

# THE CORPORATION OF THE CITY OF BROCKVILLE

## By-Law Number 066-2005

Being a By-Law Respecting Building in the City Of Brockville and to Repeal  
By-Laws 29-94 and 032-2004

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WHEREAS Section 7 of the Ontario Building Code Act, 1992, S.O. 1992, Chapter 23, empowers Council to pass certain by-laws respecting construction, demolition and change of use permits and inspections.

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE CITY OF BROCKVILLE ENACTS AS FOLLOWS:

### SHORT TITLE

- 1) This By-law may be cited as the Building By-law.

### DEFINITIONS

- 2) In this By-law,
  - a) "Act" means the Building Code Act, 1992, S.O. 1992, Chapter 23 as amended.
  - b) "as constructed plans" means as constructed plans as defined in the Building Code.
  - c) "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.
  - d) "building" means a building as defined in Section 1 of the Act.
  - e) "Building Code" means the regulations made under Section 34 of the Act.
  - f) "change certificate" means a certificate prescribed under the building code as a change certificate.
  - g) "Chief Building Official" means the Chief Building Official appointed by by-law of the Corporation of the City of Brockville for the purposes of enforcement of the Act.
  - h) "City" means the City of Brockville.

- i) "Corporation" means the Corporation of the City of Brockville.
- j) "Director" means the person appointed as director under Section 2 of the Act.
- k) "final certificate" means a certificate prescribed under the building code as a final certificate.
- l) "fixture" means a fixture as defined in Section 1.1 of the Building Code.
- m) "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.
- n) "plans review certificate" means a certificate prescribed under the building code as a plans review certificate.
- o) "plumbing" means plumbing as defined in Section 1.1 of the Act.
- p) "plumbing system" means the plumbing system as defined in Section 1.1 of the Act.
- q) "principal authority" means,
  - i) the Crown,
  - ii) the council of a municipality,
  - iii) an upper-tier municipality that has entered into an agreement under subsection 3(5), 6.1(1) or 6.2(1) of the Act,
  - iv) a board of health that has been prescribed for the purposes of subsection 3.1(1) or has entered into an agreement under subsection 6.1(2) or (3) or 6.2(2) of the Act,
  - v) a planning board that has been prescribed for the purposes of subsection 3.1(1) of the Act, or
  - vi) a conservation authority that has been prescribed for the purposes of subsection 3.1(1) or has entered into an agreement under subsection 6.2(2) of the Act.
- r) "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.



- s) "registered code agency" means a person or entity that has the qualifications and meets the requirements described in subsection 15.11(4) of the Act.
- t) "regulations" means regulations made under the Act.
- u) "Residential Occupancy Permit" means permission or authorization in writing from the Chief Building Official to use and occupy a residential building or part thereof which is either a detached single unit or a semi-detached or duplex dwelling or a row house dwelling containing no more than three dwelling units.
- v) "Work" means to do anything in the construction or demolition or change of use or plumbing work for a building which is regulated by the Act and "Project" has a similar meaning.

## PERMITS

### CLASSES OF PERMITS

- 3) Classes of permits with respect to the construction, demolition and change of use of buildings shall as be set out in Schedule "A" to this by-law.
- 4) For permit classes 1, 2 and 3, as set out in Schedule "A" hereto for buildings not subject to Site Plan Approval pursuant to Section 41 of the Planning Act, R.S.O. 1990, a residential occupancy permit shall be required prior to any use or occupancy of the building.
- 5) Permits for work other than referred to in this by-law shall be obtained from the appropriate authority having jurisdiction in accordance with the by-laws of the Corporation and include the following which are provided for illustration only and do not limit the generality of the foregoing; encroachments, sewers and street cuts, lot drainage and grading.

### APPLICATION FOR PERMIT

- 6) To obtain a permit, the owner or an agent authorized in writing by the owner shall file an application in writing by completing the prescribed form available at the offices of the Chief Building Official or from the Building Code website [www.obc.mah.gov.on.ca](http://www.obc.mah.gov.on.ca).
- 7) Every application for a permit shall be submitted to the Chief Building Official, and shall contain the information as prescribed in the following subsections:



- a) Where application is made for a building permit under Subsection 8(1) the Act, the application shall:
  - i) be the provincial application form, "Application for a Permit to Construct or Demolish; and
  - ii) include complete plans and specifications, documents and other information as required by Article 2.4.1.1.B of the Building Code and as described in this by-law for the work to be covered by the permit.
  - iii) identify and describe in detail the work and occupancy to be covered by the permit for which the application is made;
  - iv) describe the land on which the work is to be done, by a description that will readily identify and locate the building lot;
  - v) include complete plan specifications as described in this by-law for the work to be covered by the permit, and show the occupancy of all parts of the building;
  - vi) state the valuation of the property work, including materials and labour, and be accompanied by the required fee;
  - vii) state the names, addresses and telephone numbers of the owner and any authorized agent, architect, engineer and other designer and constructor;
  - viii) be accompanied, where applicable, by a written acknowledgement of the owner that the owner has retained the architect or professional engineer or both to carry out field review of the construction, where required by the Building Code;
  - ix) be signed by the owner or authorized agent who shall certify the truth of the contents of the application, and
  - x) where the work includes plumbing, the application shall:
    - (1) identify and describe in detail the plumbing work to be covered by the permit for which the application is made,
    - (2) include plans that show the location and size of every building drain and every trap or inspection piece that is on the building drain and a sectional drawing that shows the size and location of every soil or waste pipe, trap and vent pipe where the installation contains more than five fixtures.



- (3) state the names, addresses and telephone numbers of the master plumber or master contractor, and
  - (4) be completed only by a master plumber or plumbing contractor, licensed by the Corporation pursuant to By-law number 99-86 entitled "A By-law of the Corporation of the City of Brockville Respecting Licenses", as amended, or by an individual who takes an affidavit that he or she will be personally making the installation in his or her own dwelling.
- b) Where application is made for a demolition permit under Subsection 8(1) of the Act, the application shall:
- i) be the provincial application form, "Application for a Permit to Construct or Demolish"; and
  - ii) include complete plans and specifications, documents and other information as required by Article 2.4.1.1.B of the Building Code and as described in this by-law for the work to be covered by the permit; and
  - iii) contain the information required by clauses 7 (a) (iii) to (ix), and
  - iv) be accompanied by satisfactory proof that arrangements have been made with the proper authorities for the cutting off and plugging of all water, sewer, gas, electric, telephone or other utilities and services, and
  - v) should a building be moved the applicant shall furnish with the application the required forms which shall indicate that:
    - (1) Brockville Police Service has been notified of the route, time and use of city streets for the move;
    - (2) notice has been given to services and utilities, (i.e. water, electric, sewers, telephone, gas, etc. or any other obstructions which may have to be removed or relocated temporarily to facilitate the moving of the building;
    - (3) the applicant has obtained a policy of insurance issued by an insurance company licensed to carry on business in the Province of Ontario, insuring the applicant and the Corporation in respect of public liability and property damage in the amount of not less than \$2,000,000.00;

- (4) a covenant to indemnify and save the Corporation of the City of Brockville harmless from any and all claims, suit or demands which may be brought against it by reason of or arising out of the covenant of any building on or along a public roadway.
- c) Where application is made for a conditional permit under subsection 8(3) of the Act, the application shall:
- i) be the provincial application form, "Application for a Permit to Construct or Demolish";
  - ii) include complete plans and specifications, documents and other information as required by Sentence 2.4.1.1.B of the Ontario Building Code and as described in this by-law for the work to be covered by the permit;
  - iii) contain the information required by clauses 7 (a) (iii) to (ix);
  - iv) contain such other information, plans and specifications concerning the complete project as the Chief Building Official may require;
  - v) state the reasons why the applicant believes that unreasonable delays in construction would occur if a conditional permit is not granted,
  - vi) state the necessary approvals which must be obtained in respect of the proposed building and the time in which such approvals will be obtained; and
  - vii) state the time in which plans and specifications of the complete building will be filed with the Chief Building Official.
- d) Where application is made for a change of use permit under subsection 10(1) of the Act, the application shall:
- i) describe the building in which the occupancy is to be changed, by a description that will readily identify and locate the building,
  - ii) identify and describe in detail the current and proposed occupancies of the building or part of a building for which the application is made,
  - iii) 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 walls, ceiling and roof assemblies identifying required fire resistance ratings and load bearing capacities,

- iv) be accompanied by the required fee,
  - v) state the name, address and telephone number of the owner,
  - vi) be signed by the owner or his or her authorized agent who shall certify the truth of the contents of the application.
- e) Where an application is made 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 of building design for which authorization under Section 9 of the Act is requested, the following information shall be provided:
- i) a description of the proposed material, system or building design for which authorization under Section 9 of the Act is requested;
  - ii) any applicable provisions of the Building Code;
  - iii) evidence that the proposed material, system or building design will provide the level of performance required by the Building Code.
- f) The permit shall indicate whether the Chief Building Official has allowed the use of the proposed material, system or building design and if allowed the reasons why the Chief Building Official was of the opinion that the material, system or building design will provide the level of performance required by the Building Code.
- g) Where application is made for a Residential Occupancy Permit, the application shall:
- i) state the names, addresses and telephone numbers of the applicant and owner;
  - ii) state the location or address of the residential building;
  - iii) state the permit number issued for construction of the residential building to be occupied;
  - iv) be accompanied with the original certificate by an Ontario Land Surveyor or Professional Engineer certifying that the lot has been graded in accordance with the approved lot drainage plan; and

- v) be signed by the owner or authorized agent who shall certify the truth of the contents of the application.
- h) An application for a permit may be deemed to have been abandoned six months after the date of filing, unless such application has been proceeded with by the applicant.

#### PLANS AND SPECIFICATIONS

- 8) 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 to the Act, the Building Code and any other applicable law.
- 9) Each application shall be accompanied by three complete sets of plans, two specifications and three site plans.
- 10) 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 'B' to this By-law unless otherwise specified by the Chief Building Official. Alternatives may be accepted at the sole discretion of the Chief Building Official, whose decision in this regard shall be final and binding.

#### SITE PLANS

- 11) Site plans shall be referenced to an up-to-date survey and, when required to demonstrate compliance with the Act, the Building Code or other applicable law, a copy of the survey shall be submitted to the Chief Building Official. Site plans shall show:
  - a) lot size and the dimensions of property lines and setbacks to any existing or proposed buildings, the description and location of all buildings on contiguous lots, and the existing or intended use of each building;
  - b) the location of the proposed building on the lot with all dimensions indicating the information required to obtain conformity with the Official Plan and Zoning By-law of the municipality;
  - c) streets, lanes and other public property contiguous to the property and all trees located thereon within 20 feet of the property;
  - d) a lot grading plan, prepared by a Professional Engineer or Ontario Land Surveyor, indicating elevations of the grade of the property with existing contours and proposed future elevations including those of the centre lines of all streets or lanes contiguous to the property. The proposed lot grading





shall provide for proper drainage away from the dwelling. The drainage shall not adversely affect neighbouring properties or cause ponding on the subject lot. If the lot is within a registered plan of subdivision with an approved drainage plan, the lot grading plan must conform to the approved drainage plan.

- e) the size, capacity and location of all services if such services are affected by the work, including sewers, water mains, hydrants, drainage systems, gas lines, telephone lines and electrical power lines and poles servicing the property, all connections from the building thereto, and the invert level of the main sewer at the point where service connections are to be made.
  - f) the location and dimensions of all roadways, easements, driveways, walkways and parking and loading facilities.
- 12) In lieu of separate specifications, the Chief Building Official may allow the essential information to be shown on the plans, but in no case shall such terms as "in accordance with the Act", "legal", or similar terms be used as substitutes for specific information.

#### PARTIAL PERMITS

- 13) When, in order to expedite work, approval of a portion of the building or project is desired prior to the issuance of a permit for the complete building or project, application shall be made and fees paid for the portion of work for which immediate approval is desired and shall be filed with the Chief Building Official.
- 14) Where a permit is issued for a part of a building or project, the holder of such permit may proceed but the issuance shall not be construed to authorize construction beyond the plans for which approval was given or guarantee that approval will necessarily be granted for the entire building or project.

#### REVISION TO PERMIT

- 15) After the issuance of a permit under the Act, where a person is desirous of making a material change or causing a material change to be made to a plan, specification, document or other information on the basis of which a permit was issued and notifies the Chief Building Official under subsection 8(12) of the Act, an application may be made for a revision to the permit and such application shall be made in the same manner as for the original permit.

#### RESTRICTED PERMIT FOR A TEMPORARY BUILDING

- 16) A restricted permit for a temporary building may be issued by the Chief Building Official authorizing, for a limited time only, the erection and existence of a building or part thereof.

- 17) A permit for a temporary building may be extended provided permission in writing is granted by the Chief Building Official.

**RENEWAL OF PERMIT**

- 18) The Chief Building Official may issue a renewal of permit;
  - a) where, after six months after its issuance, the construction or demolition in respect of which it was issued has not, in his or her opinion, been seriously commenced, or
  - b) where the construction or demolition of the building is, in his or her opinion, substantially suspended or discontinued for a period of more than one year;

provided the required fee is paid for such renewal and the plans and specifications are made to comply with all the requirements of the Act in effect at the time of renewal.

**TRANSFER OF PERMITS**

- 19) It is a condition of the issuance of any permit that the permit shall not be transferred without the approval of the Chief Building Official and the payment of the required fee.
- 20) The new owner shall apply for a transfer of the permit and such application shall confirm the continuation of, or provide the particulars of any change in, the arrangements for general review of the construction in accordance with Section 2.3 – Design and General Review, of the Regulations.

**PAYMENT OF FEES**

- 21) The fee for a required permit shall be established by by-law of the City for each class of permit as set out in Schedule "A" to this by-law.
- 22) Where the fees payable in respect of an application for a construction or demolition permit issued under subsection 8(1) of the Act or a conditional permit under subsection 8(3) of the Act are based on a floor area, floor area shall mean the total floor space of all storeys above grade (or below grade for an underground home) measured as the horizontal area between the exterior walls of the building, provided that where application is made for a conditional permit, fees shall be paid for the complete project.



- 23) Where an application is made for a minor revision to a permit, and the Chief Building Official determines that the work involved in plan processing and enforcement is minor, such revision shall be processed without charge.

#### REFUNDS

- 24) In the case of 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 refund of permit fees, if any, that may be returned to the permit holder, in accordance with section (25) hereof.
- 25) The fees that may be refunded shall be a percentage of the fees payable under this by-law, as follows:
- a) eighty per cent if application is filed and no processing or review functions have been performed,
  - b) sixty per cent if administrative, zoning or plans examination functions have been performed,
  - c) forty-five per cent if administrative, zoning and plans examination functions have been performed,
  - b) thirty-five per cent if the permit has been issued and no field inspections have been performed subsequent to permit issuance,
  - e) five per cent shall additionally be deducted for each field inspection that has been performed after the permit has been issued.
- 26) Despite section (25) and subject to section (27), no refund shall be made when the refund amount calculated is to be fifty dollars (\$50.00) or less.
- 27) The fee for the transfer of a permit is non-refundable.

#### PERIOD WITHIN WHICH A PERMIT IS ISSUED OR REFUSED

- 28) If an application for a permit under Subsection 8(1) of the Act that meets the requirements of Sentence (5) of Subsection 2.4.1.1B., is submitted after June 30, 2005 to the Chief Building Official, the Chief Building Official shall, within the time period set out in Column 3 of Table 2.4.1.1B. corresponding to the class of building described in Column 2 of Table 2.4.1.1B. for which the application is made:
- a) issue the permit, or
  - b) refuse to issue the permit and provide in writing all of the reasons for the refusal.

**PRESCRIBED NOTICES**

- 29) With respect to “prescribed notices” under Section 2.4.5.1 of the Ontario Building Code, the owner or an authorized agent shall notify the Chief Building Official or an inspector at least two business days prior to each stage of construction for which notice in advance is required under the Building Code.

**ADDITIONAL NOTICES**

- 30) With respect to “additional notices” under 2.4.5.2. of the Ontario Building Code, the owner or an authorized agent shall notify the Chief Building Official or an inspector at least two business days prior to each stage of construction for which notice in advance is required under the Building Code.

**MANDATORY INSPECTION AFTER NOTICE IS GIVEN**

- 31) Under Sentence 2.4.5.3.(1) of the Ontario Building Code, after a mandatory inspection notice has been given under Article 2.4.5.1., an inspector or registered code agency, as the case may be, shall undertake a site inspection not later than two days after the notice is given. In the case of site inspections of a sewage system, under sentence (2.4.5.3.(2)) of the Ontario Building Code, an inspector or a registered code agency, as the case may be, shall undertake a site inspection not later than five days after notice is given.
- 32) The time periods referred to in section (31) above shall begin on the day following the day on which the notice was given.
- 33) The time periods referred to in section (31) above shall not include Saturdays, holidays and all other days when the offices of the principal authority are not open for the transaction of business with the public.

**AS CONSTRUCTED PLANS**

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

**PENALTY CLAUSE**

- 35) Any person who contravenes any provision of this By-law, is guilty of an offence as provided for in Section 36 (1) of the Act.



REPEAL CLAUSE

- 36) By-law No. 29-94 entitled "A By-law Respecting Building in the City of Brockville", and By-law 032-2004 entitled "A By-law to Amendment By-law 29-94", are hereby repealed.

DATE AND EFFECT

- 37) This By-law shall come into effect on July 1, 2005.

GIVEN UNDER THE SEAL OF THE CORPORATION  
OF THE CITY OF BROCKVILLE AND PASSED  
THIS 28<sup>TH</sup> DAY OF JUNE, 2005.

  
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MAYOR

  
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CLERK

## Schedule "A" to By-Law Number 066-2005

### Class of Permit

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Class 1	New single unit dwelling
Class 2	New semi detached or duplex dwelling
Class 3	New row house dwelling
Class 4	New multiple unit dwelling containing 3 or more units
Class 5	Alterations and repairs for single unit, duplex or semi-detached dwelling
Class 6	Additions to single unit/duplex/semis
Class 7	Residential accessory building
Class 8	Decks and enclosed porches
Class 9	Multiple unit dwelling repairs additions and alterations
Class 10	New industrial, public or commercial buildings
Class 11	Alterations and additions to industrial public, commercial buildings
Class 12	Industrial, public or commercial accessory buildings
Class 13	Demolition of a building
Class 14	Occupancy permit
Class 15	Renewal of Permit
Class 16	Transfer of Permit
Class 17	Change of Use Permit
Class 18	Plumbing
Class 19	Other

## **Schedule "B" to By-law 066-2005**

### **List of Plans or Working Drawings to accompany applications for permits:**

- 1) Site Plan
- 2) Floor Plans
- 3) Foundation Plans
- 4) Framing Plans
- 5) Roof Plans
- 6) Reflected Ceiling Plans
- 7) Sections and Details
- 8) Building Elevations
- 9) Electrical Drawings
- 10) Heating, Ventilation and Air Conditioning Drawings
- 11) Plumbing Drawings
- 12) Fire Alarm and Sprinkler Drawings

Three sets of each plan or drawing shall be provided.

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

