

**THE CORPORATION OF THE TOWN OF GRAVENHURST
BY-LAW NO. 2023-29**

Being a By-law Respecting Construction, Demolition and Change of Use Permits,
Inspections and the Administration of the Ontario Building Code Act within
The Town of Gravenhurst

WHEREAS Section 7 of the Ontario Building Code Act, 1992, S.O. 1992 c. 23 as amended, authorizes Council to pass certain by-laws respecting construction, demolition, change of use, conditional permits, sewage systems and inspections;

AND WHEREAS pursuant to Section 425 of the Municipal Act, S.O. 2001, c. 25, as amended, provides that any person who contravenes any by-law of a municipality passed under the authority of the Municipal Act is guilty of an offence;

AND WHEREAS Section 8 of the Municipal Act 2021, S.O 2021 c. 25 (hereafter referred to as the Municipal Act) provides that the powers of a municipality under the Municipal Act or any other act shall be interpreted broadly to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipalities' ability to respond to municipal issues;

AND WHEREAS Section 9 of the Municipal Act provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Municipal Act or any other Act;

AND WHEREAS Section 11 of the Municipal Act provides that a lower-tier municipality may pass by-laws respecting matters within the spheres of jurisdiction set out therein;

AND WHEREAS pursuant to Section 2 of the Trespass to Property Act, R.S.O. 1990, c. T.21, as amended, makes it an offence for every person who is not acting under right or authority conferred by law and who, without the express permission of the occupier, the proof of which rest on the defendant, enter on premises when entry is prohibited under the Act or engages in an activity on the premises when the activity is prohibited under the Act or does not leave the premises immediately after he or she is directed to do so by the occupier of the premises or a person authorized by the occupier;

AND WHEREAS pursuant to Section 5 of the Trespass to Property Act, R.S.O. 1990, c. T.21, as amended, allows a Municipality as "occupier" to post signs, prohibiting activities within an area;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF GRAVENHURST ENACTS AS FOLLOWS:

1. SHORT TITLE

1.1 This By-law may be referred to as the "Building By-law".

2. DEFINITIONS

2.1 In this By-law:

2.1.1 "Act" means the Building Code Act, 1992 S.O. 1992 as amended, including amendments thereto;

2.1.2 "As Constructed Plans" means as constructed plans as defined in the Ontario Building Code Division A Section 1.4;

2.1.3 "Building" means a building as defines in Section 1(1) of the Building Code Act.

2.1.4 "Building Code" means the regulation made under Section 34 of the Building Code Act;

- 2.1.5 "Building Official" means a person(s) or company appointed by by-law of the Corporation of the Town of Gravenhurst;
- 2.1.6 "Building permit refundable deposit fee" collected based on construction value at permit application, if the permit is closed within three (3) years of issuance the fee is returned. If not, the fee is retained by the Town and the permit is then subject to the maintenance fee / special inspection fee every year until the permit is closed, as per the current User Fees and Service Charges By-law;
- 2.1.7 "Chief Building Official" means the person appointed by council as the Chief Building Official as required under 3(2) of the Building Code Act, 1996 or their designate;
- 2.1.8 "Construct" means as defined in Section 1(1) of the Building Code Act;
- 2.1.9 "Conditional Permit" means as set out in Section 8(3) of the Building Code Act;
- 2.1.10 "Construction Revision" means revised drawings required as a result of inspection revealing construction that has not been carried out in accordance with the approved permit drawings;
- 2.1.11 "Corporation" means the Corporation of the Town of Gravenhurst;
- 2.1.12 "Floor Area" means the space on any story of a building between exterior walls and required firewalls, including the space occupied by interior walls and partitions, but not including any exits, vertical service space and their enclosed assemblies;
- 2.1.13 "Owner" means the registered owner of a property, a lessee, tenant, mortgagee in possession, or person otherwise in charge of any property, acting as the authorized agent of the owner;
- 2.1.14 "Permit" means written permission or written authorization from the Chief Building Official to perform work regulated by this By-law and the Building Code Act;
- 2.1.15 "Permit Maintenance / Special Inspection Fee" is an annual fee for a permit issued under the Building Code Act that remains open after three (3) years from the date of issuance until such time the permit is closed. It can also mean an inspection that is requested and conducted outside the normal building inspections at the direction of the Chief Building Official;
- 2.1.16 "Revised Drawings" means construction drawing/plans that have been submitted with changes to the original drawings/plans that have been reviewed or approved;
- 2.1.17 "Remedy Unsafe permit" means a permit that has become necessary due to a building or property being determined to be unsafe by the Chief Building Official. The permit fee for this class of permit includes the cost of any enforcement required to obtain compliance;
- 2.1.18 "Sewage System" means a sewage system as defined in the Ontario Building Code Division A Section 1.4 and;
- 2.1.19 "Qualified Designer" means Qualifications as set out in the Ontario Building Code Division C Part 3.

3. CLASSES OF PERMITS

3.1 Permit:

- 3.1.1 Classes of permits with respect to the construction, demolition and change of use of buildings and permit fees shall be as set out in the Town of Gravenhurst Departmental User Fees and Services Charges By-law, as amended.

4. REQUIREMENTS FOR APPLICATIONS

4.1 Application:

- 4.1.1 To obtain a permit, the owner or an agent authorized by the owner, shall file an application online at www.Gravenhurst.ca using the on-line e-permit application program "Cloudpermit" completing the appropriate forms and providing the proper required information or,

4.1.2 Applications can be filed manually at the building department counter or by email accompanied by the appropriate fees set out in the User Fees and Services Charges By-law.

4.2 Construction Permit:

4.2.1 Where application is made for a construction permit under Section 8.(1) of the Building Code Act, the application shall be completed in full and shall:

- a) Identify and describe in detail the work and occupancy to be covered by the permit for which application is made;
- b) Describe the land on which the work is to be done, by a description that will readily identify and locate the building lot;
- c) Include complete electronic construction plans and specifications for the work to be covered by the permit and show the occupancy of all parts of the building;
- d) State the value of the proposed work including materials and labour and be accompanied by the required fee;
- e) State the names, addresses, telephone numbers and email address of the owner and or applicant, and of the architect or engineer, where applicable, or other designer or contractor with the
- f) Building Code Identification Number (BCIN) or required professional stamps as required;
- g) Be accompanied by a written acknowledgement of the owner that they have retained an architect or professional engineer to carry out the field review of the construction, where required by the Building Code;
- h) Be signed by the owner or their authorized agent who shall certify the truth of the contents of the application.

4.3 Demolition Permit

4.3.1 Where application is made for a demolition permit under Subsection 8(1) of the Building Code Act, the application shall:

- a) Contain the information required by Section 4.1;
- b) May be required to be accompanied by satisfactory proof that arrangements have been made with the proper authorities for the cutting off and plugging of all water, sewer, electric, telephone or other utilities and services; and
- c) Provide a site plan showing all existing structures, their height and location, all known services on the property, and all existing setbacks to property lines as defined in the current Zoning By-law.

4.4 Conditional Permit

4.4.1 Where application is made for a conditional permit under Subsection 8(3) of the Building Code Act, the application shall:

- a) Contain the information required by Section 4.1;
- b) Contain such other information, plans and specifications concerning the complete project as the Chief Building Official may require;
- c) State the reasons why the applicant believes that unreasonable delays in construction would occur if a conditional permit were not granted;
- 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;
- d) State the time in which plans, and specifications of the complete building permit will be filed with the Chief Building Official;

- e) Sign a Conditional Building Permit Agreement where applicable; and
- f) Pay all applicable fees required.

4.5 Change of Use Permit:

4.5.1. Where application is made for a change of use permit under Subsection 10(1) of the Building Code Act the applicant shall,

- a) Describe the building in which the occupancy is to be changed, by a description that will readily identify and locate the building;
- b) Identify and describe in detail the current and proposed occupancies of the building or part of a building for which the application is made;
- c) Include plans and specifications which show the current and proposed occupancy of all parts of the building and the site, where appropriate; 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;
- d) Be accompanied by the required fee;
- e) State the name, address and telephone number of the owner; and
- f) Be signed by the owner or their authorized agent who shall certify the truth of the contents of the application.

4.6 Sewage System Permit:

4.6.1 Where application is made for a sewage system permit under subsection 8(1) of the Building Code Act the applicant shall

- a) Provide the information required by Section 4.1;
- b) Include a site evaluation which shall include all the following items, unless otherwise specified by the Chief Building Official:
 - i. The date the evaluation was done;
 - ii. Name, address, telephone number and signature of the person who prepared the evaluation and
 - iii. A scaled map of the site showing:
 - the legal description, lot size, property dimensions, existing rights-of-way, easements of municipal / utility corridors, any overhead hydro lines;
 - the location of the proposed sewage system;
 - the location of any unsuitable, disturbed or compacted areas;
 - proposed access routes for system maintenance;
 - depth to bedrock, if applicable;
 - depth to zones of soil saturation;
 - soil properties, including soil permeability; and
 - soil conditions, including the potential for flooding.

4.7 Plans and Specifications:

- ##### 4.7.1 Sufficient information shall be submitted with each application for a permit, to enable the Chief Building Official to determine if the proposed construction, demolition or change of use will conform to the Act, the Building Code, Applicable Law, and Municipal by-laws.

Permit applications Shall include but not limited to:

1. Footing and foundation drawings showing construction methods and layouts;
2. Floor plans showing the layout of the rooms, room names, and relevant floor / ceiling construction;
3. Elevations showing building height, door and window openings and sizes for energy efficiency and special separation calculations. (Window and door schedule);
4. Building sections showing all construction including structural, finishes, insulation etc.;
5. Details showing construction details i.e., stair requirements, attic access, fire separations etc.;
6. All Heating Ventilation air conditioning (HVAC) design and layouts;
7. All Engineering required, i.e., truss layout and sealed specifications, floor designs and beams, slab on grade etc.;
8. Site plan as required in clause 4.7.4 and
9. Septic application (if required) see Section 4.6.

4.7.2 After the issuance of a permit under the Act, notice of any material change to a plan, specification, document, or other information based on which the permit was issued, must be given in writing to the Chief Building Official, together with revised drawings, specifically highlighting the changes, uploaded to the application in the e-permit program, with the details of such change which is not to be made without written authorization.

4.7.3 Plans shall be drawn to scale and dimensioned, shall be legible.

4.7.4 Site plans shall be accurately drawn to scale and dimensioned. When required by the Chief Building Official to demonstrate compliance with the Building Code Act, the Ontario Building Code or other applicable law, a copy of a survey prepared by an Ontario Land Surveyor shall be submitted. Site plans shall show:

- a) Lot size and the dimensions of the property lines and setbacks to any existing or proposed buildings and sewage systems;
- b) Existing and finished ground levels or grades, if applicable;
- c) Existing rights-of-way, easements and municipal services;
- d) The location of any overhead electrical conduit and the voltage;
- e) Any existing or proposed septic system location, where applicable and;
- f) For any lots within a plan of subdivision a grading design prepared by the consultant on record or for any infill lots a professional grading consultant, is required at permit application stage, and a final grading certificate is required by the professional before a final can be given.

4.7.5 The Chief Building Official may request, a professional design on any designs or construction that does not fall within Division C, Part 9 of the Ontario Building Code. This could include calculations and proper reports etc.

4.7.6 If there is a disagreement with the interpretation of a Building Code requirement or a Building Code Act requirement, between the authority having jurisdiction and the owner / designer, a peer review by a qualified

professional may be used to determine the code requirement at the owner's / applicant's expense.

5. ALTERNATIVE SOLUTION

- 5.1 Where the prescriptive requirements or acceptable solutions of Division 'B' of the Building Code are not met, the Chief Building Official may approve an alternative solution under Division C, Part 2 of the Building Code.
- 5.2 An alternative solution proposal may be requested for a system or building design at the time of permit application, or if a material change is necessary to a plan, specification, document or other information based on which a permit is issued.
- 5.3 The applicant, with or without their approved representative, shall submit a completed "Application for an Alternative Solution" on the form available from the Chief Building Official that includes:
 - a) A description of the applicable objectives, functional statements and acceptable solutions;
 - b) A description of the proposed material, system of building design for which authorization is sought;
 - c) Supporting documentation demonstrating that the proposed material, system or building design will provide the level of performance required by the Building Code; and
 - d) Payment of the required fee as set out in the Towns User Fees and Services Charges By-law.
- 5.4 Alternative Solutions that are accepted under this Section shall be applicable only to the location described in the application and are not transferable to any other permit.
- 5.5 The Chief Building Official may require a peer review on the alternative solution and send it to an appropriate qualified professional for comments. The applicant will be required to cover any cost associated with this review and pay the applicable fees under the Town's User Fees and Services Charges By-law.

6. PAYMENT OF FEES

- 6.1 Fees for a required permit shall be as set out in the Town of Gravenhurst Departmental User Fees and Services Charges By-Law and are due upon notification of fees sent to applicant.
- 6.2 Where the fees payable in respect of an application for a construction or demolition permit issued under Section 8(1) of the Act or a conditional permit under Section 8(3) of the Act are based on the cost of valuation of the proposed work, the cost of 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, provided that where application is made for a conditional permit, fees shall be paid for the complete project.
- 6.3 The Chief Building Official may place a valuation on the cost of the proposed work for the purposes of establishing the permit fee, and where disputed the applicant shall pay the required fee under protest and, within six (6) months of completion of the project, may submit an audited statement of the actual costs and where the audited costs are determined by the Chief Building Official to be less than the valuation, the Chief Building Official may return a

portion of the permit fee.

7 POSTING OF PERMITS

- 7.1 All permits are required to be posted in a location that is visible from the road on the property in respect of which the permit was issued.

8 REFUNDS

- 8.1 In the case of withdrawal of an application or the abandonment of all or a portion of the work or the non-commencement of any project, the Chief Building Official may determine the amount of paid permit fees that may be returned to the applicant, if any, in accordance with Schedule "A" attached to and forming part of this By-law.

9 NOTICE OF REQUIREMENTS FOR INSPECTIONS

- 9.1 The owner or an authorized agent shall notify the Chief Building Official at least two (2) Municipal Office business days prior to each stage of construction for which notice in advance is required under Div. C article 3.5.1. Of the Building Code. In addition to the prescribed notice contained in the Act, notice of any commencement of construction is also required under Div. C clause 1.3.5.2.1(c).

- 9.2 Notice may be given in one of the following ways:

- a) Preferred – Online under the e-permit application;
- b) Telephone message at (705) 687-3412 ext. 2240 or 2261; or
- c) In person at the Building Division Counter.

- 9.3 The drawings and specifications approved by the Town of Gravenhurst must be on site at the time of the requested inspection.

10. AS CONSTRUCTED PLANS

- 10.1 The Chief Building Official may require that a set of plans of a building or any class of building as constructed, be filed with the Chief Building Official under such conditions as may be prescribed in the Building Code.

11. TRANSFER OF PERMITS

- 11.1 If land changes ownership after a building permit has been issued a building permit may be transferred to the new owner for a fee in accordance with the Town of Gravenhurst Departmental User Fees and Services By-law, as amended.
- 11.2 When a building permit is transferred, the new owner assumes all responsibility and may be required to provide additional information and, if necessary, proof of engagement of a design professional. Changes made to plans submitted for the original building permit may require payment of an additional fee.

12. REVOCATION OF PERMITS

- 12.1 In accordance with Section 8 (10) of the Building Code Act, the Chief Building Official may revoke a permit issued under the Act.

13. GENERAL PROHIBITIONS

13.1 No person shall:

- a) Construct a building without a permit contrary to Section 8 (1) of the Act;
- b) Cause construction of a building without a permit contrary to Section 8 (1) of the Act;
- c) Demolish a building without a permit contrary to Section 8 (1) of the Act;
- d) Cause demolition of a building without a permit contrary to Section 8 of the Act;
- e) Change plans without authorization contrary to Section 8 (12) of the Act;
- f) Construct a building not in accordance with plans contrary to Section 8 (13) of the Act;
- g) Change the use of a building without a permit contrary to Section 10 of the Act;
- h) Occupy a building newly erected without notice or inspection contrary to Section 11 (1) of the Act;
- i) Obstruct or remove posted order without authorization contrary to Section 20 of the Act;
- j) Furnish false information on an application for a permit contrary to Section 36 (1) (a) of the Act;
- k) Commence demolition before a building has been vacated contrary to Div. C sentence 1.3.1.1 (4) of the Building Code;
- l) Fail to post a permit on the construction site contrary to Div. C, Article 1.3.2.1 of the Building Code;
- m) Fail to post a permit on the demolition site contrary to Div. C, Article 1.3.2.1 of the Building Code;
- n) Occupy an unfinished building without a permit contrary to Div. C, sentence 1.3.3.1 (1) of the Building Code; or
- o) Fail to provide notification of construction phase contrary to Div. C sentence 1.3.5.1 (1) of the Building Code.

13.2 No Person Shall Fail to Comply With:

- a) An order made by an inspector contrary to Section 12 (2) of the Act;
- b) An order not to cover made by an inspector contrary to Section 13 (1) of the Act;
- c) An order to uncover made by an inspector contrary to Section 13 (6) of the Act;
- d) A stop work order made by the Chief Building Official under Section 14 (1) of the Act;

- e) An order to remedy an unsafe building made by an inspector under subsection 15.9 (4) of the Act;
- f) An order prohibiting use or occupancy of an unsafe building made by the Chief Building under subsection 15.9 (6); or
- g) An order to repair a dangerous building made by the Chief Building Official under subsection 15.10 (1) of the Act.

15. ENFORCEMENT

- 15.1 The Chief Building Official or the Designated, a qualified building official or a Municipal Law Enforcement Officer are hereby appointed to enforce the provisions of this By-law.

16. OFFENCES

- 16.1 Every person who contravenes any provision of this By-law or the Act or is party to such contravention is guilty of an offence and on conviction is liable to a fine, in accordance with Section 36 of the Building Code Act;
- 16.2 Every person who contravenes any of the provisions of this By-law is guilty of an offence and shall be subject to a penalty in accordance with the Provincial Offences Act, R.S.O. 1990 c. P.33, as amended.
- 16.2 Every person who hinders or obstructs a person lawfully carrying out the enforcement of this by-law is guilty of an offence;
- 16.4 In addition to the penalties prescribed in this By-law, the Chief Building Official may apply under Section 36 (1) and/or 38 (1) of the Act for additional penalties in accordance with the Act; and

17. FORCE AND EFFECT

- 17.1 That this By-law shall come into force and effect upon the date of passing.

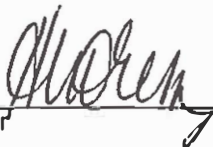
18. SEVERABILITY

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

19. REPEAL OF BY-LAWS

- 19.1 By-law 2013-25 and any other by-laws or provisions in other by-laws found to be inconsistent with this new by-law are hereby deemed to be repealed.

READ AND PASSED this 18th day of April, 2023.



Mayor



Clerk

**SCHEDULE " A"
BY-LAW 2023-29
REFUNDS**

	Status of permit application	%of Fee Eligible for Refund
1.	Application submitted and recorded no processing or review of Plans submitted	75% maximum
2.	Application submitted and recorded zoning review started and revisions requested	60% maximum
3.	Application submitted and recorded zoning review complete only	55% maximum
4.	Application submitted and recorded plans reviewed and request for revised drawings, but permit not issued	50% maximum
5.	Application submitted and recorded Plans reviewed and permit issued.	40% maximum
NOTE:		
1.	No refunds after any building inspections carried out.	
2.	No refund shall result in the retention by the Town of Gravenhurst an amount less than \$50.00.	
3.	No refund will be given when application for refund is not made within 12 months of issuance of permits.	