

**THE CORPORATION OF THE TOWNSHIP OF LEEDS AND THE
THOUSAND ISLANDS**

BY-LAW NO. 22-055

**BEING A BY-LAW RESPECTING CONSTRUCTION, DEMOLITION, AND
CHANGE OF USE PERMITS AND INSPECTIONS.**

WHEREAS Section 7 of the Building Code Act, S.O. 1992, empowers Council to pass certain By-Laws respecting construction, demolition, and change of use *permits* and inspections;

AND WHEREAS the Council of the Corporation of Leeds and the Thousand Islands deems it expedient to pass such a By-Law;

NOW THEREFORE the Council of the Corporation of Leeds and the Thousand Islands enacts as follows:

Part 1: Title, Scope and Definitions

1.1 Short Title:

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

1.2 Interpretation:

1.2.1 This By-Law applies to the whole of the area of jurisdiction of the Corporation of the Township of Leeds and the Thousand Islands.

1.2.2 This By-Law applies to administration and enforcement in the design, construction, erection, placement and occupancy of new buildings, and the alteration, reconstruction, demolition, removal, relocation, occupancy and change in occupancy of existing buildings and any requirements that are necessary to correct unsafe conditions in existing buildings.

1.2.3 The requirements of the *Code* are hereby adopted and shall apply to all work falling within the scope and jurisdiction of this By-Law.

1.2.4 Any construction or condition that lawfully existed before the effective date of this By-Law need not conform to the requirements of this By-Law if such construction or condition does not constitute an unsafe condition in the opinion of the *authority having jurisdiction*.

1.3 Definitions:

1.3.1 The words and terms in italics in this By-Law shall have the meaning prescribed in subsection 1.3.2 herein, and if no definition is provided herein they shall have the meanings as prescribed in the *Act* or the *Code*. Should a word or term be defined in both this By-Law and the *Code*, the definition set forth in this By-Law shall govern.

1.3.2 Words and terms in italics in this By-Law shall have the following meanings:

a) **Act** means the Ontario Building Code Act, 1992, including amendments thereto.

- b) **Applicant** means the *owner* of a *building* or property who applies for a *permit* or any person authorized by the *owner* to apply for a *permit* on the *owner's* behalf, or any person or *Corporation* empowered by statute to cause the demolition of a *building* or *buildings* and anyone acting under the authority of such person or *Corporation*.
- c) **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.
- d) **Authority Having Jurisdiction** means the Corporation of the Township of Leeds and the Thousand Islands and where the context requires, such *Chief Building Official*, *Building Inspector*, or other authority lawfully appointed by By-Law of the *Corporation* for the purpose of enforcement of this By-Law, the *Act* and *Code*.
- e) **Building** is as defined in Section 1 of the *Act*, as amended. This currently means,
 - i. a structure occupying an area greater than 10 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;
 - ii. a structure occupying an area of 10 square metres or less that contains *plumbing*, including the *plumbing* appurtenant thereto;
 - iii. *plumbing* not located in a structure;
 - iv. a sewage system; and,
 - v. structures designated in the *Code*
- f) **Building Code** means the in-effect regulation made under Section 34 of the *Act*, including all applicable amendments.
- g) **Building Inspector** means the Building Inspector appointed by By-Law of the Corporation of the Township of Leeds and the Thousand Islands to assist the *Chief Building Official* for the purpose of enforcement of this By-Law, the *Act* and *Code*.
- h) **Chief Building Official** means the Chief Building Official appointed by By-Law of the Corporation of the Township of Leeds and the Thousand Islands for the purpose of enforcement of this By-Law, the *Act* and *Code*.
- i) **Corporation** means the Corporation of the Township of Leeds and the Thousand Islands.
- j) **Digital Signature, or Digital Professional Seal** means cryptographically protected information in which the veracity of the certificate details is certified by a recognized digital signature certificate authority
- k) **Farm Building** means a building as defined in Article 1.4.1.2, Division A, Part 1 of the *Code*, as amended. This currently means:

- i. that does not contain any area used for residential occupancy;
 - ii. that is associated with and located on land devoted to the practice of farming; and,
 - iii. that is used essentially for the housing of equipment or livestock or the production, storage or processing of agricultural and horticultural produce or feeds.
- k) **Owner** means the registered owner of the land and includes a lessee, mortgagee in possession, and the person in charge of the property.
- l) **Permit** means written permission or written authorization from the *Chief Building Official* to perform work regulated by this By-Law and the *Act*.
- m) **Plumbing** means a drainage system, a venting system, and a water system or parts thereof.
- n) **Plot Plan** means a detailed drawing(s) of proposed improvements to a given property at a defined scale Plot Plans are also known as a Site Plans.
- o) **Principal Building** means the first building constructed on vacant property, or the first building that replaces a previous Principal Building where accessory buildings already exist and are to remain.
- p) **Sewage System** means a private on-site sewage system as defined in Article 1.4.1.2 of Division A of the **Building Code**.

Part 2: Enforcement

- 2.1 This By-Law shall be enforced by the *Chief Building Official*, *Building Inspector*, or other authority lawfully appointed by By-Law of the *Corporation*.

Part 3: Classes of Permits

- 3.1 A *permit* is required for all construction, demolition and change of use dealt with by the *Code*.
- 3.2 Classes of permits with respect to the construction, demolition and change of use of *buildings* and their associated permit fees shall be as set forth in the *General Rates and Fees By-Law*.
- 3.3 A *permit* to construct, demolish or change use shall not be issued until approvals are obtained regarding any applicable law, including but not limited to the Township of Leeds and the Thousand Islands Comprehensive Zoning By-law, Planning Act Approvals, Cataraqui Region Conservation Authority, Leeds, and St. Lawrence Parks Commission.
- 3.4 For the purposes of this By-Law, permits are categorized as follows:

3.4.1 **Building:** A *permit* required under Section 8(1) of the *Act* for all types of construction and demolition governed by the *Code*, including Renovation (Part 11, Division B) and *Plumbing, and sewage systems* (Part 7, Division B).

3.4.2 **Amended:** Permission issued by the *Chief Building Official* to approve and authorize material change(s) to an existing *permit* if the *Chief Building Official* approves the change. Any change in plans or specifications must have written approval from the person (*owner*, designer, professional engineer, and/ or architect) responsible for the design and general review of the project prior to being submitted to the *Chief Building Official* for approval.

3.4.3 **Conditional:** A *permit* issued pursuant to Section 8(3) of the *Act*, at the discretion of the *Chief Building Official* even though all requirements to obtain a *permit* have not been met.

3.4.4 **Change of use:** A *permit* issued pursuant to Section 10 of the *Act* authorizing a change in use where such change will result in an increase in hazard even though no construction is proposed.

Part 4: Permit Requirements

4.1 To obtain a *permit*, an *applicant* shall file an application in writing on forms prescribed by the *Act* or *Code* and made available by the Corporation and shall supply any other information relating to the application as outlined in this By-Law and/or required by the *Chief Building Official*.

4.2 Building Permit

Where application is made for a Building *Permit* under Section 8(1) of the *Act*, on the prescribed form, the application shall;

4.2.1 Describe the land on which the proposed work is to be done by a description that will readily identify and locate the site on which the *building* or demolition is to occur.

4.2.2 State the estimated cost of the proposed work including materials and labour.

4.2.3 Identify and describe in detail the work to be performed pursuant to the *permit* for which the application is made and the resultant use of the property thereafter.

4.2.4 Include the name, address, and contact information of the *applicant* (*owner* or authorized agent of the *owner*), *owner* (if different from the *applicant*) and builder responsible for the work for which a *permit* is sought.

4.2.5 Include signature of the *owner* or the *owner's* authorized agent who shall certify to the truth of the contents of the application.

4.2.6 Include, where applicable, the registration number of the builder or vendor as provided in the Ontario New Home Warranties Plan Act.

4.2.7 Include Schedule 1 or 2 Designer Information, to be completed by each individual (a designer qualified under the *Code* or the *owner*) who reviews and takes responsibility for design activities with respect to the proposed work. Licensed Ontario Architects and Engineers responsible for design activities are not required to complete Schedule 1.

4.2.8 Indicate if proposed work includes a new livestock facility, an addition to existing livestock facility or construction of a new dwelling within 1000 metres of a livestock facility. If so, Schedule 3 Minimum Distance Separation Formulae is required to be completed and the determined distance complied with.

4.2.9 Include 1 set of construction drawings and specifications as described in Part 5 of this By-Law. The drawings shall be signed by the individual responsible for the design activities (a designer qualified under the *Code*, a licensed Ontario Architect or Engineer or the *owner*) and must be marked "for building permit" or such similar language indicating the drawing copy is meant for building permit review. A digital set of plans is required prior to permit issuance.

4.2.10 Include a plot plan as described in Part 5 of this By-Law.

4.2.11 Include letter of authorization if *applicant* is someone other than the *owner*. This letter shall indicate that the *owner* authorizes the *applicant* to make the application on their behalf.

4.2.12 The Energy Efficiency Design summary (EEDs) form, subject to permit classification, must be included with the application.

4.2.13 No person shall construct or demolish a **Sewage System** or cause a **Sewage System** to be constructed or demolished, unless a permit, as set out in Section 5 this By-law has been issued.

4.3 Permit for Part of a Building

Where application is made for part of a building prior to the issuance of a *permit* for the whole project, the *applicant* shall:

4.3.1 File an application for a *permit* for the entire project pursuant to Section 4.2 of this by-law and pay the fees for the whole project as determined pursuant to the General Rates and Fees By-Law; and,

4.3.2 Furnish plans and specifications acceptable to the *Chief Building Official* related to the portion of work for which a partial approval and *permit* is requested.

4.3.3 The *Chief Building Official* shall not, by reason of the issuance of a *permit* or *permits* for a part or parts of a building issued under this section, be under any obligation to grant any further *permit* or *permits* thereto.

4.4 Demolition Permit

Where application is made for a Demolition *Permit* under Section 8(1) of the *Act*, the application shall;

4.4.1 Include the information required by Section 4.2 of this by-law.

4.4.2 Include written confirmation that arrangements have been made with the proper authorities for the disconnection of all services including water, sewer, gas, electric, telephone or other utilities and services.

4.4.3 A demolition permit affidavit must be completed and included as part of an application submission.

4.5 Conditional Permit

Conditional Permits are considered at the discretion of the CBO. Where application is made for a *Conditional Permit* under Section 8(3) of the *Act*, the application shall;

4.5.1 Contain the information required by Section 4.2 of this by-law.

4.5.2 Contain such other information, plans and specifications concerning the entire project as the *Chief Building Official* may require.

4.5.3 Confirm, to the satisfaction of the *Chief Building Official*, compliance with By-Laws passed under Sections 34 and 38 of the Planning Act and with the applicable portions of the *Code*.

4.5.4 Explanation of why unreasonable delays in construction would occur if a conditional *permit* is not granted.

4.5.5 The *applicant*, and such other person as the *Chief Building Official* determines, agrees in writing with the *Corporation* to:

- a) assume all risk in commencing the construction prior to all permit requirements being met;
- b) obtain all necessary approvals in the time set out in the agreement;
- c) submit plans and specifications in the time set out in the agreement; and,
- d) at the *applicant's* own expense, remove the building and restore the site in the manner specified in the agreement if approvals are not obtained or plans submitted in the time set out in the agreement;
- e) Comply with such other conditions as the Chief Building Official considers necessary, including the provision for security for compliance

4.5.6 Council delegates the authority to the *Chief Building Official* to enter into Conditional Permit Agreements on behalf of the *Corporation*.

4.5.7 The *Chief Building Official* may authorize deletion of one or more of the requirements, provided the intent and purpose of the By-Law is maintained.

4.6 Change of Use Permit

Where application is made for a Change of Use *Permit* under Section 10 of the *Act*, the application shall;

4.6.1 Contain the information required by clauses 4.2.1 to 4.2.5 above.

4.6.2 Identify and describe in detail the current and proposed use of the building or part of a building for which the application is made.

4.6.3 Include plans and specifications showing the current and proposed use of all parts of the building and sufficient information to establish compliance with the requirements of the *Code*.

4.7 Permit for Temporary Buildings

4.7.1 A *permit* for a temporary *building* may be issued by the *Chief Building Official* authorizing for such specified time as decided by the *Chief Building Official*, the erection and existence of a *building* or part thereof.

4.7.2 A *permit* for a temporary *building* may be extended in writing by the *Chief Building Official*.

4.8 Abandonment of Application

4.8.1 Where an *applicant* for a *permit* has not fulfilled the requirements of this By-Law therefore to allow issuance of a *permit* within 6 (six) months of the filing of the application, the application shall be deemed to be abandoned and notice thereof shall be given to the *applicant*.

4.8.2 Where an application is cancelled by the *applicant* the request is required to be provided in writing. Upon receipt of a written request the application file will be closed.

Part 5: Plans, Specifications, Documents, and Information

5.1 Every *applicant* shall include the following information with the *building permit* application:

5.1.1 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*, the *Code* and any other applicable law;

5.1.2 A **plot plan** is required to be submitted with every building permit application and shall include the following:

- a) property boundaries and dimensions, including high water mark, if applicable;
- b) location, size and type of all existing and proposed buildings and structures on the subject property, indicating the distance of the buildings and structures from the front, rear and side lot lines

- and distance between existing and proposed *buildings* and structures;
- c) location of existing or proposed septic system and drilled/dug well on site;
 - d) approximate location of all natural and artificial features on the subject property and adjacent lands that, in the opinion of the *applicant*, may affect the application. Examples include buildings, railways, roads, watercourses, swales, drainage ditches, river or stream banks, wetlands, wooded areas, barns, sand pits, quarries, retaining walls, wells and septic tanks, tile beds, and utilities (hydro, gas, phone, overhead and underground);
 - e) location, width and name of any roads within or abutting the subject property, indicating whether it is an unopened road allowance, a public travelled road, a private road or right-of way;
 - f) if access to the subject property is by water only, the location of the parking and docking facilities to be used;
 - g) topographical features (steep slopes, rock outcroppings, low-laying areas, etc.) that may affect drainage patterns on and off site;
 - h) location and nature of any easement affecting the subject property; and,
 - i) location of agricultural buildings capable of housing animals on a feed lot within 1000 metres of the subject property.

5.1.3 The plot plan is the responsibility of the *applicant* or *owner*. The *Chief Building Official* will not take responsibility of the accuracy of the plot plan supplied with the application.

5.1.4 **Construction drawings** shall clearly demonstrate how the proposed *building* and/or structure will be constructed. The following plans may be required to accompany an application for a *permit*:

- a) floor plans
- b) foundation plans
- c) framing plans – including engineered floor systems
- d) roof plans- including stamped engineered designs and layouts
- e) reflected ceiling plans – including location of smoke and carbon monoxide alarms
- f) Cross-sections and details
- g) Building elevations
- h) Heating, ventilation and air conditioning (HVAC) design – including hydronic designs or earth energy systems
- i) *Plumbing* details/design
- j) Location and details of Radon mitigation systems

5.1.5 **Application for Sewage System Permit**

Where application is made for a sewage permit issued under Subsection 8.(1) of the Act, the applicant shall:

- a) Use the provincial application form, "Application for a Permit to Construct or Demolish";
- b) include complete plans and specifications, documents

and other information as required by the Building Code and as described in this by-law for the work to be covered by the permit;

c) include a site evaluation which shall include the following items, unless otherwise specified by the Chief Building Official:

- i. the date the evaluation was done;
- ii. name, address, telephone number and signature of the person who prepared the evaluation; and
- iii. a scaled map of the site showing the following:
 - legal description, lot size, property dimensions, existing right of way, easements or municipal utility corridors;
 - location of items listed in Column 1 of Tables 8.2.1.6.A., 8.2.1.6.B. and 8.2.1.6.C. of the Building Code;
 - location of the proposed sewage system;
 - location of any unsuitable, disturbed or compacted areas;
 - proposed access routes for system Maintenance
 - depth to bedrock;
 - depth to zones of soil saturation;
 - soil properties, including soil permeability; and
 - soil conditions, including the potential for flooding.

5.1.6 Construction drawings shall be legible and be drawn to scale upon paper. Plans drawn in pencil will not be accepted. All plans must show the *owner's* name, municipal address of the subject property, drawing title and number, date, dimensions, and north symbol. Designers drawings/design must include the current BCIN Number.

5.1.7 **Additional information and documents** may, at the discretion of the *Chief Building Official*, be required to accompany an application for a *permit* including, but not limited to:

- a) energy efficiency design summary form (to be completed for new home construction or an addition(s) to an existing dwelling);
- b) Heating, Ventilating, Air Conditioning (HVAC) design (if HVAC system will be installed/altered)
- c) heat loss/heat gain calculations (if HVAC system will be installed/altered);
- d) copy of property transfer/deed of land (if property was acquired within 1 (one) year of date of submission of application for a *permit*);
- e) copy of entrance permit (for development on a lot where an entrance permit has not been previously issued);
- f) Engineered truss and/or floor joist plans
- g) Laminated veneer lumber (LVL) details

5.1.8 In lieu of separate specifications, the *Chief Building Official* may permit essential information to be shown combined on the plans if the information can be shown in a sufficiently specific manner.

5.1.9 On completion of the construction of a *building* or structure, the *Chief Building Official* may require the following plans and documents

prior to issuing a final permit indicating completion of the project including, but not limited to:

- a) a set of *as constructed plans*, including a plan of survey showing the location of the *building(s)*
- b) copy of heat recovery ventilator (HRV) balance report signed by certified Level 1 HRAI contractor ;
- c) copy of Electrical Safety Authority (ESA) final inspection certificate;
- d) copy of sewage system completion certificate;
- e) certificate of qualification for plumber, HVAC installer and/or insulator.

5.2 Plans, specifications, documents and other information furnished according to this by-law or otherwise required by the *Act* become the property of the *Corporation*.

Part 6: Fees

- 6.1 Permit fees are established in the General Rates and Fees By-law.
- 6.2 The fee for a building permit application is based on *building* value, as established in the General Rates and Fees By-law or the value of construction provided in an application for building permit, whichever is greater
- 6.3 Where application is made to amend an existing *permit*, the *Chief Building Official* will determine if such revision shall be processed with a charge.
- 6.4 In the case of withdrawal of an application or the abandonment of all or a portion of the work or the non-commencement of any project, the *Chief Building Official* shall determine the amount of paid permit fees that may be refunded to the *applicant*, if any.
- 6.5 There shall be no refund of permit fees paid where a *permit* has been revoked under Part 9 of this By-Law.
- 6.6 No *permit* shall be issued until the fees therefore have been paid.

Part 7: Inspections

- 7.1 The *owner* or authorized agent shall notify the *Chief Building official* at least forty-eight (48) hours prior to, not including the day of the request, weekends or holidays, each stage of construction for which notice in advance is required by the *Code*.
- 7.2 The *owner* or authorized agent shall notify the *Chief Building official* at least five business days prior to, not including the day of the request, weekends or holidays, the stages of construction specified therein for **Sewage Systems** in accordance with the requirements of sentence 1.3.5.(2) of Division C of the **Building Code**.

- 7.3 The *Chief Building Official* or *Building Inspector* may enter upon land and into *buildings* at any reasonable time without a warrant for the purpose of inspecting the *building* or site to determine whether the following are being complied with:
- a) The Ontario Building Code Act;
 - b) The Building Code;
 - c) An order made under the Ontario Building Code Act.

Part 8: Site Documents

- 8.1 The person to whom a *permit* is issued shall have the *permit* posted at all times during the construction or demolition in a conspicuous place on the property in respect of which the *permit* was issued.
- 8.2 The person in charge of the work shall keep and maintain on site:
- 8.2.1 At least 1 (one) copy of the approved drawings including copies of plans or specifications such as truss, floor, LVL or HVAC plans) that form a condition on the permit; and specifications certified by the *Chief Building Official* to be a copy of those submitted with the application for the *permit* together with details of changes authorized by the *Chief Building Official*;
- 8.2.2 Any authorizations or facsimiles thereof received from the Building Materials Evaluation Commission showing specified terms and conditions.

Part 9: Permit Revocations, Deferral of Revocation, Transfer of Permit

9.1 Permit Revocation

- 9.1.1 Revocation of a *permit* will be made pursuant to Sections 8(10) and 8(25) of the *Act*.
- 9.1.2 The *Chief Building Official* may revoke a permit issued under *Act*,
- a) If it was issued on mistaken, false or incorrect information;
 - b) If, after 6 months after its issuance, the construction or demolition in respect of which it was issued has not, in the opinion of the *Chief Building Official*, been seriously commenced;
 - c) If the construction or demolition of the building is, in the opinion of the *Chief Building Official*, substantially suspended or discontinued for a period of more than one year;
 - d) If it was issued in error;
 - e) If the holder requests in writing that it be revoked; or
 - f) If a term of the agreement under clause 8(3)(c) of the *Act* has not been complied with.
- 9.1.3 A notice of revocation shall be served to the permit holder by personal service, email or registered mail to the last known address of the permit holder.

9.1.4 Where notice is served personally, electronically or by registered mail, the permit holder shall be deemed to have been served with the notice on the fifth day after the notice is served.

9.2 Transfer of Permit

9.2.1 Where a *permit* has been issued for work on land which subsequently changes ownership, an application for transfer of the *permit* shall be submitted in writing by the new *owners* to the *Chief Building Official* and shall:

- a) include a written assumption of responsibility by each new *owner*;
- b) include proof of engagement of a design professional where applicable;
- c) be accompanied by the required fee, as determined pursuant to the Fee By-Law.
- d) state the name, address and contact information of each new *owner*; and,
- e) be signed by each new *owner*, or each new *owner's* agent, who shall certify the truth of the contents of the application.

9.2.2 The *Chief Building Official* may, if satisfied as to the propriety of the application, authorize the transfer of a *permit*.

Part 10: Penalties

- 10.1 No person shall file a false or misleading application or provide false or misleading material in support of an application.
- 10.2 Any person who contravenes any provisions of this By-Law is guilty of an offence as provided for in Section 36 of the *Act*, as amended.

Part 11: Severability

- 11.1 Should any section, subsection, clause, or provision of this By-Law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this By-Law as a whole or any part thereof, other than the part so declared to be invalid.

Part 12: Repeal

- 12.1 By-Law Number 13-028 is hereby repealed.

Part 13: Effective Date

- 13.1 This By-Law No shall come into force and take effect on the date of its passing.

READ A FIRST AND SECOND TIME THIS 12TH DAY OF SEPTEMBER,
2022.

READ A THIRD TIME AND FINALLY PASSED THIS 12TH DAY OF
SEPTEMBER, 2022.

The Corporation of the Township of Leeds and the Thousand Islands



Corinna Smith-Gatcke, Mayor



Megan Shannon, Clerk