

THE CORPORATION OF THE TOWN OF MIDLAND

BY-LAW 2023-34

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 and to repeal By-law 2021-25.

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;

AND WHEREAS notice was given of the proposed revised permit fees in the local newspaper, social media and on the Town’s website and a Public Meeting was held in accordance with the *Building Code Act*, 1992, S.O. 1992, c.23 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 By-law 2021-25 be hereby deleted in its entirety.
2. That this By-law and the fees as set out in “Schedule A” of this By-law shall come into force and effect on the 1st day of July 2023.

BY-LAW PASSED AND ENACTED THIS 14TH DAY OF JUNE 2023.

THE CORPORATION OF THE TOWN OF MIDLAND

BILL GORDON - MAYOR

SHERRI EDGAR - CLERK

SCHEDULE “A” BY-LAW 2023-34

PERMIT FEES AND ADMINISTRATIVE CHARGES

INDEX

PART 1 - Terms and Definitions

PART 2 - Fee Calculation Guide

PART 3 - Fee Tables

PART 4 – Refund of Permit Fees

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 and Application Deposit

- (1) Except where a *flat fee* applies, the minimum fee and/or deposit for any permit application for work proposed with a Low Density Group C residential occupancy shall be;
 - a) \$2,250.00 – New Building, except for accessory buildings
 - b) \$300.00 – Additions and alterations over 20m², except for decks
 - c) \$125.00 – All other projects not listed above
- (2) Except where a *flat fee* applies, the minimum fee and/or deposit for any permit application for work proposed with a use of other than a Low Density Group C residential occupancy shall be;
 - a) \$2,500.00 – New Building
 - b) \$500.00 – Additions and alterations over 20m²
 - c) \$192.00 – All other projects not listed above
- (3) Where a flat fee applies, the fee shall be paid at the time of application.

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, 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 be 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:

Table 1A to 1F - Base Structure Permit Fees

| Description | Fee Parameters | Fees | |
|--|----------------|------------|------------------|
| 1A – New Structures & Additions | | | |
| Designated Structures – free standing (not listed elsewhere) | Each | \$500.00 | |
| Docks | Flat Fee | \$125.00 | |
| Farm Buildings – of low human occupancy (Architect or Engineer) | Per sq. m | \$4.02 | \$0.37 per sq.ft |
| Farm Buildings- (No Architect or Engineer) | Per sq. m | \$3.22 | \$0.30 per sq.ft |
| Public Pools, or Outdoor Pools (greater than 3.5m deep) | Per Pool | \$500.00 | |
| Minimum Fee | | \$125.00 | |
| Minimum Fee New Residence | | \$2,250.00 | |
| 1B – New Buildings by Occupancies | | | |
| | | | |
| <u>Group A – Assembly Uses</u> | | | |
| Portable classrooms - per unit | Flat Fee | \$583.00 | |
| All other buildings - finished | Per sq. m | \$18.20 | \$1.69 per sq.ft |
| - shell only | Per sq. m | \$12.84 | \$1.19 per sq.ft |
| <u>Group B – Institutional Uses</u> | | | |
| All buildings - finished | Per sq. m | \$18.20 | \$1.69 per sq.ft |
| - shell only | Per sq. m | \$12.84 | \$1.19 per sq.ft |
| | | | |
| <u>Group C – High Density Residential (Apts, Hotels, etc....)</u> | | | |
| All buildings - finished | Per sq. m | \$19.17 | \$1.78 per sq.ft |
| - shell only | Per sq. m | \$14.81 | \$1.38 per sq.ft |
| | | | |
| <u>Group C – Low Density Residential (Singles, Semis, Towns, etc....). Including Additions</u> | | | |
| Individual dwelling - Floor area not listed below | Per sq. m | \$16.15 | \$1.50 per sq.ft |
| - Finished basement-w/house construction | Per sq. m | \$5.75 | \$0.53 per sq.ft |

| | | | | |
|--|-----------|------------|--------|-----------|
| - Attached garage | Per sq. m | \$7.55 | \$0.70 | per sq.ft |
| - Attached carport bay | Flat Fee | \$125.00 | | per sq.ft |
| - Covered Deck / Porch | Per sq. m | \$7.55 | \$0.70 | per sq.ft |
| - Deck /Porch without roof | Per sq. m | \$5.75 | \$0.53 | per sq.ft |
| - Acc Building/Boathouse (over 200 sf) | Per sq. m | \$7.55 | \$0.70 | per sq.ft |
| - Acc Building/Boathouse (under 200 sf) | Flat Fee | \$125.00 | | |
| <u>Group D, & E – Business Services and Mercantile Uses</u> | | | | |
| Restaurants - finished | Per sq. m | \$18.20 | \$1.69 | per sq.ft |
| - shell only | Per sq. m | \$6.02 | \$0.56 | per sq.ft |
| | | | | |
| All other Buildings - finished | Per sq. m | \$14.16 | \$1.32 | per sq.ft |
| - shell only | Per sq. m | \$10.83 | \$1.01 | per sq.ft |
| | | | | |
| <u>Group F – Industrial Uses</u> | | | | |
| <i>Gas Bar Canopy/ Car Washes</i> | | | | |
| - finished | Per sq. m | \$7.87 | \$0.73 | per sq.ft |
| - shell only | Per sq. m | \$6.02 | \$0.56 | per sq.ft |
| | | | | |
| <i>Parking Garages / Warehouse Storage</i> | | | | |
| - finished | Per sq. m | \$5.95 | \$0.55 | per sq.ft |
| - shell only | Per sq. m | \$4.56 | \$0.42 | per sq.ft |
| | | | | |
| All other buildings - finished | Per sq. m | \$9.04 | \$0.84 | per sq.ft |
| - shell only | Per sq. m | \$6.92 | \$0.64 | per sq.ft |
| | | | | |
| 1C – Temporary Structures | | | | |
| Bleachers, Protective Hoarding (partially enclosed), Protective Tunnels/Walkways (fully enclosed), Temporary Ten up to 225m2 | | \$150.00 | | |
| Sales Office / Trailers, Temporary Tent greater than 225m2 | | \$270.00 | | |
| Permanent tent / air supported structure | Per sq. m | \$5.85 | | |
| 1D – Demolitions | | | | |
| <i>Whole Structure</i> | | | | |
| - 1 storey, no basement/crawlspace, 60m2 or less | Flat Fee | \$125.00 | | |
| - any other structure not exceeding 60 m2 | Flat Fee | \$341.00 | | |
| - any structure over 60 m2 | Flat Fee | \$1,000.00 | | |
| <i>Partial (where remaining structure will remain occupied)</i> | | | | |

| | | | |
|---|-----------|---------|------------------|
| - To all uses other than an Individual Residential unit | | \$6.50 | |
| 1F – Renovations to Buildings | | | |
| <u>Group A – Assembly Uses</u> | | | |
| - Interior alterations / repairs | Per sq. m | \$12.35 | \$1.15 per sq.ft |
| - Interior finishing of a new shell | Per sq. m | \$12.53 | \$1.16 per sq.ft |
| <u>Group B – Institutional Uses</u> | | | |
| - Interior alterations / repairs | Per sq. m | \$12.35 | \$1.15 per sq.ft |
| - Interior finishing of a new shell | Per sq. m | \$12.53 | \$1.16 per sq.ft |
| <u>Group C – High Density Residential (Apts, Hotels, etc....)</u> | | | |
| - Interior alterations / repairs | Per sq. m | \$13.11 | \$1.22 per sq.ft |
| - Interior finishing of a new shell | Per sq. m | \$7.87 | \$0.73 per sq.ft |
| <u>Group C – Low Density Residential (Singles, Semis, Towns, etc....)</u> | | | |
| - Interior alterations /repairs | Per sq. m | \$11.05 | \$1.03 per sq.ft |
| - Additional Residential Units | Per sq. m | \$8.55 | |
| - Interior finishing | Per sq. m | \$6.63 | \$0.62 per sq.ft |
| - Finish of basement | Per sq. m | \$3.59 | \$0.33 per sq.ft |
| <u>Group D, & E – Business Services and Mercantile Uses</u> | | | |
| - Interior alterations / repairs | Per sq. m | \$9.64 | \$0.90 per sq.ft |
| - Interior finishing of a new shell | Per sq. m | \$7.53 | \$0.70 per sq.ft |
| <u>Group F – Industrial Uses</u> | | | |
| - Interior alterations / repairs | Per sq. m | \$3.22 | \$0.30 per sq.ft |
| - Interior finishing of a new shell | Per sq. m | \$3.22 | \$0.30 per sq.ft |

Table 2A to 2C - 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. | | |
| Irrigation system | | |
| - serving individual dwelling properties | Flat Fee | \$125.00 |
| - serving all other building properties | Flat Fee | \$125.00 |
| On-site Sewage systems | | |
| - New - Class 4, or 5 system | Flat Fee | \$688.00 |
| - New - Class 1,2 or 3 system | Flat Fee | \$397.00 |
| - Alteration to existing on-site sewage system | Flat Fee | \$397.00 |
| - Repair to existing on-site sewage system | Per Project | \$212.00 |
| - Plan Review of existing for compliance | Per Project | \$53.00 |
| - Site Review of existing for compliance | Per Site Visit | \$125.00 |
| - Alteration NOT required | Per Site Visit | \$125.00 |
| - Alteration required | Flat Fee | \$397.00 |

| | | |
|---|----------------------------|-------------------------|
| - New sewage system required | Flat Fee | \$688.00 |
| - Re-inspection Program | | |
| - initial site inspection | Flat Fee | \$173.00 |
| - additional site inspections | Flat Fee | \$125.00 |
| Private Fire Hydrant system (wet or dry) | Per Project | \$265.00 |
| Sewer Connection from existing septic system | Per Project | \$127.00 |
| New Site Servicing - To all projects except Low Density Residential (Installation of sanitary, storm sewers, and water distribution service) | Per 30m (or part thereof) | \$173.00 |
| 2B – Building Mechanical & Fire Safety - Fees for stand-alone projects or where such features are proposed in additions or renovation projects. | | |
| H.V.A.C | | |
| - Non-residential | Per Appliance | \$173.00 |
| - Residential | Per Project | \$150.00 |
| Plumbing | | |
| -Fixture not listed below | Flat Fee | \$23.00 |
| - Backwater device | | |
| - Installed in conjunction with other construction | Flat Fee | \$23.00 |
| - Stand-alone installation of one unit | Flat Fee | \$125.00 |
| - Stand-alone installation of multiple units | Per Unit | \$125.00 |
| - Testable Backflow devices | | |
| - Installed in conjunction with other construction | Flat Fee | \$23.00 |
| - Stand-alone installation of one unit | Flat Fee | \$125.00 |
| - Stand-alone installation of multiple units | Per Unit | \$125.00 |
| Fire/Life Safety Systems Installation or upgrade | Per Unit | \$125.00 |
| - Fire Alarm system | Per sq. m of area serviced | \$0.59 of area serviced |
| - Sprinkler system | Per sq. m of area serviced | \$0.59 of area serviced |
| 2C – Miscellaneous Elements - Fees for stand-alone projects or where such features are proposed in additions, renovations or new construction projects. | | |
| Barrier Free walks / ramps (exterior) | Flat Fee | \$125.00 |
| Below Grade Exterior Stair | Flat Fee | \$125.00 |
| Chutes (Linen / Refuse) | Flat Fee | \$125.00 |
| Commercial Cooking Hood | Flat Fee | \$299.00 |
| | | |
| Fire Department Plans Examination | Flat Fee | \$125.00 |
| Floor Area Change (new usage of existing) | Per sq. m | \$2.36 |

| | | |
|--|----------------------------|----------|
| Mechanical Rooms | Flat Fee | \$125.00 |
| Underpinning / Tie Backs / Shoring | Per 10 m (or part thereof) | \$151.00 |
| Rack Storage Systems | Per sq. m | \$7.57 |
| Retaining Walls (per OBC) - 1 meter or less in height | Per Property | \$150.00 |
| - Exceeding 1meter in height | Per Property | \$575.00 |
| Signs | | |
| - Minor Wall signs (254 lb or less) - 1st sign | Flat Fee | \$125.00 |
| - for each Minor Wall sign thereafter on same permit | Flat Fee | \$55.20 |
| - All other signs | Flat Fee | \$299.00 |
| Spray Booths / Dust Collectors | Flat Fee | \$575.00 |
| Solid Fuel Appliance c/w Chimney System | Flat Fee | \$299.00 |
| Above Ground Pool - No Deck | Flat Fee | \$125.00 |
| Inground Pool Fence | Flat Fee | \$230.00 |

Tables 3A to 3F - Applications & Administrative Fees & Deposits

| | | |
|--|-----------------------------------|------------|
| 3A – Permit Applications & Active Permits | | |
| Additional Inspections | Per Inspection | \$125.00 |
| Change of Use Application | | |
| - No construction proposed or required | Per Application | \$125.00 |
| - Compensating construction is required | | |
| Conditional Building Permit Agreements | | |
| - Simple Agreement | Per Agreement | \$242.00 |
| - Other | Per Agreement | \$2,100.00 |
| - plus, Third Party Review | Out of pocket cost recovery + 15% | |
| | | |
| Deferral of revocation of building permit | Per Permit | \$125.00 |
| Lot Grading Approvals from Town Engineer | | |
| - Administrative assistance for Individual Dwelling (houses) | Per Project | \$60.00 |
| - plus, Town Engineer Review | Per Project | \$300.00 |
| - Administrative assistance for all other Buildings | Per Project | \$120.00 |
| - plus, Town Engineer Review | Per Hour | \$125.00 |
| Processing and collection of applicable law approvals | | |
| - Per Individual Dwelling (houses) | Per Project | \$63.00 |

| | | |
|--|---|-----------------------------------|
| - For all other Buildings or Structures | Per Project | \$140.00 |
| - plus, Third Party Review | Out of pocket cost recovery + 15% | |
| Request to use Alternative Solution | Per Request | \$1,100.00 |
| - plus, Third Party Review of design submission | Out of pocket cost recovery + 15% | |
| Request for CBO to accept Alternative Material | Per Request | \$1,100.00 |
| - plus, Third Party Review of design submission | | Out of pocket cost recovery + 10% |
| Request for Partial Permit | Per Request | \$210.00 |
| - plus, Third Party Review of design submission | Out of pocket cost recovery + 15% | |
| Review of revised permit documents | Per Hour | \$125.00 |
| Site Visits – prior to permit issuance | Per Site Visit | \$125.00 |
| Third Party Review | Out of pocket cost recovery + 15% | |
| Transfer of Permit to new property owner | Per Permit | \$125.00 |
| 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 | Per Hour | \$125.00 |
| Maintenance Fee of all files not closed within 24 months | Per Year | \$200.00 |
| Site Visits | Per Site Visit | \$125.00 |
| Third Party Review | Out of pocket cost recovery + 15% | |
| 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 | Per Order Issued | \$230.00 |
| - Order not complied with, additional site inspections to review status of non-compliance | Per Inspection | \$115.00 |
| - Order registered on title | Per Order | \$345.00 |
| - Issuance of Summons | Per Summons plus legal expense | \$345.00 |

| | | |
|--|--|----------|
| Other Non-compliance Building Code Act & Code Matters | | |
| - Order to Comply pursuant to the Building Code Act | Per Order Issued | \$230.00 |
| - Stop Work Order pursuant to the Building Code Act | Per Order Issued | \$230.00 |
| - Unsafe Order pursuant to the Building Code Act | | N/C |
| - Order not complied with, additional site inspections to review status of non-compliance | Per Inspection | \$100.00 |
| - Order registered on title | Cost recovery + 15% | |
| - Issuance of Summons | Cost recovery + 15% | |
| 3E – Miscellaneous Clerical Functions | | |
| Building Compliance Title Search or Septic Use permit | | |
| Septic use permit | Flat Fee | \$25.00 |
| Regular response | Flat Fee | \$50.00 |
| 48 hr “quick” response | Flat Fee | \$125.00 |
| Compliance Letters to other Government Authorities | | |
| - Unrelated to a active permit or permit application | Per Letter | \$115.00 |
| - Where there is a active permit or permit application | Per Letter | \$115.00 |
| Comprehensive Occupancy Certificate | Flat Fee | \$230.00 |
| Consent Application Review | Per Application | \$127.00 |
| Special Requests for File Research | Per Hour +HST | \$125.00 |
| Emergency Call | Per Hour | \$320.00 |
| Credit Card transactions | 3% convenience fee or fees as charged by the third-party service provider. | |
| 3F – Extra Services Deposit | | |
| - 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 | Per 100 m2 (or part thereof) | \$150.00 |
| - Stand-alone projects not applicable to above | Per Project | \$500.00 |
| Group C – Low Density Residential (Houses - singles, towns, etc...) | | |
| - New Dwelling | Per Project | \$500.00 |
| - All other projects | Per Project | \$250.00 |
| Exemptions - Tents, Signs, residential decks & sheds | | |

| | | |
|---|----------------|-------------------|
| Lot Grading Deposit – All other projects (unless otherwise specified in a development agreement) | Per Lot | \$5,000.00 |
|---|----------------|-------------------|

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 building, or any part thereof, has not been occupied prior to 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 the Chief Building Official has released the permit for issuance.

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 the deposits, if any, that may be refunded, provided the request is received no later than two years after the date of when occupancy is granted. Upon expiration of the two-year timeframe noted above, monies collected shall be considered forfeited.