

THE CORPORATION OF THE TOWNSHIP OF MONTAGUE
BY-LAW NO. 4073-2024

BEING a by-law to establish a new by-law respecting building permits and inspections (construction, demolition and change of use permits),

WHEREAS Section 7 of the Building Code Act, 1992, S.O. 1992, Chapter 23, provides that a municipality may pass by-laws applicable in the area in which the municipality has jurisdiction for the enforcement of this Act, including by-laws respecting construction, demolition and change of use permits, fees, and inspections;

AND WHEREAS Building Code Act amendments require the Township to update its current building by-law;

NOW THEREFORE, the Council of the Corporation of the Township of Montague enacts as follows:

Section 1.0 SHORT TITLE

1.1 This by-law may be cited as “The Building By-law”.

Section 2.0 DEFINITIONS

For the purpose of this by-law the following definitions shall apply:

- 2.1 “Act” means the Building Code Act, 1992, S.O. 1992, Chapter 23 as amended.
- 2.2 “Applicant” means the owners of a building or property who applies for a permit or any person authorized by the owner to apply for a permit on the owner’s behalf.
- 2.3 “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.
- 2.4 “As constructed plans” means as constructed plans as defined in the Building Code.
- 2.5 “Building” means a building as defined in Section 1(1) of the Act.
- 2.6 “Building Code” means the regulations made under Section 34 of the Act.
- 2.7 “Chief Building Official” means the chief building official appointed by the Corporation of the Township of Montague for the purposes of enforcement of the Act.
- 2.8 “Corporation” means the Corporation of the Township of Montague.
- 2.9 “Farm building” means a farm building as defined in the Building Code.
- 2.10 “Owner” means the registered owner of the land.
- 2.11 “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.

- 2.12 "Permit holder" means the applicant to whom the permit has been issued and who assumes the primary responsibility for complying with the Act and the Building Code.
- 2.13 "Plumbing" means plumbing as defined in Section 1(1) of the Act.
- 2.14 "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.
- 2.15 "Sewage system" means a sewage system as defined in Section 1(1) of the Act.
- 2.16 Unless specifically modified or changed herein, words or expressions used in this by-law have the same meaning as given or used in the Building Code Act, 1992, S.O. 1992, Chapter 23 as amended.
- 2.17 Terms which may be used in the by law and which are defined in the Building Code Act, 1992, S.O. 1992, Chapter 23, include: "change certificate", "construct", "demolish", "director", "final certificate", "inspector", "Minister", "municipality", "officer", "planning board", "plans review certificate", "principle authority", "registered code agency", and "regulations".

Section 3.0 CLASSES OF PERMITS

- 3.1 Classes of permits with respect to construction, demolition and change of use of building permits and permit fees shall be as set out in Schedule "A" to this by-law.

Section 4.0 APPLICATION FOR PERMIT

- 4.1 To obtain a permit for construction of a new building, demolition, alteration/repair to an existing building or for a conditional/partial permit, the owner or an agent authorized in writing by the owner shall file an application in writing by completing a prescribed form available at the offices of the municipality, from the Township's website (<https://www.montagu township.ca/>) or from the Building Code website (<https://www.ontario.ca/page/ontarios-building-code>). Forms required by the municipality shall be set out in Schedule "B" to this by-law and shall be submitted as part of the application for permit. These forms may be updated or added to from time to time by the Chief Building Official without requiring an amendment to this by-law to provide sufficient information on which to assess an application.
- 4.2 Every application for permit shall be accompanied by the required fee, as detailed in Schedule "A" to this by-law.
- 4.3 Every application for a permit shall be submitted to the Chief Building Official and contain the following information:
 - 1) Where application is made for a construction or demolition permit under Subsection 8(1) of the Act, the applicant shall:
 - a) Use the provincial application form, "Application for a Permit to Construct or Demolish"; and
 - b) Include complete plans and specifications, documents, and other information as required by Article 2.4.1.1B of the Building Code and described in Section 5 of this by-law for the work to be covered by the permit.
 - 2) Where application is made for a conditional permit under Subsection

8(3) of the Act, the applicant shall:

- a) Use the provincial application form, "Application for a Permit to Construct or Demolish"; and
- b) Include complete plans and specifications, documents, and other information as required by Sentence 2.4.1.1B of the Building Code and as described in Section 5 of this by-law for the work to be covered by the permit; and
- c) State the reasons why the applicant believes that unreasonable delays in construction would occur if a conditional permit is not granted; and
- d) 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
- e) State the time in which plans, and specification of the complete building will be filed with the Chief Building Official.

3) Where application is made for a change of use permit issued under Subsection 10(1) of the Act, the applicant shall:

- a) Use the provincial application form, "Application for a Permit to Construct or Demolish"; and
- b) Describe the building in which the occupancy is to be changed, by a description that will readily identify and locate the building; and
- c) Identify and describe, in detail, the current and proposed occupancies of the building or part of a building for which the application is made; and
- d) Include plans and specifications showing the current and proposed occupancy of all parts of the building, and which contain sufficient information to establish compliance with the requirements of the Building Code, including: floor plans, details of wall ceiling and roof assemblies identifying required fire resistance ratings and load bearing capacities, details of the existing "sewage system" (its satisfactory sizing/functioning) if any; and
- e) State the name, address, and telephone number of the owner; and
- f) Be signed by the owner or his or her authorized agent who shall certify the truth of the contents of the application.

4.4 **Revision to Permit**

After the issuance of a permit under the Act, notice of any material change to a plan, specification, document, or other information on the basis of which the permit was issued, must be given in writing to the Chief Building Official together with the details of such change which is not made without his or her authorization.

4.5 **Transfer of Permits**

Every application for a transfer of permit issued under clause 7(h) of the Act when land changes ownership shall be submitted in writing to the Chief Building Official, and shall:

- a) Require a written assumption of responsibility by the new owner,
- b) State the name, address, and telephone number of the new owner.

Section 5.0 PLANS, SPECIFICATIONS, AND INFORMATION

5.1 Sufficient information shall be submitted with each application for a permit to enable to 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.

- 5.2 Unless otherwise specified by the Chief Building Official, each application shall be accompanied by a complete set of the plans and specifications and other information required under this by-law.
- 5.3 Building construction 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.
- 5.4 Unless otherwise specified by the Chief Building Official site plans (or plant plans) shall be referenced to an up-to-date survey and, when required to demonstrate compliance with the Act, the Building Code of other applicable law, a copy of the survey shall be submitted to the Chief Building Official.
- 5.5 Site plans (or plot plans) shall show:
- 1) Lot size and the dimensions of property lines and setbacks to any existing or proposed buildings; and
 - 2) Existing and finished ground levels or grades; and
 - 3) Existing rights-of-way, easements, and water (well/waterline location) and sewage systems location (septic tank/tile bed locations).

Section 6.0 EQUIVALENTS

- 6.1 Where an application for a permit or for authorization to make a material change to a plan, specification, document or other information on the basis of which a permit was issued, contains an equivalent material, system or building design for which authorization under Section 9 of the Act is requested, the following information shall be provided:
- 1) The provincial application form, "Application for a Permit to Construct or Demolish"; and
 - 2) A description of the proposed material, system or building design for which authorization under Section 9 of the Act is requested; and
 - 3) Any applicable provisions of the Building Code; and
 - 4) Evidence that the proposed material, system or building design will provide the level of performance required by the Building Code.
- 6.2 Approved equivalents shall be recorded and logged in the building permit file.

Section 7.0 FEES

- 7.1 Fees for a required permit shall be as set out in Schedule "A" to this by-law and are due and payable upon submission of an application for a permit. Where needed, the Chief Building Official, after considering the submission, will make any necessary adjustments to the submitted fee.
- 7.2 Where the fees payable in respect of an application for a construction or demolition permit issued under Subsection 8(1) of the Act are based on the cost of valuation of the proposed work, the cost of the valuation of the proposed work shall mean the total cost of all work regulated by the permit including the cost of all material, labour, equipment, overhead and professional and related services.
- 7.3 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 issued under Subsection 8(3) of the Act are based on a floor area, floor area shall mean the total floor space of all storeys measured as the horizontal area between the exterior walls of the building.

- 7.4 Where fees payable in respect of an application for a change of use permit issued under Subsection 10(1) of the Act are based on a floor area, floor area shall mean the total floor space of all storeys subject to the change of use.
- 7.5 The Chief Building Official may place a valuation on the cost of the proposed work for the purposes of establishing the permit fee or calculate the fee based on floor area, and where disputed by the applicant, the applicant shall pay the required fee under protest and, within six months of completion of the project, shall submit an audited statement of the actual costs, and where the audited costs are determined to be less than the valuation, the Chief Building Official shall issue a refund.
- 7.6 In the case of withdrawal of an application or abandonment of all or a portion of the work or the non-commencement of any project, the Chief Building Official shall determine the amount of paid permit fees that may be refunded to the applicant, if any.

Section 8.0 CHANGES TO PERMIT FEES

- 8.1 Changes to the Township's permit fees shall be undertaken in accordance with article 2.23.1.2 of the Building Code. The Township shall hold at least one public meeting at which any person who attends has an opportunity to make representations with respect to the matter. The notice shall include an estimate of the costs for administering and enforcing the Act, the amount of the fee or any change to the existing fee and the rationale for imposing or changing the fee.
- 8.2 Any person or organization wishing to receive notice of a public meeting respecting changes in building fees shall file a written request with the Clerk of the municipality, providing their name and current mailing address.
- 8.3 Notice shall be provided by pre-paid first-class mail, not later than twenty-one (21) days prior to a public meeting respecting changes to fees to every person and organization that has, within five years before the day of the public meeting, requested that the Township provide the person or organization with such notice in accordance with Section 8.2 above.

Section 9.0 INSPECTION REQUIREMENTS

- 9.1 The owner or an authorized agent shall notify the Building Official at least two (2) business days prior to the need for an inspection for each stage of construction of which notice in advance is required under the Building Code.
- 9.2 After a mandatory inspection notice has been given under Article 2.4.5.1, an inspector shall undertake a site inspection not later than two (2) days after the notice is given. In the case of site inspections of sewage systems, the Building Code (2.4.5.3.2) requires such inspections to be undertaken in five (5).
The time periods exclude Saturdays, Sundays, holidays, and all other days when the offices of the principal authority are not open for the transaction of business with the public.

Section 10.0 PRESCRIBED FORMS

- 10.1 The forms prescribed for use as applications for permits, for orders and for inspection reports and authorized under the Building Code or

otherwise shall be as detailed in Schedule "B" to this by-law.

Section 11.0 AS CONSTRUCTED PLANS

- 11.1 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 on completion of construction under such conditions as may be prescribed in the Building Code.

Section 12.0 PERMIT REVOCATION, DEFERRAL OF REVOCATION

12.1 Revocation of Permit

Subject to Section 25 of the Act, the Chief Building Official may revoke a permit issued under the Act and this by-law if:

- a) It was issued on mistake, false or incorrect information;
- b) Six months after its issuance, the construction or demolition in respect of which it was issued has not, in the opinion of the Chief Building Official, been seriously commenced;
- c) The construction or demolition of the building is, in the opinion of the Chief Building Official, substantially suspended or discontinued for a period of more than one year;
- d) It was issued in error;
- e) The permit holder requests in writing that it be revoked; or
- f) A term of the agreement under Section 8(3)(c) of the Act has not been complied with.

12.2 Notice of Revocation of a Permit

a) Prior to revoking a permit under Clauses 8(10)(b) and (c) of the Act, the Chief Building Official shall give written notice of intention to revoke to the permit holder at his or her last known address and if on the expiration of thirty (30) days from the date of such notice, the grounds for revocation continues to exist, the permit may be revoked without further notice and all submitted plans and other information may be disposed of.

12.3 Deferral of Revocation

- a) On receipt of a notice of intention to revoke a permit, a permit holder may request in writing, within thirty (30) days from the date thereof, the Chief Building Official to defer the revocation of such permit;
- b) A request for deferral shall set out the reasons why the permit should not be revoked and the date by which the work will be commenced or resumed;
- c) Having considered the circumstances of the request and having determined that there have been no changes to the Act and the Building Code or any other applicable law which would have prevented the issuance of the original permit, the Chief Building Official may allow a deferral to a prescribed date and shall notify the permit holder;
- d) A request for deferral of revocation is subject to a fee in accordance with Schedule "A".

Section 13.0 OFFENCES

13.1 A person is guilty of an offence if the person:

- a) knowingly furnishes false information in any application under the Act or in any statement or return required to be furnished under the Act or the regulations;
- b) fails to comply with an order, direction or other requirement made under the Act; or
- c) contravenes the Act or the regulations or a by-law passed under the Act.

13.2 Any person who contravenes any provision of this by-law is guilty of an

offence as provided for in Section 36 of the Building Code Act.

Section 14.0 SEVERABILITY

14.1 Should any section, subsection, clause, or provision of this by-law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this by-law as a whole or any part thereof, other than the part so declared to be invalid.

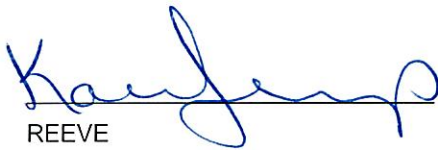
Section 15.0 CODE OF CONDUCT


15.1 The Township's Building Officials shall be bound by the Code of Conduct as detailed in Schedule "C".

Section 16.0 EFFECTIVE DATE

16.1 This by-law shall take full effect on the 4th day of June, and all other by-laws inconsistent with this by-law are hereby repealed.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 4th DAY OF JUNE.


REEVE


CLERK

Schedule "A"
To By-Law 4073-2024

CLASSES OF PERMITS & PERMITS FEES

RESIDENTIAL

Class of Permit	Permit Fee
New residential living space	\$0.65/ sq ft
Addition to residential living space	\$0.65/ sq ft
Alteration / repairs to residential living space	\$0.15/sq ft
Basements - Finished	\$0.65 / sq ft
Unfinished	\$0.40 / sq ft
Garage / Accessory building	\$0.50 / sq ft
Decks	\$0.15/sq ft
Pool	\$100
Woodstove	\$100

INDUSTRIAL / COMMERCIAL

Class of Permit	Permit Fee
Industrial - new, addition, alteration, repair	\$0.65 / sq ft
Commercial - new, addition, alteration, repair	\$0.65 / sq ft

MISCELLANEOUS

Class of Permit	Permit Fee
Farm building - new, addition, repairs (Farm registration number required)	\$0.16 / sq ft
Demolition	\$100
Plumbing	\$100
Transfer	\$100
Change of Use	\$100
Conditional	\$100 +\$1,000 deposit and signed agreement
Surcharge for starting construction without permit or authorization – for a permit valued under \$200	\$1,000.00 + any applicable fees the Township incurs
Surcharge for starting construction without a permit or authorization – for a permit valued at \$201+	\$5,000.00 + any applicable fees the Township incurs
Substantial Revision	\$100
Minimum Fee	\$100

Schedule "B"
To By-Law 4073-2024

FORMS REQUIRED BY THE MUNICIPALITY

1. Application for a Permit to Construct or Demolish (Building Code Sentence 2.4.1.1A.(2))
2. Plot Plan Submission
3. Working Drawings

List of plans for working drawings to accompany applications for permits:

- a) Site Plan
- b) Floor Plans
- c) Foundation Plans
- d) Framing Plans
- e) Roof plans
- f) Reflected Ceiling Plans
- g) Sections and Details
- h) Building Elevations
- i) Electrical Drawings
- j) Heating, Ventilation and Air Conditioning Drawings
- k) Plumbing Drawings
- l) Fire Alarm and Sprinkler Plans

Note: The Chief Building Official may specify that not all the above-mentioned plans are required to accompany an application for a permit. Information guidelines may be provided by the municipality to specify which plans are necessary for different types of construction. Any other plans as may be required may be requested by the Chief Building Official.

Schedule "C"
To By-Law 4073-2024

CODE OF CONDUCT FOR BUILDING OFFICIALS

PREAMBLE:

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

STANDARDS OF CONDUCT:

Building Official undertake to:

1. Always act in the public interest, particularly with regard to the safety of building works and structures.
2. Not to act where there may be or where there may reasonably appear to be a conflict between their duties to their employer, their profession, their peers and the public at large and their personal interests.
3. Apply all relevant building by-laws, codes and standards appropriately and without favour.
4. Perform their inspections and 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 functions.
10. Extend professional courtesy to all.

BREACHES OF CODE OF CONDUCT

The Ontario Building Code Act provides that the performance of Building Officials will be measured against this Code of Conduct. The municipal administration will review any allegations brought forward that the Code of Conduct has been breached in accordance with the Township's Employment By-law. Disciplinary actions arising from violations of this Code of Conduct are the responsibility of the municipal employer and will be based on the severity and frequency of the violation in accordance with relevant employment standards.