

**THE CORPORATION OF THE TOWN OF EAST GWILLIMBURY  
BY-LAW 2016-**

**TO GOVERN THE ISSUANCE AND ADMINISTRATION  
OF BUILDING AND DEMOLITION PERMITS, AS WELL AS  
AN ADDENDUM TO THE CORPORATE CODE OF CONDUCT**

Whereas Section 7 of the Building Code Act, S.O. 1992, c.23, as amended authorizes a Municipality to pass by-laws, resolutions and regulations:

NOW THEREFORE the Council of the Corporation of the Town of East Gwillimbury hereby enacts as follows:

**1.0 ADMINISTRATION**

- 1.1 Unless otherwise stated, the Chief Building Official for the Town of East Gwillimbury, and such persons as he directs shall administer and enforce this by-law.
- 1.2 By-law 2008-21, as amended, is hereby repealed.

**2.0 DEFINITIONS**

Short Title

- 2.1 (1) This By-law may be cited as "The Building By-law."

Definitions

In this By-law:

- 2.2 "Act" means the Building Code Act, S.O. 1992 or any successor legislation.
- 2.3 "Building" means,
  - (a) a structure occupying an area greater than ten square metres consisting of a wall, roof and floor or any of them or a structural system serving the function thereof including all plumbing, works, fixtures and service systems appurtenant thereto,
  - (b) a structure occupying an area of ten square metres or less that contains plumbing, including the plumbing appurtenant thereto,
  - (c) structures designated in the Building Code; ("batiment")
- 2.4 "Building Code" means regulations made under section 34 of the Building Code Act, ("code du batiment")
- 2.5 "BCIN" means Building Code Identification Number

- 2.6 “Business Day” (s)” means all days of the week other than Saturday, holidays and all other days when the offices of the *principal authority* are not open for the transaction of business with the public.
- 2.7 “Chief Building Official” means a *chief building official* appointed or constituted under section 3 or 4 of the Building Code Act (“chef du service du bâtiment”).
- 2.8 “Complete Application” means an application that meets the requirements set out in the *Building Code* for applications where the *Chief Building Official* is required to make a decision within the prescribed time period as set out in the *Building Code*.
- 2.9 “Fee(s)” means all fees collected by the Town pertaining to the construction or demolition of a *building*, unless otherwise stated.
- 2.10 “Gross Floor Area” means the total area of all floors within a *building* measured between the outside surfaces of exterior walls excluding floors in unfinished cellars and basements, but including twenty-five (25) percent of the floor area of an unfinished *walkout basement* if appropriate.
- 2.11 “New Development” means development within the Settlement Area Boundary as identified in the Town’s Official Plan and/or registered plans of subdivision.
- 2.12 “New Residential Development” means development to which residential development levies are applicable.
- 2.13 “Permit” means a permit for the construction or demolition of a *building* in the Town of East Gwillimbury regulated under this by-law.
- 2.14 “Principal Authority” means the council of the Town of East Gwillimbury.
- 2.15 “Registered Code Agency” means a person or entity that has the qualifications and meets the requirements described in subsection 15.11(4) of the Building Code Act.
- 2.16 “Town” means the Corporation of the Town of East Gwillimbury
- 2.17 “Walkout Basement” means a basement with doorway access directly at ground level with at least 50% of the wall area of that *building* level above the surrounding ground level.

### **3.0 PERMITS**

- 3.1 The classes of *permit* required for construction or demolition of *buildings* are as set out in Schedule A to this By-law. In addition, a staged *permit* or conditional *permit* may be issued.

- 3.2 Staged *permits* are required for *new residential development* under the provisions of a subdivision agreement, and *new development*. A staged permit requires a complete plan examination confirming compliance with the *Act*, *Building Code*, and all applicable law approvals shall be in place. Staged *permits* would be issued for the following phases of construction:
- (a) completion of the footings and foundations; and
  - (b) completion of the *building*.
- 3.3 A survey showing the location of the foundation on the lot and the elevation at the top of the foundation wall is required after installation of such, for *buildings* subject to a staged *permit*.
- 3.4 Conditional *permits* are issued at the discretion of the *Chief Building Official* under subsection 8.(3) of the *Act*.
- 3.5 On completion of the construction of any *building*, the *Chief Building Official* may require the applicant to file a set of plans of the *building* as constructed and a survey showing the location of the *building*.

#### **4.0 APPLICATION**

- 4.1 A person requiring a *permit* shall file a *Complete Application* in the forms prescribed and approved by the Ministry of Municipal Affairs and Housing. The required forms are available on-line through the Ministry of Municipal Affairs and Housing web-site, Town of East Gwillimbury website, and at the *Town Development Services Department*.
- 4.2 The application form shall be completed by the applicant to the satisfaction of the *Chief Building Official* or designate.
- 4.3 To be considered a *Complete Application* every *permit* application shall be accompanied by the approval documents issued by the agencies responsible for applicable laws listed in the *Building Code*, where those agencies issue approval documents and the law applies to the construction or demolition being proposed, in addition, and shall:
- (a) identify and describe in detail the proposed work and the use and occupancy of the land which is the subject of the application;
  - (b) describe the subject land in a way that it is readily identifiable and the site of the proposed work is easily distinguished;
  - (c) for *new development*, refer to a current plan of survey certified by a registered Ontario Land Surveyor, and a copy of the plan of survey shall be filed with the *Chief Building Official* or designate.
  - (d) identify and describe in detail any structural effect the proposed work may have on any land, *building* or structure abutting the subject land;

- (e) state the name, address and telephone number of the owner;
- (f) be signed by the owner of the subject land or by a person authorized, in writing, to act as an agent for the owner, certifying the correctness of all the information in the application;
- (g) be accompanied by such other documents, information or approvals as may be required by the *Building Code Act*, including applicable law as defined in such *Act*;
- (h) be accompanied by two<sup>1</sup> copies of a site plan of the subject land showing,
  - (i) the location and dimensions of any proposed and all existing *building* (s);
  - (ii) the dimensions of the property;
  - (iii) the center line and any elevations of any streets abutting the subject land; and
  - (iv) the existing and proposed elevations of the work site plotted on a contour grid as required by the *Town General Manager of Community Infrastructure and Environmental Services*;
- (i) accompanied by two<sup>2</sup> copies of plans, drawings and specifications for the proposed *building* showing,
  - (i) the proposed use of each room or floor area in the proposed *building*(s);
  - (ii) construction details specific to the proposed project, to the satisfaction of the *Chief Building Official* or designate, which may include those listed in Appendix B;
- (j) include approval from the Regional Public Health Unit for projects involving facilities to be used in the preparation of food for the general public. It is the responsibility of the applicant to obtain and provide this approval with their application;

---

<sup>1</sup> Unless otherwise specified.

<sup>2</sup> Unless otherwise specified.

- (k) include confirmation from the *Town* Community Infrastructure and Environmental Services Department that, for development where tree preservation provisions have been incorporated into the subdivision agreement, that the provisions have been adequately satisfied in the planning of the project. It is the responsibility of the applicant to obtain and provide this confirmation with their application;
- (l) include confirmation from the *Town* Community Infrastructure and Environmental Services Department that for development where lot grading approval has been incorporated into the subdivision agreement, that the approval has been granted for individual lots. It is the responsibility of the applicant to obtain and provide this confirmation with their application;
- (m) include confirmation from the *Town* Community Infrastructure and Environmental Services Department, Region of York Transportation and Work Department, or the Ministry of Transportation that for development where entrance approval is required from the road to the property, approval has been obtained. It is the responsibility of the applicant to obtain and provide this confirmation with their application;
- (n) include confirmation from the *Town* Development Services Department that for development where site plan approval is required, that the approval has been obtained. It is the responsibility of the applicant to obtain and provide this confirmation with their application;
- (o) include approval from the *Town* Emergency Services Department where the application is for an industrial, institutional, or commercial *building*, or as determined by the *Chief Building Official*. It is the responsibility of the applicant to obtain and provide this approval with their application; and
- (p) be accompanied by the required *fees*.

4.4 In addition to the requirements of 4.1 – 4.3, every demolition *permit* application shall:

- (a) where Section 2.3 Design & General Review or a successor section of the *Building Code* applies, be accompanied by structural design characteristics of the *building* and the method of demolition; and
- (b) be accompanied by proof satisfactory to the *Chief Building Official* that arrangements have been made with proper authorities for the termination and capping of all the water, sewer, gas, electric, telephone or other utilities and services.

- 4.5 Where application has been made for a conditional *permit* under subsection 8.(3) of the *Act*, the application shall:
- (a) contain the information required by clauses 8.(3) (a) to (c) of the *Act*;
  - (b) contain such other information, complete building plans and specifications concerning the 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* is 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;
  - (e) state the time in which plans and specifications of the complete *building* will be filed with the *Chief Building Official*; and
  - (f) enter into a conditional *permit* agreement with the *Town*.
- 4.6 In addition to the requirements of Section 4.1- 4.3 of this by-law, every application for a change of use *permit* issued under subsection 10.-(1) of the *Act* shall be submitted to the *Chief Building Official*, and 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; and
  - (c) include 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 ratings and load bearing capacities, etc.
- 4.7 Where the *Building Code* requires that an architect, professional engineer, or both, be retained to undertake the general review of the construction or demolition of a *building*, the applicant shall submit a signed statement by an architect, professional engineer, or both, in which he, she or they agree to undertake the general review. Upon completion of such project, final reports shall be submitted to the Chief Building Official.
- 4.8 All plans, drawings, and specifications shall be prepared in accordance with the specified design requirements of the *Building Code*.

- 4.9 All plans, drawings, and specifications shall be prepared in compliance with the *Town Zoning By-law 97-50*, as amended.
- 4.10 The dimensions of all plans, drawings and specifications submitted shall be no larger than thirty-two (32) by forty-eight (48) inches in size.
- 4.11 Where the *Chief Building Official* finds that any one or more of the requirements of this section are, in any particular case, unnecessary or may create undue hardship upon the applicant, he may waive any one or more of such requirements, provided that the intent and purpose of this by-law is upheld.

## **5.0 APPLICATION PROCESS**

- 5.1 An applicant can submit the appropriate plans, as determined by the *Chief Building Official*, for a zoning compliance review of their *building permit* application prior to their official building permit application submission. Fees will be collected for this service as per Section 7.0 of this by-law.
- 5.2 Lot grading review is required for all *new development*, except for those proposing interior alterations only. Documents required for this review shall be submitted in accordance with Section 4.3(k) of this by-law.

## **6.0 CANCELLATION, REVOCATION, ALTERATION OR TRANSFER**

- 6.1 The applicant for a *building permit*, regardless of whether they are the owner, may make written request to the *Chief Building Official* to have the submitted application withdrawn provided the *building permit* has not been issued. A fee refund shall be granted in accordance with section 7.0 of this by-law.
- 6.2 Where a building permit application remains inactive for a period of six months or more, the application may be cancelled. Any outstanding fees or potential refunds shall apply as per section 7.0 of this by-law.
- 6.3 A person to whom a *permit* has been issued may make a written request to the *Chief Building Official* to have the *permit* cancelled provided that;
- (a) no work has commenced in respect of the *building* for which the *permit* was issued; and
  - (b) the written request is received by the *Chief Building Official* before the end,
    - (i) of 6 months after the issuance of the *permit*; or
    - (ii) of the extension period, where the *Chief Building Official* has extended the six month period,
- whichever is later.

- A *fee* refund shall be granted in accordance with section 7.0 of this by-law.
- 6.4 Where six months has passed since the issuance of a *building permit* and notification has not been received that construction has commenced, the *building permit* is considered null and void.
- 6.5 During the building process, but prior to the affected component being constructed, a person to whom a *permit* is issued may request consideration for minor amendments to the original building plans submitted. Based on the complexity of the amendment, the *Chief Building Official* shall allow the amendments to the original submission or request a new complete submission. A *fee* shall be collected as per Schedule 1 of this by-law, as amended from time to time.
- 6.6 Where the right to construct a *building* under a *permit* is transferred, the person to whom the *building permit* was issued shall notify the *Chief Building Official*, in writing, of the name and address of the transferee. The transferee shall complete a new application for the *building permit* as set out in Section 4. Where the design has been prepared by an architect, professional engineer, or BCIN qualified designer, the person to whom the *building permit* was issued shall also provide the *Chief Building Official* with a written consent to the assignment from the architect, professional engineer, or BCIN qualified designer. A *fee* shall be collected as per Schedule 1 of this by-law, as amended.
- 6.7 Where the right to construct a *building* under a *permit* is transferred, all documents associated with the original *permit* must be transferable and consent must be obtained from the original designer and approval authority (i.e. Lake Simcoe and Region Conservation Authority, Ministry of Transportation, etc.).

## **7.0 FEES**

- 7.1 A *fee* deposit shall be paid when the applicant submits an application. Receipt of the *fee* deposit shall not represent approval of the application. The amount of the deposit will be based on an approximation of the required *fees* set out in and calculated as per Schedule 1 of this by-law, as amended, unless otherwise stipulated in section 7.3 and 7.4.
- 7.2 The *fee* deposit collected for any residential *new development* shall be a standard minimum *fee* of \$1000.00, unless calculated otherwise.
- 7.3 The *fee* deposit collected for any non-residential *new development* shall be a standard minimum *fee* of \$2500.00, unless calculated otherwise.

- 7.4 The final *fee* payment shall be paid at the time of *permit* issuance. The final *fee* will be based on the *fee* schedule valid on the date of *permit* issuance. The fee collected shall be the greater of the minimum fee or the fee calculated using the fee multiplier. If the difference between the *fee* deposit and the *fee* due at the time of issuance is less than \$25.00, the outstanding amount will be considered null and void. Any overpayment will be refunded to the person who supplied the deposit, unless otherwise directed by that person.
- 7.5 An Occupancy Deposit of \$5000.00 per individual lot will be held by the *Town* until a final occupancy *permit* has been issued by the Building Branch and the final lot grading has been approved by the *Town* General Manager of Community Infrastructure and Environmental Services, or designate, for all *new development* and major residential additions equal or greater than 46.45 square metres (500 sq. ft.) in *building* area located in the Settlement Area Boundary as identified in the *Town's* Official Plan. This deposit shall be collected at the time of *building permit* issuance.
- 7.6 Where it is determined that the required *fees* must be calculated on a cost basis as per the Building By-law, as amended, the total cost will be based on all work, services and materials and may include the cost of all professional and related services in respect of the proposed construction or demolition as determined by the *Chief Building Official*.
- 7.7 Where information is submitted for the sole purpose of obtaining a zoning review prior to the submission of a complete *building permit* application, a *fee* of \$50.00 per application shall be collected.
- 7.8 Where an applicant withdraws an application for a *permit* before a *permit* is issued, the *Town* may,
- (a) retain 25% of all *permit fees* paid in full or due under this by-law where a file has been created; or
  - (b) retain 40% of all *fees* paid in full or due under this by-law where a *building permit* application has commenced the plans review process.

The balance of all *fees* shall be refunded to the applicant, unless otherwise arranged.

- 7.9 Where a *building permit* has been denied and the applicant does not amend the plans to bring them into compliance with the requirements within the specified time period, the *Town* may cancel the application and retain 45% of all *fees* paid in full or due under this by-law. The balance of all *fees* shall be refunded to the applicant, unless otherwise arranged.
- 7.10 Where a *building permit* has been issued, but before construction or demolition commences, the *Chief Building Official* revokes a *permit* or grants a request to cancel a *permit*, the *Town* may retain 45% of all *fees* paid in full or due under this by-law and shall refund the balance to the applicant, unless otherwise arranged.

- 7.11 Where, after construction or demolition commences, the *Chief Building Official* revokes a *permit* the *Town* shall retain 100% of all *fees* paid in full or due under this by-law and the applicant will not be entitled to a refund.
- 7.12 Where a written request from a *permit* holder for a six month extension is received and granted by the *Chief Building Official*, a \$75.00 administrative *fee* shall be collected.
- 7.13 Where amendments to an issued *permit* are considered and/or granted, a minimum fee of \$100 or an additional 10% of *fees* paid in full or due, whichever is greater, under this by-law for the relevant component(s) of the original permit will be collected.
- 7.14 Where the applicant is replacing an existing private detached garage as described in Town policy, a deposit of \$1000.00 will be retained by the *Town* until the demolition of the agreed to *building* has been demolished and removed from the site.
- 7.15 When a peer review is required to determine compliance with the objective code provisions of the *building code*, or other *building code* related peer review, the cost of the peer review shall be borne by the applicant. An administration fee, as per the Building By-law fee schedule, is in addition to the peer review cost and is applicable for each review completed by the peer reviewer.
- 7.16 In the event that a *Registered Code Agency* is appointed by the *Town*, the building permit *fees* collected will be reduced to allow the *Town* to cover administrative, archiving, file management and other relevant costs in the following manner:
- (a) for an application where either the inspections or the plans examination will be completed by the *Registered Code Agency*, all relevant permit *fees* will be reduced by twenty-five (25) percent; and
  - (b) for an application where the *Registered Code Agency* will complete both the plans examination and inspections all relevant permit *fees* will be reduced by fifty (50) percent.

## **8.0 CALCULATION OF FEES**

- 8.1 The *fees* required for each class of *permit* shall be as set out in and calculated in accordance with Schedule 1 of this By-law.
- 8.2 Unless otherwise specified, *fees* shall be based on a per square foot or numerical multiplier with an associated minimum *fee*, or be a flat rate.
- 8.3 *Fees* shall be based on the *gross floor area* as defined in this by-law.
- 8.4 If more than one class of *permit* applies to the proposed *building*, the *gross floor area* of each class shall be calculated separately, in accordance within the Building By-law, as amended.

- 8.5 No deduction shall be allowed for floor openings required for such facilities as stairs, elevators, escalators, shafts and ducts. Interconnected floor spaces and atriums above their lowest level may be deducted from the calculated *gross floor area*.
- 8.6 Fees for classes of permits or construction not described in this By-law, shall be determined by the Chief Building Official who shall have regard to the complexity and amount of service required relative to the classes of construction described.

## **9.0 NOTIFICATION**

- 9.1 The person to whom the *permit* was issued shall notify the *Chief Building Official*, two *business days* prior to each stage of construction as set out in the *Building Code* in order to receive the required inspections, except in the case of inspections required for on-site sewage systems, for which five days notice is required.

## **10.0 ADDITIONAL INSPECTIONS**

- 10.1 Where the inspector has conducted two previous inspections for the same stage of construction, either at the request of the person to whom the *permit* was issued or at the request of the owner of the land which is the subject of the *permit*, the person requesting the additional inspection shall pay, before the inspector conducts the additional inspection, a fee of one hundred dollars (\$100.00) for this and any future inspection for the same stage of construction.

## **11.0 SPECIAL INVESTIGATION**

- 11.1 If any work in respect of the construction or demolition of a building commences before a permit has been issued under this by-law, the owner of the land on which the work has commenced shall pay a special investigation fee of 100% of the building permit fee up to a maximum fee as stipulated in the Building By-law, as amended.

## **12.0 FENCING CONSTRUCTION SITES**

- 12.1 Where, in the opinion of the Chief Building Official, a construction or demolition site presents a particular hazard to the public, he may require the erection of such fencing as he deems appropriate to the circumstances but not limited to the standard stated in section 12.5.
- 12.2 In considering the hazard presented by a construction site, the necessity for fencing, and its construction, the Chief Building Official shall have regard for;
- (a) the proximity of the construction site to occupied dwellings;

- (b) the proximity of the construction site to lands accessible to the public, including but not limited to streets, parks, and commercial and institutional activities;
  - (c) the hazards presented by the construction activities and materials;
  - (d) the feasibility and effectiveness of site fencing, and
  - (e) the duration of the hazard.
- 12.3 Where there is fencing on or adjoining a construction site erected prior to the application for a building permit in respect of that site, such fencing may be deemed to be in compliance with this by-law provided it is extended along the entire perimeter of the construction site as determined by the Chief Building Official and the extended fencing is erected in accordance with this by-law.
- 12.4 Despite section 12.3 above, the requirements of this by-law do not apply where the building permit has been issued prior to this by-law coming into effect.
- 12.5 Every fence required under this by-law shall be a minimum 4' high and located on the perimeter of the construction site as determined by the Chief Building Official, or designate, and constructed as follows:
- (a) if of chain link construction, the chain link shall be fastened to a 1 ½ inch diameter metal bar which is securely fastened to metal posts which is not over 10 feet on center and embedded into the ground to provide a rigid support;
  - (b) if of wood construction, the exterior face shall be ½ inch exterior grade plywood, oriented strand board or equivalent material that will not provide footholds for climbing. The facing shall be supported by 2 inch X 4 inch nominal size posts spaced at not more than 4 feet on center and embedded into the ground to provide a rigid support;
  - (c) if the fence is of the snow fence or plastic mesh type, the fencing should be securely fastened to T-bar posts which are not over 8 feet on centre, and embedded into the ground to provide a rigid support. The fence is to be wired through the top and bottom and secured to each post.
  - (d) other materials or methods may be substituted provided that there is an equivalent barrier between properties and an equivalent degree of safety provided.
- 12.6 The fence may provide for openings sufficient to accommodate construction vehicles, machines and any other equipment providing services to the construction site provided that these openings are closed off when the site is shut down.

### **13. SEVERABILITY**

- 13.1 In the event that any portion of this By-law is declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the remaining provisions of this By-law.

### **14. MISCELLANEOUS**

- 14.1 All schedules to be and form a part of this By-law.

### **15. OFFENCES AND PENALTIES**

15. Every person or corporation who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine as provided in section 36 of the *Act*.

### **16. CODE OF CONDUCT**

- 16.1 In compliance with the Ontario *Building Code Act*, S.O. 1992, c.23, Section 7.-1(1) (*Act*), investigation and enforcement to be used in responding to allegations against the *Chief Building Official* and Inspectors is found in Appendix 3 as part of this by-law.

### **17. REPEAL**

- 17.1 By-law 2008-21, as amended, is hereby repealed on the date this By-law comes into force.

### **18. EFFECTIVE DATE**

- 18.1 This By-law comes into full force and effect on the day passing.

ENACTED and PASSED this 17<sup>th</sup> day of May, 2016.

---

Virginia Hackson, Mayor

---

Fernando Lamanna, Municipal Clerk