

**The Corporation of the  
Township of Selwyn**

**By-law Number 2024-027**

**Building By-law**

**Being a By-law to Provide for the Administration and Enforcement of the  
Building Code Act, 1992 Within the Township of Selwyn**

**Whereas** Subsection 3(1) of the Building Code Act, 1992, S.O. 1992, chapter 23, provides that the Council of The Corporation of the Township of Selwyn is responsible for the enforcement of the Building Code Act, 1992 within the Township of Selwyn; and

**Whereas** Section 7 of the Building Code Act, 1992 authorizes the Council of a municipality to pass certain By-laws prescribing classes of permits, permit application documents, fees, inspections and other related matters; and

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

**Now therefore** the Council of The Corporation of the Township of Selwyn enacts as follows:

**Section 1.00 - Definitions and Interpretation**

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

1.02 Definitions: In this By-law

- (a) **“Act”** means the *Building Code Act, 1992*, S.O. 1992, chapter 23 as amended;
- (b) **“Alternative Solution”** means a substitute for an acceptable solution, proposed by an applicant pursuant to Division A, article 1.2.1.1. of the Ontario Building Code;
- (c) **“Applicable Law”** means applicable law as identified by Division A, 1.4.1.3.(1) of the Ontario Building Code;
- (d) **“As Constructed Plans”** means as constructed plans as defined in Division A, 1.4.1.2.(1) of the Ontario Building Code;
- (e) **“Applicant”** means a person who applies for a permit and includes any person authorized by an owner to apply for a permit on the owner’s behalf;
- (f) **“Architect”** means a holder of a licence, a certificate of practice, or a temporary licence under the *Architect’s Act* as defined in the Building Code;
- (g) **“Building”** means a building as defined in Subsection 1(1) of the Act;
- (h) **“Building Code”** means the regulations made under Section 34 of the Act;
- (i) **“Chief Building Official”** means the person appointed by the Council as the Chief Building Official for the purpose of enforcement of the Act or the Deputy Chief Building Official acting in the capacity of the Chief Building Official from time-to-time in respect to Section 1.1.(6)(c) of the Act;
- (j) **“Construct”** means construct as defined in Subsection 1(1) of the Act;
- (k) **“Council”** means the Council of the Corporation of the Township of Selwyn
- (l) **“Deficient Permit”** means a permit in respect of which:

- (i) an inspection notice or order to comply has been issued by an inspector, or
  - (ii) an inspection required under the Building Code or this By-law that has not been arranged, and six months or more have elapsed after the date the notice was issued, or the inspection was required;
  - (m) **“Demolish”** means demolish as defined in Subsection 1(1) of the Act;
  - (n) **“Farm Building”** means a farm building as defined in Division A, 1.4.1.2.(1) of the Ontario Building Code;
  - (o) **“Holiday”** means days when the offices of the Township of Selwyn are not open for transaction of business with the public;
  - (p) **“Inspector”** means an inspector appointed by By-law by the Corporation of the Township of Selwyn for the purposes of enforcement of the Act;
  - (q) **“Owner”** means the owner as defined by Division C, 1.3.1.2., “owner” of the Building Code;
  - (r) **“Permit”** means permission or authorization given, in writing, by the Chief Building Official; to perform work, to change the use of a building or part thereof, or to occupy a building or part thereof, as regulated by the Act and Building Code;
  - (s) **“Permit Holder”** means an owner to whom a permit has been issued, or where a permit has been transferred, the transferee,
  - (t) **“Professional Engineer”** means a person who holds a licence or a temporary licence under the *Professional Engineer’s Act*, R.S.O. 1990, c. P.28, as defined in Division A, 1.4.1.2.(1) of the Ontario Building Code;
  - (u) **“Sewage System”** means a sewage system as defined in Division A, 1.4.1.2.(1) of the Ontario Building Code;
  - (v) **“Surveyors Real Property Report”** means a survey and report that locates a building or structure in relation to the boundaries of a unit of land.
  - (w) **“Registered Code Agency”** means a person or an entity that has the qualifications and meets the requirements set out in the Act; and
  - (x) **“Restricted Access Lot”** means a parcel of land that does not have a municipally maintained road to any of its property lines and requires specialized transportation for inspection purposes.
- 1.03 Any word or term not defined in this By-law shall have the meaning ascribed to it in the Act or the Building Code.
- 1.04 The schedules attached to this By-law shall form part of this By-law and shall be enforceable as such.
- 1.05 **Statutes:** References to laws in this By-law are meant to refer to the Statutes, as amended from time to time, which are applicable within the Province of Ontario.
- 1.06 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this By-law to be illegal or unenforceable, that portion of this By-law shall be considered to be severed from the balance of the By-law, which shall continue to operate in full force and effect.

## **Section 2.00 - Classes of Permits**

- 2.01 Classes of permits with respect to the construction, demolition, building relocation, conditional permit, change of use, occupancy of buildings and the associated permit fees, shall be set out in Schedule A of the Tariff of Fees By-law 2016-026, as amended.

### **Section 3.00 - Permit Applications and Issuance**

- 3.01 **Classes of Permits:** An Applicant shall file a complete application on the form prescribed by the Act and available from the Chief Building Official or from the Province of Ontario, together with the applicable requirements set out in sections 3.02 to 3.09 to this By-law.
- 3.02 **Building Permits:** Every application for a building permit under Subsection 8(1) of the Act shall,
- (a) using the form, "Application for a Permit to Construct or Demolish" as prescribed by the Act, provide all information pertaining to the construction as required by the form;
  - (b) be accompanied by the complete plans, specifications, documents and other information as required by Division C, Article 1.3.1.3. of the Ontario Building Code and as prescribed in Section 4.00 and Schedule A to this By-law for the work to be covered by the permit;
  - (c) be accompanied by the completed form as prescribed in Schedule A to this By-law where Division C, Subsection 1.2.2. of the Building Code applies;
  - (d) be accompanied by any other information necessary to, or required in accordance with the Act, the Ontario Building Code, and applicable law, and;
  - (e) be accompanied by the required fees and deposits calculated in accordance with Schedule A of the Tariff of Fees By-law 2016-026, as amended.
- 3.03 **Sewage System Permits:** Every application for a permit to construct a private on-site sanitary sewage system under Subsection 8(1) of the Act shall,
- (a) using the form, "Application for a Permit to Construct or Demolish" as prescribed by the Act, provide all information pertaining to the construction including schedule 1 and 2 as required by the form;
  - (b) be accompanied by the complete plans, specifications, documents, and other information as required by Division C, Article 1.3.5.4. of the Ontario building Code and as prescribed in Section 4.00 and Schedule A to this By-law for the work to be covered by the permit;
  - (c) be accompanied by the completed form as prescribed in Schedule A to this By-law where Division C, Subsection 1.2.2. of the Building Code applies;
  - (d) include a Site Evaluation Report, completed in conformance with the provisions of Division B, 8.2.1.2. of the Building Code; and
  - (e) be accompanied by any other information necessary to, or required in accordance with the Act, the Building Code, and applicable law, and;
  - (f) be accompanied by the required fees and deposits calculated in accordance with Schedule A of the Tariff of Fees By-law 2016-026, as amended.
- 3.04 **Demolition Permits:** Every application for a demolition permit under Subsection 8(1) of the Act shall,
- (a) using the form, "Application for a Permit to Construct or Demolish" as prescribed by the Act, provide all information pertaining to the work to be done and the existing use and occupancy of the building, or part thereof, for which the application for a permit is made, and the proposed use and occupancy of that part of the building, if any, that will remain upon completion of the demolition;
  - (b) be accompanied by the complete plans, specifications, documents and other information as required by Division C, Article 1.3.1.3. of the Ontario Building Code and as prescribed in Section 4.00 and Schedule A to this By-law;

- (c) be accompanied by the completed form as prescribed in Schedule A to this By-law where Division C, Subsection 1.2.2. of the Building Code applies;
  - (d) be accompanied by the required fees and deposits calculated in accordance with Schedule A of the Tariff of Fees By-law 2016-026, as amended.; and
  - (e) be accompanied by confirmation satisfactory to the Chief Building Official that,
    - (i) arrangements have been made with the proper authorities for the safe and complete disconnection of all existing water, sewer, gas, electric, telephone and other utilities;
    - (ii) include information concerning the rehabilitation of the site to a graded, leveled, and landscaped condition upon completion of the demolition; and
    - (iii) the owner will comply with the Township's property standards By-law at the completion of the demolition.
- 3.05 **Partial Building Permits:** Every application for a partial building permit shall,
- (a) When, to expedite work, approval for a portion of the building or project is desired prior to the issuance of a permit for the whole project, application shall be made for the complete project, and complete plans, and specifications covering the portion of the overall work for which immediate approval is desired, shall be filed with the Chief Building Official.
  - (b) Where a partial building permit is requested the application to construct the entirety of the building is deemed to be incomplete as described in Section 3.12 of the By-law; and
  - (c) Should a building permit be issued for part of a building or project, the holder of such permit may proceed without assurances that the building permit for the entire building or project will be granted.
- 3.06 **Conditional Building Permits:** Every application for a conditional building permit under Subsection 8(3) of the Act shall,
- (a) comply with the requirements set out in Section 3.02 in this By-law; and
  - (b) be accompanied by,
    - (i) a written statement from the applicant explaining why the applicant believes that unreasonable delays in construction would occur if a conditional building permit were not issued;
    - (ii) a written acknowledgement from the applicant of the necessary approvals which must be obtained in respect of the proposed construction and the time period in which such approvals shall be obtained by the applicant;
    - (iii) a written agreement, in a form provided by the Chief Building Official, executed by the applicant, the owner and such other necessary persons the Chief Building Official determines for the purposes set out in clause 8(3)(c) of the Act; and
    - (iv) the conditional permit fee in accordance with Schedule A of the Tariff of Fees By-law 2016-026, as amended.
- 3.07 The Chief Building Official is hereby authorized to execute on behalf of The Corporation of the Township of Selwyn the written agreement referred to in clause 3.06(b)(iii) of this By-law as part of the conditional building permit application.
- 3.08 **Change of Use Permits:** Every application for a change of use permit under Subsection 10(1) of the Act shall,
- (a) Using the form, "Application for a Permit to Construct or Demolish" as prescribed by the Act, provide all information pertaining to the construction as required by the Form;

- (b) identify and describe in detail the existing and proposed use and occupancy of the building, or part thereof, for which the application for a permit is made;
- (c) be accompanied by complete plans, specifications, and documents which show the current and proposed occupancy of all parts of the building and which contain sufficient information to establish compliance with the Building Code, including, but not necessarily limited to, floor plans, details of wall, ceiling, and roof assemblies identifying required fire resistance ratings and load bearing capacities, details of the existing sewage system, if any;
- (d) be accompanied by the appropriate fee in accordance with Schedule A of the Tariff of Fees By-law 2016-026, as amended; and
- (e) be accompanied by the completed documents prescribed in Schedule A to this By-law.

3.09 **Occupancy Permits for Unfinished Buildings:** Every request for authorization to occupy an unfinished building under Division C, Article 1.3.3.1., 1.3.3.2., and 1.3.3.4. of the Building Code shall,

- (a) No person shall occupy, or permit to be occupied, any building which was constructed under building permit except in conformance with the Act, the Building Code, and the provisions of this By-law;
- (b) Provide notice of intent to occupy an unfinished building to the Chief Building Official, prior to establishing occupancy of any portion, in part or whole of the building under permit, in accordance with Section 11 of the Act, and Division C, Subsection 1.3.3. of the Building Code;
- (c) identify and describe in detail the occupancy, the date of such occupancy, and the building or part thereof for which the request for a permit is made;
- (d) be accompanied by plans which show the areas of the proposed occupancy;
- (e) Where General Review by an Architect, Engineer, or Both when applicable is required in conformance with Division C, Subsection 1.2.2. of the Building Code, all reports from the Architect, Engineer, or Both where applicable, stating their opinion to general conformity of the construction in accordance with the approved permit drawings and specifications as issued is to be provided to the Chief Building Official; and
- (f) An Occupancy Permit may only be issued by the Chief Building Official, or designate of the Chief Building Official, as appointed under By-law of the Corporation.

3.10 **No Implied Future Permits:** The Chief Building Official shall not, by reason of the issuance of a Conditional Permit or a Partial Permit, be under any obligation to grant any further Permits.

3.11 **Revision to Issued Permit:** Should a permit holder wish to make any material change to any plan, specification, document or other information on the basis of which the permit was issued, the permit holder shall file an application for a revision to the permit which describes the material changes and shall pay the fee set out in Schedule A of the Tariff of Fees By-law 2016-026, as amended.

3.12 **Incomplete Permit Applications:** An application shall be deemed not to be complete according to Division C, Sentence 1.3.1.3.(5) of the Building Code, where any of the applicable requirements of Sections 3.01 to 3.08 have not been complied with.

3.13 **Abandoned Permit Applications:** An application for a permit shall be deemed to have been abandoned by the applicant where,

- (a) the application is incomplete according to Section 3.12 and remains incomplete six months after it was submitted;

- (b) six months have elapsed after the applicant was notified that the proposed building, construction, demolition or change of use will not comply with the Act or the Building Code or will contravene any other applicable law; or
  - (c) the application is determined to comply with the Building Code and all applicable law, and six months have elapsed from the date upon which the applicant was notified that a permit was available to be issued.
- 3.14 Where an application is deemed abandoned, all submitted plans, specifications and documents shall be disposed of, or upon written request from the applicant, returned to the applicant.
- 3.15 **Transfer of Permits:** If the owner of the land changes after a permit has been issued, the permit may be transferred to the new owner (the “transferee”) of the lands where an application is filed with the Township in writing, in accordance with this section and shall include,
- (a) proof of ownership of the lands by the transferee satisfactory to the Chief Building Official;
  - (b) confirmation that the work to be done and the existing and proposed use and occupancy of the building or part thereof, for which the application for the transfer of the permit is made, is the same as that identified and described on the application of the permit;
  - (c) the name, address, telephone number, facsimile number and email address of the proposed designer, architect and/or professional engineer, and their Building Code qualifications, where they are different from those identified in the application for the permit, or a written confirmation from the designer, architect and/or professional engineer(s), that they have been retained to continue to provide design services in respect to the project;
  - (d) where the proposed transferee is a builder as defined in the *Ontario New Home Warranties Plan Act*, the proposed transferee’s registration number under that Act; and
  - (e) the appropriate fee in accordance with Schedule A of the Tariff of Fees By-law 2016-026, as amended.
- 3.16 Upon the issuance of transfer of a permit to the transferee, the transferee shall be deemed to be the permit holder and the original permit holder shall have no further rights or obligations under the permit save and except for any obligations set out in any agreements entered into for the purposes of clause 8(3)(c) of the Act.

#### **Section 4.00 - Plans and Specifications**

- 4.01 Every applicant shall submit sufficient plans, specifications, documents and other information to enable the Chief Building Official to determine whether the proposed building, construction, demolition or change of use will contravene the Act, the Building Code or any other applicable law.
- 4.02 The Chief Building Official shall determine the plans, specifications, documents and other information required to be submitted with an application in order to deem it complete according to Division C, Section 1.3. of the Building Code, having regard for the scope of the proposed work and the requirements of the Building Code, the Act and other applicable law, the requirements of this Section and Schedule A to this By-law.
- 4.03 Plans, specifications, documents and other information shall be submitted electronically in a suitable format or in a permanent medium upon paper or other suitable and durable material and shall contain text that is legible and drawings that are legible, complete, fully dimensioned and to scale.
- 4.04 Site plans submitted by an applicant shall be referenced to a current plan of survey prepared and certified by an Ontario Land Surveyor, and a copy of the survey shall accompany the site plan submission, except where the Chief Building Official waives the requirement to do so.

- 4.05 The Chief Building Official may require that, upon the completion of the foundation for a detached, semi-detached, triplex, fourplex or townhouse dwelling, the applicant submit confirmation from an Ontario Land Surveyor or Professional Engineer certifying the location and elevation of the top of the foundation wall and confirming general conformity with the approved site grading plan, prior to a framing inspection being undertaken.
- 4.06 On the completion of the construction of a building, or part of a building, the Chief Building Official may require submission of a set of plans of the building or part of a building, as constructed, including a plan of survey prepared and certified by an Ontario Land Surveyor showing the location of the building.

### **Section 5.00 - Authorization of Alternative Solutions**

- 5.01 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 as required by Division C, Subsection 2.1.1. of the Building Code. 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 on the basis of which a permit is issued. The applicant, with or without their approved representative, shall submit,
- (a) a completed "Application for an Alternative Solution" on the form available from the Chief Building Official;
  - (b) a description of the applicable objectives, functional statements and acceptable solutions;
  - (c) a description of the proposed material, system or building design for which authorization is sought;
  - (d) supporting documentation demonstrating that the proposed material, system or building design will provide the level of performance required by the Building Code; and
  - (e) the results of tests or evaluations as may be required to achieve compliance with Division C, Article 2.1.1.2. of the Building Code; and
  - (f) payment of the required fee as set out in Schedule A of the Tariff of Fees By-law 2016-026, as amended.
- 5.02 The Chief Building Official or registered code agency may accept or reject any proposed alternative solutions and may impose conditions or limitations on their use.
- 5.03 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.

### **Section 6.00 - Fees and Refunds**

- 6.01 The Chief Building Official, or designate, shall determine the fee to be paid with every permit application, calculated in accordance with Schedule A of the Tariff of Fees By-law 2016-026, as amended, and the fee shall be due and payable, in full, upon the submission of the application for a permit.
- 6.02 Where fees payable in respect of an application for a construction or demolition permit issued under subsection 8(1) of the Act or a conditional permit issued under subsection 8(3) of the Act are based on building area, the terms:
- a) "Floor area" means the greatest horizontal area of every floor area above or below grade and shall be measured to the outer face of exterior walls and to the centerline of party walls, demising walls, or firewalls. No deductions shall be made for openings within the floor area (eg. stairs and stair openings, ducts, elevators, escalators). Floor area shall include all habitable areas, including mezzanines, basements, finished attics and enclosed balconies.

- (i) **Assembly Occupancies:** The “Assembly Occupancies” rate shall apply to the total floor area of floors, which are principally of assembly use. Other rates shall be applied to other floors based on the principal use of the total floor area.
- (ii) **Institutional Occupancies:** The “Institutional Occupancies” rate shall apply to the floor areas of floors, which are principally of institutional use. Other rates shall be applied to other floors based on the principal use of the total floor area.
- (iii) **Residential Occupancies:** For detached, semi-detached, row, duplex, and triplex dwellings, the finished floor areas, unfinished basements, porches and decks and attached garages shall be calculated at their respective rates.

For the other residential occupancies, the “Residential Occupancies” rate shall apply to the floor areas of the floors, which are principally of residential use. Other rates shall be applied to other floors based on the principal use of the total floor area.

- (iv) **Business and personal Services & Mercantile Occupancies:** The “Business and Personal Services & Mercantile Occupancies” rate shall apply to the floor areas of floors, which are principally of business and personal service or mercantile use. Other rates shall be applied to other floors based on the principal use of the total floor area.
- (v) **Industrial Occupancies:** The “Industrial Occupancies” rate shall apply to the floor areas of floors, which are principally of industrial use. Other rates shall be applied to other floors based on the principal use of the total floor area.

- b) No additional fee applies for sprinklers, fire alarms, or electromagnetic locks installed at the same time as the construction they serve.
- c) A minimum permit fee as detailed within Schedule A of the Tariff of Fees By-law 2016-026 as amended, shall be charged for all work.

6.03 Administrative fees imposed after issuance of a permit are due at the time the service is requested or required, in accordance with Schedule A of the Tariff of Fees By-law 2016-026, as amended.

6.04 Where an application for a permit is subject to additional fees prescribed by the Township, the fees so prescribed shall be paid in addition to the fees set out in Schedule A of the Tariff of Fees By-law 2016-026, as amended.

6.05 **Work without benefit of permits at any stage of construction – fee:** Any person or Corporation who commences construction, demolition or changes the use of a building before submitting an application for a permit or receiving a permit, shall in addition to any other penalty under the Act, Building Code or this By-law, pay an additional fee equal to 100% of the amount calculated as the full permit fee for the entire project.

6.06 **Fee Refunds:** Where an application for a permit is withdrawn, in writing, abandoned or where a permit is denied or revoked by the Chief Building Official, upon written request of the applicant the Chief Building Official shall determine what proportion of the permit fees, if any, may be refunded in accordance with this Section, based upon the functions undertaken by the Township, as follows:

- (a) Eighty (80%) percent of the permit fee paid if the application is withdrawn or abandoned after the permit is entered on the Township’s permit control system;
- (b) Seventy (70%) percent of the permit fee paid if the application is withdrawn or abandoned after internal departmental circulation (i.e. zoning, site plan control, grading, etc.);



- (c) Fifty (50%) percent of the permit fee paid if the application is withdrawn or abandoned after preliminary plans review has been performed;
  - (d) Forty (40%) percent of the permit fee paid if the application is withdrawn or abandoned after the permit has been issued.
- 6.07 Administrative fees are non-refundable.
- 6.08 Any amount authorized by the Chief Building Official to be refunded shall be paid to the person named on the fee receipt issued by the Township upon original payment of the fee, unless that person directs, in writing, that it be refunded to another person.
- 6.09 **Where Refunds Not Available:** No refund of any portion of the permit fee paid shall be made in the following circumstances:
- (a) Where any construction or demolition has commenced;
  - (b) Where at least one (1) field inspection has been made;
  - (c) Where a minimum permit fee is applicable as identified in the Schedule A of the Tariff of Fees By-law 2016-026, as amended;
  - (d) Where a permit was revoked (except where the revocation is due to an error by the Township); and
  - (e) In circumstances where the application has been deemed to have been abandoned in accordance with Section 3.12 of this By-law, and the applicant has not contacted the Township for a period of longer than twelve (12) months.
- 6.010 **Changing Permit Fees:** Upon passing of a By-law in accordance with Division C, 1.9.1.2 of the Building Code, the building fees will be structured in accordance with Schedule A of the Tariff of Fees By-law 2016-026 as amended. Fees will be indexed to the Consumer Price Index (CPI) of Ontario – all items, as of December, and are to be adjusted annually on March 1, subject to public notice, and the holding of a public meeting and Council endorsement.

### **Section 7.00 - Inspection Notices**

- 7.01 A notice required to be given by a permit holder to the Chief Building Official or registered code agency pursuant to Division C, Subsection 1.3.5. of the Building Code shall be given to the Chief Building Official or registered code agency at least two days in advance of the construction stage in which notice is being given. For the purpose of inspection notices, the term day means any Monday, Tuesday, Wednesday, Thursday or Friday other than a holiday.
- 7.02 A notice given to the Chief Building Official, inspector, or registered code agency pursuant to Division C, Subsection 1.3.5 of the Building Code and this Section shall not be effective until actually received by the Chief Building Official, inspector or registered code agency as the case may be.
- 7.03 In addition to the notices prescribed by the Building Code, the permit holder shall also give notice to the Chief Building Official or registered code agency of the following stages of construction:
- (a) commencement of construction of,
    - (i) masonry fireplaces and masonry chimneys;
    - (ii) factory-built fireplaces and allied chimneys;
    - (iii) stoves, ranges, space heaters and add-on furnaces using solid fuels and allied chimneys;
  - (b) substantial completion of structural framing for each storey, if the building is a type of building that is within the scope of Division B, other than Part 9;
  - (c) substantial completion of heating, ventilation, air-conditioning and air-contaminant extraction equipment;

- (d) substantial completion of site grading;
- (e) completion and availability of drawings of the building as constructed, and
- (f) completion of a building for which an occupancy permit is required under Article 1.3.3.4. or 1.3.3.5.

### **Section 8.00 - Revocation of Permits**

- 8.01 Notice of revocation: Prior to revoking a permit under sub-section 8(10) of the Act, the Chief Building Official may serve a notice by personal service, electronic service or registered mail at the last known address to the permit holder.
- 8.02 Deferral of revocation: A permit holder may, within thirty (30) days from the date of service of the notice under this part, request in writing that the Chief Building Official defer the revocation by stating reasons why the permit should not be revoked. The Chief Building Official having regard to changes in the Act, Building Code, or other applicable law may allow the deferral, in writing subject to the payment of fees as detailed within Schedule A of the Tariff of Fees By-law 2016-026, as amended.

### **Section 9.00 - Code of Conduct**

- 9.01 The Code of Conduct as required under Section 7.1 of the Act is set out in Schedule B of this By-law.

### **Section 10.00 - Enforcement and Penalties**

- 10.01 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) and 1.3.5.2.(1) 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.

- 10.02 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(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 Official under subsection 15.9(6) of the Act; and
  - (g) An emergency order where immediate danger to repair a building made by the Chief Building Official under subsection 15.10(1) of the Act.
- 10.03 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 10.01 and 10.02 of this By-law; or otherwise as provided for in the Provincial Offences Act R.S.O. 1990, c. P.33.
- 10.04 Every person who hinders or obstructs a person lawfully carrying out the enforcement of the By-law is guilty of an offence.
- 10.05 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 Schedule C of this By-law.
- 10.06 In addition to the penalties prescribed in section 10.01 and 10.02 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.

**Section 11.00 - Administration and Effective Date**

- 11.01 **Administration of the By-law:** The Chief Building Official is responsible for the administration of this By-law.
- 11.02 **Review of By-law:** The Chief Building Official shall review the By-law as required and coinciding with the Building Code cycle to ensure compliance with legislation.
- 11.03 **Repeal of Existing By-law:** Building By-law 2021-087 and 2022-015 are hereby repealed.
- 11.04 **Effective Date:** This By-law shall come into force on June 1<sup>st</sup>, 2024.

By-law read a first, second and third time, and finally passed, this 14<sup>th</sup> day of May, 2024.

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Mayor Sherry Senis

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Angela Chittick, Clerk

Corporate Seal

**Schedule A**  
**Documents & Drawings Required For Permit Applications**  
**Table 1**

Item	Class of Permit	Documents and Drawings Required
1(a)	<b>Building Permit – Residential – New Buildings</b> - Detached houses - Semi-detached houses - Triplexes - Fourplexes - Townhouses	<b>Documents</b> <ol style="list-style-type: none"> <li>a. Applicable Law Checklist</li> <li>b. Confirmation of Energy Efficient Design SB-12 compliance forms</li> <li>c. Mechanical Ventilation Design Summary including heat loss/gain calculations</li> <li>d. Permit for On-Site Sewage System or</li> <li>e. Municipal Water and Wastewater connection approval</li> <li>f. Entrance Permit Application*</li> <li>g. Tarion Registration Number*</li> </ol> <b>Drawings</b> <ol style="list-style-type: none"> <li>a. Approved Site Plan</li> <li>b. Approved Grading Plan*</li> <li>c. Plan of Survey*</li> <li>d. Architectural Drawings</li> <li>e. Structural Drawings</li> <li>f. HVAC Drawings</li> <li>g. On-Site Sewage System Site Evaluation*</li> </ol>
1(b)	<b>Building Permit – Residential Related to Existing as in 1(a)</b> - Alterations - Additions - Accessory Buildings	<b>Documents</b> <ol style="list-style-type: none"> <li>a. Applicable Law Checklist</li> <li>b. Permit/Approval for Sewage System*</li> <li>c. Mechanical Ventilation Design Summary including heat loss/gain calculations</li> <li>d. Confirmation of Energy Efficient Design SB-12 compliance forms*</li> </ol> <b>Drawings</b> <ol style="list-style-type: none"> <li>a. Site Plan*</li> <li>b. Approved Grading Plan*</li> <li>c. Architectural Drawings</li> <li>d. Structural Drawings</li> <li>e. HVAC Drawings</li> <li>f. On-Site Sewage System Site Evaluation*</li> </ol>
(a)	<b>Building Permit - Non-residential and other residential not provided for in Row No 1(a) or 1(b).</b> - New Buildings - Additions	<b>Documents</b> <ol style="list-style-type: none"> <li>a. Applicable Law Checklist</li> <li>b. Permit for On-Site Sewage System or</li> <li>c. Municipal Water and Wastewater connection approval</li> <li>d. Commitment to General Reviews by Architect &amp; Engineers*</li> <li>e. Ontario Building Code Design Information Form (OBC Matrix)</li> <li>f. Confirmation of Energy Efficient Design SB-10, or SB-12 compliance forms*</li> <li>g. Mechanical Ventilation Design Summary including heat gain/loss calculations</li> </ol> <b>Drawings</b> <ol style="list-style-type: none"> <li>a. Approved Site Plan</li> <li>b. Approved Grading Plan*</li> <li>c. Architectural Drawings</li> <li>d. Structural Drawings</li> <li>e. HVAC Drawings</li> <li>f. Plumbing Drawings</li> <li>g. On-Site Sewage System Site Evaluation*</li> <li>h. Electrical Drawings</li> <li>i. Fire Protection Drawings</li> <li>j. Site Specific Reports</li> <li>k. Specifications</li> </ol>
2(b)	<b>Building Permit - Non-residential</b>	<b>Documents</b> <ol style="list-style-type: none"> <li>a. Applicable Law Checklist</li> </ol>

	<p><b>and other residential as in 2(a)</b></p> <ul style="list-style-type: none"> <li>- Alterations</li> <li>- Renovations</li> <li>- Tenant Occupancies</li> </ul>	<ul style="list-style-type: none"> <li>b. Permit for On-Site Sewage System* or</li> <li>c. Municipal Water and Wastewater connection approval</li> <li>d. Commitment to General Reviews by Architect &amp; Engineers</li> <li>e. Ontario Building Code Design Information Form (OBC Matrix)</li> </ul> <p><b>Drawings</b></p> <ul style="list-style-type: none"> <li>a. Site Plan</li> <li>b. Architectural Drawings</li> <li>c. Structural Drawings</li> <li>d. HVAC Drawings</li> <li>e. Plumbing Drawings</li> <li>f. On-Site Sewage System Site Evaluation*</li> <li>g. Electrical Drawings</li> <li>h. Fire Protection Drawings</li> <li>i. Specifications</li> </ul>
3.	<p><b>Building Permits</b></p> <p>-Other than Items 1(a) to 2(b) above</p>	<p><b>Documents</b></p> <ul style="list-style-type: none"> <li>a. Applicable Law Checklist</li> <li>b. Documents from Items 1(a) to 2(b), or other documents which are applicable to the scope of work proposed</li> </ul> <p><b>Drawings</b></p> <ul style="list-style-type: none"> <li>a. Drawings from Items 1(a) to 2(b) which are applicable to the scope of work proposed</li> </ul>
4.	<p><b>Sewage System Permit</b></p>	<p><b>Documents</b></p> <ul style="list-style-type: none"> <li>a. Applicable Law Checklist</li> <li>b. Commitment to General Reviews by Architect &amp; Engineers*</li> </ul> <p><b>Drawings</b></p> <ul style="list-style-type: none"> <li>a. On-Site Sewage System Site Evaluation*</li> <li>b. Site Specific Reports*</li> <li>c. Specifications and Shop Drawings*</li> </ul>
5.	<p><b>Change of use Permit</b></p>	<p><b>Documents</b></p> <ul style="list-style-type: none"> <li>a. Applicable Law Checklist</li> <li>b. Documents from Items 1(a) to 2(b), or other documents which are applicable to the scope of work proposed</li> </ul> <p><b>Drawings</b></p> <ul style="list-style-type: none"> <li>a. Site Plan</li> <li>b. Existing and Proposed Floor Plan</li> <li>c. Architectural Drawings</li> <li>d. HVAC Drawings</li> <li>e. Plumbing</li> <li>f. Electrical</li> <li>g. Fire protection</li> </ul>
6.	<p><b>Demolition Permit</b></p>	<p><b>Documents</b></p> <ul style="list-style-type: none"> <li>a. Applicable Law Checklist</li> <li>b. Demolition Plan Prepared by Professional Engineer *</li> <li>c. Commitment to General Reviews by Architect &amp; Engineers*</li> <li>d. Completed Utility Disconnect Forms</li> </ul> <p><b>Drawings</b></p> <ul style="list-style-type: none"> <li>a. Site Plan</li> </ul>

\*where applicable

**Notes:**

1. The documents described in this Schedule are available at any Township of Selwyn Municipal Office or on the website.
2. All drawings to be submitted in PDF digital format.

3. A description of the information required on drawings is contained in Schedule B Table 2.
4. The Chief Building Official may waive the requirements for any specified documents or drawings where the scope of the work, applicable law or Building Code requirements does not necessitate its submission.

**Schedule A**  
**Documents & Drawings Required For Permit Applications**  
**Table 2**

**Information Required on Drawings**

Item	Drawing Type	Information Required	Class of Permit – Schedule D Item							
			1(a)	1(b)	2(a)	2(b)	3	4	5	6
1.	Site Plan	a. Legal description, survey property lines, property dimensions, compass orientation, location, and name of adjacent roads	X	X	X	X	X	X	*	*
		b. Outline of all existing and proposed buildings and structures, building dimensions and their distance to property lines.	X	X	X	*	*	X	*	*
		c. Dimensions and location of parking and vehicle access, fire routes, rights of way and easements	X	X	X	X	X	X	*	*
		d. Location of well, septic, municipal services, hydro service	X	X	X	*	*	X	*	*
2.	Grading Plan	a. Prepared by Ontario Land Surveyor or Professional Engineer	X	X	X	*	*	*	*	*
		b. Include all items listed in Item 1 (a) – (d)	X	X	X	*	*	*	*	*
		c. Location of catch basins, curb cuts, retaining walls, sidewalks	X	X	X	*	*	*	*	*
		d. Existing and proposed elevations within the site and property lines, retaining wall elevation, slopes of driveways, drainage flow and swales	X	X	X	X	*	*	*	*
3.	Structural	a. Foundation, floor and roof framing plans, footing, column and beam schedules, details and material specifications	X	X	X	X	*	*	*	

Item	Drawing Type	Information Required	Class of Permit – Schedule D Item							
			1(a)	1(b)	2(a)	2(b)	3	4	5	6
		b. Design specifications, live and dead loading, wind and snow loading, earthquake loading	*	*	X	X	*		*	*
		c. Structural drawings sealed by a professional engineer for all structural elements not within the scope of Part 9 of the Building Code	X	X	X	X	*		*	*
		d. Roof and floor truss drawings sealed by a professional engineer	X	X	X	X	*		*	*
4.	Architectural	a. Existing plans showing construction and room and space identification of all floors		X	X	X	*	X	X	
		b. Plans of all floors including basements complete with all rooms and room names	X	X	X	X	*	X	X	
		c. Roof plan showing roof slope, drainage, roof and roofing construction details	X	X	X	X	*		X	
		d. Building elevations showing grade, floor and ceiling heights, overall building height, exterior finish materials, window heights and sizes and spatial separation requirements	X	X	X	X	*		X	
		e. Construction details including proposed wall section from footing to roof, specifications of all wall, floor and roof assemblies and all building materials and construction specifications	X	X	X	X	*		X	
		f. Stairs, guards and handrail dimensions and details, window sizes and height above floor level; location and fuel type of all fireplaces	X	X	X	X	*		X	



Item	Drawing Type	Information Required	Class of Permit – Schedule D Item							
			1(a)	1(b)	2(a)	2(b)	3	4	5	6
		g. Mezzanine plan showing construction, guardrails, egress			X	X	*		X	
		h. Location and details of barrier free entrances and barrier free washrooms			X	X	*		X	
		i. Reflected ceiling plans, bulkhead details, horizontal service shaft details			X	X	*		X	
		j. Roof equipment screening anchorage for window washing, roof access			X	X	*		X	
		k. Building cross sections showing grade, floor and ceiling heights, horizontal and vertical fire separations	X	X	X	X	*		X	
		l. Enlarged sections and detailed plans of washrooms and exit stairs			X	X	*		X	
		m. Wall sections, plan and section construction details			X	X	*		X	
		n. Exit stair enclosure, wall construction details, fire separations and listed design numbers, door numbers referenced to a door schedule			X	X	*		X	
		o. Door and hardware schedule, door and frame details, window schedule, room finish schedule			X	X	*		X	
5.	HVAC	a. Heating, ventilating and air conditioning plans, service shafts, equipment layout and schedules			X	X	*		X	
		b. Ventilation design summary, duct design and layout	X	X			*		X	
		c. Fire damper locations, kitchen exhaust equipment			X	X	*		X	

Item	Drawing Type	Information Required	Class of Permit – Schedule D Item							
			1(a)	1(b)	2(a)	2(b)	3	4	5	6
6.	Plumbing	a. Plumbing and drainage plans, location and sizing of under and above ground storm, sanitary and water supply piping and appurtenances			X	X	*		X	
		b. Location of fire stopping, specifications of plumbing and fire stopping materials	X	X	X	X	*		X	
7.	Electrical	a. Electrical supply and distribution plans, location of power and lighting outlets, equipment schedules, transformer locations			X	X	*		X	
		b. Location and specification of emergency lighting, emergency generators and exit signage			X	X	*		X	
8.	Fire Protection	a. Fire hydrant locations, sprinkler and standpipe distribution plans and schedules; sprinkler head layout, fire hose cabinet locations			X	X	*		X	
		b. Location and specification of emergency lighting, emergency generators and exit signage, fire alarm system annunciator, diagrams and specifications			X	X	*		X	
		c. Location of smoke alarms and carbon monoxide detectors	X	X	X	X	*		X	
9.	On-Site Sewage System Evaluation		X	X	X	X	*	X	X	

\*where applicable

Notes:

1. Where indicated by an 'X', the information described is required to be included on the drawings for the class of permit specified.
2. Required information may be located or consolidated on other drawings rather than the drawing specified in the schedule.
3. The Chief Building Official may waive the requirement for any required information specified in this schedule due to limited scope of work, applicable law or Building Code requirements.

## **Schedule B**

### **Code of Conduct for Building Officials**

#### **1. Introduction**

The Corporation of the Township of Selwyn maintains a code of conduct in accordance with the provisions of the Building Code Act. Building officials undertake statutory duties to review the quality, structural integrity, and safety of the occupants of buildings and the public at large as the use and interaction with buildings.

#### **2. Purpose**

The Building Code Act provides that the actions of Building Officials are subject to a Code of Conduct and that it is the responsibility of the principal authority to create and implement such a Code of Conduct. The purposes of this Code of Conduct are;

- (a) To promote appropriate standards of behavior and enforcement actions by the Chief Building Official and Inspectors in the exercise of a power or the performance of a duty under the Act or the Building Code.
- (b) To prevent practices which may constitute an abuse of power, including unethical or illegal practices, by the Chief Building Official and Inspectors in the exercise of a power or the performance of a duty under the Act or the Building Code.
- (c) To promote appropriate standards of honesty and integrity in the exercise of a power or the performance of a duty under the Act or the Building Code by the Chief Building Official and Inspectors.

#### **3. Scope**

This policy applies to the Chief Building Official and all appointed Inspectors.

The Code of Conduct must provide for its enforcement and include policies or guidelines to be used when responding to allegations that the Code of Conduct has been breached and disciplinary actions that may be taken if the Code of Conduct is breached.

#### **4. Contents**

Conduct

- (a) Always act in the public interest, particularly about the safety and accessibility aspects of Building works and structures.
- (b) Maintain their knowledge and understanding of the best current building practice, the building laws, and regulations relevant to their building certifying functions.
- (c) Apply all relevant Building laws, regulations, codes and standards in an impartial, consistent, fair and professional manner, independent of any external influence and without regard to any personal interests.
- (d) Maintain required legislated qualifications and accreditation, discharging all duties in accordance with recognized areas of competency.
- (e) Not act beyond their level of competence or outside their area of expertise.
- (f) Avoid activities where there may be, or where there may reasonably appear to be, a conflict between their duties to their clients, their profession, their peers, and the public at large, and their personal interests.
- (g) Not divulge any confidential or sensitive information or material that they become privy to in the performance of their duties, except in accordance with laws governing freedom of information and protection of privacy.
- (h) Extend professional courtesy to all.

#### **Guideline for responding to misconduct allegations**

- (a) The Chief Building Official will review any allegations of breaches of this Code of Conduct made against Building Officials. Where the allegations are against

the Chief Building Official, the CAO of the Corporation will review the allegations.

- (b) Disciplinary action arising from violations of the Code of Conduct is at the discretion and responsibility of the municipal employer and will be based on the severity and frequency of the violation in accordance with the Township Organizational Policy, Section 5.2 Progressive Discipline.

**Schedule C  
Set-Fines**

Item	Short Form Wording	Provision Creating or Defining Offence (OBC)	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
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.36(1)(b)	\$400.00
16.	Property Owner - Fail to comply with order not to cover	s.36(1)(b)	\$400.00
17.	Property Owner - Fail to comply with order to uncover	s.36(1)(b)	\$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.36(1)(b)	\$400.00
20.	Property Owner - Fail to comply with an order prohibiting use or occupancy of unsafe building	s.36(1)(b)	\$400.00
21.	Property Owner - Hinder or obstruct person lawfully carrying out enforcement duties	s.19(1)	\$400.00
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
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.36(1)(b)	\$600.00
37.	Builder - Fail to comply with order to uncover	s.36(1)(b)	\$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.36(1)(b)	\$600.00
40.	Builder - Fail to comply with an order prohibiting use or occupancy of unsafe building	s.36(1)(b)	\$600.00
41.	Builder - Hinder or obstruct person lawfully carrying out enforcement duties	s.19(1)	\$600.00
<p><b>Note:</b> "the penalty provisions for the offences listed above are section 36 of the Building Code Act, 5.0. 1992, Ch.23 and s.61 of the Provincial Offences Act, R.5.0. c.P.33."</p>			