for decks
 - c) \$96.00 – All other projects not listed above
- (2) Except where a *flat fee* applies, the minimum fee for any permit application for work proposed with a use of other than a Low Density Group C residential occupancy shall be;
 - a) \$2500.00 – New Building
 - b) \$500.00 – Additions and alterations over 20m²
 - c) \$192.00 – All other projects not listed above

2.2 Total Permit Fee Calculations

- (1) Except as permitted in sentence (2), the summation of all applicable fees found in Tables 1A to 3F shall result in the total Permit Fee.
- (2) Permit fees may be calculated in accordance to subsection 2.4 of this schedule.
- (3) Where applicable, permit fees shall be calculated utilizing the metric rates assigned in the charts below. The Imperial rates assigned in the charts below are for convenience only.

2.3 Determination of Area Calculations for Permit Fees

- (1) The following method establishing the total floor area 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, 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 gross floor area.
 - b) A residential 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.

- c) All walkout basements in dwellings shall have half of their total floor area calculated to the applicable permit fee.
- d) No deductions shall be made for openings within a Floor, i.e. stairwells, i.e. elevator shafts, service shafts (ducts. etc.). A horizontal plane may be projected over sloping and stepped Floors to determine Floor area in lieu of actual surface area.

2.4 Alternative Fee Calculations

- (1) Structures that are of an unusual shape, or where projects are unique in nature, and where the application fees set out in Part 3 of this Schedule are not applicable, or 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) Fees listed in Table 3A to 3E of this Schedule may be used to calculate a permit fee based upon an estimation of staff time that may spent on the file.
 - b) Apply a fee, or combination of fees listed in Tables 1A to 3E of this schedule that in the judgment of the Chief Building Official, most closely reflects the proposed project.
 - c) Apply Permit Fee to equal 1.5 % of Project Value as a minimum.
- (2) The Chief Building Official shall report instances where the fee has been reduced to the relevant Council Committee as part of the monthly Building Activity Report.

PART 3 – FEE TABLES

3.1 Classes of Projects and Fee Index

(1) Except as provided otherwise, the following permit fees shall apply:

Tables 1A to 1F – Base Structure Permit Fees

1A – New Structures	Fee per m² unless otherwise noted	
Designated Structures – free standing (not listed elsewhere)	\$500.00 each	
Docks	\$96.00 Flat Fee	
Farm Buildings – of low human occupancy (Architect or Engineer)	\$3.09 m ²	(\$0.29 ft ²)
Farm Buildings- (No Architect or Engineer)	\$2.48 m ²	(\$0.23 ft ²)
Public Pools, or Outdoor Pools (greater than 3.5m deep)	\$500.00 per pool	
Minimum fee	\$96.00	
1B – New Buildings by Occupancies	Fee per m² unless otherwise noted	
Group A – Assembly Uses		
Gaming Premises - finished	\$19.26 m ²	(\$1.79 ft ²)
- shell only	\$14.73 m ²	(\$1.37 ft ²)
Portable classrooms – per unit	\$450.00	
All other buildings - finished	\$14.04 m ²	(\$1.30 ft ²)
- shell only	\$10.74 m ²	(\$1.00 ft ²)
Group B – Institutional Uses		
All buildings - finished	\$14.00 m ²	(\$1.30 ft ²)
- shell only	\$9.88 m ²	(\$0.91 ft ²)
Group C – High Density Residential (Apts, Hotels, etc....)		
All buildings - finished	\$12.92 m ²	(\$1.20 ft ²)
- shell only	\$9.98 m ²	(\$0.93ft ²)
Group C – Low Density Residential (Singles, Semis, Towns, etc....)		
Individual dwelling - Floor area not listed below	\$10.89 m ²	(\$1.01ft ²)
- Finished basement-w/house construction	\$96.00 per project	
- Attached garage	\$6.50 m ²	(\$0.60 ft²)
- Attached carport bay	\$96.00 Flat fee	
- Covered Deck / Porch	\$6.57 m ²	(\$0.61 ft ²)
-Deck /Porch without roof	\$5.00m ²	(\$0.46 ft ²)
- Acc Building/Boathouse (over 200 sf)	\$6.50 m ²	(\$0.60 ft ²)
-Acc Building/Boathouse (under 200 sf)	\$96.00 Flat Fee	
Group D, & E – Business Services and Mercantile Uses		
Restaurants - finished	\$14.00 m ²	(\$1.30 ft ²)
- shell only	\$4.63 m ²	(\$0.43 ft ²)
All other Buildings - finished	\$10.89 m ²	(\$1.01 ft ²)
- shell only	\$8.33 m ²	(\$0.78 ft ²)
Group F – Industrial Uses		

Gas Bar Canopy/ Car Washes		
- finished	\$6.05 m²	(\$0.56 ft ²)
- shell only	\$4.63 m²	(\$0.43 ft ²)
Parking Garages / Warehouse Storage		
- finished	\$4.58 m²	(\$0.43 ft ²)
- shell only	\$3.51 m²	(\$0.33 ft ²)
All other buildings - finished	\$6.95 m²	(\$0.65 ft ²)
- shell only	\$5.32 m²	(\$0.50 ft ²)
1C – Temporary Structures	Fee per m² unless otherwise noted	
Bleachers	\$5.39 m²	(\$0.52 ft ²)
Protective Hoarding (partially enclosed)	\$130.00 Flat fee	
Protective Tunnels/Walkways (fully enclosed)	\$16.52 m²	(\$1.54 ft ²)
Sales office / Trailers	\$260.00 each	
Temporary tent up to 225m²	\$130.00 each	(flat fee)
Temporary tent greater than 225m²	\$170.00 each	(flat fee)
Permanent tent / air supported structure	\$4.68 m²	(\$0.43 ft ²)
1D – Demolitions	Fee per m² unless otherwise noted	
Whole Structure		
- 1 storey, no basement/crawlspace, 60m ² or less	\$96.00 (flat fee)	
- any other structure not exceeding 60 m ²	\$300.00 each	
- any structure over 60 m ²	\$1000 each	
Partial (where remaining structure will remain occupied)		
- To all uses other than an Individual Residential unit	\$6.50 m² area affected (\$0.60 ft²)	
1E – Structure Remediation & Additions	Fee per m² unless otherwise noted	
Designated Structures attached to structure (not listed elsewhere)	\$500.00 per unit	
Farm Buildings of low human occupancy – additions	\$3.34 m²	(\$0.31 ft ²)
Clandestine Labs remediation	\$10,000.00 per unit	
- plus, Third Party Review	Out of pocket cost recovery + 10%	
Marijuana Grow-op minor remediation	\$500.00 per unit	
- plus, Third Party Review	Out of pocket cost recovery + 10%	
Marijuana Grow-op major remediation	\$8,000.00 per unit	
- plus, Third Party Review	Out of pocket cost recovery + 10%	
Public Pools	\$500.00 per pool	
1F – Additions & Renovations to Buildings	Fee per m² unless otherwise noted	
Group A – Assembly Uses		
Gaming Premises - Additions	\$22.60 m²	(\$2.10 ft ²)
- Interior alterations / repairs	\$17.00 m²	(\$1.58 ft ²)
- Interior finishing of a new shell	\$10.20 m²	(\$0.95 ft ²)
All other uses - Additions	\$16.47 m²	(\$1.54 ft ²)
- Interior alterations / repairs	\$12.35 m²	(\$1.15 ft ²)
- Interior finishing of a new shell	\$7.42 m²	(\$0.69 ft ²)
Group B – Institutional Uses		

All uses	- Additions	\$21.42 m²	(\$2.00 ft²)
	- Interior alterations / repairs	\$16.07 m²	(\$1.50 ft²)
	- Interior finishing of a new shell	\$9.64 m²	(\$0.90 ft²)
Group C – High Density Residential (Apts, Hotels, etc....)			
All uses	- Additions	\$15.25 m²	(\$1.42 ft²)
	- Interior alterations / repairs	\$11.40 m²	(\$1.06ft²)
	- Interior finishing of a new shell	\$6.84 m²	(\$0.64 ft²)
Group C – Low Density Residential (Singles, Semis, Towns, etc....)			
All uses	- Accessory building additions	\$6.50 m²	(\$0.60 ft²)
	- Boathouse additions	\$6.50 m²	(\$0.60 ft²)
	- Dock additions	\$96.00 Flat Fee	
Individual dwelling	- Additions not listed below	\$12.81 m²	(\$1.19 ft²)
	- Attached garage	\$6.50 m²	(\$0.60 ft²)
	- Carport	\$96.00 Flat fee	
	- Covered Deck / Porch additions	\$6.50 m²	(\$0.60 ft²)
	- Deck/porch (no roof) additions	\$5.00 m²	(\$0.46 ft²)
	- Interior alterations /repairs	\$9.61 m²	(\$0.90 ft²)
	- Interior finishing	\$5.77 m²	(\$0.54 ft²)
	- Finish of basement	\$3.12m²	(\$0.29 ft²)
Group D, & E – Business Services and Mercantile Uses			
Restaurants	- Additions	\$16.52 m²	(\$1.54 ft²)
	- Interior alterations / repairs	\$12.39 m²	(\$1.15 ft²)
	- Interior finishing of a new shell	\$7.44 m²	(\$0.69 ft²)
All other uses	- Additions	\$12.85 m²	(\$1.19 ft²)
	- Interior alterations / repairs	\$9.64 m²	(\$0.89 ft²)
	- Interior finishing of a new shell	\$5.79 m²	(\$0.54 ft²)
Group F – Industrial Uses			
Gas Bar Canopy/ Car Washes			
	- Additions	\$7.14 m²	(\$0.66 ft²)
	- Repairs	\$5.36 m²	(\$0.50 ft²)
	- Interior finishing of a new shell	\$3.22 m²	(\$0.30 ft²)
Parking Garages / Warehouse Storage			
	- Additions	\$5.41 m²	(\$0.50 ft²)
	- Interior alterations / repairs	\$2.48m²	(\$0.23 ft²)
	- Interior finishing of a new shell	\$1.25 m²	(\$0.12 ft²)
All other uses	- Additions	\$5.41 m²	(\$0.50 ft²)
	- Interior alterations / repairs	\$2.48 m²	(\$0.23 ft²)
	- Interior finishing of a new shell	\$2.48 m²	(\$0.23 ft²)

Table 2A to 2E – Systems and Services Permit Fees

2A – Site Servicing	
- Fees for stand-alone projects or where such features are proposed in additions, renovations or new construction projects.	Fee per m² unless otherwise noted
Irrigation system	
- serving individual dwelling properties	\$96.00 each
- serving all other building properties	\$96.00 each

On-site Sewage systems	
- New - Class 4, or 5 system	\$520.00 each
- New - Class 1,2 or 3 system	\$300.00 each
- Alteration to existing on-site sewage system	\$300.00 each
- Repair to existing on-site sewage system	\$160.00 per project
- Plan Review of existing for compliance	\$40.00 per project
- Site Review of existing for compliance	\$96.00 per site visit
- Alteration NOT required	\$96.00 per site visit
- Alteration required	\$300 each
- New sewage system required	\$520.00 each
- Re-inspection Program	
- initial site inspection	\$130.00
- additional site inspections	\$96.00
Private Fire Hydrant system (wet or dry)	\$200.00 per project
Sewer Connection from existing septic system	\$96.00 per project
New Site Servicing - To all projects except Low Density Residential (Installation of sanitary, storm sewers, and water distribution service)	\$130.00 per 30m (or part thereof)
2B – Building Mechanical & Fire Safety	
- Fees for stand-alone projects or where such features are proposed in additions or renovation projects.	Fee per m² unless otherwise noted
H.V.A.C	
- Non-residential	\$150 per appliance
- Residential	\$130.00 project
Plumbing	
- Fixture not listed below	\$20.00 each
- Backwater device	
- Installed in conjunction with other construction	\$20.00 each
- Stand-alone installation of one unit	\$96.00 (flat fee)
- Stand-alone installation of multiple units	\$96.00 per unit
- Testable Backflow devices	
- Installed in conjunction with other construction	\$20.00 each
- Stand-alone installation of one unit	\$96.00 (flat fee)
- Stand-alone installation of multiple units	\$96.00 per unit
Fire/Life Safety Systems Installation or upgrade	
- Electromagnetic Lock/Hold-open	\$8.25 each device
- Emergency Lighting	\$0.51 m ² of area serviced only
- Fire Alarm system	\$0.51 m ² of area serviced only
- Sprinkler system	\$0.51 m ² of area serviced only
- Standpipes (retrofit)	\$96.00 per cabinet
- Fire Doors (retrofit)	\$96.00 per door
2C – Miscellaneous Elements	
- Fees for stand-alone projects or where such features are proposed in additions, renovations or new construction projects.	Fee per m² unless otherwise noted
Barrier Free walks / ramps (exterior)	\$96.00 (flat fee)
Below Grade Exterior Stair	\$96.00 each
Chutes (Linen / Refuse)	\$96.00 each

Commercial Cooking Hood	\$260.00 each
Fire Department Plans Examination	\$100.00 Flat Fee
Floor Area Change (new usage of existing)	\$2.05 m ² (\$0.20 ft ²)
Mechanical Rooms	\$96.00
Underpinning / Tie Backs / Shoring	\$131.00 per 10 m (or part thereof)
Rack Storage Systems	\$6.58 m ² (\$0.612 ft ²)
Retaining Walls (per OBC) 1 meter or less in height	\$130.00 per property
-Exceeding 1 meter in height	\$500.00 per property
Signs	
- Minor Wall signs (254 lb or less) - 1st sign	\$96.00 each (<i>flat fee</i>)
- for each Minor Wall sign thereafter on same permit	\$48.00 each
- All other signs	\$260.00 each
Spray Booths / Dust Collectors	\$500.00 each
Solid Fuel Appliance c/w Chimney System	\$260.00 each
2D – Green Systems	
- Fees for stand-alone projects or where such features are proposed in additions, renovations or new construction projects.	Fee per m ² unless otherwise noted
Green Roofs	\$6.43 m ² (\$0.60 ft ²)
Greywater recycling systems	
- serving individual dwelling	\$170.00 each
- all others	\$500.00 each
Geo-Thermal systems	
- serving individual dwelling	\$170.00 each
- all others	\$500.00 each
Solar Domestic Hot Water systems	
- serving individual dwelling	\$170.00 each
- all others	\$500.00 each
Solar photovoltaic systems	
- roof mounted to individual dwelling buildings	\$170.00 each affected roof side
- all others	\$500.00 per 140 m ² of solar panel
Wind Turbines	\$500.00 each turbine

Tables 3A to 3F – Application & Administrative Fees & Deposits

	Fee per m ² unless otherwise noted
3A – Permit Applications & Active Permits	
Additional Inspections	\$80.00 per inspection
Change of Use Application	
- No construction proposed or required	\$96.00 per application
- Compensating construction is required	Use appropriate fees listed elsewhere in this schedule
Conditional Building Permit Agreements	
- Simple Agreement	\$210.00 per agreement
- Other	\$2,100.00 per agreement

- plus, Third Party Review	Out of pocket cost recovery + 10%
Deferral of revocation of building permit	\$120.00 per permit (<i>flat fee</i>)
Lot Grading Approvals from Town Engineer	
- Administrative assistance for Individual Dwelling (houses)	\$60.00 per project
- plus, Town Engineer Review	\$300.00 per project
- Administrative assistance for all other Buildings	\$120.00 per project
- plus, Town Engineer Review	\$100.00 per hour
Processing and collection of applicable law approvals	
- Per Individual Dwelling (houses)	\$60.00 per project
- For all other Buildings or Structures	\$122.00 per project
- plus, Third Party Review	Out of pocket cost recovery + 10%
Request to use Alternative Solution	\$1100.00 per request
- plus, Third Party Review of design submission	Out of pocket cost recovery + 10%
Request for CBO to accept Alternative Material	\$1,100.00 per request
- plus, Third Party Review of design submission	Out of pocket cost recovery + 10%
Request for Partial Permit	\$210.00 per request
- plus, Third Party Review of design submission	Out of pocket cost recovery + 10%
Review of revised permit documents	\$78.00 per hour
Site Visits – prior to permit issuance	\$80.00 per site visit
Third Party Review	Out of pocket cost recovery +10%
Transfer of Permit to new property owner	\$125.00 per permit
3B – Archived Permit	
- Notwithstanding the fees described below, the fee applied to reactivate a permit shall not exceed the original permit fee value	
Review of permit file documents	\$80.00 per hour
Maintenance Fee of all files not closed within 24 months	\$96.00 per year
Site Visits	\$80.00 per site visit
Third Party Review	Out of pocket cost recovery + 10%
3C – Investigations	
- To offset additional investigative and administrative costs, the following fees apply;	
Construct or Demolish without Permit Issued	
- Prior to the issuance of an Order pursuant to the Building Code Act	Double normal permit fee \$15,000.00 max
- Order pursuant to the Building Code Act	\$200.00 per Order issued
- Order not complied with, additional site inspections to review status of non-compliance	\$100.00 per inspection
- Order registered on title	\$500.00 per Order
- Issuance of Summons	\$500.00 a Summons plus legal expense

Other Non-compliance Building Code Act & Code Matters	
- Order to Comply pursuant to the Building Code Act	\$200.00 per Order issued
- Stop Work Order pursuant to the Building Code Act	\$200.00 per Order issued
- Unsafe Order pursuant to the Building Code Act	N/C
- Order not complied with, additional site inspections to review status of non-compliance	\$100.00 per Inspection
- Order registered on title	Cost recovery + 10%
- Issuance of Summons	Cost recovery + 10%
3D – After-hours Inspections	
Non-Emergency Call	\$250.00 per hour
Emergency Call	\$320.00 per hour
3E – Miscellaneous Clerical Functions	
Building Compliance Title Search or Septic Use permit	Fee
Septic use permit	\$25.00 each
Regular response	\$50.00 each
48 hr “quick” response	\$100.00 each
Compliance Letters to other Government Authorities	
- Unrelated to a active permit or permit application	\$100.00 per Letter
- Where there is a active permit or permit application	\$100.00 per Letter
Comprehensive Occupancy Certificate	\$200.00 each
Consent Application Review	\$110.00 per application
Special Requests for File Research	\$60.00 per hour plus HST
3F – Extra Services Deposit	
<ul style="list-style-type: none"> - Collected at permit issuance to offset any additional inspection and administrative costs not anticipated but incurred by the municipality during a project. - Any fees deducted from the deposit shall be calculated in accordance with Table 3A to 3E of this schedule. - Unused portion of deposit is fully refundable, see Part 4 of this schedule for details 	
Group A, B, C – High Density Residential, D, E, & F	
- New, Additions & Renovations	\$150.00 per 100 m ² (or part thereof)
- Stand-alone projects not applicable to above	\$500.00 per project
Group C – Low Density Residential (Houses - singles, towns, etc...)	
- New Dwelling	\$500.00 per project
- All other projects	\$250.00 per project
<i>Exemptions</i> - Tents, Signs, residential decks & sheds	
Lot Grading Deposit – All other projects (unless otherwise specified in a development agreement)	\$3000.00 per lot

PART 4 – REFUND OF PERMIT FEES

4.1 General Provisions

- (1) Refunds of fees collected under the authority of Tables 1A to 1F, and 2A to 2E, shall be provided in accordance with other provisions of this Part, where the;
 - Building Permits have been issued, but no construction has commenced,
 - Building Permits have not been revoked, or archived,
 - Building Permit Applications have not expired,
- (2) Fees collected under the authority of Tables 3A to 3E are non-refundable.
- (3) Refunds of fees collected under the authority of Table 3F, shall be provided in accordance with other provisions of this Part, where the;
 - the building, or any part thereof, has not been occupied prior the issuance of an occupancy certificate;
 - a final inspection has been performed which indicates that the project is completed and the file may be closed;

4.2 Refund Provisions for Permit Fees found in Tables 1A to 1F and 2A to 2E of this Schedule

- (1) Requests for refunds must be submitted to the Chief Building Official in writing who will determine the amount of Permit Fees, if any, that may be refunded.
- (2) Except as provided in sentence (3), the amount of fees refundable shall be calculated based on the total of all building permit fees collected under the authority of Tables 1A to 1F, and 2A to 2E of this Schedule, as follows:
 - 75 percent refundable if applicant cancels application prior to building code plans examination review is performed;
 - 50 percent refundable if Chief Building Official has released the permit for issuance;
- (3) Notwithstanding sentence (2), no refund shall be made of an amount less than \$60.00.

4.3 Refund Provisions for Extra Services Deposit found in Table 3F of this Schedule and Deposits posted under a Conditional Building Permit.

- (1) Requests for refunds must be submitted to the Chief Building Official in writing who will determine the amount of deposits, if any, that may be

refunded, provided the request is received no later than one year after the date of the last inspection performed. Upon expiration of the one year timeframe, noted above, monies collected shall be considered forfeited.

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