



The Corporation of the Municipality of West Grey Bylaw No. 2023-090

A bylaw respecting construction, demolition and change of use permits, inspections and related matters pursuant to the Building Code Act

WHEREAS Section 3(1) of the Building Code Act, S.O. 1992, C.23, as amended, provides that the Council of each municipality is responsible for the enforcement of this Act in the municipality; and

WHEREAS Section 3(2) of the Building Code Act, S.O. 1992, C.23, as amended, provides that the Council of each municipality shall appoint a Chief Building Official and such Inspectors as are necessary for the enforcement of this Act in the areas in which the municipality has jurisdiction; and

WHEREAS Section 7 of the Building Code Act, S.O. 1992, C.23, as amended, authorizes a municipal council to pass bylaws concerning the issuance of construction, demolition and change of use permits, inspections and related matters; and

WHEREAS Section 35 of the Building Code Act, S.O. 1992, C.23, as amended, provides that the Act and the Building Code, supersede all municipal Bylaws respecting the construction or demolition of buildings;

NOW THEREFORE be it resolved that the council of the Corporation of the Municipality of West Grey hereby enacts as follows:

Section 1 – Short Title

1.1. This bylaw may be cited as the Municipality of West Grey Building Bylaw.

Section 2 – Interpretation

2.1. In this bylaw, the following definitions shall apply:

- 2.1.1. “Act” means the *Building Code Act*, S.O. 1992, C. 23.
- 2.1.2. “Applicant” means the owner of a building or property who applies for a permit, or any person duly authorized by the owner of a building or property to apply for a permit on the owner’s behalf, or any person empowered by the statute to cause the demolition of a building or buildings and anyone acting under the authority of such person.
- 2.1.3. “As constructed plans” means construction plans and specifications that show the building and the location of the building on the property as the building has been constructed.
- 2.1.4. “Architect” means a holder of a license, a certificate of practice, or a temporary license under the Architect’s Act.
- 2.1.5. “Building” means a building as defined in Section 1(1) of the Act.

- 2.1.6. “Building Code” means the regulations made under Section 34 of the Act.
- 2.1.7. “Chief Building Official” means the Chief Building Official appointed by bylaw of the Corporation of the Municipality of West Grey under Section 3 of the Act.
- 2.1.8. “Municipality” means the Corporation of the Municipality of West Grey.
- 2.1.9. “Complete” means a building permit application submitted with all required approvals appended in accordance with Section 1.3.1.3(5)[C] of the Building Code, in order to comply with the building permit timelines as noted in Section 1.3.1.3[C] of the Building Code.
- 2.1.10. “Demolish” means do anything in the removal of a building or any material part thereof and “demolition” has a corresponding meaning.
- 2.1.11. “Inspectors” means Building Inspectors appointed by bylaw of the Corporation of the Municipality of West Grey under Section 3 of the Act.
- 2.1.12. “Owner” means the registered owner of the land and includes a lessee, mortgagee in possession, and the person in charge of the property, acting as the authorized agent of the owner.
- 2.1.13. “Occupancy” means a permit issued to allow occupancy of a building prior to its completion in accordance with Section 1.3.3.[C] of the Building Code.
- 2.1.14. “Permit” means written permission or written authorization from the Chief Building Official to perform work regulated by this bylaw and the Act, or to change the use of a building or part of a building or parts thereof or, in the case of an occupancy permit, to occupy a building or part of a building or parts thereof.
- 2.1.15. “Permit Holder” means the owner as set out herein.
- 2.1.16. “Person” means any human being, association, chartered organization, firm, partnership, corporation, agent or trustee, and the heirs, executors or other legal representatives of a person to whom the context can apply according to law.
- 2.1.17. “Pinned” or “Pinning” means placing a pin or point marking the corner(s) of the proposed building by an Ontario Land Surveyor, Professional Engineer, or Landscape Architect registered with the OALA.
- 2.1.18. “Plumbing” means a drainage system, a venting system and a water system or parts thereof.
- 2.1.19. “Project Value” means the applicant's estimated value of construction of a proposed building including the total value of all work, services and materials in respect of its construction and of all professional and related services.

- 2.1.20. “Prescribed Value” means the value of a proposed building, as determined by the Chief Building Official by using the greater of the estimate provided by the applicant or the table of Building Costs.
- 2.1.21. “Residential construction site” means any construction site in respect of which a building permit has been issued for the construction of a new building consisting of a single dwelling unit where such excavation is within 2 m. of another occupied dwelling unit except where the site is within a registered plan of subdivision which subdivision is being developed for the first time.
- 2.1.22. “Table of Building Costs” means a table prepared by the Chief Building Official and adjusted from time to time to reflect the current valuations applicable to all work, service, materials and all professional and related services for different classes of building construction.
- 2.1.23. “Wind Turbines” means a mechanism which turns when wind traverses its blades in order to produce mechanical, thermal or electrical energy.
- 2.2. Terms not defined in this bylaw shall have the meaning ascribed to them in the Act or the Building Code.
- 2.3. All references to applicable law are ambulatory and apply as amended from time to time.

Section 3 – Classes of and Fees for Permits

- 3.1. Classes of permits for construction, demolition, change in use, occupancy of a partially complete building, and conditional permits established by this bylaw are set forth in schedule ‘A’ appended to, and forming part of this bylaw.
- 3.2. The Chief Building Official shall determine the required fee for the proposed work for which a permit is required in accordance with the fees and charges bylaw. The applicant shall pay the required fees, and no permit shall be issued until the required fees have been paid in full.
- 3.3. Where construction, demolition, or change in use has commenced prior to the issuance of the permit, the permit fee payable under Section 3.2 of this bylaw shall be calculated in accordance with Part 1 of schedule ‘B’ to this bylaw.
- 3.4. Where application is made for a conditional permit, the conditional application fee shall be payable at application for permit and in addition to this fee, prior to issuance of the conditional permit, the applicable construction permit fee shall be paid for the complete project.
- 3.5. Where the fees payable in respect of an application issued under Subsections 8(1) or 8(3) of the Act are based on a floor area, floor area shall mean the total floor space of all storeys including storeys below the first storey, measured as the horizontal area between the exterior surface of all exterior walls of the building.
- 3.6. With respect to an application for a change of use permit issued under Subsection 10(1) of the Act the change of use permit fee shall be utilized when no construction is proposed or required. When construction is

proposed or required and will result in a change of use the appropriate construction permit fee shall be utilized.

- 3.7. Where an application for a permit under this bylaw is withdrawn or abandoned, or where a permit is revoked under Section 8(10) of the Act, upon written request by the applicant, the Chief Building Official shall determine the amount of fees that may be refunded in accordance with Part 2 of schedule 'B' to this bylaw, and the same (if any) shall be refunded.
- 3.8. Where an application for a permit has not been started for six (6) months after it is made, the application may be deemed by the Chief Building Official to have been abandoned. Where the Chief Building Official determines the application to be abandoned, notice thereof shall be given to the applicant, giving 21 days to re-activate the permit or forfeit the final inspection deposit.
- 3.9. Where a permit remains open for twenty four (24) months after the issued date, the property owner shall pay a yearly renewal fee until the permit is closed.

Section 4 – Permit Application

- 4.1. To obtain a permit an applicant shall file a “complete” application in writing on forms regulated by the Province of Ontario and those required by the Chief Building Official.
- 4.2. Building Permit:
 - 4.2.1. Every application for a Building Permit under Subsection 8(1) of the Act shall comply with all applicable law, shall be filed with the Chief Building Official, and shall contain the following:
 - 4.2.1.1. completed, dated, and signed Provincial application form, “Application for a Permit to Construct or Demolish”;
 - 4.2.1.2. complete plans, to scale specifications, documents and other information as may be required by Clause 7(1)(b) of the Act, as amended, and as prescribed in Section 5 of this bylaw for the work to be covered by the permit;
 - 4.2.1.3. when Section 1.2.[c] of the Building Code applies, a signed ‘General Review Commitment Certificate’ acknowledgement of the owner that an architect or professional engineer, or both as the case may be, have been retained to carry out the general review of the construction of the building;
 - 4.2.1.4. when Section 1.2.[c] of the Building Code applies, a signed ‘Letter of Undertaking’ statement of the architect or professional engineer, or both as the case may be, undertaking to provide general review of the construction of the building;
 - 4.2.1.5. the proposed or existing occupancy of all parts of the building;
 - 4.2.1.6. the estimated valuation of the proposed work, including material and labour;
 - 4.2.1.7. where applicable, the registration number of the builder or vendor as provided in the Ontario New Home Warranties Plan Act;
 - 4.2.1.8. the required fee as prescribed by the fees and charges bylaw, and any other deposits or charges required by law.

4.2.2. In order to expedite work, the Chief Building Official, at his/her discretion, may split the Building Permit into partial permits, each of which forms a part of the Building Permit. The Chief Building Official shall require complete plans and specifications in accordance with Section 4.2.1 of this bylaw for the portion of the work for which immediate approval is required and for which a partial permit is requested. Where a partial permit is issued, this shall not be construed to authorize construction beyond the plans for which approval was given or that approval will necessarily be granted for the entire building or project.

4.2.3. For any main building to be constructed on a lot, the Chief Building Official may require that prior to any construction for which a permit has been issued proceeding beyond completion of the foundation, a survey certificate prepared by an Ontario Land Surveyor, Professional Engineer, or Landscape Architect registered with the OALA be provided to the Chief Building Official verifying that the height of the footing or foundation for the said main building is in conformity with the approved grading and drainage plan for the lot or otherwise is in conformity with the approved building plans. Building setbacks may be required to be confirmed by pinning the footing at the time of the footing or foundation placement at the discretion of the Chief Building Official.

4.3. Demolition Permit:

4.3.1. Every application for a Demolition Permit under Subsection 8(1) of the Act shall be filed with the Chief Building Official, and contain the following:

4.3.1.1. information required in Section 4.2.1 of this bylaw, as applicable.

4.3.1.2. a fully executed release to certify that arrangements have been made with the identified authorities for the termination and capping of all the water, sewer, gas, electric, telephone or other utilities and services;

4.3.1.3. restoration plans for the site as may be required by the Chief Building Official; and

4.3.1.4. when Section 1.2.2.3.[c] of the Building Code applies, be accompanied by structural design characteristics of the building and the method of demolition.

4.4. Plumbing Permit:

4.4.1. Every application for a Plumbing Permit under Subsection 8(1) of the Act shall be filed with the Chief Building Official, and contain the following:

4.4.1.1. information required in Section 4.2.1 of this bylaw, as applicable.

4.4.1.2. complete plans and specifications, documents and other information as required under Article 1.3.5.4. Division C, Part 1, the Building Code for the work to be covered by the permit.

4.4.1.3. Complete forms as deemed required and prescribed by the Chief Building Official, including, but not limited to: Sewage System Information; Soil Criteria and Site Evaluation; Class 4 Sewage System Calculations; and a Site Plan.

4.5. Conditional Permit:

4.5.1. Every application for a Conditional Permit under Subsection 8(3) of the Act shall be filed with the Chief Building Official, and contain the following:

- 4.5.1.1. information required in Section 4.2.1 of this bylaw, as applicable;
- 4.5.2. Where an application for a Conditional Permit has been made and the provisions of Section 8(3) to 8(5) of the Act have been fulfilled and the proposed work is in compliance with the Act, the Building Code and any other applicable law, the Chief Building Official may issue a Conditional Permit, but the decision to issue a Conditional Permit is solely at the discretion of the municipality.
- 4.5.3. Applicants wishing to obtain a conditional permit shall enter into an agreement with the municipality, and pay securities specified in the agreement. The amount of securities will be determined by the Chief Building Official and will be based on the cost to return the site to a pre-construction state if the owner does not fulfill the requirements of the agreement.
- 4.6. Change of Use Permit:
 - 4.6.1. Every application for a Change of Use Permit under Subsection 10(1) of the Act shall be filed with the Chief Building Official, and contain the following:
 - 4.6.1.1. information required in Section 4.2.1 of this bylaw with the necessary modifications, as applicable;
 - 4.6.1.2. 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
 - 4.6.1.3. plans and specifications which show 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, floor and roof assemblies identifying required fire resistance rating and load bearing capacities.
- 4.7. Occupancy Permit:
 - 4.7.1. An applicant shall request an Occupancy Permit, for occupancy of the building, under Subsection 11 of the Act from the Chief Building Official, by calling for an occupancy inspection.
- 4.8. Where conditions in this Section of the bylaw have been fulfilled and the proposed work is in compliance with the Act, the Building Code and any other applicable law, the Chief Building Official shall issue a permit for the proposed construction, plumbing, demolition, change of use or occupancy, except that the Chief Building Official shall not be obligated to issue a Conditional Permit if applied for, and the Chief Building Official shall not, by reason of the issuance of a Conditional Permit for a part or parts of a building, be under any obligation to grant any further permit therefor.
- 4.9. Revision to Permit:
 - 4.9.1. After the issuance of a permit under this bylaw, notice of any material change to a plan, specification, document or other information on the basis of which the permit was issued shall be given forthwith in writing by the owner or his/her agent to the Chief Building Official together with the details of such change. Any change in construction resulting from this change to a plan, specification, document, or other information shall not be made without the written authorization of the Chief Building Official. Charges may apply.

Section 5 – Plans and Specifications

5.1. Required Plans and Specifications:

5.1.1. Every applicant shall furnish:

5.1.1.1. 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. Electronic submissions are preferred. Payment for the accommodation of non-electronic documents will be borne by the registered owner or their authorized agent. An electronic submission is to be made in a Portable Document Format (PDF). Plans, specifications, documents and other information are to be legible when printed to scale. Drawings to be minimum size of 8.5" x 11.0" and shall be complete, fully dimensioned and to scale. The Chief Building Official may refuse to accept any plan which in his/her opinion is not drawn to scale and legible.

5.1.1.2. site plans referenced to a current plan of survey certified by a registered Ontario Land Surveyor and a copy of such a survey shall be filed with and retained by the municipality unless this requirement is waived by the Chief Building Official where, in his/her opinion, the information provided is sufficient 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, but nothing herein relieves the applicant from conforming to all applicable law where the Chief Building Official does not require a plan of survey and a permit is issued. A site plan shall include lot size and dimensions of the property; setbacks from existing and proposed buildings to property boundaries and to each other; existing and finished ground levels or grades; and existing rights of way, easements, and municipal services.

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

5.1.3. The granting of a permit, the review of the drawings and specifications or inspections made by the Chief Building Official or an inspector shall not in any way relieve the owner of a building from full responsibility for carrying out the work or having the work carried out in accordance with the requirements of this By-law, the Act and the Building Code, ensuring that the occupancy of the building, or any part thereof, is in accordance with the terms of this By-law and the Building Code.

5.1.4. On completion of construction of a building, the Chief Building Official may require, at the cost of the contractor, a set of as-constructed plans, including a plan of survey showing its location, prior to completing a final inspection, under such conditions as may be prescribed in the Ontario Building Code Act, Section 7(g), as amended.

5.1.5. Plans and specifications furnished in accordance with this bylaw or otherwise required by the Act shall become the property of the municipality and will be retained and disposed of in accordance with relevant legislation.

Section 6 – Permit Revocation and Transfer

6.1. Revocation of Permit:

- 6.1.1. 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/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.

6.2. Transfer of Permit:

- 6.2.1. Permits are transferable only upon the new owner of the same property completing a permit application in accordance with the requirements of Section 4 of this bylaw and paying the Permit Transfer fee prescribed by the fees and charges bylaw, subject to approval of the Chief Building Official.

Section 7 – Notice Requirements for Inspections

- 7.1. With respect to prescribed Notices, article 1.3.5.1 [C] of the Building Code, the owner or an authorized agent shall notify the Chief Building Official or an inspector at least two business days prior to all stages of construction listed in Section 1.3.5.1 [C]
- 7.2. With respect to “additional notices” under Section 1.3.5.2.[C] of the Building Code, the owner or an authorized agent shall notify the Chief Building Official or an inspector at least two business days prior to the following stages of construction listed in Section 1.3.5.2.(1) [C], (b), (c), (h) and (j) of the Building Code.
- 7.3. A notice pursuant to this section is not effective until written or oral notice is actually received by the Chief Building Official or his/her designate.

Section 8 – Prescribed Forms

- 8.1. The forms prescribed for use shall be regulated by the Province of Ontario and the Chief Building Official.
- 8.2. Applications:
 - 8.2.1. An application for a Permit pursuant to this bylaw shall be made using the applicable form.
- 8.3. Other Forms:
 - 8.3.1. The Chief Building Official shall prescribe other forms to implement and enforce the provisions of the Act, the Building Code, and this bylaw.

Section 9 – Penalty Clause

- 9.1. Section 36 of the Building Code Act provides that a person is guilty of an offence under the Building Code Act if a person contravenes the Building Code Act, or the regulations or this bylaw.

Section 10 – Severability

- 10.1. Should any section, subsection, clause or provision of this bylaw be declared by a court of competent jurisdiction to be invalid, the same shall not affect the

validity of this bylaw as a whole or any part thereof, other than the part so declared to be invalid.

Section 11 – Repeal Clause and Effective Date

11.1.Repeal:

11.1.1. Bylaw No. 34-2020 and any other bylaws enacted by the municipality that are inconsistent with the terms of this bylaw are hereby repealed.

11.2.Enactment:

11.2.1. This bylaw shall come into full force on September 1, 2023 at which time all bylaws, policies and resolutions that are inconsistent with the provisions of this bylaw are hereby amended or repealed insofar as it is necessary to give effect to the provisions of this bylaw.

Read a first, second and third time and finally passed this 15th day of August, 2023.

Mayor Kevin Eccles

Jamie M. Eckenswiller, Clerk

Schedule 'A' to Bylaw 2023-090

Classes of Permits:

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. Plumbing Permits / Sewer Permit
11. Solid Fuel Fireplace / Heating Plant
12. Change of Use Permit
13. Signs
14. Proceeding without a Permit
15. Private Sewage Disposal Systems
16. Tents (over 645 Sq. Ft., 60 m²)

Schedule 'B' to Bylaw 2023-090

Part I – Increase in Required Building Permit Fees

Pursuant to Section 3.3 of bylaw 2023-090, where any construction, demolition or change in use has commenced prior to permit issuance, the required permit fee shall be determined as follows:

Required fee + (Required fee to a maximum of \$5,000)

This additional fee shall not relieve any person from fully complying with the Act, Building Code, or other applicable law or from any decision of a court of competent jurisdiction, from not commencing construction, demolition, or change in use prior to obtaining a permit as required by this bylaw.

Part II – Refund of Building Permit Fees

1. Pursuant to Section 3.7 of bylaw 2023-090, the fees that may be refunded shall be a percentage of the fees payable under that bylaw, calculated as follows in regard to functions undertaken by the municipality:
 - i. 40% if the permit has been issued but no field inspections have been performed
 - ii. 0% if refund is valued at \$200 or less, or if any field inspections have been undertaken.
2. Where a permit is revoked on the grounds that it was issued in error, 100% of the permit fee shall be refunded.
3. The refund shall be made to the person who paid the fee and who is named on the receipt, unless such person advises the Chief Building Official in writing to issue a refund to another person so named.

**The Corporation of the Municipality
Of West Grey
Part 1 Provincial Offences Act
Building Code Act**

Item	Short Form Wording	Provision Creating Or Defining Offence	Set Fine
1	Builder – Cause construction of building without permit	s.8(1)	\$500.00
2	Builder – Cause demolition of building without permit	s.8(1)	\$300.00
3	Builder – Construct building without permit	s.8(1)	\$500.00
4	Builder – Demolish building without permit	s.8(1)	\$300.00
5	Property Owner – Cause construction of building without permit	s. 8(1)	\$250.00
6	Property Owner – Cause demolition of building without permit	s.8(1)	\$150.00
7	Property Owner – Construct building without permit	s.8(1)	\$250.00
8	Property Owner – Demolish building without permit	s.8(1)	\$150.00
9	Builder – Change plans without authorization	s.8(12)	\$300.00
10	Property Owner – Change plans without authorization	s.8(12)	\$150.00
11	Builder – Construct building not in accordance with plans	s.8(13)	\$300.00
12	Property Owner – Construct building not in accordance with plans	s.8(13)	\$150.00
13	Builder – Change the use of building without permit	s.10(1)	\$500.00
14	Property Owner – Change the use of building without permit	s.10(1)	\$250.00
15	Builder – Occupy newly erected building without notice or inspection	s.11(1)	\$500.00

Item	Short Form Wording	Provision Creating Or Defining Offence	Set Fine
16	Property Owner – Occupy newly erected building without notice or inspection	s.11(1)	\$250.00
17	Builder – Fail to comply with order not to cover	s.13(1)	\$600.00
18	Builder – Fail to comply with order to uncover	s.13(6)	\$600.00
19	Builder – Fail to comply with stop work order	s.14(4)	\$600.00
20	Builder – Fail to comply with order to remedy unsafe building	s. 15.9(4)	\$600.00
21	Builder – Fail to comply with an order prohibiting use or occupancy of unsafe building	s.15.9(6)	\$600.00
22	Builder – Hinder or obstruct person lawfully carrying out enforcement duties	s.19(1)	\$600.00
23	Property Owner – Hinder or obstruct person lawfully carrying out enforcement duties	s.19(1)	\$400.00
24	Builder – Obstruct or remove posted order without authorization	s.20	\$500.00
25	Property Owner – Obstruct or remove posted order without authorization	s.20	\$300.00
26	Builder – Furnish false information on permit application	s.36(1)(a)	\$500.00
27	Property Owner – Furnish false information on permit application	s.36(1)(a)	\$300.00
28	Property Owner – Fail to comply with an order prohibiting use or occupancy of unsafe building	s.36(1)(b)	\$400.00
29	Property Owner – Fail to comply with order not to cover	s.36(1)(b)	\$400.00
30	Property Owner – Fail to comply with order to comply	s.36(1)(b)	\$400.00
31	Property Owner – Fail to comply with order to remedy unsafe building	s.36(1)(b)	\$400.00

Item	Short Form Wording	Provision Creating Or Defining Offence	Set Fine
32	Property Owner – Fail to comply with order to uncover	s.36(1)(b)	\$400.00
33	Property Owner – Fail to comply with stop work order	s.36(1)(b)	\$400.00
34	Builder – Commence demolition before building vacated	Div C sentence 1.3.1.1.(4) of the Building Code	\$600.00
35	Property Owner – Commence demolition before building vacated	Div C sentence 1.3.1.1.(4) of the Building Code	\$300.00
36	Builder – Fail to post permit on construction site	Div C article 1.3.2.1. of the Building Code	\$300.00
37	Property Owner – Fail to post permit on construction site	Div C article 1.3.2.1. of the Building Code	\$150.00
38	Builder – Fail to post permit on demolition site	Div C article 1.3.2.1. of the Building Code	\$300.00
39	Property Owner – Fail to post permit on demolition site	Div C article 1.3.2.1. of the Building Code	\$150.00
40	Builder – Fail to provide notification of construction phase	Div C sentence 1.3.5.1.(2) of the Building Code	\$400.00
41	Property Owner – Fail to provide notification of construction phase	Div C sentence 1.3.5.1.(2) of the Building Code	\$150.00