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By-Law 10593-2024,
The Building By-Law Town of Smiths Falls

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BY-LAW 10593- 2024

BEING A BY-LAW TO REGULATE THE CONSTRUCTION, DEMOLITION AND CHANGE OF USE OF BUILDINGS AND DESIGNATED STRUCTURES WITHIN THE TOWN OF SMITHS FALLS.

WHEREAS Section 7 of the Building Code Act, 1992 (S.O. 1992, C.23), as amended, authorizes a Municipal Council to pass a By-Law with respect to construction, demolition, change of use, inspections, fees and other matters;

AND WHEREAS Subsection 1.1(6) of the Building Code Act, 1992 (S.O. 1992, C.23), as amended, authorizes a Chief Building Official to establish operational policies for the enforcement of this Act and the Building Code;

AND WHEREAS Subsection 23.1(1) of the Municipal Act, 2001 (S.O. 2001, C.25), as amended, authorizes a Town to delegate its powers and duties to a person or body;

NOW THEREFORE, the Council of the Corporation of the Town of Smiths Falls enacts as follows:

1. SHORT TITLE

1.1. This By-Law may be cited as and referred to as the “Building By-Law”

2. DEFINITIONS

2.1. In this By-Law, words and terms shall be assigned the following definitions listed in this section. Words and terms not defined within this By-Law shall have the meaning defined in the Act and the Code, and where not defined in the Act or the Code, words and terms shall have the meaning defined by the Oxford Dictionary, considering the context in which they are used in this By-Law.

2.1.1. “**Act**” means the Building Code Act, 1992, (S.O. 1992, C.23), as amended.

2.1.2. “**Applicable Law**” means an applicable law listed in Division A, Article 1.4.1.3. of the Code.

2.1.3. “**Applicant**” means the Owner, or the person authorized by the Owner, who submits an application to the Chief Building Official.

2.1.4. “**Application**” means an application for a permit made to the Chief Building Official under Sections 8 or 10 of the Act.

2.1.5. “**Architect**” means the holder of a license, certificate of practice, or a temporary license issued under the Architects Act.

2.1.6. “**As Built Plans**” means plans and drawings and other documents detailing how a building has been constructed.

- 2.1.7. **“Builder”** means any person who undertakes a project for an owner and includes an owner who undertakes all or part of a project by themselves or by more than one employer and shall be held to the role of the Builder in the Act.
- 2.1.8. **“Building”** means the definition contained within the Act.
- 2.1.9. **“Building Staff”** means any person employed by the Town and working within the Building Services, including but not limited to a Building Clerk, a Building Inspector, a Plans Examiner, and the Chief Building Official.
- 2.1.10. **“Business Day”** means a day, and hours of the day, when the offices of the Town are open for the transaction of business with the public, and shall not include weekends, holidays, or other days as determined by the Town.
- 2.1.11. **“Change of Use Permit”** means a permit issued in accordance with Section 10 of the Act where no construction is proposed.
- 2.1.12. **“Chief Building Official”** means the person appointed by the Town under Subsection 3(2) of the Act.
- 2.1.13. **“Code”** means the in-effect version of the Ontario Building Code Regulation made under the Act, including all applicable amendments.
- 2.1.14. **“Construction”** means the definition contained within the Act.
- 2.1.15. **“Conditional Permit”** means a permit issued under an agreement in accordance with Subsection 8(3) of the Act.
- 2.1.16. **“Demolition”** means the definition contained within the Act.
- 2.1.17. **“Development Permit”** means a permit that is issued under the Development Permit By-law in accordance with Section 70.2 of the Planning Act.
- 2.1.18. **“Digital Signature”** means cryptographically protected information in which the veracity of the certificate details is certified by a recognized digital signature certificate authority.
- 2.1.19. **“E-Permitting System”** means the software system for the electronic management of permit applications, issuance of permits, and building permit documents that has been implemented and deemed in use by the Chief Building Official in force at the time a permit application is submitted.
- 2.1.20. **“Engineer”** means a person who holds a license or temporary license under the Professional Engineers Act.

- 2.1.21. **“Fees By-Law”** means the current in effect fees by-law passed by the Council of the Town prescribing the amount of fees under Clauses 7(c), 7(c.1), and 7(d) of the Act.
- 2.1.22. **“Minister”** means the Minister of Municipal Affairs and Housing.
- 2.1.23. **“Occupancy Permit”** means permission or authorization from the Chief Building Official issued in accordance with Section 11 of the Act and Division C of the Code authorizing occupancy of a building or part of it.
- 2.1.24. **“Owner”** means, in respect of the property in which the construction or demolition will take place, the registered owner of the property, or a lessee or mortgagee who is in possession of the property.
- 2.1.25. **“Permit”** means permission or authorization from the Chief Building Official issued in accordance with Section 8 of the Act to perform any work or action regulated by the Act and the Code, and “Building Permit” shall have the same meaning.
- 2.1.26. **“Property”** means a registered parcel of land within the Town.
- 2.1.27. **“Town”** means the Corporation of the Town of Smiths Falls.

3. PERMIT APPLICATIONS

3.1. Classes of Permits

- 3.1.1. Permits shall be classified as either a Construction Permit, Demolition Permit, or combination of them, or a Change of Use Permit.

3.2. Methods for Submitting an Application

- 3.2.1. Permit applications, and the associated documents and forms, shall be submitted to the Chief Building Official by one or more of the following methods:
- 3.2.1.1. Digital submission by upload to the E-Permitting System.
- 3.2.1.2. Digital submission by e-mail to the Building Services at building@smithsfalls.ca.
- 3.2.1.3. Digital submission by upload to a secure and recognized online file sharing system or website, with access granted to Building Staff.
- 3.2.1.4. Subject to Subsection 3.2.3. of this By-Law, hard copy submission hand delivered or mailed to the attention of the Building Clerk at 77 Beckwith St. N., Smiths Falls, On, K7A 2B8.

- 3.2.2. The Chief Building Official may refuse a digital submission if, after consultation with the Town's IT Manager, the digital safety and security of the Town may be compromised by the submission.
- 3.2.3. The Chief Building Official may require that hard copy applications be accompanied by the same submission in digital format that meets the standards for digital submission and digital documents as specified by this By-Law.

3.3. Separate Permit Applications

- 3.3.1. Where parts of the construction or demolition proposed in an application are to take place in separate phases, stages, or timeframes, the Chief Building Official may require the Applicant to submit separate applications for each phase, stage, or timeframe of the proposed project.
- 3.3.2. Where the construction or demolition proposed in an application contains multiple freehold units or multiple civic addresses for one building, the Chief Building Official may require the Applicant to submit separate applications for each freehold unit or civic address.

3.4. Documents and Forms Required for Permit Applications

- 3.4.1. Applications for all classes of permits shall be submitted with the following minimum documents, as they relate to the proposed project:
 - 3.4.1.1. An "Application for a Permit to Construct or Demolish" form, as prescribed by the Minister, or the same information on that form entered into the E-Permitting System;
 - 3.4.1.2. Where the Applicant is not the Owner, a "Letter of Authorization" signed by the Owner authorizing the Applicant to apply for and obtain a permit with respect to their Property, and the letter shall contain the Owner's name, email address, and phone number, the Applicant's name, the Property civic address, and the description of the proposed project;
 - 3.4.1.3. A "Schedule 1: Designer Information" form, as prescribed by the Minister, for each individual who reviews and takes responsibility for design activities, unless the individual is an Engineer or Architect;
 - 3.4.1.4. Where the project is of a type that requires general review in accordance with Division C, Article 1.2.2.1. of the Code, a "Commitment to General Review" form, as prescribed by the Ontario Association of Architects and the Professional Engineers of Ontario, for each Architect and Engineer who is to be retained to undertake the general review;

- 3.4.1.5. Plans, including but not limited to plan views, cross-sections, elevations, enlarged details, and schedules, containing sufficient notes, dimensions, details, and other relevant information as necessary to describe and illustrate the proposed project, and to demonstrate compliance with the Act and the Code, to the satisfaction of the Chief Building Official;
- 3.4.1.6. Where the proposed project will require evaluation of the site plan specific requirements of the Code or an Applicable Law, a site plan drawing containing sufficient information as deemed relevant by the Chief Building Official, including but not limited to the locations of existing buildings and structures, proposed buildings and structures, overhead electrical conductors, registered property lines and easements, property line setbacks, bodies of water, sewage system beds and tanks, wells, driveways, fire access lanes, fire hydrants, water and sewer pipes below grade, and any other significant site features;
- 3.4.1.7. Plans for any proposed construction, alteration, and demolition of a plumbing system, except that for Part 9 buildings not requiring general review, the Chief Building Official may accept the license number of a qualified plumber in lieu of plumbing system plans;
- 3.4.1.8. Plans for any proposed construction, alteration, or demolition of a Heating Ventilation and Air Conditioning (HVAC) system, except that for Part 9 buildings not requiring general review, the Chief Building Official may accept an HRAI license number of a qualified HVAC contractor in lieu of HVAC system plans;
- 3.4.1.9. A "Building Code Matrix", as prescribed by the Ontario Association of Architects, for any project that is not a house, a building ancillary to a house, or a basic renovation under Division B, Article 11.3.3.1;
- 3.4.1.10. Where the proposed project includes a renovation of a building that has been in existence for at least five years, an evaluation of the requirements of Part 11 of the Code;
- 3.4.1.11. Where the design proposes using an alternative solution, any documentation that the Chief Building Official deems relevant in determining whether the proposed alternative solution will achieve the same level of performance that would be required by the applicable acceptable solution in Division B of the Code, including but not limited to the documentation listed in Division C, Section 2.1. of the Code;
- 3.4.1.12. Any document that demonstrates to the Chief Building Official that the proposed project will comply with an Applicable Law;

- 3.4.1.13. Any documents and forms that demonstrate compliance with Part 12 of the Code and the standards referenced in that part; and,
- 3.4.1.14. All other plans, documents, or information requested by the Chief Building Official and any other prescribed form that the Chief Building Official deems necessary in determining whether the proposed project will comply with the Act or the Code.
- 3.4.2. Notwithstanding Section 3.4.1. of this By-Law, a Change of Use permit application shall be accompanied by as-constructed plans of the existing building or the part of the building where Change of Use is proposed, as well as an analysis of the requirements of Part 10 of the Code.
- 3.4.3. Notwithstanding Section 3.4.1. of this By-Law, a Demolition permit application shall be accompanied by an as-constructed site plan of the property identifying the building or part of the building that is proposed to be demolished, and the site plan shall include the location of the registered property lines, the location of all buildings, including buildings not being demolished, and shall indicate with dimensions the location of the building(s) relative to the property lines.
- 3.4.4. Where the Applicant is requesting that the Chief Building Official issue a Conditional Permit, the Applicant shall provide in writing all the reasons why they are requesting the Conditional Permit.
- 3.4.5. Forms prescribed by this By-Law shall be made available to the public by Building Staff, either in the Town office, on the Town's website, or within the E-Permitting System.
- 3.4.6. All documents submitted to the Chief Building Official shall include on the document a date, such as a date of issuance or date of revision.
- 3.4.7. A document submitted to the Chief Building Official shall only contain the information that is relevant to the proposed construction or demolition in the application, and any information that is not relevant shall be clearly identified on the document as such or removed from the document.
- 3.4.8. Any document submitted to the Chief Building Official that is not required by this By-Law to be submitted with an application, and that has been deemed by the Chief Building Official as not relevant in the review of the application, shall be deemed to not form part of the application or the permit issuance.
- 3.4.9. A document or plan that specifies options or optional work shall clearly identify which option is being proposed in the application.

- 3.4.10. A document or plan that forms part of the design of a building submitted to the Chief Building Official shall, in the case of an Architect or Engineer who takes responsibility for the design, be stamped with the seal of the Architect or Engineer and signed by that person, and in the case of any other person required to be a registered designer in accordance with Division C, Section 3.2. of the Code, contain the information prescribed by Division C, Clauses 3.2.4.7.(1)(e) and 3.2.5.6.(1)(d) of the Code and be signed by that person.

3.5. Document Standards and Formats

- 3.5.1. All wording, linework, details, notes, dimensions, and other information contained on or within a document shall be legible and clear.
- 3.5.2. All wording contained on or within a document shall be in English.
- 3.5.3. Digital documents shall be separated into individual files for each document type, such as plans, application form, and Schedule 1, and each file shall be named and labelled accordingly to describe its contents.
- 3.5.4. Individual digital documents shall be provided in any combination of .PDF, .JPG, .DOCX, or .XLSX file format, shall have a document size not less than 8.5"x11" and not exceeding 36"x48", and any individual electronic file size shall not exceed 100 megabytes.
- 3.5.5. Combined files in a .ZIP folder shall be in compliance with the requirements of this By-Law.
- 3.5.6. The Chief Building Official may require digital documents to be provided by an Applicant with optical character recognition (OCR) and saved in a searchable format for Building Staff review.
- 3.5.7. Where a document is a scanned copy or photographed copy, the document shall be formatted to be centered, aligned, and cropped to only display relevant information.
- 3.5.8. Hard copy documents shall be provided on paper stock, shall have a document size not less than 8.5"x11" and not exceeding 11"x17", any hard copy documents exceeding this size may be accepted only where the documents are accompanied by a submission of the same document in digital format that meets the standards for digital documents specified by this By- Law.
- 3.5.9. Where a form, document, or plan is required by this By-Law to be signed by a person, in the case of a digital document, the signature shall be a digital signature, and in the case of a hard copy document, the signature shall be the original wet ink signature.

4. APPLICATION COMPLETENESS AND REVIEW

4.1. Payment of Fees and Deposits

- 4.1.1. An application shall be accompanied by the full payment of permit fees prescribed by the Fees and Charges By-Law, calculated on the date the application is made, except where the Fees and Charges By-Law prescribes a deposit fee for specific permit types, the applicant may opt to pay only the deposit fee.
- 4.1.2. Where only a deposit fee has been paid for an application, for the purposes of Division C, Clause 1.3.1.3.(5)(e) of the Code, the part of the application related to fees shall be deemed complete.
- 4.1.3. Where only a deposit fee has been paid for an application, the total permit fee shall be calculated in accordance with the Fees By-Law in effect on the date the permit is issued, as if no deposit fee had been paid, and the amount of the deposit fee paid at time of application shall be credited against the total permit fees due at the time of permit issuance. No permit shall be issued until the total fees have been paid.
- 4.1.4. The Chief Building Official may require an Applicant to provide an itemized breakdown of the estimated cost of construction to support the valuation declared on the application form and the construction that is being proposed, as it relates to the calculation of permit fees. Where the Chief Building Official determines at his or her discretion that additional fees are required, the applicant shall be notified, and no permit shall be issued until the total fee has been paid.

4.2. Complete Application

- 4.2.1. For an application to be deemed a complete application, the application shall meet the requirements of Division C, Sentence 1.3.1.3.(5) of the Code.
- 4.2.2. For the purposes of Division C, Clause 1.3.1.3.(5)(c) of the Code the minimum required fields on the application form and schedules shall be the highlighted fields in *“Appendix A – Required Application Fields”* and *“Appendix B – Required Schedule 1 Fields”*.
- 4.2.3. Where an application has been deemed complete, and the Chief Building Official has provided notice to the Applicant of any reason that a permit cannot be issued, including but not limited to a request for further documents, plans, or other information, or that part of the design does not appear to comply with the Act, the Code, or an Applicable Law, the notice shall be deemed as refusal to issue a permit in accordance with Division C, Clause 1.3.1.3.(1)(b) of the Code.

4.3. Incomplete Application

- 4.3.1. An application that is not deemed a complete application, shall be deemed an incomplete application.

- 4.3.2. Where an Applicant is notified that an application is incomplete, the notice shall be deemed as a refusal to issue a permit in accordance with Division C, Clause 1.3.1.3.(1)(b) of the Code.

4.4. Time Periods for Applications

- 4.4.1. Where a notice of refusal to issue a permit in accordance with Subsections 4.2.3. and 4.3.2. of this By-Law has been provided to an Applicant, the time periods prescribed by the Code do not recommence unless the Applicant submits a new application.

4.5. Cancelled Applications

- 4.5.1. If an incomplete application remains in an incomplete state for longer than the time period prescribed in Table 4.5. of this By-Law from the date the application is made, the application shall be cancelled.
- 4.5.2. Where a complete application has been submitted, notice of refusal to issue the permit in accordance with Division C, Clause 1.3.1.3.(1)(b) of the Code has been provided to the Applicant, and all reasons for refusal have not been appropriately addressed by the Applicant that would otherwise allow the Chief Building Official to issue a permit, the application shall be cancelled if the time period prescribed in Table 4.5. of this By-Law has lapsed from the date the notice of refusal was provided.
- 4.5.3. Where an application meets all the requirements that allow the Chief Building Official to issue the permit, but where the total amount of fees required by the Fees By-Law for the issuance of the permit have not been paid by the Applicant, the application shall be cancelled if the time period prescribed in Table 4.5. of this By-Law has lapsed from the date the Applicant was notified of the amount of unpaid fees.

Table 4.5. – Time Period for Cancellation of Application

Building Type	Time Period for Cancellation of Application.
Houses, buildings accessory to a house, tents, signs, and designated structures	20 business days
Part 9 buildings other than described above	30 business days
Part 3 buildings other than described above, and retirement homes	40 business days
Post disaster buildings, high buildings, and buildings with an interconnected floor space	60 business days

- 4.5.4. Where more than one time period is applicable in Table 4.5., the greater time period shall apply.
- 4.5.5. Prior to cancelling an application, the Chief Building Official shall serve notice to the Applicant, either by personal service, or by mail or email service to the address or email declared on the application form, that the Application will be cancelled.
- 4.5.6. Where notice is served by mail or email service, the Applicant shall be conclusively deemed for all purposes to have been served.
- 4.5.7. An Applicant may, within five (5) business days from the date of service of a notice of application cancellation, request in writing that the Chief Building Official defer the cancellation by stating reasons why the application should not be cancelled.
- 4.5.8. The Chief Building Official, having regard to any changes to the Act, the Code, or an Applicable Law, may defer the cancellation for a time period of no longer than ten (10) business days from the date the deferral is granted by the Chief Building Official.
- 4.5.9. An Applicant may, by written notice to the Chief Building Official, request cancellation of the application at any time.
- 4.5.10. An Owner who has authorized an Applicant to apply for a permit for their property may, by written notice to the Chief Building Official, withdraw their authorization of the application at any time prior to the permit being issued, and upon receipt of the notice, the Chief Building Official shall cancel the application in accordance with Subsection 4.5.5. of this By-Law.

4.6. Third Party Review

- 4.6.1. Where an Applicant or designer proposes an alternative solution, or the use of innovative materials, systems or building designs that are not approved through a ruling by the Minister, or where the proposed design cannot reasonably be determined by the Chief Building Official as compliant with the Act or the Code, the Chief Building Official may utilize a third-party review by a person possessing special or expert knowledge with respect to the proposed design or part of the design that is in question.
- 4.6.2. Fees and costs associated with a third-party review shall be paid by the Applicant in accordance with Fees and Charges By-Law.

4.7. Refunds

- 4.7.1. Refunds of application and permit fees, where applicable, shall be made in accordance with Fees and Charges By-Law.

5. PERMIT ISSUANCE, TRANSFER, AND DOCUMENT RETENTION

5.1. Permit Issuance

- 5.1.1. All permits shall be issued through the E-Permitting System to the Applicant, the Owner, and if known at the time of the application, the Builder.
- 5.1.2. Every person to whom a permit has been issued shall be responsible to download from the E-Permitting System the permit and all documents that form the permit and shall retain a copy on the site of the construction.
- 5.1.3. Only the documents that have been certified by the Chief Building Official or Building Staff shall be deemed as the documents that form the permit.

5.2. Transfer of Permit

- 5.2.1. A permit may be transferred to another person after the permit has been issued by submitting the following information and documents to the Chief Building Official:
 - 5.2.1.1. A letter signed by the original permit Applicant requesting that the permit be transferred to a new Applicant, and the letter shall indicate the name of the new Applicant;
 - 5.2.1.2. A new "Application for a Permit to Construct or Demolish" form, as prescribed by the Minister of Municipal Affairs and Housing, completed by the proposed new permit Applicant;
 - 5.2.1.3. Proof of ownership, such as land transfer documents, where the property has changed ownership. Where the property has not changed ownership and the Owner is not the applicant, an authorization from the Property Owner permitting the new applicant to continue with the application;
 - 5.2.1.4. Payment of the permit transfer fee prescribed by the Fees By-Law.
- 5.2.2. A transfer of a permit does not constitute a reason for refunding of fees previously paid by the original permit Applicant.

5.3. Document Retention

- 5.3.1. Except as required in this By-Law, documents related to applications and permits shall be retained in accordance with the records management and document retention by-laws and policies enacted by the Town.
- 5.3.2. All hard copy documents shall be scanned and converted to digital documents to be retained by the Town, the hard copy documents shall be

destroyed thereafter, and the digital version of the documents shall be deemed to be the original for all purposes.

- 5.3.3. All permits that have been issued by the Chief Building Official, and all documents that form the permit, shall be retained by the Town permanently in digital format.
- 5.3.4. Where an application has been cancelled, and where no permit has been issued, documents and forms submitted with the application shall not be retained by the Town, digital documents shall be deleted, and any hard copy documents that have not already been destroyed by the Town shall be returned to the Applicant by mail.

6. INSPECTIONS

6.1. Prescribed and Additional Inspection Notices

- 6.1.1. All prescribed inspection notices listed in Division C, Article 1.3.5.1. of the Code shall be required, with respect to the type of construction proposed in the permit.
- 6.1.2. The Chief Building Official may require any of the additional inspection notices listed in Division C, Article 1.3.5.2. of the Code where the Chief Building Official has communicated to a person to whom a permit has been issued that the additional inspection notice is required.
- 6.1.3. The required prescribed and additional inspection notices that relate to the type of construction proposed in the permit shall be noted on the permit.
- 6.1.4. Notwithstanding Subsection 6.1.3. of this By-Law, prescribed inspection notices noted on the permit shall be deemed for convenience only, and it shall be the responsibility of the person to whom the permit has been issued to ensure that all inspection notices that relate to the construction are provided as required by the Act and the Code.

6.2. Request for Inspection

- 6.2.1. The person to whom the permit has been issued shall provide notice to the Chief Building Official for each required prescribed and additional inspection notice by one of the following methods:
 - 6.2.1.1. E-Permitting System inspection request process;
 - 6.2.1.2. Phone call or voicemail to the Building Services at (613)283-4124 or,
 - 6.2.1.3. Email to the Building Services at building@smithsfalls.ca.

- 6.2.2. Every inspection notice shall contain the following information:
 - 6.2.2.1. The name of the prescribed or additional inspection notice and stage of construction that the inspection relates to;
 - 6.2.2.2. The permit number that relates to the project; and,
 - 6.2.2.3. The civic address that relates to the project.
- 6.2.3. A notice or request for inspection that does not meet the criteria of Subsections 6.2.1. and 6.2.2. of this By-Law shall be deemed invalid.
- 6.2.4. Where an inspector has deemed that a stage of construction does not meet the criteria for the prescribed or additional inspection notice, as it is described in Division C, Articles 1.3.5.1. and 1.3.5.2. of the Code, the permit holder shall provide a new notice for inspection when the criteria for that stage of construction has been met and shall not cover any portion of construction that will require inspection for that stage of construction.

7. DELEGATION OF AUTHORITY

7.1. Conditional Permit Agreements

- 7.1.1. The Chief Building Official is hereby delegated the power to enter into and execute on behalf of the Town agreements described in Clause 8(3)(c) of the Act.

7.2. Emergency Appointment Provisions

- 7.2.1. Upon receiving notice of a declared state of emergency, the Chief Administrative Officer may authorize the Chief Building Official to appoint inspectors under Section 3 of the Act, including the function of revoking such appointments, subject to the following conditions:
 - 7.2.1.1. The Chief Administrative Officer has determined the state of emergency has overwhelmed the Building Services' resources;
 - 7.2.1.2. Prior to appointment, each inspector shall have the qualifications set out in the Code, as it relates to the position and the duties they will perform; and,
 - 7.2.1.3. Any appointments made may be revoked at any time by the Chief Administrative Officer or the Chief Building Official, and all appointments shall be revoked when the state of emergency is no longer in effect.

7.3. Delegation to Building Staff

7.3.1. Where notice is required by this By-Law by the Chief Building Official with respect only to Applications, Permits, and Fees, the Chief Building Official may delegate the ability to provide or serve the notice to any Building Staff as they see fit.

8. OFFICIAL COMPLAINTS

8.1. Complaints related to Building Code matters and enforcement, except for matters related to the Building Official Code of Conduct, shall be submitted to Building Staff by either email, or written submission, and shall contain the civic address of the alleged contravention, the complainant’s name, phone number and email address, and sufficient information to describe the alleged contravention.

9. SEVERABILITY

9.1. If a court of competent jurisdiction should declare any section or part of a section of this By-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of this By-law and it is hereby declared that the remainder of this By-law shall be valid and shall remain in force.

9.2. By-law No. 7917-2005 as amended is hereby repealed in its entirety upon the passing of this By-law.

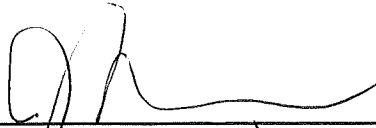
10. CODE OF CONDUCT

10.1 The Town’s Building Officials shall be bound by the Code of Conduct as detailed in Appendix C.

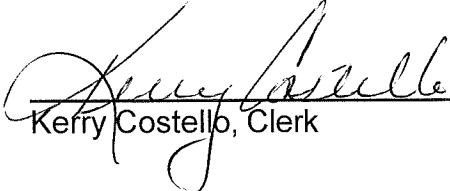
11. EFFECTIVE DATE

11.1. This By-law shall come into force and take effect on its date of passing.

READ A FIRST TIME, SECOND TIME, AND A THIRD TIME, AND FINALLY PASSED THIS
??? DAY OF ???, 2024.



Shawn Pankow, Mayor
Jay Brennan, Acting Mayor
JB



Kerry Costello, Clerk

APPENDIX A – REQUIRED APPLICATION FIELDS

Application for a Permit to Construct or Demolish

This form is authorized under subsection 8(1.1) of the *Building Code Act, 1992*

For use by Principal Authority			
Application number:		Permit number (if different):	
Date received:		Roll number:	
Application submitted to: _____ <small>(Name of municipality, upper-tier municipality, board of health or conservation authority)</small>			
A. Project information			
Building number, street name		Unit number	Lot/con.
Municipality	Postal code	Plan number/other description	
Project value est. \$		Area of work (m ²)	
B. Purpose of application			
<input type="checkbox"/> New construction	<input type="checkbox"/> Addition to an existing building	<input type="checkbox"/> Alteration/repair	<input type="checkbox"/> Demolition <input type="checkbox"/> Conditional Permit
Proposed use of building		Current use of building	
Description of proposed work			
C. Applicant			
Applicant is: <input type="checkbox"/> Owner or <input type="checkbox"/> Authorized agent of owner			
Last name	First name	Corporation or partnership	
Street address		Unit number	Lot/con.
Municipality	Postal code	Province	E-mail
Telephone number	Fax	Cell number	
D. Owner (if different from applicant)			
Last name	First name	Corporation or partnership	
Street address		Unit number	Lot/con.
Municipality	Postal code	Province	E-mail
Telephone number	Fax	Cell number	

E. Builder (optional)				
Last name		First name	Corporation or partnership (if applicable)	
Street address			Unit number	Lot/con.
Municipality		Postal code	Province	E-mail
Telephone number		Fax		Cell number
F. Tarion Warranty Corporation (Ontario New Home Warranty Program) <small>New Construction ONLY - Developers fill out</small>				
i. Is proposed construction for a new home as defined in the <i>Ontario New Home Warranties Plan Act</i> ? If no, go to section G.			<input type="checkbox"/> Yes	<input type="checkbox"/> No
ii. Is registration required under the <i>Ontario New Home Warranties Plan Act</i> ?			<input type="checkbox"/> Yes	<input type="checkbox"/> No
iii. If yes to (ii) provide registration number(s): _____				
G. Required Schedules				
i) Attach Schedule 1 for each individual who reviews and takes responsibility for design activities.				
ii) Attach Schedule 2 where application is to construct on-site, install or repair a sewage system.				
H. Completeness and compliance with applicable law				
i) This application meets all the requirements of clauses 1.3.1.3 (5) (a) to (d) of Division C of the Building Code (the application is made in the correct form and by the owner or authorized agent, all applicable fields have been completed on the application and required schedules, and all required schedules are submitted). Payment has been made of all fees that are required, under the applicable by-law, resolution or regulation made under clause 7(1)(c) of the <i>Building Code Act, 1992</i> , to be paid when the application is made.			<input type="checkbox"/> Yes	<input type="checkbox"/> No
			<small>Select the correct option for each</small>	
			<input type="checkbox"/> Yes	<input type="checkbox"/> No
ii) This application is accompanied by the plans and specifications prescribed by the applicable by-law, resolution or regulation made under clause 7(1)(b) of the <i>Building Code Act, 1992</i> .			<input type="checkbox"/> Yes	<input type="checkbox"/> No
iii) This application is accompanied by the information and documents prescribed by the applicable by-law, resolution or regulation made under clause 7(1)(b) of the <i>Building Code Act, 1992</i> which enable the chief building official to determine whether the proposed building, construction or demolition will contravene any applicable law.			<input type="checkbox"/> Yes	<input type="checkbox"/> No
iv) The proposed building, construction or demolition will not contravene any applicable law.			<input type="checkbox"/> Yes	<input type="checkbox"/> No
I. Declaration of applicant				
I _____ declare that:				
<small>(print name)</small>				
1. The information contained in this application, attached schedules, attached plans and specifications, and other attached documentation is true to the best of my knowledge.				
2. If the owner is a corporation or partnership, I have the authority to bind the corporation or partnership.				
_____		_____		
<small>Date</small>		<small>Signature of applicant</small>		

Personal information contained in this form and schedules is collected under the authority of subsection 8(1.1) of the *Building Code Act, 1992*, and will be used in the administration and enforcement of the *Building Code Act, 1992*. Questions about the collection of personal information may be addressed to: a) the Chief Building Official of the municipality or upper-tier municipality to which this application is being made, or, b) the inspector having the powers and duties of a chief building official in relation to sewage systems or plumbing for an upper-tier municipality, board of health or conservation authority to whom this application is made, or, c) Director, Building and Development Branch, Ministry of Municipal Affairs and Housing 777 Bay St., 2nd Floor. Toronto, M5G 2E5 (416) 585-6666.

APPENDIX B – REQUIRED SCHEDULE 1 FIELDS

Schedule 1: Designer Information

Use one form for each individual who reviews and takes responsibility for design activities with respect to the project.

A. Project Information						
Building number, street name		Unit no.	Lot/con.			
Municipality	Postal code	Plan number/ other description				
B. Individual who reviews and takes responsibility for design activities						
Name		Firm				
Street address		Unit no.	Lot/con.			
Municipality	Postal code	Province	E-mail			
Telephone number	Fax number	Cell number				
C. Design activities undertaken by individual identified in Section B. [Building Code Table 3.5.2.1. of Division C]						
<table style="width: 100%; border: none;"> <tr> <td style="width: 33%; vertical-align: top;"> <input type="checkbox"/> House <input type="checkbox"/> Small Buildings <input type="checkbox"/> Large Buildings <input type="checkbox"/> Complex Buildings </td> <td style="width: 33%; vertical-align: top;"> <input type="checkbox"/> HVAC – House <input type="checkbox"/> Building Services <input type="checkbox"/> Detection, Lighting and Power <input type="checkbox"/> Fire Protection </td> <td style="width: 33%; vertical-align: top;"> <input type="checkbox"/> Building Structural <input type="checkbox"/> Plumbing – House <input type="checkbox"/> Plumbing – All Buildings <input type="checkbox"/> On-site Sewage Systems </td> </tr> </table>				<input type="checkbox"/> House <input type="checkbox"/> Small Buildings <input type="checkbox"/> Large Buildings <input type="checkbox"/> Complex Buildings	<input type="checkbox"/> HVAC – House <input type="checkbox"/> Building Services <input type="checkbox"/> Detection, Lighting and Power <input type="checkbox"/> Fire Protection	<input type="checkbox"/> Building Structural <input type="checkbox"/> Plumbing – House <input type="checkbox"/> Plumbing – All Buildings <input type="checkbox"/> On-site Sewage Systems
<input type="checkbox"/> House <input type="checkbox"/> Small Buildings <input type="checkbox"/> Large Buildings <input type="checkbox"/> Complex Buildings	<input type="checkbox"/> HVAC – House <input type="checkbox"/> Building Services <input type="checkbox"/> Detection, Lighting and Power <input type="checkbox"/> Fire Protection	<input type="checkbox"/> Building Structural <input type="checkbox"/> Plumbing – House <input type="checkbox"/> Plumbing – All Buildings <input type="checkbox"/> On-site Sewage Systems				
Description of designer's work <div style="text-align: center; color: red; font-size: small;">Include a description of the proposed work</div>						
D. Declaration of Designer						
I _____ declare that (choose one as appropriate): <div style="text-align: center; color: yellow; font-size: small;">(print name)</div> <p>I review and take responsibility for the design work on behalf of a firm registered under subsection 3.2.4. of Division C, of the Building Code. I am qualified, and the firm is registered, in the appropriate classes/categories.</p> Individual BCIN: _____ Firm BCIN: _____						
OR I review and take responsibility for the design and am qualified in the appropriate category as an "other designer" under subsection 3.2.5. of Division C, of the Building Code. Individual BCIN: _____ Basis for exemption from registration: _____						
OR The design work is exempt from the registration and qualification requirements of the Building Code. Basis for exemption from registration and qualification: If you are the homeowner - list homeowner here						
I certify that: 1. The information contained in this schedule is true to the best of my knowledge. 2. I have submitted this application with the knowledge and consent of the firm.						
_____ <div style="text-align: center; color: yellow; font-size: small;">Date</div>		_____ <div style="text-align: center; color: yellow; font-size: small;">Signature of Designer</div>				

Reflect those that are applicable

NOTE:

1. For the purposes of this form, "individual" means the "person" referred to in Clause 3.2.4.7(1) (c) of Division C, Article 3.2.5.1. of Division C, and all other persons who are exempt from qualification under Subsections 3.2.4. and 3.2.5. of Division C.
2. Schedule 1 is not required to be completed by a holder of a license, temporary license, or a certificate of practice, issued by the Ontario Association of Architects. Schedule 1 is also not required to be completed by a holder of a license to practise, a limited license to practise, or a certificate of authorization, issued by the Association of Professional Engineers of Ontario.

APPENDIX C - CODE OF CONDUCT FOR BUILDING OFFICIALS

Preamble

The Building Code Act requires municipalities to establish and enforce a “Code of Conduct” for officials appointed under the Act. This Code of Conduct applies to the Chief Building Official and inspectors appointed by the Town 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.

Purpose

The purpose of this Code is to:

1. promote appropriate standards of behaviour;
2. prevent practices which may constitute an abuse of power, including unethical or illegal practices;
3. promote appropriate standards of honesty and integrity; and
4. provide for enforcement actions.

Standards of Conduct

In addition to any policy with respect to any code of ethics or conduct applying to municipal staff, including the appropriate sections of the Human Resources By-law and policies, building officials undertake to:

1. Always act in the public interest, particularly with regard to 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 or 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 plan examination duties impartially and in accordance with the highest professional standards.
5. At all times abide by the highest moral and ethical standards and avoid 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 which regulate or govern Building Officials or their functions.
7. Not to act beyond their personal level of competence or outside their area of expertise.
8. 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 Code relevant to their inspection and plan examination function.
10. Extend professional courtesy to all.

Breaches of the Code of Conduct

The Municipal administration will review any allegations brought forward that the Code of Conduct has been breached in accordance with the Town’s Human Resources Policy. Allegations should be directed in confidence to the Manager of Development Services. Where appropriate, the Director shall be responsible for recommending disciplinary action to CAO. Disciplinary action arising from violations of this Code of Conduct is the responsibility of the Municipal employer and will be based on the

severity and/or frequency of the violation in accordance with relevant employment standards. Complainants will not be entitled to be apprised of disciplinary action taken.