

Building By-Law
By-Law 13-028

THE CORPORATION OF THE TOWNSHIP OF LEEDS AND THE THOUSAND
ISLANDS

BY-LAW 13-028

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 Scope:

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*.

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- 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 *Building Inspector*, *Chief Building Official* 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) **Code** means the regulation made under Section 34 of the *Act*.
- 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) **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.

Part 2: Enforcement

- 2.1 This By-Law shall be enforced by the *Building Inspector*, *Chief Building Official* 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*.

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- 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 Fees By-Law.
- 3.3 A *permit* to construct, demolish or change use shall not be issued until approvals are obtained from the appropriate authority, if required, including but not limited to the Cataraqui Region Conservation Authority, Leeds, Grenville and Lanark District Health Unit, 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* (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*, 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 State 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.

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- 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 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 2 (two) sets 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*).
- 4.2.10 Include a site 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.

4.3 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 clauses 4.2.1 to 4.2.11 above and pay the fees for the whole project as determined pursuant to the 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 Contain the information required by clauses 4.2.1 to 4.2.5 and 4.2.10 above.
- 4.4.2 Be accompanied by written confirmation from the *applicant* 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.

4.5 Conditional Permit

Where application is made for a Conditional *Permit* under Section 8(3) of the *Act*, the application shall;

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- 4.5.1 Contain the information required by clauses 4.2.1 to 4.2.11 above.
- 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) provide financial security to be held by the municipality until compliance with the agreement is set out. The amount of security shall be based on estimated cost to restore the grounds to its original condition.
- 4.5.6 Council hereby delegates the authority to the *Chief Building Official* to enter into agreements referenced in section 4.5.5 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

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of the application, the application shall be deemed to be abandoned and notice thereof shall be given to the *applicant*.

Part 5: Plans, Specifications, Documents and Information

5.1 Every *applicant* shall furnish the following along 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 The **plot plan** 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
- d) roof plans
- e) reflected ceiling plans
- f) Cross-sections and details
- g) Building elevations
- h) Heating, ventilation and air conditioning (HVAC) design
- i) *Plumbing* details/design

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- 5.1.5 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.
- 5.1.6 **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);
- 5.1.7 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.
- 5.1.8 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) Engineered truss and/or floor joist plans;
 - f) laminated veneer lumber (LVL) details;
 - g) 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 as set forth in the Fees By-Law.
- 6.2 Where the fee is based on *building* value, if, in the sole opinion of the *Chief Building Official*, the stated value results in a fee which is obviously unfair to this *Corporation*, or the *applicant* for the *permit*, the *Chief Building Official* may establish the cost of the proposed work for the purposes of establishing the permit fee. If disputed by the *applicant*, the *applicant* shall pay the required fee under protest and, within six months of the completion of the project, submit an audited statement to the actual costs. If the audited costs are determined to be less than the cost estimated by the *Chief Building Official*, a refund of any excess permit fees shall be made to the *applicant*.
- 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.

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- 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 each stage of construction for which notice in advance is required by the *Code*.
- 7.2 The *Building Inspector* or *Chief Building Official* may enter upon land and into *buildings* at any reasonable time without a warrant for the purpose of inspecting the *building* or site in respect of which a *permit* is issued or an application for a *permit* is made.

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 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*; and,
- 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 Section 8(10) of the *Act*.
- 9.1.2 Prior to revoking a *permit*, the *Chief Building Official* shall give written notice of intention to revoke to the *applicant* at their last known address and, if on the expiration of 30 (thirty) days from the date of such notice, the grounds for revocation continues to exist, the *permit* may be revoked without further notice and submitted plans and other information may be deposited of.

9.2 Deferral of Revocation

- 9.2.1 On receipt of a notice of intention to revoke a *permit*, the *applicant* may request in writing within 30 (thirty) days from the date thereof, for the *Chief Building Official* to defer the revocation of such *permit*.
- 9.2.2 A request for deferral shall set out the reasons why the *permit* should not be revoked and the date by which the work will be commenced or resumed.
- 9.2.3 Having considered the circumstance of the request and having determined that there have been no changes to the *Act* and the *Code* and any other applicable law which would have prevented the issuance of the original *permit*, the *Chief Building Official* may allow a deferral to a prescribed date and shall notify the *applicant*.

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9.3 Transfer of Permit

9.3.1 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.

9.3.2 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 false or misleading support material.

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 Numbers 9-1986, 18-93/94, 94-06, and 08-01as amended, are hereby repealed.

Part 13: Effective Date

13.1 This Building By-Law No. 13.028 shall come into force and take effect on the day of its passing.

READ A FIRST AND SECOND TIME THIS 13th DAY OF May, 2013.

READ A THIRD AND FINAL TIME THIS 13th DAY OF May, 2013



Frank Kinsella, Mayor



Vanessa Latimer, Clerk

