

**The Corporation of the
Township of Southgate
By-Law Number 061 - 2016**

**Being a By-law under the Building Code Act Respecting
Construction, Demolition and Change of Use Permits and
Inspections and to Repeal By-law Number 5 - 2006**

Whereas Section 7 of the *Building Code Act*, 1992, S.O. 1992 c23 as amended authorizes a municipal council to pass by-laws respecting construction, demolition, change of use permits 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 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, enters 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 Municipal Council of the Corporation of the Township of Southgate enacts as follows;

1.0 Short Title

This By-law may be cited as the "Building By-law".

2.0 Definitions and Word Usage

2.1 In this By-law:

- a) "**Act**" means the *Building Code Act*, 1992, as amended;
- b) "**Applicant**" means the owner 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, or any person or corporation empowered by statute to cause the demolition of a building or buildings and anyone acting under the authority of such person or corporation;
- c) "**Building Code**" means the regulation made under Section 34 of the Act;

- d) "**Chief Building Official**" means the Chief Building Official appointed by Council under Section 3 of the Act;
- e) "**Inspectors**" means such Building Inspectors as may be appointed by by-law of the Corporation of the Township of Southgate for the purpose of enforcement of the Act;
- f) "**Owner**" means the registered owner of the land and includes a lessee, mortgagee in possession, and the person in charge of the property;
- g) "**Permit**" means permission or authorization given in writing by the Chief Building Official to perform work regulated by the Act and Building Code, or to occupy a building or a part thereof;
- h) "**Permit holder**" means the person to whom the permit has been issued and who assumes the primary responsibility for complying with the Act and the Building Code;
- i) "**Plumbing**" shall have the same meaning as 'plumbing' as defined the Building Code Act;
- j) "**Wind Turbines**" means a mechanism which turns when wind traverses its blades in order to produce mechanical, thermal or electrical energy.

Terms not defined in the By-law shall have the meaning as described to them in the Act or the Building Code.

3.0 Classes of Permits

Classes of permits required for construction, demolition or change of use be set forth in Schedule "A" appended to and forming part of this By-law.

4.0 Permits

To obtain a permit, an applicant shall file an application in writing on prescribed forms and shall supply any other information relating to the application as required by the Chief Building Official.

4.1 Every building permit application shall:

- a) identify and describe in detail the work, use and occupancy to be covered by the permit for which the application is made;
- b) identify and describe in detail the existing uses and the proposed use(s) for which the premises are intended;

- c) describe the land on which the work is to be done, by a description that will readily identify and locate the site on which the building or demolition is to occur;
- d) be accompanied by plans and specifications as described in the By-law;
- e) be accompanied by the required fees as calculated in accordance with the Township of Southgate Fees and Charges By-law 86 - 2014, as amended;
- f) state the names, addresses and telephone numbers of the owner, applicant, architect, engineer or other designer, and the constructor or person hired to carry out the demolition, as the case may be;
- g) when Division C, Section 1.2.2. of the Building Code applies, be accompanied by a signed acknowledgement of the owner on a form prescribed by the Chief Building Official that an architect or professional engineer, or both, have been retained to carry out the general review of the construction or demolition of the building;
- h) when Division C, Section 1.2.2. of the Building Code applies, be accompanied by a signed statement of the architect or professional engineer, or both, on a form prescribed by the Chief Building Official, undertaking to provide general review of the construction or demolition of the building;
- i) include, where applicable, the registration number of the builder or vendor as provided in the Ontario New Home Warranties Plan Act;
- j) state estimated valuation of the proposed work including material and labour; and
- k) be signed by the applicant who shall certify as to the truth of the contents of the application.

4.2 In addition to the requirements of subsection (2) above, every demolition permit application shall;

- a) when Division C, Section 1.2.2.3. of the Building Code applies, be accompanied by structural design characteristics of building and the method and time schedule of the demolition; and
- b) be accompanied by satisfactory proof that arrangements have been made with the proper authorities for the termination and capping of all the water, sewer, gas and electric, telephone or other utilities and services.

- 4.3 In addition to the requirements of subsection (2) above, every construction permit application for part of a building shall;
- a) include an application for the entire project; and
 - b) include plans and specifications covering the part of the work for which more expeditious approval is desired, together with such information pertaining to the remainder of the work as may be required by the Chief Building Official;
- 4.4 In addition to the requirements of subsection (2) above, every conditional permit application for the construction of a building shall;
- a) state the reasons why the applicant believes that unreasonable delays in construction would occur if a conditional permit is not granted; and
 - b) state necessary approvals which must be obtained in respect of the proposed building and the time in which such approvals will be obtained.
- 4.5 In addition to the applicable requirements of subsection (2) above, every change of use permit application shall;
- a) describe the building or part thereof in which the occupancy is to be changed; and
 - b) include plans and specifications which show the current and proposed occupancy of all part of the building, and which contain sufficient information to establish compliance with the requirements of the Building Code including floor plans, details of wall, floor and roof assemblies identifying required fire resistance rating and load bearing capacities.
- 4.6 The Chief Building Official shall, where conditions in subsection (4) above have been fulfilled, issue a permit for part of a building subject to compliance with the Act, the Building Code and any applicable laws.
- 4.7 The Chief Building Official may, where conditions in Subsection 8(3) to 8(5) of the Act and subsection (5) above have been fulfilled, issue a conditional permit for a building subject to compliance with the Act, the Building Code and any applicable law.
- 4.8 The Chief Building Official shall not, by reason of the issuance of a permit for any part or parts of the building issued under subsection (4) and (5) be under any obligation to grant any further permit or permits therefore.
- 4.9 Where an application for a permit remains incomplete or inactive for six months after it is made, the application

may be deemed by the Chief Building Official to have been abandoned.

5.0 Plans and Specifications

5.1 Every applicant shall furnish;

- a) sufficient plans, specifications, documents and other information to enable the Chief Building Official to determine whether the proposed construction, demolition, or change of use conforms to the Act and the Building Code; and
- b) a site plan referenced to a current plan of survey certified by a registered Ontario Land Surveyor and a copy of such survey shall be filed with the municipality unless this requirement is waived because the Chief Building Official is able, without having a current plan of survey, to determine whether the proposed work conforms to the Act, the Building Code, and any other applicable law. Site plan will include;
 - i) lot size and dimensions of property;
 - ii) setbacks from existing and proposed buildings to property boundaries and to each other;
 - iii) existing and finished ground levels or grades; and
 - iv) existing rights of way, easements and municipal services.

5.2 Plans submitted shall be legible and be drawn to scale.

5.3 The Chief Building Official shall determine the number of plans, specification, documents and other information required to be furnished with an application for permit having regard for the requirements of an Act, regulation or By-law respecting the examination or circulation of the application.

5.4 On completion of the construction of a building, the Chief Building Official may require a set of as constructed plans, including a plan of survey showing the location of the building.

5.5 Plans and specifications furnished according to this by-law or otherwise required by the Act become the property of the municipality and will be disposed of or retained in accordance with relevant legislation.

6.0 Fees

- 6.1 The Chief Building Official shall determine the required fees calculated in accordance with the Township of Southgate Fees and Charges By-law 86 - 2014 as amended, for the work proposed and the applicant shall pay such fees. No permit shall be issued until the fees therefore have been paid in full.
- 6.2 Upon written request, the Chief Building Official shall determine the amount of fees, if any, that may be refunded in accordance with Schedule "B". No fees shall be refunded after six months of permit issuance. Under no circumstances shall there be a refund of less than \$200.00.
- 6.3 Subject to subsection 7(1) there shall be no refund of permit fees where a permit has been revoked.

7.0 Permit Revocation, Deferral of Revocation and Transfer

7.1 Revocation of Permit

Prior to revoking a permit in accordance with the Act, the Chief Building Official may give written notice of intention to revoke to the permit holder at his last known address and, if on the expiration of thirty (30) days from date of such notice, the ground for revocation continues to exist, the permit may be revoked without further notice and all submitted plans and other information may be disposed of.

7.2 Transfer of Permit

- a) Permits are transferable only upon the new owner completing a permit application to the requirements of Section 4; and
- b) A fee, as prescribed in the Township of Southgate Fees and Charges By-law 86 - 2014 as amended, shall be payable on a transfer of permit by the new owner who shall thenceforth be the permit holder for the purpose of the Act and the Building Code.

8.0 Notifications

- 8.1 Notices for inspections respecting stages of construction required by the Building Code shall be given by the permit holder to the Chief Building Official at least two business days in advance if each stage of construction specified therein.
- 8.2 A notice pursuant to this section is not effective until written or oral notice is received by the Chief Building Official.

9.0 Enforcement (Offences)

9.1 No person shall:

- a) Construct a building without a permit contrary to subsection 8(1) of the Act;
- b) Cause construction of building without a permit contrary to subsection 8(1) of the Act;
- c) Demolish a building without a permit contrary to subsection 8(1) of the Act;
- d) Cause demolition of a building without a permit contrary to subsection 8(1) of the Act;
- e) Change plans without authorization contrary to subsection 8(12) of the Act;
- f) Construct a building not in accordance with plans contrary to subsection 8(13) of the Act;
- g) Change the use of a building without a permit contrary to subsection 10(1) of the Act;
- h) Occupy a building newly erected without notice or inspection contrary to subsection 11(1) of the Act;
- i) Obstruct or remove a posted order without authorization contrary to section 20 of the Act;
- j) Furnish false information on an application for a permit contrary to clause 36(1)(a) of the Act;
- k) Commence demolition before a building has been vacated contrary to Division C sentence 1.3.1.1.(4) of the Building Code;
- l) Fail to post a permit on the construction site contrary to Division C article 1.3.2.1. of the Building Code;
- m) Fail to post a permit on the demolition site contrary to Division C article 1.3.2.1. of the Building Code;
- n) Occupy an unfinished building without a permit contrary to Division C sentence 1.3.3.1.(1) of the Building Code;
- o) Fail to provide notification of construction phase contrary to Division C sentence 1.3.5.1.(2) of the Building Code;
- p) No person shall hinder or obstruct or attempt to hinder or obstruct a chief building official or an inspector contrary to section 19(1) of the Building Code Act.

- 9.2 No person shall fail to comply with:
- a) An order to comply made by an Inspector under Subsection 12(2) of the Act;
 - b) An order not to cover made by an inspector under subsection 13(1) of the Act;
 - c) An order to uncover made by an inspector under section 13(6) of the Act;
 - d) A stop work order made by the Chief Building Official under subsection 14(4) 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 Official under subsection 15.9(6) of the Act; and
 - g) An order to repair a dangerous building made by the Chief Building Official under subsection 15.10(1) of the Act.

10.0 Penalties

- 10.1 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 upon conviction is liable to a fine, in accordance with section 36 of the Act with respect to offences arising from section 9.01 and 9.02 of this by-law; or otherwise as provided for in the Provincial Offences Act R.S.O. 1990, c. P.33.
- 10.2 Every person who hinders or obstructs a person lawfully carrying out the enforcement of this by-law is guilty of an offence.
- 10.3 Every person who is guilty of an offence under this by-law may, if permitted under the Provincial Offences Act, R.S.O. 1990, c. P.33 as amended, pay a set fine, and the Chief Judge of the Ontario Court of Justice shall be requested to establish set fines as set out in this by-law.
- 10.4 In addition to the penalties prescribed in section 9.01 and 9.02 of this by-law, the Chief Building Official may apply under subsection 36(1) and or 38(1) of the Act for additional penalties and/or fine up to Five Thousand Dollars (\$5,000.00) or the maximum fine applicable pursuant to the provisions of the Provincial Offences Act, R.S.O. 1990 c. P33.
- 10.5 No part of this by-law shall come into force and take effect until the set fines are approved and filed by the Regional Senior Justice, pursuant to Provincial Offences Act Part 1. A copy of this approval is attached and forms part of this by-law.

11.0 Severability

Should any section, subsection, 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 this By-law as a whole or any part thereof, other than the part so declared to be invalid.

12.0 Repeal – Enactment

- a) By-law Number 5 - 2006 and any amendments are hereby repealed; and
- b) This by-law shall be enacted on passing.

Enacted and passed this _____ day of _____ 2016

The Corporation of the
Township of Southgate

Mayor Anna-Marie Fosbrooke

Clerk Raylene Martell

SCHEDULE "A"

Respecting Classes of Permits and Permit Fees

Class of Permit

1. Building Permit (To construct or extend a building)
2. Accessory Buildings / Swimming Pools
3. Renovations
4. Agricultural
5. Commercial/Industrial/Institutional
6. Industrial Wind Turbine
7. Demolition Permits
8. Decks
9. Renewal of Building Permit / Transfer of Permit
10. Minimum Permit Fee
11. Plumbing Permits / Sewer Permit
12. Fire Place / Heating Plant
13. Change of Use Permit / Signs
14. Deposit for Final Inspection (refundable within 3 years upon final inspection)
15. Proceeding without a Permit
16. Private Sewage Disposal Systems

Fees

As per Schedule "G" of the current Southgate Consolidated Fees and Charges By-law.

BY-LAW NUMBER 061 - 2016

SCHEDULE "B"

Respecting Refunds

Purpose

To govern the refunds of building and demolition permits.

Statement

If a building or demolition permit is cancelled at the request of the holder within 6 months of the date of issuance, 50% of the permit fee collected shall be refunded.

Where, in the opinion of the Chief Building Official, any other type of building permit that has not been acted upon, and the holder requests cancellation prior to the commencement of the work, the holder of the permit shall be entitled to a refund of one-half the permit fee paid.

Under no circumstances shall there be a refund of less than \$200.00.

OFFICE OF THE REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE
WEST REGION

80 DUNDAS STREET, 10th FLOOR, UNIT L
LONDON, ONTARIO N6A 6A8



CABINET DU JUGE PRINCIPAL RÉGIONAL
COUR DE JUSTICE DE L'ONTARIO
RÉGION DE L'OUEST

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August 2, 2016

Raylene Martell
185667 Grey County Road 9
RR 1
Dundalk, ON N0C 1B0

Dear Ms. Martell:

**Re: Set Fines - Provincial Offences Act - Part I
Building Code Act, of the Township of Southgate**

Enclosed herewith is an original Order, and an original schedule of set fines for the above referenced Act, the Act indicated in the schedule.

The setting of the fines does not constitute my approval of the short form of wording used to describe the offences.

I have forwarded the copy of the Order and the schedule of set fines to the Provincial Offences Court in Owen Sound together with a copy of the Act.

Yours truly,

A handwritten signature in black ink, appearing to read "S. Fuerth".

Stephen J. Fuerth
Regional Senior Justice
West Region

encl.
/cb

PROVINCIAL OFFENCES ACT

Part I

IT IS ORDERED pursuant to the provisions of the Provincial Offences Act and the rules for the Ontario Court of Justice that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and the Building Code Act, of the Township of Southgate, attached hereto are the set fines for those offences. This Order is to take effect August 2, 2016.

Dated at London this 2nd day of August, 2016.



Stephen J. Fuerth
Regional Senior Justice
West Region

**The Corporation of the Township
Of Southgate
Part 1 Provincial Offences Act
Building Code Act**

Set Fines

Item	Short Form Wording	Provision Creating Or Defining Offence	Set Fine
1	Property Owner – Construct building without permit	s.8(1)	\$250.00
2	Property Owner – Cause construction of building without permit	s. 8(1)	\$250.00
3	Property Owner – Demolish building without permit	s.8(1)	\$150.00
4	Property Owner – Cause demolition of building without permit	s.8(1)	\$150.00
5	Property Owner – Change plans without authorization	s.8(12)	\$150.00
6	Property Owner – Construct building not in accordance with plans	s.8(13)	\$150.00
7	Property Owner – Change the use of building without permit	s.10(1)	\$250.00
8	Property Owner – Occupy newly erected building without notice or inspection	s.11(1)	\$250.00
9	Property Owner – Obstruct or remove posted order without authorization	s.20	\$300.00
10	Property Owner – Furnish false information on permit application	s.36(1)(a)	\$300.00
11	Property Owner – Commence demolition before building vacated	Div C sentence 1.3.1.1.(4) of the Building Code	\$300.00

Item	Short Form Wording	Provision Creating Or Defining Offence	Set Fine
12	Property Owner – Fail to post permit on construction site	Div C article 1.3.2.1. of the Building Code	\$150.00
13	Property Owner – Fail to post permit on demolition site	Div C article 1.3.2.1. of the Building Code	\$150.00
14	Property Owner – Fail to provide notification of construction phase	Div C sentence 1.3.5.1.(2) of the Building Code	\$150.00
15	Property Owner – Fail to comply with order to comply	s.12(2)	\$400.00
16	Property Owner – Fail to comply with order not to cover	s.13(1)	\$400.00
17	Property Owner – Fail to comply with order to uncover	s.13(6)	\$400.00
18	Property Owner – Fail to comply with stop work order	s.14(4)	\$400.00
19	Property Owner – Fail to comply with order to remedy unsafe building	s.15.9(4)	\$400.00
20	Property Owner – Fail to comply with an order prohibiting use or occupancy of unsafe building	s.15.9(6)	\$400.00
21	Property Owner – Hinder or obstruct person lawfully carrying out enforcement duties	s.19(1)	\$400.00

**The Corporation of the Township
Of Southgate
Part 1 Provincial Offences Act
Building Code Act**

Set Fines

Item	Short Form Wording	Provision Creating or Defining Offence	Set Fine
22	Builder – Construct building without permit	s.8(1)	\$500.00
23	Builder – Cause construction of building without permit	s.8(1)	\$500.00
24	Builder – Demolish building without permit	s.8(1)	\$300.00
25	Builder – Cause demolition of building without permit	s.8(1)	\$300.00
26	Builder – Change plans without authorization	s.8(12)	\$300.00
27	Builder – Construct building not in accordance with plans	s.8(13)	\$300.00
28	Builder – Change the use of building without permit	s.10(1)	\$500.00
29	Builder – Occupy newly erected building without notice or inspection	s.11(1)	\$500.00
30	Builder – Obstruct or remove posted order without authorization	s.20	\$500.00
31	Builder – Furnish false information on permit application	s.36(1)(a)	\$500.00
32	Builder – Commence demolition before building vacated	Div C sentence 1.3.1.1.(4) of the Building Code	\$600.00
33	Builder – Fail to post permit on construction site	Div C article 1.3.2.1. of the Building Code	\$300.00
34	Builder – Fail to post permit on demolition site	Div C article 1.3.2.1. of the Building Code	\$300.00

Item	Short Form Wording	Provision Creating or Defining Offence	Set Fine
35	Builder – Fail to provide notification of construction phase	Div C sentence 1.3.5.1.(2) of the Building Code	\$400.00
36	Builder – Fail to comply with order not to cover	s.13(1)	\$600.00
37	Builder – Fail to comply with order to uncover	s.13(6)	\$600.00
38	Builder – Fail to comply with stop work order	s.14(4)	\$600.00
39	Builder – Fail to comply with order to remedy unsafe building	s. 15.9(4)	\$600.00
40	Builder – Fail to comply with an order prohibiting use or occupancy of unsafe building	s.15.9(6)	\$600.00
41	Builder – Hinder or obstruct person lawfully carrying out enforcement duties	s.19(1)	\$600.00

Note: "the penalty provisions for the offences listed above are section 36 of the Building Code Act, S.O. 1992, Ch.23 and s.61 of the Provincial Offences Act, R.S.O. c.P.33."